

ORDINANCE NO. 17

AN ORDINANCE AMENDING PARAGRAPH XVII OF ORDINANCE NO. 7 AND PERMITTING THE FIRE DEPARTMENT TO OBTAIN A PERMIT FOR A CONTROLLED BURNING FROM THE BOARD OF ALDERMEN; OTHERWISE CONTINUING ORDINANCE NO. 7 IN FULL FORCE AND EFFECT; CONTAINING A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF PELICAN BAY, TEXAS:

I.

Paragraph XVII of Ordinance No. 7 is hereby amended to read as follows:

The fire department for the Town of Pelican Bay, Texas, shall have the right to apply for a permit to burn materials, refuse, and other matters within the corporate limits of the Town of Pelican Bay from the Board of Aldermen for the Town of Pelican Bay. Such application for a permit shall be made, in writing, and shall state the location of the controlled burn; the reason for the request; the precautions and safeguards attendant to the burn; the time and date of the same; and the request shall be signed by the appropriate official of the fire department. Such application shall be made within the requisite period of time to be placed before the Board of Aldermen at its next regularly scheduled meeting and shall be acted upon at the same.

In the event of sudden threatening weather conditions or other circumstances that would create a real and immediate danger, the Mayor shall at all times have the absolute right to revoke such permit even after issuance in order to promote the safety and welfare of the populous and the property adjacent and near the proposed burn.

II.

Except as specifically amended herein, Ordinance No. 7 shall continue in full force and effect.

III.

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be invalid.

IV.

Any person, firm or corporation that violates, disobeys, neglects or refuses to comply with, or that resists the enforcement of, any of the provisions of this ordinance shall be fined not less than TEN DOLLARS (\$10.00), nor more than TWO HUNDRED DOLLARS (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense and shall be punishable as such.

The City may also bring suit for injunction against any person, firm or corporation that shall violate or threaten to violate any of the provisions of this ordinance, in order to prevent a continued violation of such threatened violation.

V.

This ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

PASSED AND ADOPTED, this the 21st day of June, 1983.

APPROVED:

By: *David Howard*
MAYOR

ATTEST:

By: *Carol Holbrook*
CITY SECRETARY