

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 5 “FIRE PREVENTION AND PROTECTION” BY ADDING ARTICLE II “UNLAWFUL BURNING OF WASTE” REGARDING THE UNLAWFUL BURNING OF SOLID WASTE AND OTHER MATTER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Allen, Texas, finds that the burning of solid waste and other waste materials in certain manners constitutes a public nuisance, a fire safety danger, and is contrary to the health safety and welfare to the residents and property owners of the City of Allen; and,

WHEREAS, the City Council of the City of Allen, Texas, has determined that it is in the best interest of the public health, safety and welfare to immediately address the health concerns to the citizens of the City of Allen by adopting a local ordinance prohibiting the burning of solid waste and other matter in certain manners.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the City of Allen, Texas, be and the same is hereby amended by amending Chapter 5 “Fire Prevention and Protection” by adding Article II “Unlawful Burning of Waste” to read as follows:

ARTICLE II. – UNLAWFUL BURNING OF WASTE

Sec. 5-16. Burning of waste prohibited. The burning of solid waste, including commercial garbage, dead animals, refuse, residential garbage, and trade waste, in a barbeque grill or open-flame cooking device is not an approved method of disposal, is declared a public nuisance, and is prohibited anywhere within the City.

Sec. 5-17. Materials Producing Dense Smoke Prohibited. The burning of rubber, asphaltic materials, combustible and flammable liquids, impregnated wood or similar materials which produce dense smoke are considered objectionable, a hazard, a public nuisance to the community, and are strictly prohibited.

Sec. 5-18. Definitions. For purposes of this article, the following words and phrases shall have the following meanings:

- (a) “Commercial garbage,” “dead animals,” “refuse,” “residential garbage,” and “solid waste” shall have the same meaning given to those words and phrases in Sec. 6-51 of this code.
- (b) “Trade waste” means all solid or liquid material resulting from construction, building operations, or the prosecution or any business, trade or industry such as, but not limited to, plastic products, cinders and other forms of solid or liquid waste materials.

SECTION 2. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same

shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

SECTION 5. This ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 27TH DAY OF JUNE 2017.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:6/15/17:87132)

Shelley B. George, TRMC, CITY SECRETARY