

ORDINANCE 14-12

**AN ORDINANCE OF THE CITY OF BRONTE, TEXAS, PROHIBITING BURNING OF TRASH, GARBAGE, BRUSH OR OTHER REFUSE WITHIN THE CITY LIMITS OF BRONTE AND FURTHER AUTHORIZING THE MAYOR TO ISSUE A BAN ON OUTDOOR BURNING DURING PERIODS WHEN COKE COUNTY HAS ISSUED A BAN ON OUTDOOR BURNING; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, in order to protect the public health, safety and welfare of its citizens, there exists a need to regulate and prohibit outdoor burning of trash, garbage, brush or other refuse that items may pose a risk of fire to citizens, dwellings, property, livestock and other structures within the City.

**NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRONTE, TEXAS, THE FOLLOWING:**

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** Procedures related to the declaration of a ban on outdoor burning are hereby adopted as follows:

I. **Issuance** - Whenever Coke County issues a ban on outdoor burning, the Mayor may, upon his/her discretion, order the implementation and enforcement of a ban on outdoor burning within the corporate limits of the City of Bronte. The Mayor shall have full discretion to determine the time period for the declared ban on outdoor burning; provided however the ban on outdoor burning will remain in effect for the duration of the ban imposed by Coke County, unless otherwise lifted or extended by an order of the Mayor or by vote of the City Council.

II. **Exemptions:**

**Noncommercial Cooking** - Noncommercial cooking in a device designated for such purpose by the manufacturer is allowed, provided such device is designed to contain all flames and/or sparks and shall take place only when the wind speed is 15 miles per hour or less. A spotter with water and an available pressurized delivery system must be on hand before any outdoor cooking begins and remain on hand until the outdoor cooking is completed.

**Ceremonial Fire/Bonfires** – Ceremonial Fire/Bonfires must be approved by City Council. A ceremonial fire shall not be conducted within with 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. A spotter with water and an available pressurized delivery system must be on hand before any outdoor ceremonial fire/bonfires begins and remain on hand until the fire is out.

**Portable Outdoor Fireplaces** – Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material and shall take place only when the wind speed is 15 miles per hour or less. A spotter with water and an available pressurized delivery system must be on hand before any portable outdoor fireplaces are ignited and remain on hand until the fire is out.

**Fire Training** – Outdoor burning shall be authorized for training of firefighting personnel when approved by City Council.

**Municipal Burning** – The City of Bronte may burn vegetation and/or brush for the purpose of maintaining and/or clearing of right-of-way for streets and/or drainage.

**Diseased Animal Carcasses** – Diseased animal carcasses may be burned when this is the best way to control spreading of diseases and must have approval in writing from City of Bronte Mayor or City Council.

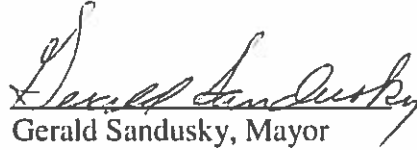
- III. **Enforcement Authority** - The Mayor or his/her appointed designee, and City of Bronte Ordinance Office has the authority to enforce this ordinance and to order the extinguishing of any fire in violation of this ordinance.
- IV. **Penalties** – Any person, corporation or entity who or which intentionally, knowingly, recklessly or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor shall be fined in an amount not to exceed \$500.00. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

**Section 3.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 4.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged

invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bronte, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED AND ADOPTED this 8<sup>th</sup> day of January, 2015.

  
Gerald Sandusky, Mayor

ATTEST:

  
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Tammy Thorn, City Secretary