

AN ORDINANCE AMENDING §91.03 – FIRE PREVENTION CODE; BURNING OF REFUSE; PERMIT REQUIRED, OF THE GLADEWATER CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADEWATER, TEXAS:

ARTICLE I

That the Code of Ordinances of the City of Gladewater, Texas, §91.03 Fire Prevention Code; Burning of Refuse; Permit Required; be amended to read as follows;

§91.03 OUTDOOR BURNING.

- A) It shall be unlawful for any person to burn trash, lumber, leaves, straw or any other combustible material in any street, alley, or vacant lot, except by permission of the Fire Department.
- B) Any person requesting a residential burn shall contact the Fire Department to receive permission. If the person is unable to make contact with Fire Department Personnel, the person shall leave a voicemail stating their name, address, date and times of the burn requested.
- C) For commercial and/or land clearing controlled burns contact with Fire Department personnel directly is required.
- D) Controlled burns shall meet the following criteria:
 - 1) An approved area or container must be utilized;
 - 2) An approved area should be clear of any flammable and/or combustible material within 10 feet in all directions and clear 15 feet vertically above;
 - 3) An approved container is to be constructed of fire retardant material, the container should have fire retardant lid and must be elevated off the ground a minimum of 4 inches;
 - 4) The size of the pile of refuse to be burned should not exceed what is manageable by the person responsible for the controlled burn and their means of extinguishment;
 - 5) Burning shall not be conducted when winds are greater than 15 miles per hour, during ozone action alerts, or when a burn ban is in effect;
 - 6) All allowable controlled burns should have the responsible person's presence for the entirety of time the fire is burning;
 - 7) Burning refuse will be permissible during daylight hours only and all fires should be extinguished before dark;
 - 8) Products to be burned must be of an organic nature and may not include: tires, rubber products, plastic products, treated wood, shingles, asbestos, insulation, fiberglass, furniture, clothing, PVC, etc.;
 - 9) The use of accelerants is strictly prohibited (e.g. gasoline, diesel, lighter fluid, etc.).
- E) The Fire Marshal, Fire Chief, or any member of the Fire Department is authorized to order the extinguishment of the fire for any reason pertaining to exposures, public safety, or nuisance.
- F) The responsible party covenants and agrees to indemnify and hold harmless, the City of Gladewater, its departments, officers, employees, and agents, from any and all claims, demands or litigation, for all loss, injury, death or damage, that any person or entity may have or make, in any manner, arising out of any occurrence related to an allowable controlled burn.
- G) All burns must comply with Texas Commission on Environmental Quality standards and regulations.

ARTICLE II

That any ordinances found to be in conflict with this ordinance are hereby repealed so far as the portion of such ordinance is deemed to be conflicting.

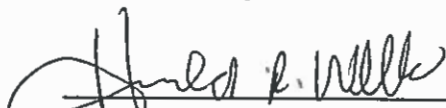
ARTICLE III

Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the article as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

ARTICLE IV

Any violation of this ordinance shall be a Class C misdemeanor. Penalty, see §10.99. This ordinance shall be in effect immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED this 19th day of January, 2017.



HAROLD R. WELLS, MAYOR

ATTEST:



MELBA HARALSON, CITY SECRETARY