

**Ordinance No. 20-01-27**

**AMENDING TITLE V PUBLIC WORKS, CHAPTER 50, GARBAGE AND WASTE, BY CREATING A NEW ORDINANCE TO ALLOW BURNING OF SPECIFIC ITEMS PROVIDING A PENALTY CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE, CODE OF ORDINANCES CITY OF HOOKS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOOKS, TEXAS THAT TITLE V PUBLIC WORKS, CHAPTER 50, GARBAGE AND WASTE, BURNING, DUMPING, AND BURNING OF WASTE CODE OF ORDINANCES CITY OF HOOKS IS HEREBY AMENDED AS FOLLOWS:**

**Section 1**

**Outdoor burning**

- (a) All outdoor burning within the city will be enforced based upon the following parameters.
- (b) It shall be unlawful for any person or entity to burn the following within the city:
  - (1) Household trash.
  - (2) Plastics (includes fiberglass resins).
  - (3) Rubber (natural or synthetic).
  - (4) Petroleum products.
  - (5) Nonwood construction or demolition materials.
  - (6) Treated lumber-Including lumber that has been painted.
  - (7) Furniture.
  - (8) Carpet.
  - (9) Appliances.
  - (10) Electrical insulation.

- (11) Chemical wastes.
- (12) Potentially explosive materials.

(c) Materials, which are allowed to be burned, are subject to requirements and restrictions below within the following parameters, as set forth by the city council on property inside the city limits:

- (1) No burning will be allowed during a ban on outdoor burning which affects the city.
- (2) A Burn Permit shall be obtained prior to burning. The burn permit is valid for 7 days from the date of issue.
- (3) Only the following items can be burned-natural grasses and leaves, unprocessed wood and paper products.
- (4) All burning must occur between sunrise and sunset.

(5) All burning material must be completely extinguished (not smoldering) prior to sunset, with the exception of land clearing for commercial or residential development, agricultural purposes, or involving felled trees, limbs or stumps which are of such size that total consumption cannot occur in one day.

- (6) Means of controlling the fire must be in place prior to starting the fire and remain in place until the fire is out. This includes, but is not limited to, the following:
  - (A) Maintaining an area around the material to be burned which will prevent the fire from escaping;
  - (B) Having appropriate tools/equipment and/or a working water hose in close enough proximity to be utilized to control a fire that might escape.

- (7) All burning must occur with the following conditions:
  - (A) Surface wind speed between 5 mph and 15 mph;
  - (B) Wind direction will not cause the smoke to become a traffic hazard or adversely affect sensitive receptors or nearby structures. If a complaint is made because of the smoke the fire shall be extinguished.

(8) If the weather conditions change, causing them to go outside of the above parameters, the fire must immediately be fully extinguished.

(9) No material shall be burned directly on the surface of any sidewalk or roadway within the city limits.

(d) **Recreational Fires**-are permitted during favorable weather conditions, including but not limited to wind speeds not greater than 15 mph, within these additional guidelines:

(1) Recreational fires may be conducted without a permit, and at any time of the day or night. Only seasoned firewood and charcoal may be used for recreational fires.

(2) Recreational fires shall be contained to an approved container such as an outdoor fireplace or fire pit must be no larger than three (3) feet in diameter and no more than two (2) feet in height measured from the outside of the container (excluding any chimney). The container may be commercial or site built and shall be constructed of concrete blocks, heavy gauge metal or other non combustible material.

(3) All approved containers must be set or built upon bare ground or a non combustible material such as masonry or concrete.

(4) The approved container must have a spark arrestor to contain sparks . Screens shall be of expanded metal (or equivalent noncombustible material) with openings no larger than one-half inch.

(5) All fires must be attended by a competent adult at all times until it is completely extinguished. A garden hose and water supply or other fire-extinguishing equipment must be on hand while burning. At no time will the fire be left burning or smoldering unattended.

(6) Fires left unattended must be extinguished.

(7) Recreational fires shall not be allowed during a burn ban affecting the city.

(e) The person who starts the fire is ultimately responsible for it and for any damages which might result from it or for adverse effects from the smoke.

(f) The fire chief or designated representative shall have the authority to enter private property where an outdoor or recreational fire is burning to investigate a reported nuisance or to ensure compliance with this section. The fire department representative shall have the authority to extinguish or to have extinguished said fire if it is creating a nuisance or is in violation of this section. The issued permit for outdoor burning becomes null and void if a fire is found to be in violation of this ordinance.

## **Section 2**

**PENALTY CLAUSE.** A violation of this ordinance is subject to penalty pursuant to Section 10.99 of Chapter 10 of the Hooks City Code, as amended.

## **Section 3**

**SEVERABILITY CLAUSE.** That the terms and provisions of this Ordinance are severable and are governed by Section 10.07 of Chapter 10 of the Hooks City Code, as amended.

## **Section 4**

**SAVINGS CLAUSE.** That Chapter 51 of the Hooks Code of Ordinances, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

This Ordinance shall become effective immediately from and after its passage.

PASSED AND APPROVED this 27th Day of January, 2020

**\*Fire Dept. Copy Only- See City Hall for certified signed copy if desired.**

