



Kerrville Fire Marshal
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Section 5

Controlled Outdoor Burning

These guidelines are to be followed when a person, general contractor, company and/or business or commercial and/or residential developer proposes to perform an organized outdoor burn and/or fire, within the City of Kerrville.

All outdoor burning operations for the purposes of these guidelines and any other guidelines or requirements of the Fire Marshal shall conform to the *International Fire Code and the Texas Commission on Environmental Quality Rules*.

This guide does not replace, nor supersedes any adopted codes and/or ordinances adopted by the City of Kerrville, or determinations and positions of the Fire Chief or Fire Marshal.

General Information

The City hereby adopts the outdoor burning rules set by Texas Commission on Environmental Quality as outlined in the *Texas Administrative Code, Title 30, Part I, Chapter 111, Subchapter B*, and as may be amended. If a conflict occurs between the *Texas Administrative Code* and this Section, the most stringent provision shall prevail.

On-site burning of trees, brush, and other plant growth for right-of-way maintenance, land clearing operations, and maintenance along water canals will be allowed when a practical alternative to burning does not exist and when the materials are generated only from that property. Sensitive receptors, such as neighboring properties, persons and animals must not be negatively affected by the burn. For a single project entailing multiple days of burning, an initial notice delineating the scope of the burn is sufficient if the scope does not constitute circumvention of the rule for a continual burning situation.

The Outdoor Burning Rule defines a "*practical alternative*" as an economically, technologically, ecologically, and logistically viable option. Methods that can be used are recycling, composting, mechanical chipping or mulching, logging, landfills and air-curtain incineration (trench burning).

The City may authorize outdoor burning for prescribed burning for forest, range, and wildland/wildlife management purposes pursuant to the issuance of a City permit. Such burning is prohibited where the Fire Marshal determines that the burning will have an adverse effect on any building or structure. In addition, the Fire Marshal may revoke the authority to burn at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

The authority to conduct outdoor burning under this Section 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 Section. Further, each permittee assumes all liability and responsibility for all damages to all persons or property caused by burning hereunder.

The Fire Marshal is authorized to revoke any person's or entity's right to conduct an outdoor burn and to pursue any legal recourse against the person or entity if the Fire Marshal determines that federal or state law, this Section, or a permit was violated.

General Requirements

1. A "practical alternative" must be pursued before an application for "Outdoor Burning" is made to the Kerrville Fire Marshal and the Texas Commission on Environmental Quality.
2. Submit a written request to the Texas Commission on Environmental Quality regional office for the prescribed burn and obtain an approved permit from the Texas Commission on Environmental Quality.
3. Submit a permit application to the Kerrville Fire Marshal in writing by the owner, operator, or other person in control of the property upon which the burning is to occur. The application shall be on a form provided by the Fire Marshal's Office.
4. Obtain a copy of "Outdoor Burning in Texas" guide from the Kerrville Fire Marshal.
5. Submit a copy of an approved permit from the Texas Commission on Environmental Quality.
6. The permit shall be effective for the specific time period indicated on the permit.
7. The permit is effective only if the burn is conducted in strict compliance with and under the conditions specified in the permit.
8. Applicant shall obtain final approval to burn from the Fire Marshal's office immediately prior to the start of burning, and at the beginning of each day upon which burning is to take place, to ensure that weather conditions are, and will remain, conducive to the type of burning authorized by the permit.
9. The Fire Marshal may void a permit in any instance where the Fire Marshal determines, in his sole discretion, that conditions have changed to the extent that the burn is no longer safe and poses a risk to the public health, safety, and welfare.
10. When the county is under a burn ban in conjunction with a city burn ban, a burning operation will not be allowed.
11. Burning is permitted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not present a hazard to any public road, landing strip, navigable water, or have a negative effect on any building, structure, or sensitive receptor.
12. If at any time the burning causes, or may tend to cause, smoke to blow onto or across a street, road or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.
13. Fires shall be maintained at least 300 feet from any neighboring structure or sensitive receptors, unless prior written approval is obtained from the adjacent occupant with possessory control and such approval is submitted to the Fire Marshal prior to the burn.
14. Burn piles will need to have a clear distance of 100 feet from any living grass, brush and trees that are not intended to be burned.
15. Multiple piles will need to have a clear distance of 300 feet from each of the piles to be burned.
16. Notify the Kerrville Fire Marshal prior to burning for approval to commence burning operations.
17. The burning shall commence no earlier than 9:00 a.m. Burning shall be completed on the same day no later than one hour before sunset, and shall be monitored 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 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. In order to allow time for the extinguishments of a fire, no new material shall be added to the burning pile after 3:00 p.m.
18. Any residual fires and/or smoldering objects that continue to emit smoke shall be extinguished each day at the end of the burn.
19. In cases where the "Outdoor Burning" will occur over more than 1 day pursuant to a permit, the permittee or designee shall contact the Fire Marshal's office each day of continued burning prior to the fire being lit, to determine whether, and under what conditions, burning will be allowed on that day.

20. Burning shall not be commenced when surface wind speed is predicted to be less than 5 miles per hour or greater than 10 miles per hour during the burn period.
21. Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.
22. The permittee or designee shall be present at all times when a burn is active. Such person shall have a water hose connected to a reliable water supply or have other appropriate fire extinguishing equipment (bulldozer, water tankers, etc.) readily available for use.
23. Only brush/vegetation generated and gathered from the burn site area shall be permitted. There shall be no importation of brush from any other properties for the purpose of burning.
24. Electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

Plan Submittals

25. Each submittal shall have a completed Kerrville Fire Marshal Burn Permit application.
26. A copy of an approved permit from the Texas Commission on Environmental Quality.
27. A site plan/drawing of the proposed burn site area will include vehicle parking, buildings, obstructions, and roadways.
28. Designate the burn site and/or sites for multiple burnings.
29. List of materials to be burned.
30. List of equipment for containment and/or extinguishment of the materials to be burned.
31. A site evaluation will be conducted prior to approval of the application.
32. Plans approved by the City of Kerrville and the Fire Marshal's Office that gives authorization for operation. Final approvals are subject to field verification. Any approval issued by the Fire Marshal does not release the operators from the responsibility of full compliance with all applicable codes and ordinances relating to the bonfire or recreational fire.
33. All installations and/or operations must concur with the approved plans and permits. Any deviation from the approved plans requires a re-submittal of the plans to the Fire Marshal.
34. All Fire Marshal inspection forms and permits shall be kept in a permit packet on the site until completion of "Outdoor Burning" operations.