

ORDINANCE NO. 2024-10

AN ORDINANCE OF THE CITY COUNCIL OF WELLS "CITY" TEXAS, AMENDING THE CITY'S CODE OF BURNING IN THE CITY LIMITS OF WELLS, TEXAS; ALL OTHER ORDINANCES AND/OR REGULATIONS GOVERNING CITY OF WELLS "CITY" IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED WHEN THIS ORDINANCE TAKES EFFECT, PROVIDED, HOWEVER, THE REPEAL OF PRIOR ORDINANCES DOES NOT WAIVE, EXCUSE, OR VACATE ANY SERVICES PROVIDED HEREUNDER.

A. OVERVIEW

1. This ordinance shall approve the burning of cardboard boxes, leaves, tree limbs, grass or other materials from trees or shrubs.
2. The burning of approved items may be done seven (7) days per week but cannot be burned to excess; the term excess meaning no large piles being burned causing excessive smoke to cause a nuisance in the neighborhood or impair visibility for driving in the area.
3. The TCEQ sets forth the following general rules on authorized burns. According to the commission, burning must abide by the following time and weather conditions:
 - a. Burning may not be started earlier than an hour after sunrise; it also must be concluded on the same day by an hour before sunset at the latest. A responsible party must monitor the burning at all times it is actively burning. Once the fire is residual or smoldering, the smoke must be extinguished if it potentially could be a nuisance or create a traffic hazard. The extent of the burn area may not increase after the active burn phase.
 - b. Burning may not be started if the wind is supposed to be less than 6 mph or more than 23 mph while the burn is being conducted.
 - c. Burning is prohibited during "periods of actual or predicted persistent low-level atmospheric temperature inversions" (*30 Texas Admin. Code §111.219(6)*).
 - d. Weather Conditions.
Additionally, wind direction and other meteorological conditions must be monitored. Burning may not be done if smoke and other pollutants will adversely affect "any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s)" (*30 Texas Admin. Code §111.219(3)*).
 - e. There must be a water source on the property where the fire location is; if the fire gets out the person responsible for the fire must call 9-1-1 and have the Volunteer Fire Department dispatched to the exact location.

B. PROHIBITING BURNING:

4. No burning is allowed in the Rights-of-ways (streets, vacant streets, alley ways, vacant alley ways, ditches, or roadways).
5. Law Enforcement will judge excess burning. The first notice will be issued as a warning with all other violations resulting in a fine.

C. BURNING TRASH THAT IS NOT ALLOWED IN THE CITY LIMITS:

It shall be unlawful for any person to burn trash, waste, rubbish, building materials, household furniture, household garbage, tires, automobile parts, industrial or other waste anywhere in the city limits.

There are some items that you should never burn, under any circumstances, because such burning would pose a safety or health threat. The basic five "Never Burn" items are listed below:

Never Burn

Electrical insulation, Tires, Treated lumber (such as in construction or demolition waste), Heavy oils or asphalt materials, potentially explosive materials or chemicals.

D. STATE OF BURN DECLARATION:

In times of drought, local commissioners may ban outdoor burning altogether. *Tex. Local Gov't Code §352.081(c)* allows a county commission court to prohibit burning if the Texas Forest Service has determined that a drought exists, or if the commission court finds that outdoor burning would exacerbate a public safety hazard due to drought conditions. If such a ban is imposed, it may not last for more than 90 days (*Tex. Local Gov't Code §352.081(d)*). The ban expires when drought conditions no longer exist, or the commissioners determine conditions no longer cause outdoor burning to exacerbate a public safety hazard (*Tex. Local Gov't Code §352.081(e)*). A person who knowingly or intentionally violates a prohibition established by this section, is committing an offense that is a Class C misdemeanor.

Any person desiring to ignite a fire may verify the current status of any burning bans by calling the City Secretary or checking the status at tfsweb.tamu.edu/TexasBurnBans/.

E. FIRE CHIEF:

The Fire Chief or Assistant Fire Chief may upon request, inspect and approve the burning of materials otherwise prohibited, that is not adaptable to being hauled. This approval must be obtained to burn in each instance.


F. ANIMAL CARCASSES:

Carcasses of diseased animals may be burned, but only "when burning is the most effective means of controlling the spread of disease." (*30 Texas Admin. Code §111.209(2)*). Certified veterinarians have greater leeway in disposing of animal carcasses by burning (*See: 30 Texas Admin. PENALTIES:*

Any person violating any of the provisions of this ordinance shall be punished by a fine not to exceed \$200.00 for each conviction and each violation shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall become effective upon adoption at the regular council meeting.

BE IT HERBY ORDAINED BY THE CITY COUNCIL, IN AND FOR THE CITY OF WELLS, TEXAS, CHEROKEE COUNTY, TEXAS.

PASSED AND APPROVED THIS THE 14TH DAY OF OCTOBER 2024.



MAYOR

ATTEST:



CITY SECRETARY