

ORDINANCE NO. 276-06-(0)

AN ORDINANCE AUTHORIZING THE BOARD OF COMMISSIONERS OF THE FIRE PROTECTION DISTRICT NO. 1 OF LINCOLN PARISH TO IMPOSE A TEMPORARY BAN ON OPEN-AIR OUTDOOR BURNING WITHIN SAID DISTRICT; TO PROVIDE FOR EXCEPTIONS THERETO; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF; TO PROVIDE FOR THE EFFECTIVE DATE OF SAID ORDINANCE; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, by Ordinance No. 91-19 of the Code of Ordinances of Lincoln Parish, Louisiana, the Lincoln Parish Police Jury created the Fire Protection District No. 1 of Lincoln Parish to provide fire protection and suppression services to the citizens and property located within the territorial limits of said district; and

WHEREAS, the territorial limits of the Fire Protection District No. 1 of Lincoln Parish is generally comprised of those areas of Lincoln Parish located outside the corporation limits of the municipalities located within said parish, except the Town of Dubach and Vienna and the Village of Simsboro; and

WHEREAS, the Fire Chief and the Board of Commissioners of the Fire Protection District No. 1 of Lincoln Parish have specialized experience, information and training in determining when a temporary ban on open-air outdoor burning is necessary to protect the health, safety and welfare of the citizens and property located within the district.

NOW, THEREFORE, BE IT ORDAINED by the Police Jury of Lincoln parish, Louisiana, convened in regular session on this 10th day of January, 2006, that:

SECTION 1.

(a) The Board of Commissioners of the Fire Protection District No. 1 of Lincoln Parish is hereby authorized to impose a temporary ban on open-air outdoor burning within said District whenever weather conditions so warrant. No such temporary burn ban shall be issued for a period of time exceeding ninety (90) days. However, any such temporary burn ban may be extended for additional periods of time not to exceed ninety (90) days each by the Board of Commissioners of said District if weather conditions continue to so warrant.

(b) Any temporary burn ban issued pursuant to this Ordinance shall not apply to any person, persons, corporation, partnership or other entity licensed to conduct open-air outdoor burning by the Louisiana Department of Environmental Quality, the Louisiana Department of Agriculture and Forestry, or any other similar regulatory agency.

(c) Upon the issuance of any temporary burn ban by the Board of Commissioners of the Fire Protection District No. 1 of Lincoln Parish, the following agencies shall be immediately notified of the terms and conditions of the said burn ban:

- 1) The Lincoln Parish Police Jury,
- 2) The Lincoln Parish Sheriff's Department,
- 3) The Lincoln Parish communication's District,
- 4) The Mayor of the Town of Dubach,
- 5) The Mayor of the Village of Simsboro, and
- 6) The Mayor of the Town of Vienna; and
- 7) All local news media

The agencies set forth above shall also be immediately notified when any such fire ban is lifted.

(d) Any person, persons, corporation, partnership or other entity or any person, persons or entity acting as an agent or representative for such person, persons, corporation, partnership or other entity who violates this Ordinance shall be guilty of a misdemeanor and punishable by a fine not to exceed FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS, together with all costs of court, or a jail sentence not to exceed six (6) months, or both.

(e) The prosecution of any person, persons, corporation, partnership or other entity for violation of this ordinance shall not be construed to limit or exclude the civil liability of any such person, persons, corporation, partnership or other entity to any party damaged as a result of any fire set, started or allowed to be set or started by any person or entity violating this Ordinance.

SECTION 2

This Ordinance shall take effect immediately upon its passage by the Lincoln Parish Police Jury.

SECTION 3

If any section, paragraph, sentence, clause and/or phrase of this Ordinance or the application thereof is declared unconstitutional, unenforceable or invalid by the valid judgment of any court of competent jurisdiction such unconstitutionality, unenforceability or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and/or phrases of this Ordinance, since the same would have been enacted by the Lincoln Parish Police Jury without the incorporation in this Ordinance of any such unconstitutional, unenforceable or invalid section, paragraph, sentence, clause or phrase. To this end, the provisions of the Ordinance are hereby declared severable.

SECTION 4

All other ordinances, or any parts thereof, which are in conflict with the provisions of this Ordinance are hereby repealed.

Upon motion made by Bobby Dowling and seconded by Terry Knowles, this Ordinance was considered as a whole and duly adopted by the following vote:

YEAS: Owens, Allen, Dowling, Knowles, Hammons, Glover, Backus,
Huntington, Brown, Albritton, Mays

NAYS: None

ABSENT: Henderson

WHEREUPON, the Ordinance was declared duly adopted this 10th day of January, 2006.

/s/ Eddie Allen
Rev. Eddie Allen, President
Lincoln Parish Police Jury