

## ARTICLE 6.03 OUTDOOR BURNING

### Sec. X.001 Definitions

For the purpose of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

*Extinguished.* The absence of any visible flames, glowing coals or smoke, such that a fire cannot be rekindled.

*High fire hazard conditions.* Any period during which the city has adopted an order that prohibits or restricts outdoor burning within the city limits or during any period wherein the county has adopted an order that prohibits or restricts outdoor burning in that part of the unincorporated area of the county that is immediately adjacent to all or a part of the corporate limits of the city.

*Sunrise/sunset.* The official sunrise/sunset as set forth in the United States Naval Observatory tables available from National Weather Service offices.

### Sec. X.002 Requirements for allowable burning

A person may engage in outdoor burning within the city limits without a permit, only in the manner and at times permitted by this ordinance.

- (1) 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, vegetation on nearby or adjacent property or structures on nearby or adjacent property.
- (2) Burning shall be conducted in a manner that prevents smoke from blowing across any public roads. 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 and immediately extinguish the fire.
- (3) Burning must be conducted downwind of and least 200 feet from any structure located on adjacent properties unless prior written approval is obtained from the adjacent occupant or property owner.
- (4) A water source must be available adjacent to the burn area for control of and extinguishing of the fire.
- (5) Burning shall be conducted in compliance with the following meteorological and timing considerations:
  - (A) The initiation of burning shall commence no earlier than 30 minutes before sunrise. Burning shall be completed on the same day not later than 30 minutes after sunset and shall be attended by a responsible party at all times until the fire

is extinguished. 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 greater than 6 mph (5 knots) during the burn period.

(6) Household garbage, animal waste, electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and any items containing natural or synthetic rubber must not be burned.

(7) Outdoor burning of waste is permitted if the waste consists of trees, brush, grass, leaves, branch trimmings or other plant growth and is burned on the property on which it was generated and by the owner of the property or any other authorized person.

### **Sec. X.003 Burning during high fire hazard conditions**

Notwithstanding the provisions of this ordinance, a person commits an offense if he or she burns an outdoor fire, or orders such burning by others, during a county wide burn ban issued by the Fire Marshall of Hays County. The terms and conditions of any county-wide outdoor burn ban issued by the county shall apply to all property and persons located within the city limits.

The City Council retains the right to issue a separate burn ban order for burning within the city limits whenever the council determines that drought conditions exist according to the standard used to define such conditions by the Texas Forest Service, or whenever the environmental conditions and circumstances create a public safety hazard that would be exacerbated by outdoor burning.

### **Sec. X.004 Responsibility for consequences of burning**

The authority to conduct outdoor burning under this article does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all applicable state and federal laws, even though the burning is otherwise conducted in compliance with this ordinance.

### **Sec. X.005 Exceptions**

This article does not prohibit the use of outdoor fire pits or open flame grills used for cooking food within the city limits unless such burning is otherwise prohibited by state statute or regulation or by an existing county-wide burn ban or separate city-wide burn ban issued by the City Council in accordance with this ordinance.