

CITY OF BANDERA

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Burn Permit Application

2018 IFC Amendments Section 307

Fines will be assessed for burning within the city limits without a valid permit. (§5.03.016)

Permits are invalid in the event of a reinstated burn ban. It is your responsibility to confirm burn ban status prior to burn commencing.

Applications may be submitted in person or emailed to: pemitting@banderatx.gov

Applicant information:

Name: _____

Phone: _____

Location of burn: _____

Materials to be burned: _____

Date(s) of burn: _____

Start Time/End Time: _____

Section 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES is deleted and replaced as follows, and shall read:

307.1 General. Adoption of Texas Administrative Code Regarding Outdoor Burning. The city hereby adopts the outdoor burning rules as outlined in the Texas Administrative Code, Title 30, Part I, Chapter 111, Subchapter B, as may be amended ("TAC"). If a conflict occurs between TAC and this section, the most stringent provision shall prevail.

307.1.1 Outdoor burning prohibited. Outdoor burning of any kind is prohibited except where such burning is authorized pursuant to an exception as specified below or by a permit issued by the city. This prohibition includes the burning of household trash, furniture, electrical insulation, treated and untreated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, chemical wastes, natural or synthetic rubbers, garbage of any form, or municipal solid waste, including grass, leaves, and branch trimmings.

307.1.2 Outdoor disposal or deposit of spontaneously ignitable material prohibited. The outdoor disposal or disposition of organic materials, such as mulch, capable of igniting spontaneously, with the exception of solid fossil fuels, is prohibited.

307.2 Exceptions and Permits. Outdoor burning may be authorized under the following exceptions or pursuant to a permit issued by the city:

307.2.1 Fire training - EXCEPTION. Outdoor burning is authorized for training firefighting personnel. Facilities dedicated solely for firefighting training shall provide an annual written notification of intent as to such burning to the fire code official and the Texas Commission on Environmental Quality ("TCEQ") or its successor, and shall provide each with notice at least 24 hours in advance of any scheduled training session. No more than one such notification is required for multiple training sessions scheduled within any one-week period, provided the initial notice includes the specific dates and times of all sessions.

307.2.2 Outdoor fires for non-commercial food preparation - EXCEPTION. Outdoor fires are authorized for cooking, provided such fire is built and maintained in a pit that fully contains the fire, or a fireproof container such as a barbeque pit or chimenea made of brick, stone, metal, or other fireproof material in such a manner as to prevent any fire from escaping. Outdoor fires for non-commercial food preparation do not require a burn permit. This exception does not permit or authorize the burning of waste or other matters not being prepared for consumption.

307.2.3 Fires used for recreation and ceremony - PERMIT. The city may authorize outdoor burning for fires used solely for recreational or ceremonial purposes pursuant to the issuance of a city permit. **EXCEPTION:** for one- and two-family dwellings, such a fire may be used for recreation or any other purely domestic purpose without a permit. However, such fire must be built within an appropriate fire-resistant container made of brick, stone, metal, or other fire-resistant material, and must include an appropriate screen and be set in such a manner as to prevent the fire from escaping. The fire-resistant container must not exceed three (3) feet in diameter and must be located a minimum of 25 feet from any structure or combustible materials. This exception does not apply to the burning of leaves, trash, construction waste, yard debris, or vegetation, which remains strictly prohibited. In addition, no such fire may occur where a burn ban is in effect.

307.3 Disposal fires - PERMIT. The city may authorize outdoor burning for the following purposes, such activities subject to a city-issued permit:

307.3.1 Diseased animal carcass burning where burning is the most effective means of controlling the spread of disease.

307.3.2 On-site burning of trees, brush, and other plant growth for right-of-way maintenance, land clearing operations, and maintenance along water ways when a practical alternative to burning does not exist for any such purpose and when the materials are generated only from that property. Sensitive receptors, such as neighboring properties, persons, 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 any other provision provided herein and with the understanding that the fire code official may revoke such permit after issuance for reasons such as where conditions change or a violation occurs.

307.3.3 Crop residue burning for agricultural maintenance purposes when no practical alternative exists. Structures containing sensitive receptors must not be negatively affected by the burn.

307.3.4 Brush, trees, and other plant growth causing a detrimental public health and safety condition may be burned by a local government at a site it owns upon receiving approval from the fire code official. Such a burn may only be authorized where there is no practical alternative and, it may be done no more frequently than once every two months. Such burning is prohibited at the city's landfill.

307.3.5 Prescribed burn - PERMIT. 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 code official determines that the burning will have an adverse effect on any building or structure. In addition, the fire code official 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 the permit, or causes a violation of any air quality standard.

307.3.6 Hydrocarbon burning - PERMIT. The city may authorize outdoor burning for hydrocarbon burning from pipeline breaks and oil spills only upon proper notification to the TCEQ or the appropriate state agency, and after the fire code official has determined that the burning is necessary to protect the public health, safety, and welfare. Sampling and monitoring may be required to determine and evaluate environmental impacts.

307.3.7 Other necessary burning - PERMIT. If not otherwise authorized by this section, outdoor burning may be authorized by the city if there is no practical alternative and if the burning will not cause or contribute to a nuisance, traffic hazard, or violate any federal or state law. The fire code official may specify procedures or methods to control or abate emissions from outdoor burning as authorized. The fire code official 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 the permit, or causes a violation of any air quality law.

307.4 Revocation of permit or authority to burn. The fire code official may revoke any person's or entity's right to conduct an outdoor burn and may pursue any legal recourse against the person or entity if the fire code official determines that federal or state law, this section, or a permit was violated.

307.4 Requirements and procedures for obtaining an outdoor burning permit.

307.4.1 The owner of the property upon which a burn is to occur must submit an application for a "Permit to Burn," as provided by city, to the fire code official.

307.4.2 The permit is effective for the specific time period indicated on the permit.

307.4.3 The permit is effective only if the burn is conducted in strict compliance with and under the conditions specified in the permit.

307.4.4 The applicant shall obtain final approval to burn from the fire code official 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.

307.4.5 The fire code official may void a permit in any instance where he or she determines, in his or her sole discretion, that conditions have changed to the extent that the burn is no longer safe and possesses a risk to the public health, safety, and welfare.

307.4.6 Fee for permit. The fees for all permits under this section are established by city council.

307.5 Responsibility for consequences of outdoor burning. 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 liability and responsibility for damages to persons or property caused by burning.

I have read and understand Section 307 of the 2018 IFC Amendments. I have had the opportunity to question any information that was unclear. I agree to abide by the terms of the permit.

Printed Name _____

Signature _____

Date _____

FOR CITY USE ONLY:

Permit Number: _____ Date Received: _____ Received by: _____

Approved by: _____

Notes: _____