

ORDINANCE #08-29-11

AN ORDINANCE OF THE CITY OF SANGER, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 5, FIRE PREVENTION, ARTICLE 5.500, OUTDOOR BURNING, BY ADDING DEFINITIONS AND RESTRICTIONS PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS(\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. Chapter 5, Article 5.500, is amended by adding definitions and restrictions and read as follows:

ARTICLE 5.500 OUTDOOR BURNING

Sec. 5.501 Definitions

Bonfire. An outdoor fire used for ceremonial purposes.

Open Burning. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning does not include road flares, smudge pots or similar devices used for safety or occupational uses.

Recreational Fire. The burning of wood, charcoal or similar material for recreational purposes such as cooking, warmth, ceremony or pleasure or similar purposes and not contained in a barbeque grill or pit, outdoor fireplace and similar apparatus. Recreational fires can be no more than 3 feet in diameter and two feet high. No materials other than wood, charcoal or similar material may be burned in a recreational fire.

Construction Site Fire. A small fire contained within a burn barrel at a construction site for warmth. Construction site fires cannot be used for disposal of construction materials.

Sec. 5.502 Authorization and Compliance with State Law

All outdoor burning shall be in compliance with Title 30, Sections 111.201 through 111.221 of the Texas Administrative Code and all other applicable State Statutes. In the event of a conflict between the State Code and this article, the most stringent rule shall apply.

Sec. 5.503 Prohibited Open Burning

All open burning is prohibited other than that specifically allowed in this article. Further, any allowable open burning may be prohibited if it emits offensive or objectionable smoke or odor or when it would cause an undue safety hazard.

No open burning shall be allowed if a Burn Ban has been issued by the City or County prohibiting that type of open burning.

Sec. 5.504 Restricted Open Burning

The following types of open burning shall be allowed once a permit is secured and provided it is done in compliance with all State and Local regulations.

(a) Bonfires may only be constructed from trees, brush and untreated wood. Bonfires can be no more than 100 square feet in size and less than 10 feet tall. Bonfires must be more than 300 feet from any structure. Bonfires are not allowed within 100 feet of any public roadway. Provisions shall be made to prevent the fire from spreading as recommended by the City.

(b) Open Burning of leaves, trees and brush Leaves, trees and brush can be no more than 100 square feet in size and less than 10 feet tall. Leaves, trees and brush must be more than 300 feet from any structure. Open burning is not allowed within 100 feet of any public roadway. Provisions shall be made to prevent the fire from spreading as recommended by the City. No other materials may be burned and must be removed from the pile.

(c) Recreational Fires Recreational fires must be more than 100 feet from any structure or public road and are limited to no more than 3 feet wide and 2 feet high. It is highly recommended that recreational fires be in a fire pit, nevertheless provisions must be made to prevent the fire from spreading.

(d) Construction Site Fires Construction site fires must be contained within a metal burn barrel and combustible material must be kept six (6) inches below the lip of the barrel. A Metal grate must cover the top of the barrel. Untreated lumber, wood or charcoal may only be used for fuel. Pressure treated lumber, plywood and particle board, or any other construction materials may not be used. Construction fires must be a minimum of fifteen (15) feet from the structure and any combustible materials.

Sec. 5.505 Attendance

All fires requiring a permit shall be constantly attended by the owner or other responsible party over 18 years of age until the fire is completely extinguished and no smoke or embers are being produced. Provisions must be made to provide equipment sufficient for extinguishing the fire at the site of the fire.

Sec. 5.506 Exempt Open Burning

The following open burning does not require a permit and is allowable as long as a burn ban prohibiting it is not in place.

(a) Fires in barbeque grills or pits, smokers, outdoor fireplaces or fire pits.

(b) Fires used by the fire department for training purposes.

Sec. 5.507 Permits

Permits may be obtained from the Sanger Police Department. The fee for said permit shall be the fee designated in the Fee Schedule.

Sec. 5.508 Penalty

The penalty for violating any portion of this Article shall be as outlined in Sec. 1.109.

Section 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable and, if any word, phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining portions of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional word, phrase, clause, sentence, paragraph, or section.

Section 4. Any person, firm, or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in Section 1.109 of this Code.

Section 5. This ordinance will take effect immediately from and after its passage, and the publication of the caption, as the law and Charter in such cases provide

PASSED AND APPROVED this 1st day of August 2011 by the City Council of the City of Sanger, Texas.

APPROVED:

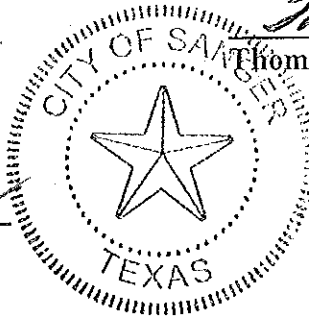
Thomas E. Muir

Thomas Muir, Mayor

ATTEST:

Tami Taber

Tami Taber, City Secretary



APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF SANGER, TEXAS
ORDINANCE 08-28-11

AN ORDINANCE OF THE CITY OF SANGER, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING CHAPTER 14, SECTION 25.2, TO SET A MAXIMUM HEIGHT OF 200 FEET FOR RADIO COMMUNICATION TOWERS, AND 100 FEET FOR ALL OTHER STRUCTURES; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

DULY PASSED by the City Council of the City of Sanger, Texas, on the 1st day of August 2011.

APPROVED:



MAYOR THOMAS MUIR

ATTEST:

CITY SECRETARY TAMI TABER