

**AN ORDINANCE OF THE CITY OF NEVADA, COLLIN COUNTY, TEXAS REGULATING OPEN BURNING IN THE CITY IN ACCORDANCE WITH REGULATIONS WITHIN THIS ORDINANCE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE OF \$500.00 FOR EACH OCCURRENCE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council has determined that a revision of the Regulations regarding fire protection and open burning in the City of Nevada should be amended for the health, safety and welfare of the residents and property owners of the City;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, COLLIN COUNTY, TEXAS AS FOLLOWS:**

**SECTION 1. Open Burning**

A. All outdoor burning within the City of Nevada is prohibited, except as specifically complies with the following regulations:

1. Organic materials such as leaves and branches, from trees or shrubs on the same property may be burned on the property as follows:

a. On lots of one-half acre or less, burning must be in a fire pit or metal container designed for the burning of organic material, and such burning must take place more than 50 feet from any structures on the property, and more than 50 feet from any property line of the property.

b. On properties of more than one-half acre, where the burn may be located where the burn will take place between 50 and 300 feet from any structure on the property, and any property line, burning must take place in a metal structure such as a 55 gallon metal barrel.

c. In the event the property has a location for a burn more than 300 feet from any property line, and more than 300 feet from any structure, the fire may occur on the open ground specifically prepared so that the fire cannot spread beyond the designated burn area.

2. All open burning in Section 1 above must take place only with full time supervision of the fire while it is burning, and until it is completely out.

3. An adequate supply of water for fire suppression must be on hand at all times during any open burning on the property.

4. This ordinance does not prohibit the burning of charcoal or logs in BBQ or outdoor fireplaces.

5. Only organic material may be burned. It is a violation of this ordinance for any material other than the organic material described in Section 1 above to be burned. No trash may be burned at any time, in any container.

**SECTION 2. Fireworks**

No fireworks may be possessed in the City of Nevada, and no fireworks may be ignited, burned, and/or otherwise exhibited within the City.

**SECTION 3. REPEALER CLAUSE.** This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 4. SEVERABILITY CLAUSE.** It is the intent of the City Council that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

**SECTION 5. PENALTY.** Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction may be punished by a fine not to exceed Five Hundred and no/100 Dollars (\$500.00), plus Court costs.

**SECTION 6. PUBLICATION.** In accordance with Section 52.011 of the Local Government Code, the caption of this Ordinance shall be published either (a) in every issue of the official newspaper of the City of Nevada for two days, or (b) one issue of the newspaper if the official newspaper is a weekly paper.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective upon publication as required in Section 6 above.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**CITY OF NEVADA, TEXAS**

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Trace Kinnard, Mayor

**ATTEST:**

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Judy Hill, City Secretary

**APPROVED AS TO FORM:**

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James E. Shepherd, City Attorney