

ORDINANCE ESTABLISHING REQUIREMENTS ALLOWING BURNING WITHIN THE CITY OF TAYLOR, TEXAS; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE, EXCEPT WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE, OR FOR ANY VIOLATION OF ANY PROVISION OR REGULATION WHICH GOVERNS FIRE SAFETY, ZONING, OR PUBLIC HEALTH AND SANITATION, INCLUDING DUMPING OF REFUSE WHICH SHALL BE PUNISHED BY PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING SEVERABILITY, REPEALER, AND PUBLICATION CLAUSES.

WHEREAS, the City of Taylor, Texas, desires to establish regulations for outdoor burning within the City; and

WHEREAS, the Council deems the following regulations recommended by the Fire Chief to be reasonable and necessary; and

WHEREAS, it is in the best interest of the residents of the City of Taylor, Texas, that it shall have regulations concerning outdoor burning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF TAYLOR, TEXAS, that:

**SECTION 1. Preamble Incorporation.**

All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

**SECTION 2. General.**

The requirements set forth in this Ordinance are established to reduce the likelihood that burning will create a nuisance, cause a hazard, or harm the environment. Notwithstanding, burning will remain potentially a nuisance, can remain a hazard and may harm the environment

all of which remains the sole risk to the party responsible for the burn. Further, the party responsible for the burn remains liable for damages, injuries, or other consequences that may result from burning, even when it is carried out in compliance with this Ordinance.

**SECTION 3. Fee.**

The fee for a permitted burn will be the applicable fee in effect for the City on the date of permit issuance.

**SECTION 4. Allowed Burn.**

- a. Domestic waste (Not Permitted): Domestic waste is not an allowed burn.
  
- b. On-site burning of waste plant growth/maintenance burn (Permit Required):  
All practical alternative methods of disposal shall be considered before burning is permitted. Trees, brush, leaves, branch trimmings, or other plant growth may be burned on the property of five (5) acres or larger on which the material grew. The plant growth must be burned by the property owner or another person authorized by the owner.
  
- c. Fires for recreation, ceremonies, cooking, or warmth (Permit Not Required):  
Outdoor burning is allowed when used solely for recreational or ceremonial purposes, in the noncommercial preparation of food, or exclusively as a means of generating warmth in cold weather. As an example, campfires, ceremonial fires, and cooking fires are allowed. Requirements of Section 6. c, d, e, f, and g for an allowed outdoor burn apply to fires covered by this Section. Burning shall not cause a nuisance or hazard. Fires covered under this Section shall be no larger than eighteen (18) cubic feet (2 feet in height x 3 feet in width x 3 feet in length).
  
- d. Land clearing operation (Permit Required):  
Land clearing operations shall be the uprooting, cutting, or clearing of vegetation in connection with

conversion for the construction of buildings, rights-of-way, residential, commercial, or industrial development, or the clearing of vegetation to enhance property value, access, or production. Land clearing does not include the maintenance burning of on-site property wastes such as fallen limbs, branches, or leaves, or other wastes from routine property clean-up activities, nor does it include burning following clearing for ecological restoration. Land clearing operations is only permitted by the method and under the requirement of Section 5.o. below.

**SECTION 5. Burn Requirements.**

The Requirements imposed for an allowed burn are:

- a. The responsible party shall submit an application for a permit to conduct an outdoor burn.
- b. An onsite inspection conducted by the Fire Official designated by the City will be required prior to an approved permitted burn. If approved, the permit shall remain in effect for two weeks from the date of the permit issuance after which the permit shall terminate.
- c. The responsible party shall contact the Taylor Fire Department prior to lighting the fire and furnish the date and time the fire will be lighted and the notice must provide the Taylor Fire Department sufficient time for inspection fire prior to lighting.
- d. A responsible party possessing a permit required under this ordinance must be present while the burn is active and the fire is progressing or smoldering. The permit must be produced upon request.
- e. A means to extinguisher the fire, appropriate to the size of the fire, shall be present during the fire.

- f. Keep fires downwind of or at least 300 feet away from any neighboring structure that contains sensitive receptors.
- g. Begin burning no earlier than one hour after sunrise and end burning on the same day and no later than one hour before sunset.
- h. At the end of the burn, extinguish isolated residual fires or smoldering objects.
- i. No burning is allowed unless weather conditions are such that the smoke will dissipate on the day the burn is to be initiated (winds of at least six (6) miles per hour) while still allowing the fire to be contained and controlled (winds no faster than twenty-three (23) miles per hour).
- j. The responsible party must post a person to flag traffic if at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway.
- k. No burning during a Red Flag Warning day.
- l. No burning shall be allowed during any Federal, State, County, or City ban imposed on burning applicable to a proposed burn.
- m. An inspector may visit the open burn site at any time during the fire. If the burn is not being conducted in accordance with state and local requirements, the fire can be ordered to be discontinued at that time. The permit for open burning becomes null and void and penalties may apply. There is no refund of fees.
- n. If a complaint is received concerning emissions and it is determined the complaint is based on sensitivity to emissions, the fire will be discontinued and the permit will automatically become null and void.

