CITY OF SANDY OAKS, TEXAS

ORDINANCE NO. 2026-286

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS REGULATING OUTDOOR BURNING WITHIN THE CITY, PROVIDING FOR ENFORCEMENT AND A PENALTY.

WHEREAS, the City of Sandy Oaks ("City") is a Type A General Law Municipality in Bexar County incorporated and operating under the laws of the State of Texas; and

WHEREAS, the burning of materials within the municipal boundaries of the City can create threats to the general public safety, welfare and health; and

WHEREAS, the strict regulation and control of burning is regulated by the Texas Commission on Environmental Quality ("TCEQ"); and

WHEREAS, the TCEQ allows for exceptions to the outdoor burning prohibition; and

WHEREAS, the Bexar County Commissioners' Court orders burn bans within Bexar County for specified times;

WHEREAS, the City Council desires to regulate burning in compliance with TCEQ regulations and Bexar County burn bans;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS:

SECTION 1. FINDINGS OF FACT. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. PROHIBITION ON BURNING. It shall be unlawful for any person, firm, entity, or corporation within the City limits, in any way, to intentionally, knowingly or carelessly burn or cause to be burned any combustibles, including but not limited to grass, weeds, timber, rubbish, leaves, or other natural or synthetic materials, household garbage, trash, rubbish, litter, solid waste, hazardous waste or any such like substances, on any street, alley, lot or premises. The following exceptions to the prohibition on burning apply:

A. Training of Firefighters when authorized by the local air pollution control agency under contract with the TCEQ or, if there is no such agency, the appropriate TCEQ regional office.
B. Fires used solely for recreational or ceremonial purposes with prior written notification to, and/or inspection by, the City of Sandy Oaks under the guidelines established by the TCEQ. The City retains the right to rescind permission for a ceremonial fire if Fire or Law Enforcement Officers believe public safety, public order, or environmental quality is at risk. Recreational fires confined to a fire pit and conforming with Bexar County guidelines

do not require prior written notification, inspection, or authorization by city officials.

C. Fires used for warmth or outdoor cooking in the noncommercial preparation of food in a device designated and constructed for such a purpose in compliance with this Ordinance and TCEQ rules and regulations. No burning of household waste or garbage shall be permitted in cooking devices. The operator of an outdoor cooking device shall use and maintain the device in a safe and properly operating condition when intended to be used. Such devices shall not be utilized in close proximity to a building or other combustible material.

D. Fires burning brush, trees, grass, branch trimmings, stumps, or other plant growth may be burned under TCEQ Rules 111.201 - 111.221 if all conditions of these rules can be met, and with prior written notification to, and/or inspection by the City of Sandy Oaks ,as authorized and receipt of verbal or written permission issued by the City.

E. Diseased animal carcasses may be burned when burning is the most effective means of controlling the spread of disease in compliance with TCEQ Rule 111.209(2).

F. A veterinarian may bum animal remains and medical waste, not including sharps, associated with animals in his or her care on his or her property.

G. None of these exceptions shall conflict with a Bexar County "burn ban."

H. Nothing under these exceptions or this Ordinance relieves a person, firm, entity or corporation from providing notification to the TCEQ as required by the TCEQ.

SECTION 3. DUTY TO REPORT FIRE OR SMOKE. In the event of a fire or discovery of a fire or discovery of impermissible smoke discharge caused by fire, burning or smoldering combustibles on any property, the owner, occupant or person in control of the property or person in control of the fire from which the fire or smoke is emanating shall immediately report such condition to the local fire department.

SECTION 4. LAND CLEARING. On-site land clearing may occur only in compliance with the state and federal laws and regulations. In addition to complying with the state and federal laws and regulations, a person clearing a lot of greater than two acres of selected trees, brush and plant growth originating on such property may only bum such vegetation cleared from the property with the express permission of the City of Sandy Oaks, as authorized, in compliance with any additional requirements of the state or federal laws and regulations. A permit shall be acquired from the City and approved safety measures shall be employed.

SECTION 5. NOXIOUS SMOKE. It shall be unlawful for any person, firm entity or corporation within the City limits, in any way, to intentionally, knowingly or carelessly burn or cause to be burned any combustibles which cause noxious smoke, toxic odor or smoke of a significant quantity or quality to be released so as to inhibit the use and enjoyment of neighboring properties (including but not limited to plastics, rubber, household garbage, tires, asphalt, heavy oils, treated wood, and synthetic chemicals). Such release of noxious smoke is hereby declared a nuisance and is hereby prohibited.

