

## ORDINANCE 19-03

### **AN ORDINANCE AMENDING ARTICLE II IN CHAPTER 32, SECTION 32-25, SUBPART (G) OF THE CODE OF ORDINANCES OF THE CITY OF WILLS POINT, TEXAS RELATED TO THE CITY'S BURN BAN VARIANCE PROCEDURES FOR THE BURN BAN ORDINANCE.**

**WHEREAS**, the City of Wills Point (the "City") is responsible for supporting and promoting the health, safety and welfare of its citizens; and

**WHEREAS**, the City Council is authorized to prohibit nuisances pursuant to Texas Local Government Code section 217.002; and

**WHEREAS**, pursuant to Texas Local Government Code section 51.012, the City Council may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that the City Council considers necessary for the government, interest, welfare, or good order of the City as a body politic;

**WHEREAS**, pursuant to Texas Local Government Code section 51.001, the City Council may adopt an ordinance, rule or police regulation that is for the good government, peace or order of the City or the trade and commerce of the City;

**WHEREAS**, the City Council finds that it is necessary to amend the City of Wills Point's variance procedures contained in its burn ban ordinance; and

**WHEREAS**, the City Administrator shall be charged with hearing and deciding requests for variances from the City's Burn Ban Ordinance, and shall use the process and procedures set forth in that Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLS POINT, TEXAS:**

Section 1: That all of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2: That former Subpart (g) in Section 32-25 of Chapter 32, Article II, of the Code of Ordinances of the City of Wills Point, Texas shall be deleted, and the following Subpart (g) in Section 32-25 shall be inserted in its place as an amendment:

...

#### **Sec. 32-25. Variances.**

(g) In addition to any other fees imposed by the City (including but not limited to an application fee), the City shall charge a fee as currently established or as hereafter adopted by resolution of the City Council from time to time for a non-refundable burn ban variance application fee. The Van Zandt County Emergency Services District #4 may charge a per hour fee and/or have a minimum charge established for a fire

apparatus/truck and fire department personnel to be available during the time of the controlled fire/burn. If a variance is granted, it is the applicant's responsibility to make the scheduling arrangements with and/or payment to the Van Zandt County Emergency Services District #4. Additional charges may apply, as needed.

...

Section 3. This ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except where provisions of those ordinances are in direct conflict with the provisions of this ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 4. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or its application to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5. This ordinance shall become effective from and after the date of its passage by City Council and publication as provided by law, and it is accordingly so ordained.

**PASSED AND APPROVED THIS THE \_\_\_\_\_ DAY OF APRIL, 2019.**

\_\_\_\_\_  
Mark Turner, Mayor

ATTEST:

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Carla Oldacre, City Secretary

APPROVED AS TO FORM:

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T. Shaina Primeaux, City Attorney