

## ORDINANCE NO. 2022-12

### AN ORDINANCE OF THE CITY OF MOUNT PLEASANT DECLARING AND HEREBY ESTABLISHING A PROHIBITION AGAINST OUTDOOR BURNING WITHIN THE CITY OF MOUNT PLEASANT, TEXAS.

**WHEREAS**, the Texas Disaster Act of 1975 and Chapter 35 of the City of Mount Pleasant Code of Ordinances established the Mayor as the Emergency Management Director; and

**WHEREAS**, the purpose of the Texas Disaster Act of 1975 is to reduce the vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural or man-made catastrophes; and

**WHEREAS**, the Act defines a disaster as the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause including fire, drought, other public calamity requiring emergency action; and

**WHEREAS**, current conditions continue to place Mount Pleasant in an extreme drought and wildfire condition as determined by the Texas A&M Forestry Service.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF MOUNT PLEASANT, TEXAS:**

#### **SECTION 1**

##### **Section 1. Unlawful Activity**

That the City Council under the authority of the Texas Disaster Act of 1975 and Chapter 35 entitled "Emergency Management" of the Mount Pleasant Code of Ordinances hereby declares from the date of this ordinance and extending 90 days; that it shall be unlawful for any person to cause, suffer, allow or permit any outdoor burning within the corporate limits of the City of Mount Pleasant, Texas.

##### **Section 2. Ordinances Superseded**

This ordinance shall supersede Chapter 94, 94.01 of the Code of Ordinances of the City of Mount Pleasant, Texas as long as this ordinance shall be in effect.

##### **Section 3. Penalty**

Any person who violates or fails to comply with any provision of this ordinance shall be deemed guilty of a Misdemeanor and upon conviction thereof shall be punished by fine as provided in 10.99 of the Code of Ordinances.

#### **SECTION 2**

That all ordinances, orders, resolutions heretofore passed and adopted by the City Council of the City of Mount Pleasant, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict therewith.

**SECTION 3**

If any section, subsection, clause, phrase or provision of the ordinance is for any reason held to be unconstitutional or void by a court of competent jurisdiction, such holding shall not affect any valid provision of this or nay ordinance of the City of Mount Pleasant, Texas.

**SECTION 4**

This ordinance shall take effect and be in full force from and after the passage, approval and publication.

**SECTION 5**

Only the descriptive caption of this ordinance shall be published once as provided by the Revised Civic Statutes of the State of Texas.

**PASSED, APPROVED AND ADOPTED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

\_\_\_\_\_  
**TRACY CRAIG, MAYOR**

**ATTEST:**

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**CANDIAS WEBSTER, CITY SECRETARY**

**APPROVED AS TO FORM AND LEGALITY:**

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**KERRY WOOTTEN, CITY ATTORNEY**