

ORDINANCE 2008-O-6D

AN ORDINANCE OF THE CITY OF ANGLETON GRANTING TO THE CITY OF ANGLETON AND PAUL O'FARRELL, TRUSTEE, VARIANCES FROM THE "NO BURNING WITHIN THE CITY LIMITS" ORDINANCE FOR THE PURPOSE OF BURNING DEBRIS FROM THE CLEARING OF CERTAIN LAND; SETTING A TIME LIMIT ON SAID VARIANCE OF 6 MONTHS; REQUIRING THE CITY OF ANGLETON AND PAUL O'FARRELL, TRUSTEE, TO COMPLY WITH FIRE HAZARD, OR OTHER SAFETY REGULATIONS AS SET FORTH BY THE STATE OF TEXAS, BRAZORIA COUNTY OR THE CITY OF ANGLETON TO INSURE A SAFE AND CONFINED BURN; PROVIDING THAT ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH SHALL BE REPEALED TO THE EXTENT OF THE CONFLICT ONLY; PROVIDING FOR A SEVERANCE CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE AS OF JULY 1, 2008 AND FOR OTHER PURPOSES.

WHEREAS, the land proposed for Freedom Park and adjacent land needs to be cleared for development and construction purposes;

And

WHEREAS, the burning will not be near any existing structures and will be conducted under the safety guidelines of the state, county and city;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

SECTION I. That the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct.

SECTION II. That Chapter 7 of the Code of Ordinances of the City of Angleton, Texas, prohibits burning within the city limits. The City of Angleton and Paul O'Farrell, Trustee are each hereby granted a variance from said Ordinance conditioned upon the burn meeting the conditions and/or requirements set forth by the Fire Marshall of the City of Angleton and conditioned upon compliance with State, County and City "fire prevention and safety" rules, regulations and laws. Said variances are limited to the clearing and disposal of debris and brush of the

property set forth above and more particularly described as the proposed "Freedom Park" and for O'Farrell, Trustee, in "Exhibit A" attached hereto and incorporated herein by reference for all purposes. Said variance shall expire 6 months from the passage of this ordinance, or at such time as the debris and brush from the clearing of said property is burned, whichever event shall first occur.

SECTION III. PROVIDING FOR SEVERABILITY. If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Angleton in adopting, and of the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION IV. REPEALER. All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

SECTION V. EFFECTIVE DATE. This Ordinance shall be in full force and effect as of July 1, 2008.

READ, PASSED, AND APPROVED ON THIS THE 24th DAY OF JUNE, 2008.

**J. PATRICK HENRY, MAYOR
CITY OF ANGLETON**

ATTEST:

CITY SECRETARY, AMANDA DAVENPORT

Approved as to Form:

Keith Vaughan, City Attorney

