

ORDINANCE NO. 99-08-01

AS AMENDED ON NOVEMBER 9, 1999

AN ORDINANCE OF THE CITY OF WESTON, TEXAS ESTABLISHING OUTDOOR BURNING REQUIREMENTS PURSUANT TO THE LAWS OF THE STATE OF TEXAS AND CHAPTER 111, SUBCHAPTER B OF THE RULES OF THE TEXAS NATURAL RESOURCES CONSERVATION COMMISSION; AND PROVIDING FOR A FINE FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE.

WHEREAS, for the health, safety and welfare of the citizens of the City of Weston, it is necessary to control the outdoor burning of all combustible materials within the corporate limits of the City; and

WHEREAS, Texas Health & Safety Code Section 382.113 grants a municipality the powers and rights as are otherwise vested by law in the municipality to: 1) abate a nuisance; and 2) enact and enforce an ordinance for the control and abatement of air pollution.

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

Section 1. Outdoor Burning Prohibited

No person, firm, corporation, or business entity (hereinafter referred to as "party") may cause, suffer, allow, or permit any outdoor burning of any combustible material within the corporate limits of the City of Weston except as provided for in this Ordinance.

Section 2. Exceptions

Outdoor burning without a City permit is authorized in each of the following instances:

(a) When pursuant to a written grant of authority from the Texas Air Control Board or its executive director, who, before granting such authority, must determine that there is no practical alternative to outdoor burning, and the burning will cause or contribute to a violation of any federal primary or secondary ambient air standard;

(b) Outdoor burning for the purpose of training fire-fighting personnel when requested in writing and when authorized either verbally or in writing by the controlling local air pollution agency. If notice of denial from the controlling local air pollution agency is not received within ten (10) days of the date of the written request, the burning is authorized;

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(c) Outdoor burning consisting of 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;

(d) Outdoor burning of diseased animals in instances where Texas State or Collin County health officials determine that burning is the most effective means of controlling the spread of disease;

(e) Outdoor burning of hydrocarbons from pipeline breaks and oil spills may be allowed upon proper notification to the City of Weston and the executive director of the Texas Air Control Board if it is determined that burning is necessary to protect the public welfare;

Section 3. Permit Required:

Except as provided for in Section 2 of this Ordinance, no party shall perform or authorize any outdoor burning within the corporate limits of the City of Weston without first obtaining a permit for such burning from the City or its authorized representative.

Section 4. Permit Fee & Term:

A fee of Twenty-Five Dollars (\$25) will be charged by the City or its authorized representative for a permit to conduct outdoor burning within the corporate limits of the City under this Ordinance. The permit shall be valid for a period of thirty (30) days from its date of issue. In the event outdoor burning is prohibited by weather conditions or if a burn ban is issued in the area during said thirty (30) days, the permit may be extended one (1) time for an additional thirty (30) days at no additional cost to the applicant. The permit fee will be due and payable at the time of application for the permit and prior to the inspection described in Section 5 (d) of this Ordinance. The fee shall be non-refundable after the inspection has been performed.

Section 5. Restrictions and Requirements:

All outdoor burn permits issued by the City shall be subject to the following restrictions and requirements:

(a) Burn permits will be issued only for burning dry plant growth, cropland residue, trees, and brush piles;

(b) Electrical insulation, treated lumber, plastics, non-wood construction materials, hydrocarbon fuels and lubricants, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber shall not be burned;

(c) No materials shall be transported from any other site to be burned or disposed of at a permitted burn site subsequent to the site inspection described in Section 5 (d) of this Ordinance;

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(d) A burn permit will be issued only after the permit fee has been paid and an authorized representative of the City inspects and approves the burn site and the material to be burned;

(e) Prior to igniting any permitted burn, the party performing the burn shall notify the Weston Volunteer Fire Department to determine if the day of the intended burn is an approved burn day, and to allow the Fire Department to notify the proper County and State agencies;

(f) The burn site shall be a safe distance from all building structures and combustible materials which are not described in and covered by the burn permit;