- o. Air-curtain incineration (trench burning), which is authorized under a permit by rule or standard permit. Companies that specialize in air-curtain incineration must obtain prior TCEQ approval, obtain a federal operating permit, and follow specific written operating procedures before a permit is issued.
- p. The Fire Official retains authority at all times to revoke a permit that has been issued or permit outdoor burning for extenuating circumstances deemed reasonable or necessary by the Fire Official.

## **SECTION 6. Definitions.**

### **Extinguished:**

The absence of any visible flames, glowing coals, or smoke.

### **Structure containing sensitive receptor(s):**

A man-made structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term "man-made structure" does not include such things as range fences, roads, bridges, hunting blinds, or facilities used solely for the storage of hay or other livestock feeds. The term "sensitive live vegetation" is defined as vegetation that has potential to be damaged by smoke and heat. Examples of which include, but are not limited to, nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

### **Sunrise/Sunset:**

Official sunrise/sunset as set forth in the United States Naval Observatory tables available from National Weather Service offices.

### **Practical Alternative Method(s):**

An economically, technologically, ecologically, and logistically viable option. Recycling, composting, mechanical chipping or mulching, and landfill.

Domestic wastes:

Include wastes that normally results from the function of life within a residence—for example, kitchen garbage, cardboard boxes, packaging, and clothing. Such things as tires, construction debris, furniture, carpet, electrical wire, and appliances are not considered to be domestic waste and cannot be burned.

Red Flag Warning:

A term used by fire-weather forecasters to call attention to limited weather conditions of particular importance that may result in extreme burning conditions. It is issued when it is an on-going event or the fire weather forecaster has a high degree of confidence that Red Flag criteria will occur within twenty-four (24) hours of issuance. Red Flag criteria occurs whenever a geographical area has been in a dry spell for a week or two, or for a shorter period , if before spring green-up or after fall color, and the National Fire Danger Rating System (NFDRS) is high to extreme and the following forecast weather parameters are forecasted to be met:

- 1) a sustained wind average 15 mph or greater
- 2) relative humidity less than or equal to 25 percent  
and
- 3) a temperature of greater than 75 degrees F.

#### **SECTION 7. Penalty.**

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be subjected to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except where a different penalty has been established by State law for such offense in which event the penalty shall be fixed by state law and if deemed a violation of any provision which governs fire safety, zoning or public health or sanitation shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation is continued shall be deemed to constitute a separate offense.

#### **SECTION 8. Severability.**

If any article, paragraph, or part of a paragraph of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not

invalidate or impair the validity, force or effect of any other article, paragraph or part of a paragraph of this Ordinance which shall remain in full force and effect.

**SECTION 9. Repealer.**

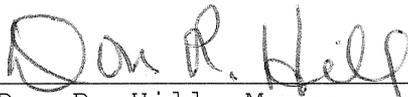
All provisions of any Ordinance of the City of Taylor, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 10. Publication.**

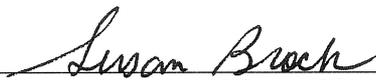
The City Clerk is hereby authorized and directed to publish the caption of this Ordinance, together with the penalty provision contained therein, in the manner and for the length of time prescribed by law.

In accordance with Article VIII, Section 1 of the City Charter, Ordinance No. 2012.18 was introduced before the Taylor City Council on the 24<sup>th</sup> day of May, 2012.

**PASSED, APPROVED and ADOPTED** on this the 13<sup>th</sup> day of September, 2012.

  
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Don R. Hill, Mayor

**ATTEST:**

  
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Susan Brock, City Clerk

**APPROVED AS TO FORM:**

  
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Ted W. Hejl, City Attorney

**CERTIFICATE**

THE STATE OF TEXAS  
COUNTY OF WILLIAMSON

I, Susan Brock, being the current City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2012.18, passed and approved by the City Council of the City of Taylor, Texas, on the 13<sup>th</sup> day of September, 2012, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this the 13<sup>th</sup> day of September, 2012.

Susan Brock  
Susan Brock  
City Clerk