

ORDINANCE #08-05-03

AN ORDINANCE OF THE CITY OF JEWETT, TEXAS; ADOPTING AN ORDINANCE TO PROHIBIT OUTDOOR BURNING WITH CERTAIN EXCEPTIONS, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WHEREWITH; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS ADOPTED WAS NOTICED AND OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the State of Texas through the Texas Commission on Environmental Quality (TCEQ) at Title 30, Texas Administrative Code, Chapter 111 (30 TAC 111) provides for Control of Air Pollution from Visible Emissions and Particulate Matter; and

WHEREAS, the City Council of the City of Jewett finds it necessary to prohibit burning within the City limits, except under regulations hereinafter adopted;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JEWETT TEXAS:

SECTION I

Section A. **Burning Prohibited**

It shall be unlawful for any person to cause, suffer, allow, or permit any outdoor burning of trash, waste, rubbish, grass, brush, trees, or other matter within the City of Jewett, except as provided by the other provisions of this Ordinance.

Section B.

It shall **NOT** be a violation of this Ordinance to burn:

- a. as provided in the following Sections of Chapter 30, Texas Administrative Code, Subchapter B as same now exist: Section 111.205 entitled Exception for Fire Training, Section 111.207 Exception for Fire Used for Recreation, Ceremony, Cooking and Warmth, and Section 111.209 Exception for Disposal Fires provided, however, domestic waste burning is not permitted because collection of domestic waste is provided in the City of Jewett. On-site burning of trees, brush, grass, leaves, branch trimming or other plant growth by the owner of the property or any other person authorized by the owner is permitted as collection of such waste is **NOT** provided by the City of Jewett.

- b. to remove a diseased animal carcass, on-site burning of trees and brush from land clearing operations, crop residue burning for agricultural purposes, and prescribed burning for forest, range, and wildlife management in compliance with the following:
 - 1. Any person who causes, suffers, allows, or permits any outdoor burning must, prior to igniting the burn, contact the City of Jewett and give notice of the intent to burn.

Section C. General Requirements for Burning.

- a. Burning is permitted only when the wind direction and other meteorological conditions are such that the smoke and other pollutants will not present a hazard to any public road or have an effect on any building structure. Burning shall not be Permitted at any time when the Commissioners Court of Leon County has adopted a burn ban for the county.
- b. If at any time the burning causes or may tend to cause smoke to blow onto or across a street , roadway, or highway, 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 300 feet away, from any neighboring structure.
- 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 persistent low-level atmospheric temperature inversions.
- f. Burning may begin no earlier than one hour after sunrise and must end the same day no later than one hour before sunset.
- g. A responsible party must be present while the burn is active. Such persons shall have a water hose connected to a reliable water supply or have other fire extinguishing equipment readily available for use.
- h. Any residual fires and/or smoldering objects that continue to emit smoke must be extinguished at the end of the burn.

Section D.

Responsibility for Consequences for Outdoor Burning.

The authority to conduct outdoor burning under this ordinance does not exempt or excuse the person/s burning 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 E.

Severability.

If any section, subsection, sentence, clause, phrase 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 this ordinance.

Section F.

Remedies.

Violators of this ordinance shall be issued a citation by either the Jewett Police Department or the Jewett Fire Marshal and upon conviction for such violation shall be punished by a penalty of not less than fifty dollars (\$50.00) nor more than two thousand dollars (\$2000.00).

Section II.

THAT, all ordinances, codes, regulations, policies, and guidelines of and in the City of Jewett, in conflict herewith are hereby repealed to the extent of such conflict.

Section III.

THAT, it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this 23rd day of May, 2008.

CITY OF JEWETT, TEXAS

By 
Bardi Kirkpatrick, Mayor



ATTEST:


Virginia Sitton, City Secretary/Administrator