

# The City of Simonton

## ORDINANCE 2012-11

Replaces Burn Ban Ordinance No. 2011-04

**AN ORDINANCE OF THE CITY OF SIMONTON, TEXAS, PROHIBITING BURNING OF TRASH, GARBAGE, BRUSH OR OTHER REFUSE WITHIN THE CITY LIMITS OF SIMONTON AFTER DARK AND FURTHER AUTHORIZING THE MAYOR TO ISSUE A BAN ON OUTDOOR BURNING DURING PERIODS WHEN FORT BEND COUNTY HAS ISSUED A BAN ON OUTDOOR BURNING; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, in order to protect the public health, safety and welfare of its citizens, there exists a need to regulate and prohibit outdoor burning of trash, garbage, brush or other refuse during periods when burning these items may pose a risk of fire to citizens, dwellings, property, livestock and other structures within the City.

**NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMONTON, TEXAS, THE FOLLOWING:**

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** Procedures related to the declaration of a ban on outdoor burning are hereby adopted as follows:

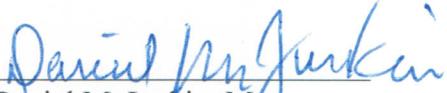
- I. **Issuance** - Whenever Fort Bend County issues a ban on outdoor burning, the Mayor may, upon his/her discretion, order the implementation and enforcement of a ban on outdoor burning within the corporate limits of the City of Simonton. The Mayor shall have full discretion to determine the time period for the declared ban on outdoor burning; provided however the ban on outdoor burning will remain in effect for the duration of the ban imposed by Fort Bend County, unless otherwise lifted or extended by an order of the Mayor or by vote of the City Council.
- II. **Exemptions:**
  - (A) Exemptions to this ordinance may be permitted by the Fort Bend County Fire Marshal or the Chief (or assistant Chief) of the Fulshear-Simonton Volunteer Fire Department.

- (B) Small amounts of **non-toxic** household trash may be burned during the outdoor burning ban, during daylight hours, in an enclosed container (example a burn barrel with a screen wire or metal mesh cover over the top) provided there is a water hose with water at the fire and the person doing the burning remains at the fire until it is fully extinguished and wet down; provided, however, outdoor burning under this subsection is never allowed after dark.
  - (C) Burning may be conducted for the purpose of noncommercial cooking or heating in a device designated for such purpose by the manufacturer, provided such device is designed to contain all flames and/or sparks.
- III. **Enforcement Authority** - The Mayor or his/her appointed designee, has the authority to enforce this ordinance and to order the extinguishing of any fire in violation of this ordinance.
- IV. **Penalties** – Any person, corporation or entity who or which intentionally, knowingly, recklessly or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed \$2,000.00. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

**Section 3.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 4.** In the event any 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 Simonton, 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, whether there be one or more parts.

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of December, 2012.

  
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Daniel McJunkin, Mayor

ATTEST:

  
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S. Purcell, City Secretary