

ORDINANCE 2008-O-3B

AN ORDINANCE OF THE CITY OF ANGLETON GRANTING TO THE ANGLETON INDEPENDENT SCHOOL DISTRICT A VARIANCE 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 18 MONTHS; REQUIRING THE ANGLETON INDEPENDENT SCHOOL DISTRICT 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TO INSURE A SAFE AND CONFINED BURN; PROVIDING THAT ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH SHALL BE REPEALED TO THE EXTENT OF THE CONFLICT ONLY; PROVIDING FOR A SEVERANCE CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE AS OF APRIL 1, 2008 AND FOR OTHER PURPOSES.

WHEREAS, the land proposed for the new campus of the Angleton Independent School District has recently been annexed into the city limits of the City of Angleton;

And

WHEREAS, the costs of clearing of the land were estimated assuming the brush and debris could be burned since the property was initially not in the city limits; 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 Angleton Independent School District is 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 variance is limited to the clearing and disposal of debris and brush of the property set forth above and more particularly described in “Exhibit A” attached hereto and incorporated herein by reference for all purposes. Said variance shall expire 18 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 April 1, 2008.

READ, PASSED, AND APPROVED ON THIS THE 25th DAY OF MARCH, 2008.

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

ATTEST:

CITY SECRETARY, AMANDA DAVENPORT

Approved as to Form:

Keith Vaughan, City Attorney