SECTION 6. CLEANUP OF PROPERTY DAMAGED BY FIRE OR SMOKE.

A. All properties damaged by fire are hereby declared a nuisance and must be secured and cleaned up by the owner, occupant or person in control of the property.

B. Any person, firm, entity or corporation responsible for any fire or impermissible smoke discharge shall institute and complete all actions necessary to remedy and assist in the remedy of all the effects of such fire and/or smoke at no cost to the City.

C. Whenever any building or other structure is partially or totally burned, the owner or occupant of the property or the person in charge or control thereof, within ten (10) days after notice from the City of Sandy Oaks, shall remove from the premises all refuse, debris, charred and partially burned lumber and material as directed in such notice. If such building or other structure is burned to such an extent that it is rendered incapable of being repaired, the owner or occupant of the property upon which the same is located or the person in control thereof, within ten (10) days after notice from the City of Sandy Oaks, shall remove from the premises all of the remaining portions of the building or structure that are damaged beyond repair and immediately secure the property as directed.

D. The City of Sandy Oaks may direct the owner, occupant or person in control of the property in the necessary measures to secure the premises after a fire. The owner, occupant or person in control of the property shall promptly comply with the directive of the City of Sandy Oaks. Failure to comply with the directives within ten (10) days of the notice shall be a violation of this article.

E. When deemed necessary by the City of Sandy Oaks, due to an imminent threat to the public safety or an attractive nuisance constituting an imminent threat, the City of Sandy Oaks, may cause immediate cleanup to be initiated by the fire department or by an authorized individual or firm.

F. All costs associated with such cleanup shall be borne by the owner, operator, person in control of the property or other person responsible for the fire or impermissible discharge of smoke. Failure of a person deemed responsible for a fire to pay the costs of cleanup shall be deemed a violation of this article.

SECTION 7. INSPECTION OF PREMISES EMANATING FIRE OR SMOKE.

Any premises emanating fire or smoke shall be subject to inspection by the City of Sandy Oaks, the Bexar County Fire Marshal, the City of Sandy Oaks Police Department, or the Code Enforcement Officer at any reasonable hour or at any hour in cases of suspected fire or smoke discharge.

SECTION 8. BEXAR COUNTY BURN BANS. During periods of time in which the Bexar County institutes a total burn ban for the entire County, the City prohibits any burning, except as provided in Section 2 of this Ordinance, for the duration of the burn ban. Citizens can check the status of Bexar County Burn Bans at the Bexar County Fire Marshal website: https://www.bexar.org/630/Fire-Marshal

SECTION 9. ENFORCEMENT. The civil and criminal provisions of this Ordinance shall be enforced by those persons or agencies designated by the City Council. The Sandy Oaks Police Department, City Administrator, and the Code Enforcement Officer are at all times granted authority to enforce this Ordinance. The Sandy Oaks Police Department, City Administrator, and the Code Enforcement Officer may prohibit burning until the matter can be resolved through proper legal processes. It shall be a violation of this Ordinance to interfere with or to violate any lawful verbal or written directives of the Fire Marshal, Sandy Oaks Police Department, City Administrator, Code Enforcement Officer or a Firefighter in the performance of his or her duties.

SECTION 10. PENALTY. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or, in the case of a violation of a provision of this Ordinance that governs fire safety, zoning, or public health and sanitation a fine of not more than Two Thousand Dollars ($2,000.00) or, in the case of a violation of a provision of this Ordinance that governs the dumping of refuse a fine of not more than Four Thousand Dollars ($4,000). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

SECTION 11. CONFLICTS WITH OTHER ORDINANCES. All ordinances and parts of ordinances inconsistent with or in conflict with the provisions of this Ordinance shall be and the same are hereby expressly repealed.

SECTION 12. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance for any reason is held invalid, illegal, or incapable of being enforced, such section, subsection, sentence, clause or phrase shall be excluded to the extent of such invalidity, illegality, or unenforceability; all other sections, subsections, sentences, clauses or phrases hereof shall remain in full force and effect.

SECTION 13. PUBLICATION. The City Clerk is hereby authorized and directed to publish the caption of this Ordinance together with the penalty provision contained herein in the manner and for the length of time prescribed by law.

SECTION 14. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its publication as required by section 52.011 of the Local Government Code.

PASSED AND APPROVED on this 22nd day of October, 2026.

CITY OF SANDY OAKS, TEXAS

Michael Martinez Jr., Mayor

ATTEST:

Delma Doyal, City Secretary