

CITY OF COFFEE CITY

HENDERSON COUNTY, TEXAS

Ordinance No. 2014-0310-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COFFEE CITY, TEXAS, REGULATING OUTDOOR BURNING WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF COFFEE CITY AND ITS EXTRA-TERRITORIAL JURISDICTION; PROVIDING DEFINITIONS; 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 Coffee City as set forth in Title 30 of the Texas Administrative Code (TAC), Sections 111.201 to 111.221. and to comply with Sub chapter 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;

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

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

SECTION 1-Definitions:

Bulk Waste -appliances (stoves, refrigerators, water tanks, washing machines, dryers), 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. Burning must not cause a traffic hazard.
5. 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)(hours exempted)

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 -Domestic Waste. Commercial waste hauling services are available to all residents of Coffee City. As such, the burning of domestic waste is never authorized within the city limits of Coffee City. Domestic waste includes but is not limited to such things as kitchen garbage, cardboard boxes, packaging (including plastics and rubber), clothing, tires, non-wood construction debris, furniture, carpet, electrical wire, and appliances. This prohibition applies to all persons and all properties physically located within the city limits of Coffee City, without regard for the nature of the activity in which they are involved.

SECTION 6 -Burn Ban. If the county is placed under a Burn Ban, the city will also fall under such ban until it is lifted by the county.

SECTION 7 -Designated burn sites. This exception will allow subdivision to transport their common area waste to a designated site for consolidated burning, rather than having numerous smaller fires in the yards and roadsides of the subdivision. All burning at the designated site must be directly supervised and not include any prohibited materials.

The site must be designated by the subdivision; the designation must be registered with the Coffee City Fire Department. The subdivision must ensure that all waste burned at the site consists of trees, brush, grass, leaves, branch trimmings, or other plant growth, and was generated within the common areas of the subdivision or at one of the specific residential properties for which the site is designated; and ensure that all burning at the site is directly supervised.

SECTION 8 -Emergency Burn Ban: The Mayor or his designee, after consultation with the City of Coffee City Fire and Police Chiefs and / or the Henderson County Fire Marshall, is hereby, authorized and directed to execute an emergency order to ban all outdoor burning within the corporate city limits of the City of Coffee City, 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 9 -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 10 -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 11 -This ordinance shall be effective from and after the date of its passage.

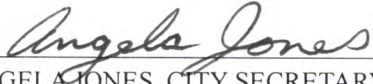
PASSED AND APPROVED this 10th day of March 2014.

APPROVED



RAY WAKEMAN, MAYOR
City of Coffee City

ATTEST:



ANGELA JONES, CITY SECRETARY
City of Coffee City
SEAL