

ORDINANCE 274

AN ORDINANCE REGULATING BURNING; PROHIBITING THE USE OR POSSESSION OF FIREWORKS; GRANTING AUTHORITY TO RESTRICT BURNING AND/OR DECLARING A FIRE EMERGENCY; PROVIDING A VALIDITY CLAUSE; AND DECLARING OFFENSES A MISDEMEANOR PUNISHABLE UPON CONVICTION BY A FINE OF NOT MORE THAN TWO THOUSAND DOLLARS.

WHEREAS, The City of Sunrise Beach Village, Texas has a responsibility for the protection and preservation of the public health, safety and general welfare of the citizens, and

WHEREAS, The City of Sunrise Beach Village, Texas is located in an area affected by extended periods of low humidity, drought and high winds,

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNRISE BEACH VILLAGE, LLANO COUNTY, TEXAS:

SECTION I – DEFINITIONS

1.0 ADMINISTRATORS – Are specified individuals empowered to render decisions on whether or not conditions are such that burning is permitted. The following personnel will be considered Administrators for purposes of this ordinance:

1.1 City personnel include the Mayor, Mayor Pro Tem, Fire Marshal, and Chief of Police.

1.2 Sunrise Beach Volunteer Fire Department personnel include the President of the Board, Fire Chief, and Assistant Fire Chief

2.0 ATTENDANCE – Means present on the site of the controlled burn. The person responsible for the burn shall locate themselves a safe distance from the burn but remain outdoors in proximity and in the line of sight to the burn until all embers are extinguished.

3.0 FIRE CONDITIONS – The factors that will influence the degree of danger in allowing burning in enclosed or open areas. These factors include but are not limited to: wind, humidity, drought and dry fuel conditions.

4.0 FIRE EMERGENCY – An emergency condition as determined by the Mayor (or a City Administrator acting in the absence of the Mayor) when climatic or other fire hazard conditions are considered to be so severe the prohibition of burning is not adequate to protect the community.

5.0 FIREWORKS – A combustible or explosive device for producing a striking display of light or a loud noise and/or smoke, including sparklers.

SECTION II – FIRE CONDITIONS

The City will operate under one of three FIRE CONDITIONS as determined by agreement of two or more Administrators consisting of a least one each from SECTION 1, 1.1 AND 1.2.

1.0 GREEN – Outdoor burning permitted if all conditions of this ordinance are met as determined by the nearest Weather Station.

2.0 RED – All outdoor burning (except for the use of controlled and monitored outdoor grills or cooking facilities) is PROHIBITED. (Condition RED is initiated when conditions are unsafe for outdoor burning.) The following guidelines will be considered:

2.1 HIGH FIRE DANGER – Moderate to severe drought conditions are sustained winds in excess of 15 MPH or wind gust in excess of 20 MPH.

Winds in excess of 16 MPH and Humidity under 65%

Winds 11 to 15 MPH and Humidity 41 to 65%

Winds 8 to 10 MPH and Humidity 20 to 40%

Winds 5 to 7 MPH and Humidity less than 20%

2.2 EXTREME FIRE DANGER – Severe drought conditions sustained winds in excess of 15 MPH or wind gust in excess of 20 MPH

Winds in excess of 16 MPH and Humidity under 40%

Winds 11 to 15 MPH and Humidity under 30%

Winds 8 to 10 MPH and Humidity under 20%

3.0 FIRE EMERGENCY – Same as condition RED except that the order will be in writing; the prohibition will include outdoor cooking facilities except when an individual is in attendance at all times when a fire or embers are present. Enforcement personnel will be instructed to issue citations to alleged violators of the burn ban (no warnings except for outdoor cooking).

4.0 NOTIFICATION:

4.1 Burn Ban notices will be posted on the city web site and at the top of the blue notice boards on Hwy 2233 and Sunrise Drive when condition RED exists.

4.2 Businesses and offices authorized to issue burn permits will be notified of burn ban and condition RED limitations in effect.

4.3 Persons issued burn permits prior to the ban being placed will be notified by city personnel delegated by a City Administrator to extinguish all fires immediately.

4.4 FIRE EMERGENCY notifications will be posted on the city web site and posted on the blue notice boards with the statement (outdoor cooking facilities and contained cooking fires must be attended at all times). The FIRE EMERGENCY declaration will be delivered to selected business establishments for posting.

4.5 Removal of burn ban and return to condition GREEN will be posted on the city's web site; burn ban sign removed from the blue notice boards; burn permit authorities will be notified; and the county dispatcher notified if the ban removal is different then the county status.

