

ORDINANCE NUMBER 091221.001

AN ORDINANCE OF THE VILLAGE OF BEAR CREEK, TEXAS, AMENDING AND REPEALING ORDINANCE NUMBER 000612.001; PROVIDING REGULATIONS TO CONTROL THE OUTDOOR BURNING OF TRASH, BRUSH, TREES AND OTHER LIKE MATERIALS WITHIN THE CITY LIMITS; PROVIDING A PENALTY FOR VIOLATIONS NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH VIOLATION; CONTAINING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. BE IT ORDAINED THAT IT IS THE CITIZENS RESPONSIBILITY TO CONTROL ALL OUTDOOR BURNING OF BRUSH, TREES AND OTHER LIKE MATERIALS WITHIN THE CITY LIMITS.

WHEREAS, Hays County rules for Outdoor Burning provide strict guidelines for outdoor burning.

WHEREAS, the Village of Bear Creek determines that outdoor burning can be a threat to the general welfare and safety of the citizens of the city. Therefore, the Village of Bear Creek ordains that it is the citizens' responsibility to control outdoor burning.

WHEREAS, dry, windy and unsafe burning conditions exist during most time periods.

BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF BEAR CREEK, TEXAS, THAT:

SECTION 1.0 TITLE

This Ordinance shall be known as the "Outdoor Burning Ordinance" of the Village of Bear Creek.

SECTION 2.0 PURPOSE

The purpose of this Ordinance is to protect public safety and property within the Village of Bear Creek.

SECTION 3.0 DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases and words shall have the meaning given in this section:

- 3.1 Outdoor Burning means any burning of brush, trash, wood, leaves, waste products or similar materials outdoors.
- 3.2 Trash means anything worthless and useless, building materials, twigs, trees, limbs, rubbish, garbage, rags and brush.
 - 3.21 Rubbish means anything flammable, combustible, tires, rubber/plastic products, construction waste, heavy oils, poisons, pesticides, fiberglass products, or any material which would emit noxious or objectionable fumes or smoke.
 - 3.22 Garbage means household garbage such as clothing, bottles, cans, plastics, foods or discarded household items.

SECTION 4.0 OUTDOOR BURNING PROHIBITED

It shall be unlawful for any person:

- 4.1 To burn any rubbish or garbage within the Village of Bear Creek City limits.
- 4.2 To burn during any county wide burn ban within the Village of Bear Creek City limits.
- 4.3 To burn without sufficient means available on site to control and extinguish the burn within the Village of Bear Creek City limits.

SECTION 5.0 GENERAL PROVISIONS

The Hays County Fire Marshall and all City Officials are granted the authority and responsibility of enforcing the following provisions of this Ordinance.

- 5.1 The Village of Bear Creek permits outdoor burning. Outdoor burning shall be supervised at all times and under controlled conditions.
- 5.2 All outdoor burning must follow the rules set forth by the Hays County Fire Marshall.
- 5.3 It shall be unlawful for any person or persons to violate any verbal or written directive of the Hays County Fire Marshall or any City Official when the directive prohibits or limits outdoor burning.

- 5.4 The Hays County Fire Marshall and all other officers of the City are granted the authority to enforce the provisions of this Ordinance.

SECTION 6.0 PENALTIES FOR VIOLATIONS

Any person, firm or corporation who violates any provisions of this Ordinance, or any order made under authority of this Ordinance, or who causes or permits any such violation of this Ordinance, shall be guilty of a Class C misdemeanor and upon conviction shall be fined an amount not to exceed Five Hundred (\$500.00) Dollars. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

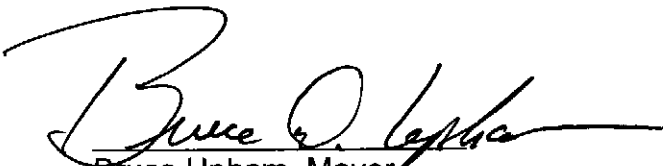
SECTION 7.0 SEVERABILITY CLAUSE


If any part of this Ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of provisions thereof, other than the part so decided to be invalid or unconstitutional. If any part of this Ordinance conflicts with Hays County rules for outdoor burning, the more restrictive of the two shall apply.

SECTION 8.0 EFFECTIVE DATE

This Ordinance shall become effective upon passage and approval of the Council of the Village of Bear Creek, Texas.

PASSED AND APPROVED THIS 21 DAY OF DECEMBER, 2009.


Bruce Upham, Mayor


Attest: Kathryn Rosenbluth, City Secretary