

ORDINANCE NUMBER 2017-04

AN ORDINANCE ADOPTING OUTDOOR BURNING RULES AS OUTLINED IN TITLE 30 OF THE TEXAS ADMINISTRATIVE CODE FOR THE TOWN OF HOLIDAY LAKES, TEXAS; ESTABLISHING EXCEPTIONS FOR OUTDOOR BURNING, REQUIREMENTS FOR AUTHORIZATION, GENERAL REQUIREMENTS FOR BURNING; SEVERABILITY AND REMEDIES CLAUSES.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOLIDAY LAKES, TEXAS THAT:

Section 1. Adoption of the Texas Administrative Code

The Town of Holiday Lakes hereby adopts the outdoor burning rules as outlined in Title 30 of the Texas Administrative Code, Chapter 111, Section 201-221 (30TAC111.201-221) and this ordinance, the stricter of the two codes shall prevail.

Section 2. General Prohibition

No person may cause, suffer, or permit any outdoor burning within the town limits of the Town of Holiday Lakes, except as provided by this ordinance. The burning of household trash, garbage of any form, or municipal solid waste is prohibited within the town limits. It shall also be unlawful for any person to light or have lighted a fire in any street, alley, thoroughfare or public property except for in cooking receptacles located in designated town parks and Municipal Burning as discussed in Section 3.D. of this ordinance. Outdoor disposal or disposition of a material capable of igniting spontaneously, except for storage of fossil fuels, shall not be allowed. No furniture, construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber shall be burned.

Section 3. Exceptions

Only fires, under the conditions described below, will be permitted:

- A. Fire Training: Outdoor burning shall be authorized for training of firefighting personnel when requested in writing and authorized by the Texas Commission of Environmental Quality (TCEQ), Region 13, Air Program Manager or appropriate TCEQ Official. The burning shall be authorized if notice of denial is not received within fifteen (15) working days after the date of postmark or date personal delivery of the request.
- B. Domestic Outdoor Fires: Fires are allowed out-of-doors for cooking, warmth, recreational or ceremonial purposes. These fires should be built in a fireproof container, such as a barbecue pit or chimenea, or fire ring, and should be made of brick, stone, metal, or other fireproof materials or in a manner to contain the fire and prevent said fire from escaping. All the above allowed outdoor burning must comply with Section 2, General Prohibitions, of this ordinance. Domestic outdoor fires do not require a burn permit. Requirements of Section 4 and Section 5 of this ordinance are not applicable.

- C. Land Clearing: Burning of vegetation and/or brush in the clearing of land or trimming of trees shall be allowed, without a permit. All the above allowed out-of-door burning must comply with Section 2, General Prohibitions, of this ordinance. Domestic outdoor fires do not require a burn permit. Vegetation and/or brush shall be disposed of on property of origin, or picked up by heavy trash during regularly scheduled pickup. **NOTE: Fires must also follow rules in Sections 4 and 5 below.**
- D. Municipal Burning: The Town of Holiday Lakes may burn vegetation and/or brush for maintaining and/or clearing of right-of-way for streets and/or drainage. The Town of Holiday Lakes may burn brush, trees and other plant growth causing a detrimental public health and safety condition upon receiving site burn approval from the Texas Commission on Environmental Quality, Region 13, Air Program Manager.
- E. Diseased Animal Carcasses: Diseased animal carcasses may be burned when it is the best way to control spreading of diseases. Burning of diseased animal carcasses may only occur on property of origin, or municipal property.

Section 4. Requirements for Authorization

- A. Permission is automatically on hold if a burn ban has been issued by the Brazoria County Commissioner's Court or imposed by the Mayor of the Town of Holiday Lakes through proclamation.

Section 5. General Requirements for Burning

- A. The Holiday Lakes Police Chief or any Holiday Lakes Police Officer, and/or Angleton Volunteer Fire Department Fire Chief, his/her designee, or any other State or County Law Enforcement Officer may inspect the burn site and materials to ensure that no prohibited materials are included and that general requirements are being followed.
- B. If at any time the burning causes, or may tend to cause, smoke to blow onto or across a street, or roadway, it is the responsibility of the person initiating the burn to post flag persons on the affected roads.
- C. Fires must be kept downwind of, or at least fifty (50') away from, any adjoining property line or structure. If property is located partially inside the town limits and partially outside the town limits, burning must occur on the property out of the town limits.
- D. Burning shall not commence when the surface wind speed is predicted to be less than six miles per hour (6 mph or 5 knots) or greater than twenty-three miles per hour (23 mph or 20 knots) during the burn period.
- E. Burning shall not be conducted during periods of actual or predicted low-level atmospheric temperature inversions. This includes days declared as Air Quality Days by the Environmental Protection Agency or other Governing Authority.
- F. Burning may begin no earlier than one (1) hour after sunrise and must end the same day no later than one (1) hour before sunset.
- G. A responsible party must be present at the burn site. Such person shall have an adequate water supply or have other fire extinguishing equipment readily available for use. Responsible party must have reliable means of communication available to call for assistance, if it becomes necessary.

- H. Any residual fires and/or smoldering objects **that** continue to emit smoke must be extinguished at the end of the burn.
- I. Only brush/vegetation generated and gathered from the burn site area will be permitted. There shall be no importation of brush from any other properties for burning.
- J. Burning of material not contained must be in areas of not more than three feet (3') by three feet (3') and not more than three feet (3') in height.

Section 6. Parallel Requirements

The authority to conduct outdoor burning under this ordinance does not exempt or excuse the requestor from complying with all other applicable laws or ordinances, regulations, and orders of any governmental entity having jurisdiction, even though the burning is otherwise conducted in compliance with this ordinance.

Section 7. Severability

If any section, subsection, sentence, phase or portion of this ordinance is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions and such holding shall not affect the validity of the remaining portions of the ordinance.

Section 8. Remedies

Violators of this ordinance shall be issued a citation and upon conviction for such violation shall be punished by a penalty of not less than ten dollars (\$10) nor more than two thousand dollars (\$2,000).

Section 9. Effective Date

The provisions of this ordinance shall become effective upon its passage, approval and publication as required by law.

PASSED AND APPROVED ON THIS 18th DAY OF APRIL, 2017.

Norman Schroeder

Norman Schroeder
Mayor

ATTEST:

Sunday Strickler

Sunday Strickler
Town Secretary