

CITY OF WASKOM
BURN ORDINANCE
144-1

BE IT ORDAINED by the City Council of the City of Waskom, Texas, as follows:

ARTICLE I

Definitions:

- (1) Nuisance: anything that cause harm, injury or annoying unpleasant, or obnoxious to the public health safety and general welfare to the public.
- (2) Abate: means to eliminate by removal, repair, rehabilitation, or demolition.
- (3) Garbage: decayable waste from a public or private establishment or restaurant. Includes vegetable, animal, and fish offal and animal and fish carcasses.
- (4) Rubbish: nondecayable waste from a public or private establishment or residence combustible waste material, including paper, rags, cartons, excelsior, furniture, rubber, plastics, or similar materials, noncombustible waste materials including manufactured materials and machinery, including motor vehicles and parts of motor vehicles, tires, oil filters, aircraft, farm implements, building or construction materials, appliances, and scrap metal, tin, glass or aluminum materials.
- (5) Premises: means all privately owned property, including vacant land or a building designed or used for residential, commercial, business, industrial, or religious purposes. The term includes a yard, ground, walk, driveway, fence, porch, steps, or other structure appurtenant to the property.
- (6) Public Street: means the entire width between property lines of a road, street, way, thoroughfare, or bridge if any part of the road, street, way, thoroughfare, or bridge is open to the public for vehicular or pedestrian traffic.

Be it ordained that the City of Waskom, wishing to control the danger of residential & commercial burning to properties and to protect the health, safety and welfare of the general public hereby adopts this ordinance on burning inside the City Limits of Waskom.

ARTICLE II

Burning will be allowed Monday, Thursday and Saturday from daylight to dark.

Burning will only be allowed between the hours of 7AM to 7PM. The fire must be accompanied by a reasonable person at all times with means of extinguishing a fire either by water hose or fire extinguishing equipment readily available for use.

There is to be no burning of household trash or materials other than:

Leaves, pine straw, and tree trimmings.

There will be no burning of any garbage or rubbish, and items releasing hydrocarbons into the air such as: tires plastics, oil filters, and etc. with the exception being of natural gas flare lines.

No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without proper authorization. During construction or demolition of buildings or structures no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained proper authorization.

No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any city right a way, public street or on public or private premises without proper authorization.

The City of Waskom may in its sole discretion prohibit burning when atmospheric conditions make such fires hazardous or grass is too tall or dry, as the City of Waskom may determine. The City of Waskom may prohibit burning if the State of Texas or if the Harrison County fire marshal bans burning, by an official act.

The City of Waskom assumes no responsibility for supervising such burns, and the City of Waskom shall not be liable for any damage resulting from fires started.

ARTICLE III INCINERATORS

(1) TYPE OF INCINERATOR ALLOWED;

The only type of incinerator allowed shall be a self combustion incinerator direct fed, with no auxiliary fuel supply and no electrical supply. The incinerator must have spark arresters. Spark arresters shall be installed on incinerator stacks unless the following are present:

(a) A wet scrubber or other emission control system or component is installed between the incinerator and stack, such that flyash cannot pass directly from the incinerator to the stack.

(b) Other acceptable design and control features are in place that would prevent the entrainment of flyash from the

incinerator to the stack under all operating conditions.

(c) The nature of the waste being incinerated will not result in flyash emissions. Means shall be provided for securely attaching the spark arresters to chimneys to provide adequate support and prevent movement of the arrester. Means shall be provided to replace spark screens.

(d) Openings shall be provided so that all parts of the incinerator can be cleaned, including the ash pit, the combustion chamber, the passes of separation chambers, and the incinerator flue. Cleanouts shall be closed by tight fitting doors or covers, securely latched. Ash pit and combustion chamber closures and frames shall be of cast iron or equivalent, with forms securely attached to the incinerator.

(e) No part of an incinerator shall be used as a wall, roof, or floor of a building.

(f) Sufficient space shall be provided around the incinerator and its appurtenances to facilitate cleaning, repair, and servicing. Clearance shall be provided to allow the cleanout doors to be completely opened so that all parts of the combustion chamber, ash pit, separation chambers, etc. may be reached and so implements used for this purpose can be freely manipulated. All dampers, gates, burners, valves, levers, and etc., shall be accessible for repair and adjustment or replacement.

(g) Metal chimneys shall be properly riveted, welded or bolted, securely supported, and constructed in accordance with good engineering practice as necessary for the following :

1. strength to resist stresses due to steady or gusting wind loads.
2. adequate anchoring, bracing, and inherent strength to withstand seismic and wind induced vibrational stresses.
3. proper material thickness for durability

ARTICLE VI

Penalty for violation of the Foregoing Articles: Any person, corporation, firm or individual, who shall violate any of the provisions of the foregoing resolution shall be guilty of a misdemeanor and upon conviction shall be fined any sum not exceeding Two Thousand and No/100 (\$2000.00) Dollars, and each and every day's violation shall constitute a separate and distinct offense. In case the owner or occupant of any lot, lots or premises under the provisions of the foregoing articles shall be a corporation, and shall violate any provision, the President, Vice President, Secretary-Treasurer of such corporation, or any manager, agent or employee shall be also severally liable for the penalties herein provided.

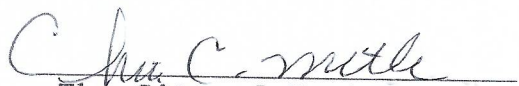
SEVERENCE CLAUSE

If any article, paragraph, subdivision, clause, phrase

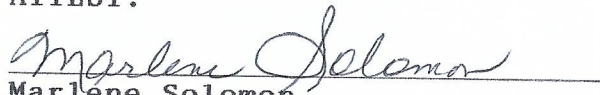
or provision of this Ordinance shall be adjudged invalid, unenforcible, or be held unconstitutional, the same shall not affect the validity of the Ordinance as a whole or any part unenforcible, or held to be unconstitutional.

This Ordinance shall take effect from and after the date of its passage and publiciation as provided by law.

PASSED AND APPROVED THIS 25 DAY OF APRIL, 1995.


Mayor, The City of Waskom Texas

ATTEST:


Marlene Solomon
City Secretary

