



## **ORDINANCE 2010-03**

**AN ORDINANCE CONCERNING OUTDOOR BURNING ON ANY LOT, TRACT, OR PARCEL OF LAND WITHIN THE CITY LIMITS OF TOM BEAN, TEXAS.**

**NOW, THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS,**

**Whereas:** The health and welfare of all citizens of Tom Bean is the primary concern and responsibility of the City, and;

**Section 1:** Short title of this ordinance is to be called **Outdoor Burning**

### **1.01 Prohibited Generally**

No person shall kindle or maintain any bonfire, rubbish fire or outdoor burn or authorize any such fire to be kindled or maintained upon any premises within the city limits. Electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

### **1.02 Exceptions**

- a) If a violent weather condition destroys buildings, trees or other vegetation, and clean-up is of the essence, the Tom Bean Volunteer Fire Department may designate one or more community burn locations where persons may transport storm debris for burning. Burning of storm debris by occupants in residentially zoned areas may be allowed if it can be demonstrated to the Tom Bean Volunteer Fire Department that burning would substantially expedite the clean-up, and if no practical alternative exists.
- b) Outdoor burning shall be authorized for training fire-fighting personnel when such burning is otherwise authorized by State law and permitted by a local air pollution control agency or the TCEQ or its successor.

- c) Outdoor fires are allowed for cooking, provided such fire is built and maintained in a pit that fully contains the fire, or a fireproof container such as a barbeque pit or chimenea, made of brick, stone, metal or other fireproof material in such a manner as to prevent said fire from escaping. Such outdoor fires for non-commercial food preparation do not require a burn permit. This subsection does not permit or authorize the burning of waste or other matters not being prepared for consumption.

### **1.03 Compliance with Other Laws**

Any burning carried out under the exceptions herein must conform to 2003 Edition of the International Fire Code when not in conflict with this section. State law and to TCEQ or successor Rules and shall not be conducted on any:

- a) Ozone Action Day designated by the TCEQ or its successor, or
- b) Day in which there is in effect an order issued by Grayson County that prohibits outdoor burning in unincorporated areas of Grayson County due to drought conditions or such orders from State Officials or the Fire Marshalls office.

### **1.04 Responsibility Born by Individual Conducting Burn**

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 sections, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this regulation. Any burn that results in nuisance conditions must be extinguished regardless of whether the burn has been permitted under this section or other law.

### **1.05 Penalty**

- a) An offense of this section is a Class C misdemeanor, and upon conviction thereof shall be fined \$50 for 1<sup>st</sup> offense, \$100 for 2<sup>nd</sup> offense and \$150 for the 3<sup>rd</sup> offense. Each continuing day's violation under this section shall constitute a separate offense. The penal provisions imposed under this section shall not preclude the City of Tom Bean from filing suit to prohibit the violation. The City of Tom Bean retains all legal rights and remedies available to it pursuant to local, state and federal law.

**Section 2:** That the City Secretary shall publish this ordinance as required by law and that this ordinance will become law upon publication.

**THIS ORDINANCE SHALL BE IN EFFECT UPON its READING AND PASSAGE BY THE CITY COUNCIL OF TOM BEAN, TEXAS.**

Duly passed and approved by the City Council of Tom Bean, Texas this 12<sup>th</sup> day of April, 2010. A. D.

\_\_\_\_\_  
Sherry Howard, Mayor

Attest:

\_\_\_\_\_  
Cathy Pugh, City Secretary