

CHAPTER 93: - FIRE PREVENTION AND PROTECTION

FINAL
REVISED
TEXT

Cross reference— Fireworks, see Ch. 94; ~~Health and Sanitation, see Ch. 95.~~

- **GENERAL PROVISIONS**
- **§ 93.01 - ARSON REWARD.**

(A) The City hereby offers a reward of \$500.00 to anyone who secures and furnishes information ~~necessary to and~~ which results in arrest and conviction of any person or persons who commit the crime of arson within the City's corporate limits. ~~of said City.~~

(B) This reward is a standing offer and shall be paid out of the General Fund of the City.

(Ord. 85-11, 5-1-1985; Ord. [19-261](#), 6-12-2019)

- **OPEN BURNING**
- **§ 93.15 - TITLE.**

This subchapter shall be known, ~~cited, and commonly referred to~~ as the "Open Burning Ordinance of the City of Woodcreek".

(Ord. 85-18C, 5-26-1998; Ord. [19-261](#), 6-12-2019)

- **§ 93.16 - PURPOSE.**

The purpose of this subchapter is to protect public safety and property within the City.

(Ord. 85-18C, 5-26-1998; Ord. [19-261](#), 6-12-2019)

- **§ 93.17 - DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Open burning. Any burning of brush, trash, wood, plastics, leaves, waste products or similar materials outdoors, other than in an incinerator designed and constructed for such purpose and having a written permit issued by the Fire Marshal.

Trash. ~~Any thing~~ Anything worthless and useless, building materials, twigs, trees, limbs, rubbish, garbage, rags and brush.

(Ord. 85-18C, 5-26-1998; Ord. [19-261](#), 6-12-2019)

• **§ 93.18 - OPEN BURNING PROHIBITED; RESTRICTIONS.**

(A) It shall be unlawful for any person to burn any garbage, trash, brush or other waste, ~~wood lumber~~, plastic or organic material outdoors within the City, ~~unless such burning is authorized by the City by permit. performed in a device or structure designed and constructed for such purpose and used in accordance with the manufacturer's instructions and provisions of this chapter.~~

(B) The Fire Marshal, City Marshal and all City officials are granted the authority and responsibility of enforcing the following provisions of this subchapter.

(1) Open burning within the City is declared to be a public nuisance and hazard to adjoining property.

(2) Open burning is prohibited at all times when a burn ban has been declared by Hays County.

(3) Absent a burn ban, small fires are permitted in residential fire pits or chimineas provided:

(a) The fire pit or chiminea is not located within five feet of ~~the a~~ residence or structure;

(b) The fire pit has large metal sides, built up concrete blocks, or is constructed of cement, rock, or similar non-flammable/non-conductive materials;

(c) The chiminea is placed on a non-flammable stand or is elevated to not be placed directly on the ground and/or ~~a~~ structure.

(d) The fire pit or chiminea must be completely covered by a spark arrestor or similar fine metal grate to prevent flying sparks and embers;

(e) All fire pits must be based on a solid, non-flammable surface (rock, brick);

~~(f) Non-commercial preparation of food utilizing a bar-b-que, grill, smoker or individual device;~~

(g) The fire must be attended at all times; and

(h) The property owner ~~or the fire attendant~~ has ~~the~~ means to extinguish the fire ~~at all times, if when~~ necessary.

(4) Any governmental entity, with permission from the City, may conduct open burning in the City limits to correct an obvious hazardous condition or to conduct fire training.

(5) It shall be unlawful for any person or persons to violate any verbal or written directive of the Fire Marshal, City Marshal or any City official when the directive prohibits, restricts, limits or sets guidelines for open burning.

(6) The Fire Marshal, City Marshal and all other officers of the City are granted the authority to enforce the provisions of this subchapter and impose temporary restrictions upon the use of outdoor fire pits or chimineas as conditions warrant.

(Ord. 85-18C, 5-26-1998; Ord. 18-242, 1-17-2018; Ord. [19-261](#), 6-12-2019)

Cross reference— Penalty, see [§ 93.99](#)

- **§ 93.19 - LIABILITY.**

In addition to penalties provided in [§ 93.99](#) of this chapter, any person or persons conducting open burning shall be liable for property damage or injury, if any, caused as a result of his, her or their open burning.

(Ord. 85-18C, 5-26-1998; Ord. [19-261](#), 6-12-2019)

- **§ 93.99 - PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to [§ 10.99](#) of this Code of Ordinances.

(B) Any person, firm or corporation who violates any provisions of §§ [93.15](#) through [93.19](#) of this chapter, or any order made under authority of §§ [93.15](#) through [93.19](#) of this chapter, or who causes or permits any such violation of §§ [93.15](#) through [93.19](#) of this chapter, shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

(Ord. 85-18C, 5-26-1998; Ord. [19-261](#), 6-12-2019)