

ORDINANCE NO. 112

TO REPEAL ORDINANCE #62 TO COMPLY WITH THE TEXAS STATE LAW THAT PROHIBITS ALL OUTDOOR BURNING WITHIN THE CORPORATE LIMITS OF ANY CITY AS OUTLINED IN TITLE 30 TEXAS ADMINISTRATIVE CODE, SECTIONS 111.201-111.21 WHICH BECAME EFFECTIVE SEPTEMBER 16,1996. PROVIDING A PENALTY FOR THE VIOLATION OF ANY PORTION OF THIS CODE OF A FINE OF NOT LESS THAN \$25.00 UP TO THE STATE LIMIT OF \$500.00 PER OCCURRENCE.

WHEREAS, the City of Grey Forest does not meet the criteria for any exceptions to this rule in that the City provides a twice weekly domestic waste pickup service of three cans each pickup day that includes any brush, grass, leaves, etc, that can reasonably fit into a regulation size garbage can,

WHEREAS, the City of Grey Forest provides free weekly curbside pickup of recyclable items such as newspapers, all other paper, glass, plastic and aluminum that further aids in the elimination of domestic waste,

WHEREAS, the City of Grey Forest provides a community wide free curbside brush pickup for the citizens to clear the right-of-way in front of their property and around the yard area of their residences on a regular basis, usually one per year,

WHEREAS, the City of Grey Forest is in close proximity to two large landfills that accept brush and tree trimmings six days a week for a reasonable fee,

WHEREAS, the City of Grey Forest periodically has a professional tree trimming entity clear all brush and trim all low hanging branches in the rights of way of public streets,

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

That the only allowable burning within the corporate City limits of the City of Grey Forest will be for:

1. Recreational, ceremonial, or cooking in noncommercial preparation of food, with the exception of the one existing licensed restaurant, or exclusively as a means to provide warmth in cold weather. Fires built under this exception may not contain electrical insulation, treated lumber, plastics, construction or demolition materials not made of wood, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, or items containing natural or synthetic rubber.

2. Fire Department training provided the Grey Forest Area Volunteer Fire Department Fire Chief with the approval of the City Council of Grey Forest makes a written request to and receives the proper written permits from the Bexar County Fire Marshall, and the local or regional office of the Texas Natural Resource Conservation Commission (TNRCC) under the provisions that TNRCC recognizes as legitimate training purposes and procedures. The City Council and TNRCC retain the right to deny or revoke any authorization if it is used in an attempt to avoid complying with other portions of the Outdoor Burning Rule.

2. Any deviation from the above procedure will cause the burning to be declared in violation of this ordinance and subject the landowner, corporation, or any other entity within the City or their agent who obtained any permit to burn to be subject to the penalties provided for in this ordinance of a fine of not less than \$25.00 up to the State limit of \$500.00 per occurrence.

This ordinance shall take effect upon its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS THE _____ DAY OF JANUARY, 1998.

SIGNED _____

Mayor

ATTEST:

City Secretary