

ORDINANCE NO. 2021-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING SECTION 17-95 OF CHAPTER 17 – FIRE PROTECTION, OF THE CODE OF ORDINANCES, TO MODIFY THE RESTRICTIONS RELATED TO OUTDOOR BURNING AND FIRES IN THE CITY, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:

Section 1. That, Section 17-95, entitled “Outdoor fires regulated”, of Chapter 17 - Fire Protection - of the Code of Ordinances, is amended by deletion of the existing Section 17-95 in its entirety, and the following substituted therefore:

Sec. 17-95. - Outdoor fires regulated.

- (a) This Section 17-95 applies to all outdoor burning and open burning within the City of Fredericksburg.
- (b) Exceptions. The activities described in this Subsection 17-95(b) are exempt from the regulations provided for in this Section 17-95:
 - (1) Grilling or cooking food using charcoal cookers, propane or natural gas in cooking or filling appliances, braziers, hibachis, grills, outdoor fireplaces or gas-fired stoves and similar semi-enclosed devices.
 - (2) Burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
 - (3) The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
 - (4) The use of non-ash producing fuels being used not less than 15 feet from combustible materials, when used in metal containers for the heating of building materials or for the warmth of workers.
 - (5) Open burning being used by a fire department in connection with training and performance of its duties.
 - (6) A fire where a permit has been issued by the Fire Marshal.
- (c) Definitions.
 - (1) “Clean wood” means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products.

- (2) "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.
- (3) "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.
- (4) "Outdoor burning" means open burning or burning in a patio wood-burning unit.
- (5) "Patio wood-burning unit" means a portable fire pit, portable outdoor fireplaces, chiminea, or other portable wood-burning device used for outdoor recreation and/or heating. The unit must be constructed of steel, concrete, clay or other non-combustible material. The unit must be completely covered by a fine metal grate to prevent flying brands and embers
- (6) "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, has large metal sides, built up concrete blocks, or constructed of cement and rock and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. Must be completely covered by a fine metal grate to prevent flying brands and embers
- (d) General prohibition on open burning. Open burning, outdoor burning, and burning in in-ground fire pits is prohibited, unless specifically exempted from regulation by Subsection 17-95(b), or specifically authorized by Subsection 17-95(f).
- (e) Burning of refuse. Open burning and outdoor burning of refuse is prohibited, including the burning of brush, leaves, and grass clippings.
- (f) A patio wood-burning unit or a recreational fire may be used in the City of Fredericksburg, in compliance with all of the following provisions:
- (1) The patio wood-burning unit or recreational fire shall not be used to burn refuse, or construction and demolition waste.
- (2) The patio wood-burning unit or recreational fire shall only burn clean wood.
- (3) The patio wood-burning unit or recreational fire shall be located at least 15 feet from the nearest structure or combustible material, which is not on the same property as the patio wood-burning unit, and located at least 15 feet from the nearest structure, or combustible material, on the same property as the patio wood-burning unit or recreational fire.

- (4) The patio wood-burning unit or recreational fire shall not cause a nuisance from smoke or flying ash to people residing in the vicinity of the unit or fire. For the purposes of this subsection, a nuisance exists when smoke or ash emissions from a fire causes physical discomfort to a person, or causes physical damage to property.
- (5) Open burning, outdoor burning, bonfires, recreational fires and use of a patio wood-burning units shall be constantly attended until the fire is extinguished.
- (6) A minimum of one portable fire extinguisher, with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization within 20 feet of any patio wood-burning unit, or open burning.
- (7) The patio wood-burning units are used in accordance with any manufacturer's instructions.
- (g) The Fire Department, Police Department and City Code Enforcement Officers are authorized to enforce this Section 17-95.

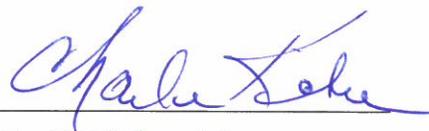
{End of code text}

Section 2. Severability or Invalidity. If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Section 3. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Effective Date. This Ordinance shall be effective on and after the day of its passage and publication.

PASSED AND APPROVED on this the 6th day of December, 2021.



Charlie Kiehne, Mayor

City of Fredericksburg, Texas

ATTEST:



Shelley Goodwin, TRMC, City Secretary

APPROVED AS TO FORM:



Daniel D. Jones, City Attorney

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