(g) An effective fire break shall be maintained around the periphery of the burning material;

(h) A competent person at least 18 years of age shall be present at the burn site from the time of ignition until the fire is consumed or extinguished;

(i) A supply of water to control the burn shall be provided at the site throughout the burn;

(j) No burning shall be allowed on days when surface wind velocities are predicted to exceed 15 mph;

(k) No burning shall be allowed on ozone alert days for the Dallas-Fort Worth area, or when a ban has been issued by the Texas State Fire Marshall, the Collin County Fire Marshall, or an authorized representative of the City of Weston;

(l) Burns shall be performed only between sunrise and sunset; and

(m) A copy of the burn permit shall be available on site throughout the burn.

Section 6. Penalty for Violations:

Pursuant to V.T.C.A., Local Government Code, Section 54.001, any party violating this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000). Each day of non-compliance shall constitute a separate offense punishable by the same fine.

Section 7. Responsibility for Consequences:

The authority to conduct outdoor burning under this Ordinance does not exempt or excuse the party responsible for such burning from the consequences, damages, or injuries resulting from the burning, and does not exempt or excuse any party from complying with all

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other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this Ordinance. The City of Weston does not accept responsibility for the conduct or consequences of such outdoor burning activities, even if the burning is conducted in total compliance with this Ordinance.

Section 8. Interpretation:

This Ordinance shall be deemed to be supplementary to Texas Health & Safety Code Section 382.001, and the rules, regulations, and orders of the Texas Air Control Board, and it shall not be administered in any manner which conflicts with, or is inconsistent with such codes, rules, regulations, and orders.

Section 9. Authorization:

The Mayor of Weston is hereby authorized and directed to implement this Ordinance immediately upon its adoption.

Section 10. Effective Date:

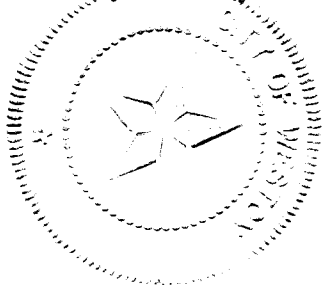
This Ordinance, as **AMENDED** herein by the City Council of the City of Weston, shall be effective on the 9TH day of November, 1999.

APPROVED:

by: Kay Hodges
Kay Hodges, Mayor

ATTEST:

Michelle Smith
City Secretary



City of Weston, Texas
Outdoor Burn Permit Application

Applicant's Name: _____, Address: _____

City: _____, State: _____, Zip Code: _____, Phone: _____

Physical Location of Burn Site: _____

Material To Be Burned: _____

I (we) agree to comply fully with the attached outdoor burn policy guidelines and City of Weston Ordinance No. 99-08-01. I (we) further agree to coordinate all burning activities under this permit with the Weston Volunteer Fire Department (Telephone No. 972-382-4219).

Signature: _____ Date: _____

Permit Fee: Twenty-Five Dollars (\$25) due and payable to the City of Weston at the time this application is submitted.

Permit Term: The permit shall be valid for a period of thirty (30) days from its date of issue. In the event burning is prohibited by weather conditions or if a burn ban is issued in the area during the initial thirty (30) days term, a one-time extension of thirty (30) days may be granted at no additional cost to the applicant.

Burn Site Inspected By: _____, Date Inspected: _____

Permit Issued By: _____, Date Issued: _____, Permit No. _____

Thirty (30) Days Extension Granted: Yes _____, No _____ By: _____

The burn permit fee shall be non-refundable after the burn site has been inspected .

