

CITY OF SAINT HEDWIG BURNING ORDINANCE NO. 2022-27

AN ORDINANCE ESTABLISHING OUTDOOR BURNING REGULATIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF SAINT HEDWIG; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas the City of Saint Hedwig recognizes that it is a primarily agricultural and farming municipality; and

Whereas the City recognizes that the disposal of brush and vegetation on ranch and farmlands is traditionally performed by burning on-site within the city; and

Whereas the City desires to ensure the safest conditions for its citizens; and

Whereas pursuant to Texas Local Government Code section 342.003 the City Council has the express authority to adopt rules and for the prevention of fires and the governing body considers necessary; and

Whereas the City Council finds the regulations provided for herein are in the best interest of the health, safety, and welfare of the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAINT HEDWIG, TEXAS, THAT:

Section 1. Open Burning. Burning within the City limits is authorized in accordance with the following provisions:

- A. Burning within the Saint Hedwig city limits is authorized in accordance with Bexar County burning regulations, and as stated on the Bexar County Fire Marshal website.
- B. A copy of the Bexar County burning regulations, as amended, is attached hereto and incorporated by reference.
- C. A city burn ban shall be in effect within the city limits immediately upon the declaration of a county burn ban. The city burn ban is to run concurrently with the county burn ban.
- D. During a burn ban, Saint Hedwig residents are allowed to burn at the times and on the dates, as allowed by permit on Bexar County Fire Marshal website. Residents will be allowed to burn by decree and are not required to obtain a permit from Saint Hedwig or Bexar County Fire Marshall.
- E. In the event of any conflict between state law regulations and this Ordinance, state law shall control.

Section 2. Responsibility for Consequences of Outdoor Burning. The authority to conduct outdoor burning under this regulation does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this ordinance.

Section 3. Penalty. Any person, firm, corporation or agent who shall violate a provision of this Ordinance shall be guilty of a class C misdemeanor, and such persons shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed or continued, and upon conviction of any such violation such person shall be punished by a fine of not more than \$500.00 for each offense.

Section 4. Recitals. The recitals contained in the preamble' hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as part of the judgment and finding of the City Council.

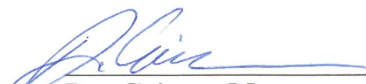
Section 5. Severability. The provisions of this ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative, or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new or revised provisions in compliance with the authority's decision or enactment.

Section 6. Repeal. All portions of the Code of Ordinances or other Ordinances that are in conflict with the provisions of this Ordinance be, and the same are hereby repealed and all other portions of the Code of Ordinances or other Ordinances not in conflict with this Ordinance shall remain in full force and effect.


Section 7. Open Meeting. It is officially found, determined, and declared the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting including this Ordinance, was given, as required by Chapter 551, Texas Government Code, as amended.

Section 8. Effective Date. This ordinance takes effect from and after its passage and publication requirements provided for by state law.

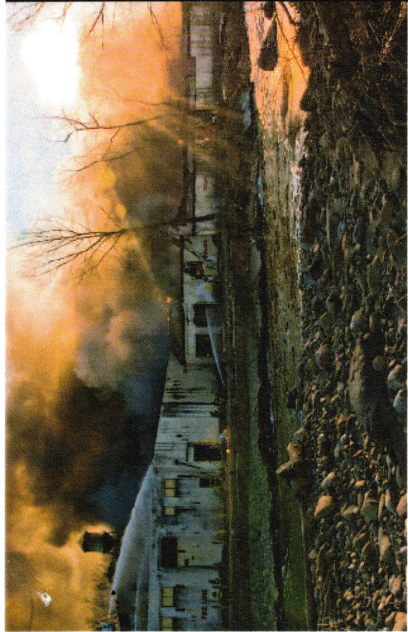
PASSED AND APPROVED ON THIS 6TH **DAY OF DECEMBER 2022.**


Dee Grimm, Mayor

Attest:


Janice Staudt, City Secretary





TITLE 30 TAC #111.203 DEFINITIONS.

Structure containing sensitive receptors ☒

A man-made structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term "man-made structure" does not include such things as range fences, roads, bridges, hunting blinds or facilities used solely for the storage of hay or other livestock feeds. The term "sensitive live vegetation" is defined as vegetation which has potential to be damaged by smoke cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

CAUTION



Starting a fire and allowing that fire to get out of control and damage or destroy the property of another is a crime under the Texas Penal Code.

Lifting of the burn ban does not authorize burning of any material that is prohibited from being burned by Texas Commission on Environmental Quality (TCEQ).

