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2 **SECTION 2.** Part I of the City’s Code of Ordinances is hereby amended by adding the following
3 to Part I, Chapter 10:
4

5 **ARTICLE IV. – BURN BAN**
6

7 **Sec. 10-89. - Purpose; scope**
8

9 (a) Purpose. This article provides restrictions during specific drought-related conditions on
10 the lawful burning outdoors to protect public health, safety and welfare; to preserve
11 public and private property; and maintain trees and wildlife.
12

13 (b) Scope. This article applies to all property within the city limits.
14

15 **Sec. 10-90. - Definitions**
16

17 City burn ban. A prohibition on outdoor burning and/or fireworks effectuated by the city council,
18 by and through this article.
19

20 Combustible material. Any substance that is capable of catching fire.
21

22 County burn ban. A prohibition on outdoor burning and/or fireworks effectuated by Travis County.
23

24 Fire marshal. The person designated or appointed by the city council to serve in the capacity of
25 fire marshal for the city. For purposes of this article, the fire marshal may be employed or otherwise
26 engaged by the designated emergency services district providing fire protection to the city.
27

28 **Sec. 10-91. - Issuance**
29

30 (a) A city burn ban shall be in effect within the city limits immediately upon the
31 declaration of a county burn ban. Except as provided in (3) of this Section, the city
32 burn ban is to run concurrently with the county burn ban.
33

1 (b) The city council may declare a city burn ban for a specified period when:

2
3 (1) The city has not had any appreciable rainfall for 90 days; or

4
5 (2) The Texas Forest Service determines that drought conditions exist;

6
7 (c) The city burn ban expires upon the earlier of either, expiration of the county burn
8 ban, or upon action by the City council terminating the burn ban. If the City has
9 enacted a burn ban under subsection (b) above, the ban terminates upon action by the
10 City council terminating the burn ban.

11
12 **Sec. 10-91. - Prohibited actions**

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14 During a city burn ban, it is unlawful for any person to:

15
16 (a) Burn any combustible material outdoors outside of an enclosure which serves to
17 contain all flames and/or sparks, or order such burning by others.

18
19 (b) Engage in any activity outdoors which could allow flames or sparks that could result
20 in a fire, or order such activities by others.

21
22 (c) Engage in outdoor welding, including welding of landscape materials, unless before
23 beginning any welding, the person performing the welding has notified Emergency
24 Services District No. 9 of the location and work to be performed, the welding is
25 performed by a welder certified by the American Welding Society, the work area has
26 been cleared of all debris or accumulated fuels, and a second individual with fire
27 extinguishing materials is present at all times at the site of the welding; provided
28 however, no welding may be performed on any day designated by Travis County as
29 a "red flag" day.

30 **Sec. 10-92. - Exceptions**

31

1 The prohibitions established by this section shall not apply to:

2
3 (a) Licensed peace officers, as that term is defined by Texas Code of Criminal Procedure,
4 article 2.12(3), provided that such outdoor fires are made in the course and scope of
5 the peace officers' official duties.

6
7 (b) Activities specifically permitted or expressly authorized by the Texas Commission
8 on Environmental Quality (TCEQ).

9
10 (c) Firefighting training activities properly supervised by a firefighting authority,
11 department or political subdivision.

12
13 (d) Prescribed burns properly conducted and supervised by a prescribed burn manager
14 certified under Texas Natural Resources Code section 153.048, and that meet the
15 standards established in Texas Natural Resources Code, section 153.047.

16
17 (e) Other exceptions as may be made by the fire marshal in writing on a case-by-case
18 basis.

19
20 **Sec. 10-93. - Enforcement**

21
22 Each violation of this ordinance shall be punished by a penalty of a fine of not more than \$2000.00
23 for each offense.

24
25 **SECTION 3.** All provisions of the ordinances of the City of Rollingwood in conflict with the
26 provisions of this ordinance are hereby repealed to the extent of such conflict, and all other
27 provisions of the ordinances of the City of Rollingwood not in conflict with the provisions of this
28 ordinance shall remain in full force and effect.

29
30 **SECTION 4.** Should any sentence, paragraph, clause, phrase or section of this ordinance be
31 adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of
32 this ordinance as a whole, or any part or provision thereof other than the part so decided to be
33 invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a
34 whole.

35

1 **SECTION 5.** This ordinance shall take effect immediately from and after its passage and the
2 publication of the caption as the law provides.

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4 **APPROVED, PASSED AND ADOPTED** by the City Council of the City of Rollingwood, Texas,
5 on the 20th day of July, 2022.

6
7
8 APPROVED:

9
10
11 _____
12 Gavin Massingill, Mayor

13
14 ATTEST:

15
16 _____
17 Desiree Adair, City Secretary