Burn Permit Record (Forward this section to City Secretary)

Permit Issued To : _____, Permit No.: _____

Permit Issued By: _____, Date: _____

CITY OF WESTON
OUTDOOR BURNING GUIDELINES

All outdoor burning for which a City permit is required shall be conducted in compliance with the following requirements and restrictions:

1. A burn permit must first be obtained from the Weston Volunteer Fire Department (WVFD).
2. The WVFD must be notified prior to igniting a fire (Telephone 972-382-4219).
3. The burn site must be safe distance from all building structures and other combustible materials not covered by the burn permit.
4. An effective fire break must be provided around the periphery of the burning material.
5. Only dry plant growth such as cropland residue, trees, and brush piles shall be burned.
6. Household garbage, electrical insulation, treated lumber, plastics, non-wood construction materials, hydrocarbon fuels and lubricants, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber shall not be burned.
7. No materials shall be transported from another location to the burn site after the site has been inspected and the permit has been issued.
8. A supply of water to prevent the fire from spreading shall be provided at the site throughout the burn.
9. Burning shall be conducted only between sunrise and sunset.
10. No burning shall be allowed on ozone alert days or when a burn ban has been issued by State, County, or City officials.
11. No burning shall be allowed when surface wind velocities are predicted to exceed 15 mph.
12. A competent person at least 18 years of age must be present at the site throughout the burn.
13. A copy of the burn permit must be at the site throughout the burn.

VIOLATION OF THE CITY'S BURN PERMIT RULES AND REGULATIONS COULD RESULT IN THE PERMIT BEING REVOKED AND A FINE BEING ASSESSED, UP TO AN AMOUNT OF \$2,000.

AUTHORIZATION TO CONDUCT OUTDOOR BURNING UNDER THIS PERMIT DOES NOT EXCUSE THE PERSON(S) RESPONSIBLE FOR SUCH BURNING FROM THE CONSEQUENCES, DAMAGES, OR INJURIES RESULTING FROM THE BURNING, OR FROM COMPLYING WITH ALL OTHER APPLICABLE LAWS, ORDINANCES, AND REGULATIONS. THE CITY OF WESTON DOES NOT ACCEPT RESPONSIBILITY FOR THE CONDUCT OR CONSEQUENCES OF THE BURNING, EVEN IF THE BURNING IS CONDUCTED IN TOTAL COMPLIANCE WITH THE CITY'S PERMIT RULES AND REGULATIONS.

CITY OF WESTON

BURN ORDINANCE AGREEMENT

This Agreement for services by and between the City of Weston, Texas (hereinafter referred to as "Weston") and the Weston Volunteer Fire Department (hereinafter referred to as "WVFD"), whereby Weston desires the WVFD to administer Weston Ordinance No. 99-08-01 regulating outdoor burning within the city limits of Weston and the WVFD agrees to perform said services for Weston.

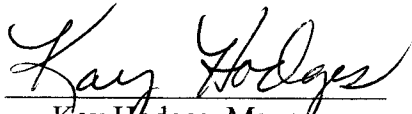
Weston hereby grants to the WVFD the authority necessary to administer Ordinance No. 99-08-01. "Administer" in the context of this Agreement shall mean; 1) receive applications for outdoor burn permits, 2) collect burn permit fees, 3) inspect burn sites and materials to be burned, 4) issue outdoor burn permits, 5) monitor and approve days during which outdoor burning shall be conducted, and 6) generally enforce the regulations and requirements of Ordinance No. 99-08-01 to protect the health, safety, and welfare of Weston and its inhabitants.

Weston and the WVFD agree that all fees collected for outdoor burn permits under this Agreement shall be retained by the WVFD for its general operating fund. In the event violations of Ordinance No. 99-08-01 occur, the WVFD shall notify the Mayor of Weston of such violations and the matters shall be brought before the City Council to determine any further action. All fines assessed and collected for outdoor burning violations shall be retained by Weston.

Copies of Weston's Ordinance No. 99-08-01, Outdoor Burn Permit Application, Outdoor Burn Permit, and Outdoor Burning Guidelines are attached hereto and made a part of this Agreement.

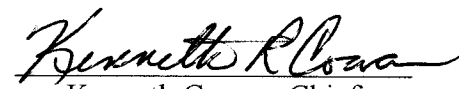
Agreed to and effective this 9 day of November 1999.

By:



Kay Hodges, Mayor
City of Weston

By:



Kenneth Cowan, Chief
Weston Volunteer Fire Department