Those materials include:

Treated construction waste, household garbage, tires, rubber or plastic products, heavy oils, fiberglass products, oil based materials, and any material that produces excessive amounts of smoke.



BEXAR COUNTY FIRE MARSHAL'S OFFICE

9810 Southton Road
San Antonio, TX 78223

(210) 335-0300

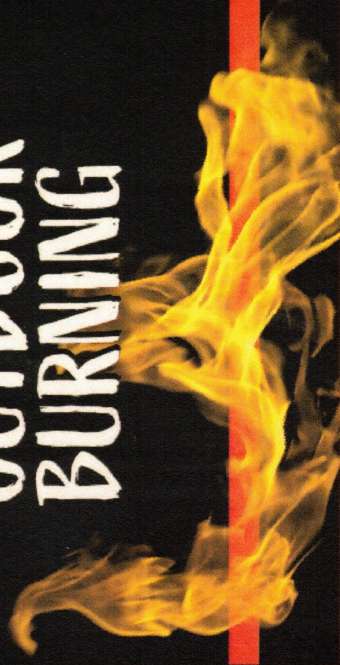
**BEXAR COUNTY
NON-EMERGENCY DISPATCH**

(210) 335-6000

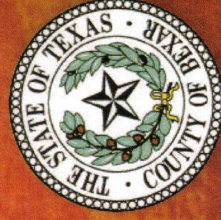
**BEXAR COUNTY
FIRE MARSHAL'S
OFFICE**



**RULES FOR
OUTDOOR
BURNING**



BEXAR COUNTY
EMERGENCY MANAGEMENT



BEXAR COUNTY FIRE MARSHAL'S OFFICE

GENERAL REQUIREMENTS FOR ALLOWABLE OUTDOOR BURNING.

OUTDOOR BURNING ONLY TO BE CONDUCTED UNDER THE FOLLOWING CONDITIONS*

- Burning must be conducted downwind of or at least 300 feet from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from adjacent occupant with possessory control.
- Burning shall NOT be conducted when wind is greater than 15 m.p.h.
- The initiation of burning shall commence no earlier than one hour after sunrise.
- Burning shall be completed on the same day not later than one hour before sunset. In cases where residual fires and/ or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to burn after this time.

- All outdoor burning shall be supervised at ALL times and under controlled conditions. Citizens responsible for controlled burns shall have the means to control and extinguish the burn.

- Burning shall NOT be conducted during periods of actual predicted persistent low-level humidity. (Dry conditions)

- For campfires and other recreational and ceremonial purposes, the noncommercial preparation of food and for supplying warmth in cold weather. For recreational and ceremonial BONFIRES a permit must be obtained from the **Bexar County Fire Marshal's Office.**

- To destroy diseased animals when necessary to prevent the spread of disease.
- Outdoor burning of trees, brush, and other plant growth for the right of way maintenance, land clearing operations, and maintenance along water canals when no practical alternative to burning exists and when the materials are generated only from that property. Structures containing sensitive receptors must not be negatively affected by the burn. Such burning shall be subject to the above conditions.

- Violations of this order shall be punishable as a Class C misdemeanor with a maximum fine of \$500.00.

DEFINITIONS

Extinguished- The absence of any visible flames, glowing coals or smoke.

Campfire- A fire no larger than 5 ft in diameter and 5 ft in height. For recreational purposes.

Bonfire- Any fire larger than a campfire that is used as a ceremonial or recreational purpose.



PROHIBITED BURNITEMS

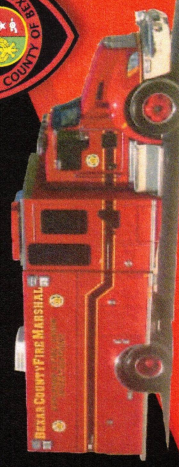
Treated construction waste, household garbage, tires, rubber or plastic products, heavy oils, fiberglass products, oil based materials, and any material that produces excessive amounts of smoke.

ALL BURNING IS PROHIBITED DURING COUNTY WIDE BURN BANS.

The authority to conduct outdoor burning under the above circumstances does not exempt or excuse any person from any consequence, damages, or injuries resulting from burning and does not excuse anyone from complying with all ordinances of other governmental agencies. The above rules shall be enforced by the Bexar County Fire Marshal's Office

YOUR COOPERATION IS APPRECIATED IN THIS MATTER

For any questions you may have, contact
Bexar County Fire Marshal's Office.



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San Antonio, TX 78223

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