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ORDINANCE NO. ~~201~~

AN ORDINANCE OF THE CITY OF ROMAN FOREST, TEXAS, PROVIDING FOR PERMITTED OUTDOOR BURNING IN CERTAIN CIRCUMSTANCES AND SUBJECT TO SPECIFIC CONDITIONS; PROHIBITING OUTDOOR BURNING IN OPEN DITCHES, STREETS, OR UPON THE GAS PIPELINE IN THE CITY; PROVIDING FOR THE ISSUANCE OF ORDERS TO IMMEDIATELY EXTINGUISH FIRES; CONTAINING DEFINITIONS AND FINDINGS RELATED TO THE SUBJECT; PROVIDING A MAXIMUM PENALTY OF \$500 FOR EACH VIOLATION; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Roman Forest, Texas, is principally a residential community; and

WHEREAS, the city is also a wooded community, and the unregulated burning of grass, limbs, leaves, and other rubbish poses a threat that fire may spread and endanger homes, persons, and property; and

WHEREAS, there is an interstate natural gas pipeline through the city which transports unscented natural gas, and burning activities on said pipeline right-of-way poses a potential hazard of fire and explosion in the event of a gas leak or damage to such pipeline; and

WHEREAS, in the interest of the public health, safety, and welfare the City Council finds that outdoor burning should be regulated for the benefit of everyone; NOW THEREFORE,

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROMAN FOREST, TEXAS:

Section 1.0. That the facts and recitations stated in the preamble of this Ordinance are hereby found to be true and correct.

Section 4.0. Prohibited Outdoor Burning.

It shall be unlawful at all times to burn (1) upon or in any open ditch in the City, (2) upon any street or street right-of-way in the City, or (3) upon the gas pipeline in the City.

Section 5.0. Orders To Extinguish A Fire. The Fire Marshal, Chief of Police, or the City Building Official may order (on the spot) that any burning or fire be immediately extinguished if (1) such fire is not permitted outdoor burning as set forth in Section 3.0 above, or 2) such official finds that an ignition or fire hazard exists due to conditions including, but not limited to, wind speed or direction, the presence of combustible materials such as grass, leaves, forest or woods, lumber or debris pile, or flammable liquids. Smoke or fumes which constitute a hazard will also justify an order to extinguish or stop burning activities.

Any time one of the above named officials orders a fire extinguished as discussed above, a written report of the incident shall be filed within three (3) days in the office of the City Secretary. Such report shall include, at a minimum, the property location, name of the person(s) involved, time and date, weather conditions, a description of the conditions and factors which constituted the fire or smoke hazard, and it shall be signed by the official who issued the order. Such report shall be required in each such circumstance whether or not a complaint is filed with the Municipal Court for violation of this Ordinance.

Section 6.0. Any person who shall violate any provision of this ordinance or violate any order issued in accordance with

Section 2.0. Definitions. As used in this Ordinance the following words shall have the meaning given:

2.01 Burn or Burning - shall mean outdoor burning by any person or business entity (or caused by an person or business entity) within the City limits for purposes including, but not limited to, burning of grass, limbs, leaves, trash, rubbish, building materials, or debris. The term burn or burning shall not apply to barbeque pits, permanent or portable, when used for cooking purposes.

2.02 Open ditches - shall mean all open drainage ditches in the City, including the open ditches along the streets within the City. Open ditch shall include the easement or right-of-way within which the ditch is located.

2.03 Gas pipeline - shall mean the interstate natural gas pipeline and its easement or right-of-way within the City, operated and maintained by the Trunk Line Gas Company its successors and assigns.

Section 3.0. Permitted Outdoor Burning.

Burning shall be permitted within the city if the location of such fire is not less than twenty feet (20') from any home or other residential structure (garage, gazebo, work room, or outbuilding), and reasonable provision is made to prevent such fire from spreading. Any such permitted fire must be attended to personally at all times until extinguished.

this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500. Each violation and each day of violation shall constitute a separate offense.

Section 7.0. All ordinances or parts thereof inconsistent or in conflict with this Ordinance are, to the extent of such inconsistency or conflict, hereby repealed.

Section 8.0. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Roman Forest, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 21 day of January, 1991.



J.W. Ryder, Mayor

ATTEST:



City Secretary