

ORDINANCE NO. 516

AN ORDINANCE AMENDING ORDINANCE NO. 290B OF THE CITY OF RICHWOOD, TEXAS PROHIBITING THE IGNITING OR BURNING OF RUBBISH, GARBAGE, TRASH, GRASS, BRUSH, BRANCHES, LUMBER, LEAVES OR OTHER COMBUSTIBLE MATERIALS OF ANY NATURE WITHIN THE CITY LIMITS OF SAID CITY; MAKING CERTAIN EXCEPTIONS; PROVIDING FOR PENALTY FOR VIOLATION OF THIS ORDINANCE AND REPEALING ALL CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT ONLY HEREWITH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHWOOD, BRAZORIA COUNTY, TEXAS:

SECTION 1. From and after the effective date of this ordinance, it shall be unlawful for any person or persons to ignite or burn, or cause to be ignited or burned, any rubbish, garbage, trash, grass, brush, branches, lumber, leaves or other combustible materials of any nature whatsoever at any place within the city limits of the City of Richwood.

In those areas in town where the lot size is one (1) acre or more, the **Fire Marshal**, Fire Chief, or their designee, may authorize, in writing, outdoor burning for land clearance only providing that the requirements of Texas Commission on Environmental Quality are met and that the fire will be at least three hundred (300) feet from any structure.

The applicant must post Section 111.219 of the Title 30 Texas Administrative Code (General Requirements for Allowable Outdoor Burning) and the permission from the City of Richwood on site where it is protected and clearly visible.

All outdoor burning is to be done in compliance with the guidelines of TCEQ or the state natural resource conservation commission.

The authority to burn under this ordinance does not relieve the persons conducting the outdoor burning from responsibility for the consequences, damage, or injuries resulting from the burning and does not exempt such persons from complying with all applicable laws and ordinances, regulations or orders of governmental entities having jurisdiction.

The Fire Marshal or his designee, Fire Chief or his designee, any code enforcement officer or any peace officer may prohibit any and all fires or order the immediate extinguishment of any and all fires when atmospheric conditions or other conditions make such fires an immediate threat to public safety or the smoke or ash from such fires becomes a public nuisance.

SECTION 2. It is an exception to the provisions of this ordinance if the person ignites or burns,

or causes to be ignited or burned, the rubbish, garbage, trash, grass, brush, branches, trees, lumber, leaves or other combustible material in question pursuant to the provisions of the Texas Clean Air Act, codified as V.T.C.A., Health and Safety Code Chapter 382, or the rules, regulations, or orders of TCEQ or the state natural resource conservation commission. In any prosecution in the municipal court of any other court of competent jurisdiction, the complaint charging a violation of this section need not negate the existence of the foregoing exception; but the existence of the exception may be raised by the defendant in such prosecution by way of defense.

SECTION 3. Any person, firm, corporation, association or other entity that violates this ordinance may be fined as provided for in Section 1-6 of the Code of Ordinances of the City of Richwood. Each day of violation shall constitute a separate offense.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. The provisions of this ordinance are severable, and if any sentence, section, or other part of this ordinance be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

PASSED AND ADOPTED on this 10th day of June, 2024.

Michael Durham, Mayor

ATTEST:

Kirsten Garcia, City Secretary