

CITY OF BROOKSIDE VILLAGE

ORDINANCE NO. 184-10

AN ORDINANCE OF THE CITY OF BROOKSIDE VILLAGE, TEXAS, AMENDING ARTICLE 5.400. "OUTDOOR BURNING", OF CHAPTER 5, "FIRE PROTECTION", REGULATING LOCATION AND SIZE OF PERMITTED OUTDOOR FIRES; REGULATING SAFETY CONSIDERATIONS AND INSPECTIONS; PROVIDING FOR EXCEPTIONS FOR CERTAIN CONTROLLED FIRES; PROVIDING PERMIT FEES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Brookside Village, is authorized and empowered to enforce ordinances necessary to protect the health, safety, and welfare of its inhabitants; and

WHEREAS, the City Council hereby deems it necessary to regulate outdoor burning within the City limits; and

WHEREAS, the City Council hereby finds that the current regulations are, in part, insufficient to address all concerns and should be amended to provide additional restrictions for the safety of its residents, and to provide certain exceptions to provide adequate opportunities for residents; and

WHEREAS, the City Council further finds that this ordinance addresses the regulations necessary to protect the public, and provides adequate controls for the use of permits, and the ordinance is in the best interest of the City and the citizens of Brookside Village and the general public; and

WHEREAS, the City Council further has determined that it is necessary to enact this ordinance to protect the health, safety, welfare, and property values of its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSIDE VILLAGE, TEXAS, THAT:

Section I. Chapter 5 "FIRE PROTECTION", Article 5.400. "OUTDOOR BURNING", of the Code of Ordinances, City of Brookside Village, Texas, is hereby amended which said article shall read as follows:

A. No person or business entity shall cause or permit any outdoor burning of combustible trash within the City of Brookside Village, Texas, **without first obtaining the respective permit and possessing it onsite for one of the following** permitted fires:

- 1) Small fire in a 55 gallon metal barrel:
 - a) The barrel must have holes near the bottom to provide sufficient combustion air.
 - b) The barrel must be elevated off the ground with bricks or blocks.
 - c) The barrel opening shall be provided with a spark suppressing screen constructed of a minimum 18-gauge wire metal mesh with openings not exceeding 12 inches.
 - d) A barrel permit must be obtained prior to starting a fire in the barrel.
 - e) The cost of the barrel permit is \$25 but may be increased by city council by resolution or order without the need to amend this ordinance.
 - f) A barrel permit shall expire in 6 months from the date of issuance.
- 2) Large brush fire in a dug in-ground pit
 - a) Pit must be located in a hole no less than twelve (12) inches deep and no more than eight (8) feet in diameter.
 - b) No more than one large brush fire pit per real property and no owner may have more than one permit at any one time.
 - c) The height of the brush should not exceed two (2) feet from the bottom to the top.
 - d) Before burning may begin, the Fire or Police Department Personnel, or Code Enforcement Officer must inspect the pit and approve it prior to the fire being started.
 - e) On any day that the permit holder intends to start the fire, the permit holder, prior to starting any fire, must notify the fire department.
 - f) A pit permit must be obtained prior to starting a fire in the pit

CITY OF BROOKSIDE VILLAGE

- g) The cost of the pit permit is \$50 but may be increased by city council by resolution or order without the need to amend this ordinance.
- h) The pit permit shall expire in 6 months from the date of issuance.

B. Any Holder of a Barrel Permit or Pit Permit must also comply with the following regulations:

- a) No fire is permitted closer than thirty (30) feet to any tree or structure.
- b) No new construction material, tires, batteries, or chemicals are allowed to be burned.
- c) During times of a burn ban, no burning can take place with or without a Barrel Permit or a Pit Permit.
- d) During burning, the fire must be attended by a person eighteen (18) years or older at all times, with the surrounding ground wet, and water available adjacent to the fire.
- e) Burning of household trash, boxes, and waste is prohibited.
- f) On-site burning of trees, brush, grass, leaves, branch trimmings, or other plant growth, by the owner of the property or any other person authorized by the owner, is allowed only when the material is generated from that property. The burning of trees, brush, grass, leaves, branch trimmings, or other plant growth not generated from the permit holder's property where the fire is located is strictly prohibited.
- g) Any Permit Holder must have possession of the permit on site at all times while a fire is burning and must promptly produce it to the Fire, Police or Code Enforcement personnel or designee, upon request.

C. A Permit is not required for the following controlled fires:

- a) Fires for the purpose of the non-commercial preparation of food, as in barbecue pits.
- b) Camp fires used solely for ceremonial occasions.
- c) Fires purposely set for the purpose of training public firefighting personnel shall be permitted.
- d) Fires for recreation or comfort in purpose-built devices such as chimeneas or fireplaces on non-combustible surfaces.

D. Any person or business entity that violates any of the provisions herein, or fails to comply with any of the requirements thereof, shall be guilty of a Class C misdemeanor and may be fined up to TWO THOUSAND DOLLARS (\$2,000.00) in accordance with the general penalty provision found in Section 1.106 of this Code.

Section II. – Repealer. All provisions of the ordinances of the City of Brookside Village, codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Brookside Village, codified or uncoded, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section III. - Severability. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.


Section IV. - Effective Date. This Ordinance shall become effective immediately after the Ordinance has been published in accordance with Texas State Law.

DULY PASSED AND APPROVED BY COUNCIL this the 4th day of November 2021.


Craig Bailey (Nov 15, 2021 4:10 CST)

Craig Bailey, MAYOR

ATTEST:


Cleofas Rodriguez, CITY SECRETARY