SECTION III – OUTDOOR BURNING

1.0 PERMITTED during condition GREEN only with the following requirements;

1.1 PERMITS - Required for all outside burning.

1.1.1 Permits will only be issued between the hours of 7:00 a.m. to 3:00 p.m. on the day of the proposed burn.

1.1.2 Permit numbers will be issued and register maintained.

1.1.3 Authorized issuing agent(s) will be listed in the front of the city phone directory and on the city's website.

1.2 WATER - In sufficient quantity and a delivery means capable of reaching and controlling the fire, is required at the site. For burn piles less than 6' high and 10' in diameter a garden hose (minimum 5/8" diameter) which can circumnavigate the entire pile and supplied by city water is required. For larger piles, the person responsible for the burn shall make arrangements for water as deemed appropriate by the City Fire Marshal or Fire Department Administrator.

1.3 CONTROL - Is the responsibility of the individual requesting the permit. The individual will be in attendance at all times or make arrangements to have another responsible individual (over the age of 18) in attendance as long as embers exist.

1.4 COMBUSTIBLE MATERIAL - Will not be added to a fire after 4:00 p.m.

1.5 FIRES - Not completely extinguished by dark will have a responsible individual over the age of 18 in attendance (and awake) as long as embers exist.

2.0 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 or exempt or excuse anyone from complying with all other ordinances or applicable laws, regulations and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this regulation. It is the responsibility of the individual requesting the permit to comply with the State and the Texas Commission on Environmental Quality regulations for outdoor burning.

SECTION IV – ALLOWED MATERIAL

1.0 DOMESTIC COMBUSTIBLE WASTE - (Such as paper, cardboard, wrapping materials, etc.) will be burned in a steel or masonry combustion unit with all vents and/or flues screened with steel mesh with openings of not more than 1" x 1" dimensions. Food, food products, dead and/or decaying animals that could cause objectionable smoke or odors (egg shells, meat, fish, etc.) will not be included in any burn.

2.0 LOGS, LEAVES, GRASS, TREE LIMBS - Need not be screened but the person conducting the burn must be able to control flying ash and cinders (Reference Sec. III, 1.1.3) and have a cleared area with minimal combustible material surrounding the burn site in order to protect adjacent land and/or structures.

3.0 CONSTRUCTION MATERIAL AND COMMERCIAL WASTE - may not be burned.

4.0 BURNABLE REFUSE - Caused from wind storms or large rains and the subsequent run off will result in the need for the city and or property owners in Sunrise Beach to dispose of burnable refuse and in addition, from time to time it may become necessary for the City to handle refuse that it may collect

5.0 THE VOLUNTEER FIRE DEPARTMENT TRAINING - May be allowed to conduct training exercises to use the debris by burning as a part of a training exercise. The Fire Marshall in concert with Fire Department Administrators shall determine the amount and nature of Fire Department personnel and equipment required to be on site during all phases of the training activity. These personnel and equipment will be in attendance at all times as long as embers exist.

SECTION V – FIREWORKS

1.0 PROHIBITED - Sale, possession, storage or use of Fireworks inside the city limits is prohibited.

2.0 ENFORCEMENT - Enforcement personnel will confiscate all illegal fireworks and issue citations as appropriate.

SECTION VI – ADMINISTRATION

1.0 AUTHORITY - Conducting outside burning under the provisions of this ordinance does not exempt or excuse a person of responsibility for damages or injuries or other consequences of the act, and does not excuse anyone from complying with other applicable laws, ordinances, regulations and orders of government entities having jurisdiction.

2.0 LIBERALLY CONSTRUED - In the City's interpretation and application, the provisions of this Ordinance shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, and welfare. This Ordinance shall be regarded as remedial and shall be liberally construed to further its underlying purposes.

3.0 HIGHEST STANDARDS GOVERN - Whenever a provision of this Ordinance and any other provision of this Ordinance, or any provision in any other law, ordinance, resolution, rule or regulation of any kind

contains any restrictions covering the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

4.0 ORDINANCE - This Ordinance supersedes and replaces in its entirety Ordinance Number 237, dated June 18, 1991.

SECTION VII – CLOSING PROVISIONS

1.0 SEVERABILITY – If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

2.0 EFFECTIVE DATE – This ordinance shall take effect immediately after its passage and publication in accordance with the provisions of the Texas Local Gov't Code.

3.0 OPEN MEETINGS – It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that prior public hearing was held to obtain public input into said ordinance and public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 511, Texas Local Gov't Code.

4.0 PENALTY FOR VIOLATION – It is a misdemeanor for any person to violate any of the provisions of this ordinance and every person convicted of a violation shall be punished by a fine of not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00).

PASSED AND APPROVED on this 24th day of November, 2009.

Attest:

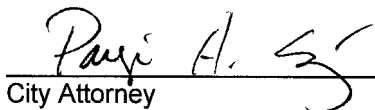


Patricia E. Frain, Mayor



Debbie Longoria, City Secretary

Reviewed and Approved:



City Attorney