

**Ordinance No. 2013.03
Village of Salado
County of Bell
State of Texas
May 2, 2013**

OUTDOOR BURNING

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS AMENDING ORDINANCE NO. 2008.13 AND ITS AMENDMENTS, ESTABLISHING REGULATIONS GOVERNING OUTDOOR BURNING; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A FEE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Texas Commission on Environmental Quality (TCEQ) rules prohibit outdoor burning within municipalities unless local regulations are adopted by the municipality in conformance with TCEQ rules; and

WHEREAS, the outdoor burning of brush and storm debris, under specific conditions and circumstances, is an economical means of disposal that does not pose air quality or fire hazards; and

WHEREAS, the Village of Salado is desirous of maintaining the broadest local regulation permissible under State law.

WHEREAS, the Board of Aldermen of the Village of Salado previously enacted Ordinance No. 2001.08 on April 5, 2001, 2001.13 on June 7, 2001, and 2008.13 on May 1, 2008; and

WHEREAS, the Board of Aldermen of the Village of Salado deems it in the best interest of the Village of Salado to amend said Ordinance in its entirety and for said Ordinance to be replaced in its entirety as follows:

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS THAT:

SECTION 1.

Ordinance No. 2008.13 is hereby amended in its entirety and shall read as provided in Attachment "A" attached hereto and incorporated herein as if fully set forth for all purposes.

SECTION 2.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

SECTION 4.

This ordinance shall take effect from the date of its passage and shall remain in effect for a time of five (5) years, expiring May 2018.

SECTION 5.

That the meeting at which this Ordinance was enacted, was open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meeting was given as required by the Texas Open Meetings Act.

SECTION 6.

Any person or persons, firm or corporation which violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense and each violation hereof shall be deemed a separate and distinct offense for each of said days and shall be punishable as such.

PASSED, APPROVED AND ADOPTED by the Board of Aldermen of the Village of Salado, Texas this 2nd day of May, 2013.

Danney McCort, Mayor

ATTEST:

Dianna Barker, Village Secretary

SECTION 1.

- A. Consistent with and in compliance with Title 30, Texas Administration Code (30 TAC), Sections 111.201-111.221, the 1994 Standard Fire Prevention Code, as published by the Standard Building Code Congress International, Inc., and pursuant to Chapter 5 of the 1994 Standard Fire Prevention Code, outdoor burning will be permitted only by issuance of a burn permit by the Fire Chief of the Salado Volunteer Fire Department or his designated representative.
- B. The authority to conduct outdoor burning under this regulation does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this regulation.
- C. Outdoor burning as addressed in this ordinance does not include outdoor fires in a container designated specifically to cook food, and/or outdoor fires contained within specifically designed outdoor fireplaces, or decorative containers specifically designed for outdoor, yard, or patio fires.
- D. The Village of Salado will issue burn permits only for the following conditions:
 - 1. UNDEVELOPED LAND CLEARING. Permits for outdoor burning of undeveloped land within the municipal limits of the Village will be issued if applicant meets all the requirements set forth in the rules and regulations pertaining to outdoor burning. Such permits shall be issued for such time as required to complete the burn, as determined by the applicant and the Fire Official.
 - 2. STORM DAMAGE: Outdoor burning of storm damaged materials may be allowed if the criteria of the burn meets city and TCEQ burning guidelines. Property owners who have trees damaged in storms may obtain a burn permit if no other reasonable alternative (as determined by the Fire Official) is present. Limbs and leaves may be burned *only* on the property they were cut from.
 - 3. DOWNED LIMBS: Outdoor burning of downed or intentionally removed vegetation may be allowed if the criteria of the burn meets city and TCEQ burning guidelines. Limbs and leaves may be burned *only* on the property they were cut from.
- E. The following rules and regulations must be adhered to by the individual (applicant) requesting a permit to burn:
 - 1. No person will be allowed to burn without first obtaining a permit from the Village.

2. The Fire Department must be notified of the applicant's desire to burn before the fire is kindled.
3. The applicant must contact the County Control Burn Line at 254-933-5555 before the fire is kindled.
4. The fire shall be attended by a competent person at all times until the fire is extinguished.
5. A hose connected to the water supply, or other fire extinguishing equipment (e.g. bulldozers, track loaders, water trucks) will be located at burn sites and readily available for use.
6. Brush piles not contained inside a trench, ditch, or hole must not be larger than twenty (20) feet in diameter or higher than ten (10) feet. A minimum twenty (20) foot "fire break" must be maintained.
7. All brush piles located within a trench, ditch, or a hole must not exceed five (5) feet above grade.
8. The applicant will begin or continue burning only when the wind direction and other weather conditions are such that the smoke and other pollutants will not present a hazard to any public road, landing strip, or navigable water (e.g. lake, river, stream or bay).
9. The applicant will post someone to flag traffic if at the time the burning causes or may tend to cause smoke to blow onto or across a road or highway.
10. The burning must not have an adverse effect on any off-site structure containing "sensitive receptors" (e.g. residence, business, farm building, or greenhouse).
11. Fires must be kept downwind and/or at least 300 feet away from any neighboring structure that contains sensitive receptors and/or 300 feet away from any structure on adjoining properties.
12. Burning will not be allowed to commence unless weather conditions are appropriate for smoke to dissipate;
 - a) wind speed is predicted to be greater than six (6) miles per hour but less than twenty-three (23) miles per hours, and
 - b) there are no predicted temperature inversions.
13. Burning must begin no earlier than 7:00AM and end by sundown the same day.
14. At the end of each burn day, all isolated residual fires or smoldering objects which have the potential to create a nuisance or hazard must be extinguished.

SECTION 2.

1. Outdoor burning of heavy oils, asphalt, potentially explosive materials, chemical wastes, synthetic rubber, tires, electrical insulation, treated lumber, plastics, construction or demolition materials not made solely of wood or any other material considered hazardous producing excessive amount of smoke is prohibited. Notwithstanding anything to the contrary herein, household trash shall not at any time be burned within the Village of Salado.
2. The Fire Official may prohibit or order extinguished any and all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.
3. The Fire Official has the authority to cause the extinguishment of all fires if any preceding rules and regulations are violated. If the Fire Official orders any permitted fire extinguished due to noncompliance, the permit will be revoked and no new permits will be issued and a citation may be issued.
4. The Village of Salado will comply with Bell County burn bans.

SECTION 3.

The cost of obtaining a burn permit shall be twenty dollars (\$20), payable when application is submitted to the Village office. The Village shall forward fifteen dollars (\$15) of that to the Salado Volunteer Fire Department on a semi-annual basis.