

CITY OF QUITMAN

ORDINANCE NO. 051718 (1)

AN ORDINANCE AMENDING THE CITY OF QUITMAN CODE OF ORDINANCES FOR THE REGULATION OF OPEN BURNING WITHIN THE CITY LIMITS; PROVIDING FOR THE FOLLOWING FINDINGS OF FACT; REPEALER AND PROVIDING FOR SEVERABILITY CLAUSE AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION.

WHEREAS, the City of Quitman has heretofore adopted Ordinance Chapter 91: Fire Prevention and Protection; and

WHEREAS, the City Council of the City of Quitman seeks to promote effective, efficient orderly, and safe open burning within the city limits; and

WHEREAS, the City Council of the City of Quitman finds that the regulations and restrictions imposed by this Ordinance are reasonable and necessary to protect public health, safety, and welfare citizens of the City of Quitman.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Quitman that Chapter 91 of the Code of Ordinances of the City of Quitman are hereby amended to provide as follows:

PART I

“Chapter 91” – Fire Prevention and Protection

Section 1. DEFINITIONS

BONFIRE means an outdoor fire utilized for ceremonial purposes.

OPEN BURNING means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. Open burning also does not include burning of outdoor fireplaces, firepits, or cooking devices fueled by common fuel gases including propane, natural gas or kerosene based lamp oil. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time of combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

RECREATIONAL FIRE means an outdoor fire, burning materials other than rubbish, where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit, and has a total fuel area of three (3) feet or less in diameter

and two (2) feet or less in height, and used for pleasure, cooking, warmth, or similar purposes.

TRENCH BURNING means a burning normally used for large amounts of debris remaining from the clearing of land and large construction projects.

Section 2. General Restrictions

- A) Open burning shall not be allowed within the incorporated city limits unless the burning is performed under the conditions which meet all applicable state and local ordinances, and the adopted fire code of the city.
- B) If smoke or odors from open burning cause any disturbance to persons or traffic, the fire must be immediately extinguished.
- C) Whenever the fire code official or police officer finds any open burning being performed in a dangerous or hazardous situation or in any manner contrary to the provisions of this article or the adopted fire code, the fire code official or police officer is authorized to have the fire immediately extinguished.

Section 3. Permit required for bonfires and trench burns

Permits shall be required for bonfires and trench burns. Permits shall be obtained at City Hall and approved by the fire code official or code enforcement officer prior to issuance. Permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by City officials.

Section 4. General Regulations

- A) Burning of yard waste is prohibited. There shall be no burning of leaves, landscape and tree trimmings from general yard maintenance within the city limits at any time.
- B) Burning garbage, trash or other waste is prohibited. There shall be no burning of domestic waste products such as garbage, trash, plastic materials, tires, shingles, construction scrap, demolition debris, etc., or other hazardous materials within the city limits at any time.

Section 5. Agricultural disposal fires prohibited.

Agricultural burns shall not be allowed within the City limits.

Section 6. Recreational Fires

Outdoor recreational fires are permitted during favorable weather conditions, including but not limited to wind speeds not greater than 15 mph, within these additional guidelines:

- A) Recreational fires may be conducted without permission from the fire marshal or someone designated in his absence within the city limits, and at any time of the day or night. Only wood and charcoal may be used for recreational fires.

- B) Recreational fires must be no larger than three (3) feet in diameter and no more than two (2) feet in height.
- C) All fires must be attended by a competent adult at all times until it is completely extinguished. A garden hose and water supply or other fire-extinguishing equipment must be on hand while burning. At no time will the fire be left burning or smoldering unattended.
- D) Fires left unattended must be extinguished.

The penalty for a violation of this section shall be in accordance with Section 10.99 – General Penalty of the Code.

PART II

This ordinance shall become effective upon passage and publication in accordance with the Texas Local Government Code and the City Secretary is hereby directed to publish the Caption and penalty of this ordinance in the local newspaper of record.

PASSED AND APPROVED BY THE QUITMAN CITY COUNCIL THIS 17th DAY OF MAY, 2018.


IN WITNESS WHEREOF WE HAVE AFFIXED OUR SIGNATURES HERETO THIS THE 17th DAY OF MAY, 2018.

APPROVED:



David Dobbs, Mayor

ATTEST:



Alice Bower, City Secretary/Administrator