

**ORDINANCE NO. 319**

**AN ORDINANCE AMENDING CHAPTER 6 SECTION 3: BURNING OF TRASH, GARBAGE, ETC. OF THE CODE OF ORDINANCES AND REPEALING ORDINANCE NO. 187, NO. 263, BY AMENDING REGULATIONS APPLICABLE TO BURNING OF TRASH, GARBAGE, ETC. AND BURN BANS ; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS:**

**THAT CHAPTER 6 SECTION 3, OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:**

**SECTION I**

**DEFINITIONS**

Bulk Waste - Stoves, refrigerators, water tanks, washing machines, dryers, furniture and other similar waste materials.

Construction Debris - Waste building materials resulting from construction remodeling, repair or demolition operations.

Dead Animals - These may be burned when the burning is the most effective means of controlling the spread of disease.

Domestic Waste - Household trash includes those wastes that normally result from the function of life within a residence - for example, kitchen garbage, untreated lumber cardboard boxes, packaging, clothing, grass, leaves, and branch trimmings. Such things as tires, construction debris that is not wood, furniture, carpet, electrical wire, and appliances are not considered to be domestic waste and can not be burned.

Recreational or ceremonial purposes - In the noncommercial preparation of food, or exclusively as a means to provide warmth in cold weather. In other words, campfires, bonfires, and cooking fires are allowed. Fires built under this exception may not contain electrical insulation, treated

lumber, plastics, construction or demolition materials, not made of wood, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, or items containing natural or synthetic rubber. The other general requirements on allowable outdoor burning do not apply to fires covered by this exception, but must not cause a nuisance or traffic hazard.

## **SECTION II**

### **GENERAL REQUIREMENT FOR BURNING**

The Outdoor Burning Rule sets the following requirements for allowable outdoor burning. These requirements apply to the specific situations for which they are mentioned above. They are designed to reduce the likelihood that a burn will create a nuisance, cause a hazard, or harm the environment. The party responsible for the burn remains liable for damages, injuries, to other consequences that may result from burning, even when it is carried out in compliance with these regulations.

1. Notify the Fire Department, Police Department or City Secretary of impending or controlled burns.
2. Begin burning no earlier than one (1) hour after sunrise, end it the same day and no later than one hour before sunset, and make sure that a responsible party (18 years or older) is present while the burn is active and the fire is progressing. At the end of the burn, extinguish isolated residual fires or smoldering objects if the smoke the produce can be a nuisance or traffic hazard. Don't start a burn unless weather conditions are appropriate for smoke to dissipate (wind of at least 6 miles per hour; no temperature inversions) and for you to be able to control the fire (winds no faster than 23 miles per hour).
3. 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 or have adverse effect on any off-site structure containing sensitive receptors (a residence, business, farm buildings or greenhouse).
4. No leaves, tree limbs, brush or debris of any kind shall not be burned in the city ditch.

## **SECTION III**

### **BURN BAN**

In the event of severe dry conditions, the Mayor or his designee is hereby authorized and directed to implement a burn ban on all outdoor burning, upon his determination that such implementation is necessary to protect the public welfare and safety.

**SECTION IV**

**SEVERABILITY CLAUSE / SAVING CLAUSE.** It is hereby declared to be the intention of the City Council of the City of Seven Points, Texas, that the sections, paragraphs, sentences, clauses, and phrases of this chapter are severable. If any phrase, clause, sentence, paragraph or section of this chapter shall be declared unconstitutional or invalid, it shall not effect any of the remaining phrases, clauses, sentences, paragraphs or sections of this chapter since the same would have been enacted by the city commission without the incorporation of this chapter of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

**SECTION V**

**PENALTY FOR VIOLATION**

(1) Any business owner or person intentionally knowingly or with reckless intent, violating any portion of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) for each violation.

**SECTION VI**

The following caption was printed in the Monitor the official newspaper for the City of Seven Points on January 3, 2006.

**ORDINANCE NO. 319**

**AN ORDINANCE AMENDING CHAPTER 6 SECTION 3: BURNING OF TRASH, GARBAGE, ETC. OF THE CODE OF ORDINANCES AND REPEALING ORDINANCE NO. 187, NO. 263, BY AMENDING REGULATIONS APPLICABLE TO BURNING OF TRASH, GARBAGE, ETC. AND BURN BANS ; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

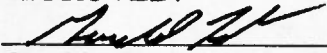
**SECTION VII**

**EFFECTIVE DATE**

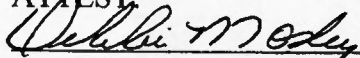
This amended ordinance shall become effective on the date of signing.

PASSED AND APPROVED THIS THE 10<sup>TH</sup> DAY OF JANUARY, 2006.

APPROVED:

  
\_\_\_\_\_  
Gerald Taylor, Mayor

ATTEST:

  
\_\_\_\_\_  
Debbie Mosley, City Secretary

APPROVED:           :

\_\_\_\_\_  
Ron Stutes, City Attorney

