

CITY OF TOOL
HENDERSON COUNTY, TEXAS

Ordinance No. 2006-0420

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOOL, TEXAS, REGULATING OUTDOOR BURNING WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF TOOL AND ITS EXTRA-TERRITORIAL JURISDICTION; PROVIDING DEFINITIONS; PROVIDING A REPEALING CLAUSE TO INCLUDE ORDINANCE NO. 108, OUTDOOR BURNING AFTER DARK; ESTABLISHING PROCEDURES FOR AN EMERGENCY BURN BAN; PROVIDING A PENALTY OF FINE FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, providing the regulating of outdoor burning to protect public health, safety and welfare of the City of Tool as set forth in Title 30 of the Texas Administrative Code (TAC), Sections 111.201 to 111.221. and to comply with Subchapter E of the Texas Clean Air Act (Texas Health and Safety Code, Chapter 382).;

WHEREAS, providing an emergency Burn Ban to eliminate an imminent threat of endangering lives and damaging property upon determination that such implementation is necessary to protect the public welfare and safety;

WHEREAS, providing penalties for violations of Outdoor Burning regulations and restrictions;

WHEREAS, providing repealing Ordinance No.108, Outdoor Burning After Dark, dissolving and/or rescinding of all other ordinances, resolutions and parts of ordinances or resolutions, either existing or pre-existing in conflict therewith; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOOL, TEXAS:

That this ordinance is hereby adopted as the Outdoor Burning Regulations for the City of Tool:

SECTION 1- Definitions:

Bulk Waste – appliances (stoves, refrigerators, water tanks, washing machines, dry-ers), furniture, mattress, box springs, carpet, and other similar waste materials.

Construction Debris – waste building materials resulting from construction, remodeling, repair or demolition operations.

Domestic Waste (household trash or rubbish) – those wastes that normally result from the activities of life within a residence (including but not limited to kitchen garbage, cardboard boxes, packaging, and clothing).

Lawn Maintenance or Land Clearing Waste – grass clippings, leaves, branch trimmings, trees, brush, and other plant overgrowth.

Extinguished - the absence of any visible flames, glowing coals, or smoke.

Recreation, Ceremony, Cooking, or Warmth - used exclusively for recreational or ceremonial purposes, in the non-commercial preparation of food, or as a means to provide warmth in cold weather.

SECTION 2- Allowable Outdoor Burning shall be subject to these General Requirements:

1. Begin burning no earlier than one hour after sunrise, and end the same day, no later than one hour before sunset.
2. Burning must be attended until extinguished.
3. Residual fires or smoldering embers must be extinguished.
4. Remaining debris from burning must be disposed of.
5. Burning must not cause a traffic hazard.
6. Burning shall not contain any prohibited materials.

SECTION 3 - Kinds of Outdoor Burning Allowed:

Lawn maintenance or Land clearing waste (not including prohibited materials)
Construction debris (not including prohibited materials)
Recreation, Ceremony, Cooking or Warmth (not including prohibited materials)

SECTION 4 - Materials Prohibited from burning at any time (including but not limited to):

1. Domestic waste
2. Bulk waste
3. Construction or demolition debris that contains prohibited materials metal wiring, shingles or other asphaltic or petroleum based products
4. Chemical waste
5. Potentially explosive materials such as batteries and aerosol cans
6. Asphalt materials such as shingles
7. Rubber products (natural or synthetic) such as tires, electrical wiring insulation
8. Fiberglass products
9. Glass products or containers
10. Metal cans or containers
11. Plastics
12. Oil products such as heavy oil, machine oil, motor oil, transmission fluids, etc.
13. Any Petroleum based products not specifically identified above

SECTION 5 – Emergency Burn Ban: The Mayor or his designee, after consultation with the City of Tool Police Chief and/or the Henderson County Emergency Services District #4, is hereby authorized and directed to execute an emergency order to ban all outdoor burning within the corporate city limits of the City of Tool, Texas and its extra-territorial jurisdiction. The emergency order shall be in writing and effective on the date issued. The emergency order shall be placed on the next scheduled city council meeting agenda for rescinding or continuation.

SECTION 6 – Penalties: these regulations and restrictions shall be controlling in the areas governed. Any person, firm or corporation violating any provision of this ordinance is guilty of a separate offense for each day during which the violation is committed, continued, or permitted, and is punishable by a fine not to exceed five hundred dollars (\$500.00) per offense.

SECTION 7 - Repealing Ordinance No. 108, Outdoor Burning After Dark, dissolving and/or rescinding of all other ordinances, resolutions and parts of ordinances or resolutions, either existing or pre-existing, in conflict therewith;

SECTION 8 - That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 9 - This ordinance shall be effective from and after the date of its passage.

PASSED AND APPROVED this 14th day of June, 2006 A.D.

APPROVED



R. SCOTT CONFER, MAYOR

ATTEST:



NEVA TANKURSLEY, CITY SECRETARY

SEAL