



ORDINANCE NO. 2014-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS, AMENDING ORDINANCE 2010-03 TO PROVIDE FOR OPEN BURNING OF TREES, LOGS, BRUSH AND STUMPS ONLY, IN ACCORDANCE WITH THE TERMS OF THIS ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the City Council has previously adopted Ordinance 2010-03 that prohibits fires and outdoor burning within the city limits of the City of Tom Bean, except as designated and defined in that Ordinance; and

Whereas, the City Council has determined that the existing ordinance should be amended to provide additional exceptions for on site controlled burning of certain materials; and

Whereas, the City Council feels the exceptions provided in this amendment will benefit the City while still protecting the health, safety and welfare of its citizens;

NOW, THEREFORE, BE IT ORDAINED THAT ORDINANCE NO. 2010-03 OF THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS IS HEREBY AMENDED AS FOLLOWS:

Section 1.02 Exceptions is hereby amended to add subsections 1.02 (d) and (e), which shall read as follows:

- d) Open burning of trees, logs, brush, stumps and leaves on site where the materials were generated is allowed in accordance with this ordinance if conducted in a safe, nuisance-free manner when wind and weather conditions minimize adverse effects and do not create a health or safety hazard to adjacent properties or roadways, with the following conditions:
 - 1) Open burning under this section shall be conducted on a location at least 300 feet (300 ft.) from the nearest building which is not on the same property.
 - 2) Notification of the proposed burn shall be given at least 24 hours prior to the actual burn to the Tom Bean City Office, the Tom Bean Fire Chief or Fire Marshall, and any adjacent property owners to the property on which the burn is conducted.

- 3) Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- e) When the Mayor of the City of Tom Bean, the County Judge of the County of Grayson or the Governor of the State of Texas shall declare a State of Emergency shall exist that specifies that burning of the materials prohibited in this ordinance can be safely burned.”

In all other respects, including the penalty provision of Ordinance 2010-03, that Ordinance is re-affirmed as amended herein, and this amendment shall be effective following passage and publication as provided by law.

PASSED and APPROVED, this 21st day of July, 2014.

Sherry Howard, Mayor

ATTEST:

Cathy Pugh, City Secretary