

ORDINANCE NO. 187

AN ORDINANCE ALLOWING, OPEN BURNING IN ACCORDANCE WITH TEXAS ADMINISTRATIVE CODE (TAC), TITLE 30, PART 1, CHAPTER 111, SUBCHAPTER B AND TEXAS COMMISSION on ENVIRONMENTAL QUALITY (TCEQ) PHAMPLET RG-049.

WHEREAS, on July 12, 2011 the Town Council of the Town of Enchanted Oaks, Texas, adopted by Ordinance No. 187

WHEREAS, the Town Council of the Town of Enchanted Oaks, desires adopt TAC and TCEQ Guidelines

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Enchanted Oaks, adoption of the following:

A. **OUTDOOR BURNING ORDINANCE FOR THE TOWN OF ENCHANTED OAKS**

- 1. Outdoor burning shall be authorized for fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather, or burning pursuant to this ordinance as set forth and defined by Title 30 of the Texas Administrative Code. Burn barrels are not allowed.**
- 2. No outdoor burning or fireworks *of any kind* are allowed during times when a BURN BAN has been adopted by the town, with the exception of BBQ grills. Outdoor burning should *not be conducted* during periods of high winds or when red flag warnings are posted.**
- 3. On-site burning may be comprised of trees, brush, grass, leaves, branch trimmings, or other plant growth, by the owner of the property or any other person authorized by the owner, and when the material is generated only from that *property, or owners *adjacent* property.**
- 4. Burn piles shall be kept small, approximately 6' X 6' X 4' or less with only one pile being burned at one time.**
- 5. The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance**

or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.

6. Burning shall commence and be conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing persons with breathing difficulties (sensitive receptor).
7. If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway that eliminates visibility, it is the responsibility of the person initiating the burn to post flag-persons on the effected roads, or to immediately extinguish fire.
8. A charged water hose shall be available during any burning by a resident on private property. The town is exempt from this requirement due to the availability of water at the town property.
9. Burning shall not be commenced when wind speed is predicted to be less than 6 miles per hour (MPH) (five knots) or greater than 23 MPH (20knots) during the burn period.
10. Electrical insulation, pallets, treated lumber, plastics, non-wood or wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing preservatives, natural or synthetic rubber must not be burned. Only small wood scraps are allowed.
11. The area around the burn must be free of any combustible materials such as grass, weeds, trees, and brush, for a minimum safety area where grass and weeds are mowed or cut down.
12. Gasoline and other extremely flammable liquids cannot be used as a source of ignition for the burn. Other non volatile liquids such as diesel, kerosene and charcoal lighter can be used.

NOTE:

The authority to conduct outdoor burning under this ordinance does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducting in compliance with 30 TAC.

B. Penalty: Violation of this ordinance is considered a Class C misdemeanor with fines as allowed by law.

PASSED AND APPROVED THIS 12 DAY OF JULY, 2011.

**Donald G. Warner III, Mayor
Enchanted Oaks, Texas**

Attest: _____
Pam Foster, Secretary

*NOTE: for the purpose of this ordinance only; adjacent also means across the street.