

**ARTICLE 5.03  
OUTDOOR BURNING**

**§ 5.03.001. Penalty.**

Any person or entity violating any of the provisions of this article shall be fined an amount no to exceed the amount permitted by the laws of the state for the enforcement of city ordinances, as the same may be amended from time to time.

(Ordinance 00-004 adopted 1/20/00)

**§ 5.03.002. Prohibited.**

Any outdoor fires, whether accidental or purposefully set, are hereby prohibited.

(Ordinance 00-004, sec. 1, adopted 1/20/00)

**§ 5.03.003. Exceptions.**

This prohibition shall not apply to outdoor burning activities related to public health and safety that are authorized by the state commission on environmental quality for:

- (1) Firefighter training.
- (2) Public utility, natural gas pipeline or mining operations.
- (3) Harvesting of agricultural crops.

(Ordinance 00-004, sec. 2, adopted 1/20/00)

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### Sec. 46-3. Outdoor burning.

(a) Outdoor burning within the incorporated City Limits of Burnet, Texas is prohibited except as provided by permit of the fire marshal, local AHJ or their representative(s); or as further allowed by this subchapter and state law.

(b) *Definitions.*

*Extinguished*—The absence of any visible flames, glowing coals, or smoke.

*Practical alternative*—An economically, technologically, ecologically and logistically viable option.

*Sensitive receptor(s)*—A manmade structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term "sensitive live vegetation" is defined as vegetation which has potential to be damaged by smoke and heat, examples of which include, but are not limited to: nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

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

(c) *Permitted burning.* The on-site burning of trees, brush, and other plant growth for property upkeep, right-of-way maintenance, land clearing operations, and maintenance along water canals when no practical alternative to burning exists, when the materials are generated only from that property and when a permit is issued showing the following requirements:

- (1) Prior to the controlled burning, the local emergency dispatcher shall be contacted on their non-emergency phone line and advised of the permitted burn, location of the burn and contact phone number.
- (2) Open burning must not be conducted within 50 feet of any structure or combustible material. Conditions that would enable fire to spread within 50 feet of a structure shall be eliminated prior to ignition.
- (3) Sites permitted for open burning shall have a readily available garden hose or other reasonable method of conveying water and an adequate source or other approved fire extinguishing equipment. The burning material shall be constantly attended by a person 17 years of age or older who is knowledgeable in the use of the provide fire extinguishing equipment and familiar with the requirements and/or special conditions of the permit.
- (4) 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, landing strip, navigable water, or off-site structure containing sensitive receptort(s).
- (5) 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.
- (6) Burning must be conducted downwind of or at least 300 feet (90 meters) from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from the adjacent occupant with possessory control.
- (7) Burning shall be conducted in compliance with the following meteorological and timing considerations:
  - a. The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas

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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 less than six miles per hour (mph) (five knots) or greater than 23 mph (20 knots) during the burn period.
  - c. Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.
- (8) Electrical insulation, lumber that has been treated, glued, laminated, pressed, varnished, stained or painted, plastics, non-wood construction/demolition materials, fiberglass, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.
- (9) The authority to conduct outdoor burning under this regulation 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 other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this regulation.
- (d) *Permit fee and duration.* Issued permits for the conducting of approved outdoor burning shall cost \$10.00 and extend for 30 calendar days. Extensions may be granted if the time period was shortened due to weather conditions, state or county issued burn bans, or any other reasonable reason as determined by the fire marshal.
- (e) *Revocation.* The fire marshal and his representatives are authorized to revoke a burn permit and require that the open burning be immediately discontinued if:
- (1) A complaint on the fire is received and substantiated.
  - (2) On inspection of the fire, it is determined that the permit conditions are not being met.
  - (3) It is determined that weather or other conditions not readily apparent or otherwise present at the time of issuance of the permit, have created too hazardous a condition for continued burning.
- (f) *Refusal to issue permit.* In instances where the greater good or the health, safety and welfare of the public supersedes those of the individual, or in times of a state or county issued burn ban; the fire marshal or his representatives may refuse to issue a permit for outdoor burning even though all conditions for permit issuance are being met.
- (g) *Allowable nonpermitted outdoor burning.* Outdoor burning shall be authorized for fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather. These fires shall be no larger than two feet in height and three feet in diameter and shall be allowed without permit or notification of the local authority.
- (h) *Penalty.* Any person who violates any of the provisions of this section shall be guilty of a class C misdemeanor and upon conviction thereof, shall be punished by a fine not less than \$100.00 nor greater than \$2,000.00.

(Code 1979, ch. 5, § 5; Ord. No. 2006-18, § 2, 8-8-06)

Cross reference(s)—Solid waste, ch. 90.