

Ordinance 85-18C City of Woodcreek

An Ordinance amending Ordinance 85-18B, granting the authority to the City Fire Marshal and other specified City Officials to prohibit all open burning of trash, brush, trees and other like materials within the City; providing a penalty for violations not to exceed Two-Thousand (\$2,000) Dollars for each violation; containing a severability clause and an effective date.

WHEREAS, dry, windy and unsafe burning conditions exist during most time periods.

WHEREAS, the City of Woodcreek determines that open burning is a threat to the general welfare and safety of the citizens of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS, THAT:

SECTION 1.0 TITLE

This Ordinance shall be known as the "Open Burning Ordinance" of the City of Woodcreek.

SECTION 2.0 PURPOSE

The purpose of this Ordinance is to protect public safety and property within the City.

SECTION 3.0 DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases and words shall have the meaning given in this section:

3.1 Open Burning means any burning of brush, trash, wood, plastics, leaves, waste products or similar materials outdoors, other than in an incinerator designed and constructed for such purpose and having a written permit issued by the Fire Marshal.

3.2 Trash means anything worthless and useless, building materials, twigs, trees, limbs, rubbish, garbage, rags and brush.

SECTION 4.0 OPEN BURNING PROHIBITED

It shall be unlawful for any person to burn any garbage, trash, brush or other waste, wood, plastic or organic material outdoors within the City, unless such burning is performed in an incinerator designed and constructed for such purpose and approved by the Fire Marshal of the City. Such approval by the Fire Marshal must be obtained in writing and shall be given only for incinerators providing proper protection against fire to surrounding property and premises and only if such incinerator is constructed and maintained in accordance with the requirements of the Air Pollution Control District having jurisdiction.

SECTION 5.0 GENERAL PROVISIONS

The Fire Marshal , City Marshal and all City Officials are granted the authority and responsibility of enforcing the following provisions of this Ordinance.

- 5.1 Open burning within the City is declared to be a public nuisance and hazard to adjoining property.
- 5.2 Open burning is prohibited at all times.
- 5.3 The Wimberley Rural Fire Prevention District, with permission from the City of Woodcreek, may conduct open burning in the City limits to correct an obvious hazardous condition or to conduct fire training.
- 5.4 It shall be unlawful for any person or persons to violate any verbal or written directive of the Fire Marshal, City Marshal or any City Official when the directive prohibits, restricts, limits or sets guidelines for open burning.
- 5.5 The Fire Marshal, City Marshal and all other officers of the City are granted the authority to enforce the provisions of this Ordinance.

SECTION 6.0 LIABILITY

In addition to penalties provided in Section 7.0, any person or persons conducting open burning shall be liable for property damage or injury, if any, caused as a result of their open burning.

SECTION 7.0 PENALTIES FOR VIOLATIONS

Any person, firm or corporation who violates any provisions of this Ordinance, or any order made under authority of this Ordinance, or who causes or permits any such violation of this Ordinance, shall be guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed Two Thousand (\$2,000) Dollars. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

SECTION 8.0 SEVERABILITY CLAUSE

If any part of this Ordinance shall be judged invalid or held unconstitutional, the same shall not effect the validity of this Ordinance as a whole or any part of provisions thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 9.0 EFFECTIVE DATE

This Ordinance shall become effective upon passage and approval of the Council of the City of Woodcreek, Texas.

PASSED AND APPROVED THIS 26th DAY OF May 1998.


KENNETH E. JACOBS

ATTEST:


PEG HULL, CITY SECRETARY

ORIGINAL ORDINANCE NO. 85-18, PASSED AND APPROVED AUGUST 15, 1985.
AMENDED ORDINANCE NO. 85-18A, PASSED AND APPROVED JANUARY 30, 1987
AMENDED ORDINANCE NO. 85-18B, PASSED AND APPROVED APRIL 12, 1995.