

ORDINANCE NO. 23-06

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SILSBEE, TEXAS, TO INCLUDE A PROHIBITION ON BURNING GRASS, LEAVES, AND BRANCH TRIMMINGS DURING A PERIOD FOR WHICH A BURN BAN HAS BEEN ISSUED BY THE COUNTY JUDGE OF HARDIN COUNTY.

WHEREAS, the City Council of Silsbee, Texas (the “City Council”) seeks to promote the effective, efficient, and orderly governance within the City Limits and the Extraterritorial Jurisdiction (“ETJ”); and

WHEREAS, due ongoing drought conditions in Hardin County in the Summer of 2023, the Hardin County Judge has issued a burn ban for the unincorporated areas of Hardin County; and

WHEREAS, the City of Silsbee wishes to extend that burn ban to the City of Silsbee, but doing so would conflict with the current Silsbee Code of Ordinances Section 20-6(c), which permits open burning for the disposal of grass, leaves, and branch trimmings on private residential property;

WHEREAS, upon consideration of all the information presented, the City Council finds that it is in the interest of the citizens of Silsbee that any burning of grass, leaves, and branch trimmings be prohibited during periods of drought; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that the restrictions and amendments imposed by this Ordinance are reasonable, necessary, and proper for good government of the City of Silsbee.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Silsbee, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

The Code of Ordinances of the City of Silsbee, Texas, Section 20-6 is hereby amended as follows:

“Sec. 20-6. Open fires.

- (a) *Regulated.* Except as provided in subsection (c) of this section, it shall be unlawful for any person to kindle or maintain any open fire or authorize any such fire to be kindled or maintained within the city.
- (b) *Garbage, refuse fires regulated.* It shall be unlawful for any person to kindle or maintain any garbage or refuse fire in any outdoor container.
- (c) *Permissible open fires.* It shall be lawful for a responsible person to kindle or maintain an open fire for the disposal of grass, leaves and branch trimmings on private residential property provided:
 - (1) The waste is generated only from that property;
 - (2) The open fire shall be attended, managed and contained at all times by a responsible party until it is fully extinguished;
 - (3) The open fire shall not cause adverse effects to any public roadway;
 - (4) The open fire shall not cause adverse health effects to humans. Persons claiming such adverse health effects will verbally notify the police department or fire department of the same. The police department or the fire marshal shall then direct that the open fire be immediately and completely extinguished. Failure to comply will subject the person with the open fire to the penalty provisions herein; and
 - (5) A person with an open fire must comply with all applicable state and federal laws and regulations. The authority to burn in limited circumstances granted herein does not exempt or excuse any person responsible from the consequences, damages or other penalties resulting from the burn.
- (6) There is no current Order Restricting Outdoor Burning issued by the County Judge of Hardin County.”**

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

8. WAIVER OF A SECOND READING

The second reading of this ordinance was waived in accordance with Section 3.11 of the City Charter of the City of Silsbee, Texas, by unanimous affirmative vote of all present City Council members.

PASSED AND APPROVED this, the 28th day of August 2023, by a vote of 6-0. (ayes) to 6 (nays) to 0 (abstentions) of the City Council of Silsbee, Texas.

City of Silsbee, Texas

By: Danny Kersau
Mayor

ATTEST:

[Signature]
City Secretary

APPROVED AS TO FORM ONLY:

[Signature]
City Attorney