

# CITY OF SPRING BRANCH, TEXAS

## ORDINANCE NO: 2016-5.5

### AN ORDINANCE TO ALLOW OUTDOOR BURNING WITHIN THE CITY LIMITS CONSISTENT WITH COMAL COUNTY AND TCEQ REQUIREMENTS.

#### WHEREAS;

Title 30 of Texas Administrative Code #111.219 provides General Requirements for outdoor burning as follows;

Outdoor burning which is otherwise authorized shall also be subject to the following requirements when specified in any section of this subchapter.

- (1) Prior to prescribed or controlled burning for forest management purposes, the Texas Forest Service shall be notified.
- (2) Burning must be outside the corporate limits of a city or town except where the incorporated city or town has enacted ordinances which permit burning consistent with the Texas Clean Air Act, Subchapter E, Authority of Local Governments.
- (3) Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s)
- (4) If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.
- (5) Burning must be conducted downwind of or at least 300 feet (90 meters) from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from the adjacent occupant with possessory control.
- (6) Burning shall be conducted in compliance with the following meteorological and timing considerations:
  - (a) The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.
  - (b) Burning shall not be commenced when **surface wind speed is predicted to be less than six miles per hour (mph) (five knots) or greater than 23 mph (20 knots)** during the burn period.
  - (c) Burning shall not be conducted during periods of actual or predicted persistent low level atmospheric temperature inversions.

(7) Electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

And;

**WHEREAS,**

The City of Spring Branch, Texas wishes to permit burning consistent with the Texas Clean Air Act, Subchapter E, Authority of Local Governments within the incorporated limits, consistent with Comal County and TCEQ Requirements as stated above.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SPRING BRANCH, TEXAS THAT:**

Outdoor Burning under the requirements of Title 30 Texas Administrative Code #111.219 is hereby allowed within the City Limits of Spring Branch, Texas

**PASSED, APPROVED AND ADOPTED THIS 10<sup>TH</sup> DAY OF May, 2016**

  
James Mayer, Mayor

**ATTEST:**

  
Bambi Mayer, City Secretary