

# CITY OF VON ARMY, TEXAS

ORDINANCE NO: 2008-10

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**AN ORDINANCE OF THE CITY OF VON ARMY, TEXAS,  
DECLARING A FIRE EMERGENCY AND IMPOSING A BURN  
BAN AND PROHIBITING OUTDOOR BURNING FOR A PERIOD  
COMMENSURATE WITH THAT OF THE COUNTY  
COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS;  
PROVIDING EXCEPTIONS; PROVIDING A SEVERABILITY  
CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO  
EXCEED THE SUM OF FIVE HUNDRED DOLLARS (5500) FOR  
EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, there exists severe drought conditions that present a clear and present danger of large wildfires within the city limits of the City of Von Army, Texas;

**WHEREAS**, the County Commissioners Court of Bexar County has imposed a burn ban prohibiting most categories of outdoor fires, which is effective in the unincorporated areas of Bexar County;

**WHEREAS**, the City Council of the City of Von Army, Texas, in order to preserve and protect the public health, safety and welfare, deems it necessary and appropriate to impose a burn ban for a duration commensurate with the duration of Bexar County's ban;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VON ARMY, TEXAS:**

**SECTION 1.** That during the period of any burn ban declared by the City Council, outdoor burning or fires shall be authorized only when used solely for Firefighter training, for non-commercial preparation of food if enclosed within a chamber or firebox, and road flares associated with safety uses.

**SECTION 2.** When outdoor burning is authorized herein, the City or any other appropriate law enforcement or public safety authority may inspect the outdoor fire and may prohibit or order its termination when the fire may present an immediate hazard. It shall be an offense punishable as provided hereinafter for any person to fail or refuse to comply with a lawful order to cease or extinguish any fire whether or not permitted herein.

**SECTION 3.** The authority to conduct outdoor burning under these provisions does not exempt or excuse the person responsible from the consequences, damages, or injuries which may in any way result from the burning and does not exempt or excuse any person complying with all other

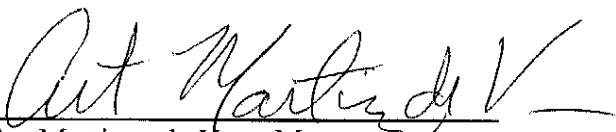
applicable laws, ordinances, regulations or orders of governmental entities having jurisdiction even through the fire its otherwise conducted in compliance with such regulation. The City does not accept responsibility and shall not be liable for any conduct or the results of such outdoor burning activities even if conducted in compliance with this ordinance.

**SECTION 4.** That any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held unconstitutional, unenforceable or invalid, the same shall not affect the validity of this ordinance as a whole or any part hereof other than the part so decided to be unconstitutional, unenforceable or invalid, and the same shall not affect the validity of the City's ordinances as a whole.

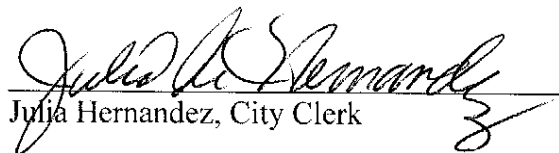
**SECTION 5.** That any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall upon conviction be fined a sum not to exceed five hundred (\$500) dollars.

**SECTION 6.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides. That the Council hereby determines that a fire emergency currently exists in the City and a burn ban in the City of Von Ormy is hereby declared as of the effective date hereof, and shall expire immediately upon the revocation or expiration of the current burn ban imposed by Bexar County, unless earlier repealed.

**PASSED, APPROVED, AND ADOPTED THIS 17<sup>th</sup> DAY OF DECEMBER 2008.**

  
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Art Martinez de Vara, Mayor

ATTEST:

  
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Julia Hernandez, City Clerk