

ORDINANCE NO. 26-542

AN ORDINANCE OF THE CITY OF RICHWOOD, TEXAS, AMENDING CHAPTER 14, ARTICLE IV OF THE CODE OF ORDINANCES REGARDING OUTDOOR BURNING; ESTABLISHING CRITERIA FOR THE ISSUANCE, DENIAL, SUSPENSION, AND REVOCATION OF BURN PERMITS; PROVIDING FOR AN ADMINISTRATIVE APPEALS PROCESS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS,

The City Council finds that continued residential development within the City has increased the need for objective standards governing the issuance and administration of burn permits; and

WHEREAS,

The City Council desires to provide clear guidance to City staff while balancing the rights of property owners with the protection of public health, safety, and welfare;

WHEREAS,

The purpose of this amendment is to permit outdoor burning where allowed by state law while establishing objective standards that protect public health, safety, and property through the safe administration of burn permits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHWOOD, TEXAS:

SECTION 1.

Section 14-131 of the Code of Ordinances is hereby amended to read as follows:

Sec. 14-131. Burning for Land Clearance.

In those areas of the City where the lot size is one (1) acre or more, the Fire Marshal, Fire Chief, or their designee may authorize, in writing, the issuance of a burn permit for outdoor burning for land clearance only, provided that all requirements of the Texas Commission on Environmental Quality (TCEQ) are satisfied and the burn is located at least three hundred (300) feet from any occupied structure.

Prior to issuing a permit, the Fire Marshal, Fire Chief, or designee shall determine that the proposed burn can be conducted in a manner that does not create an unreasonable risk to public safety or property. The Fire Marshal, Fire Chief, or designee may require the applicant to provide any information reasonably necessary to evaluate the proposed burn.

In evaluating a permit application, the Fire Marshal, Fire Chief, or designee shall consider the

following factors, as applicable:

1. Current and forecasted weather conditions, including wind speed and wind direction;
2. Drought conditions, vegetation, and soil moisture;
3. The size, location, and configuration of the proposed burn pile;
4. Proximity to residences, businesses, public roadways, utilities, or other improvements;
5. Availability of adequate personnel and equipment to safely monitor and extinguish the fire;
6. Accessibility of the burn site for emergency response;
7. Previous violations of permit conditions by the applicant; and
8. Any other condition directly affecting the safe conduct of the proposed burn.

The Fire Marshal, Fire Chief, or designee may impose reasonable conditions upon any burn permit, including but not limited to:

- Date and hours of burning;
- Burn pile size limitations;
- Fire suppression equipment required on site;
- Continuous attendance requirements;
- Adequate extinguishment equipment, including water supply, hand tools, or other fire suppression equipment as determined by the Fire Marshal, Fire Chief, or designee;
- No burn shall commence until authorization has been granted by the Fire Marshal, Fire Chief, or designee; and
- Any other condition necessary to safely conduct the burn.

Burn permits shall be valid only for the date specified on the permit unless otherwise approved by the Fire Marshal, Fire Chief, or designee.

SECTION 2.

Chapter 14, Article IV is amended by adding Section 14-131.1 to read as follows:

Sec. 14-131.1. Denial of Burn Permit.

A burn permit may be denied when:

1. The proposed burn does not comply with this article;
2. TCEQ requirements are not satisfied;
3. Weather conditions create an unreasonable risk of fire spread;
4. Smoke is reasonably expected to create hazardous visibility on public roadways;
5. The proposed burn presents an unreasonable threat to nearby residences, structures, or property;
6. The applicant has previously failed to comply with the conditions of a burn permit; or
7. The Fire Marshal, Fire Chief, or designee determines that the burn cannot be conducted safely based upon existing site conditions.
8. The applicant refuses or fails to comply with permit conditions established by the Fire Marshal, Fire Chief, or designee.

SECTION 3.

Chapter 14, Article IV is amended by adding Section 14-131.2 to read as follows:

Sec. 14-131.2. Suspension or Revocation.

Any burn permit issued under this article may be suspended or revoked at any time if weather conditions, site conditions, or other circumstances create an immediate threat to public safety or property.

Failure to comply with any permit condition shall constitute grounds for immediate suspension or revocation of the permit.

Nothing herein shall limit the authority provided under Section 14-135 to order the immediate extinguishment of any fire.

SECTION 4.

Chapter 14, Article IV is amended by adding Section 14-131.3 to read as follows:

Sec. 14-131.3. Appeals.

An applicant whose burn permit is denied, suspended, or revoked may submit a written appeal to the City Manager within five (5) business days of the decision. The filing of an appeal does not authorize the applicant to conduct the burn while the appeal is pending.

The City Manager shall review the appeal, any supporting documentation, and the basis for the permit decision, and shall issue a written determination within ten (10) business days.

The City Manager's decision shall be final.

If the City Manager determines that an appeal presents unique circumstances or raises policy issues not clearly addressed by this article, the City Manager may place the matter on a future City Council agenda for policy consideration. Any such referral shall be at the sole discretion of the City Manager and shall not constitute a right of appeal by the applicant.

SECTION 5.

Section 14-135 is amended to read as follows:

Sec. 14-135. Extinguishment Required.

The Fire Marshal, Fire Chief, or their designee, any code enforcement officer, or any peace officer may prohibit, suspend, or order the immediate extinguishment of any fire whenever atmospheric conditions, weather conditions, or other circumstances create an immediate threat to public safety or property, or when smoke or ash from such fire becomes a public nuisance.

SECTION 6.

All other provisions of Chapter 14, Article IV not specifically amended herein shall remain in full force and effect.

SECTION 7. Repealer

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is held invalid, such decision shall not affect the remaining portions of this ordinance.

SECTION 9. Effective Date

This ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED on this 13th day of July, 2026.

Michael Durham, Mayor

ATTEST:

Laura Tyner, City Secretary