

**CITY OF SANCTUARY**

**P.O. BOX 125**

**AZLE, TEXAS 76098**

**817-221-6016**

**ORDINANCE NO. 105**

**AN ORDINANCE OF THE CITY OF SANCTUARY, TEXAS, ADOPTING THE BRIAR-RENO FIRE DEPARTMENT POLICY FOR OUTDOOR BURNING WITH SEVERAL AMENDED SECTIONS TO BE PARTICULAR TO THE CITY OF SANCTUARY. INCLUDES THE FOLLOWING: PROVIDING FOR RECORDING OF THE CODES AS A PUBLIC RECORD, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES, PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES, PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY FOR VIOLATIONS HEREOF, PROVIDING A SAVINGS CLAUSE, PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sanctuary is a Type A City, and

**WHEREAS**, the City, having reviewed the available codes, desires to adopt a more recent policy for outdoor burning to meet the needs of the City, and

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

**SECTION 1.**

Ordinance No. 102 of the City of Sanctuary is repealed and replaced in its entirety by Ordinance 105.

**SECTION II.**

Outdoor burning of brush, limbs and other natural vegetation inside the city limits of Sanctuary shall comply with requirements of the Texas Commission on Environmental Quality (TCEQ), the International Fire Code (IFC) and the Briar-Reno Fire Department. Outdoor burning of brush, limbs and other natural vegetation shall be conducted only if other practical means of disposal are not available.

**SECTION III.**

Prior to an outside burn, contact the Tarrant County Regional Communications Center (817-232-9800) to obtain information regarding requirements, safety, unsafe weather conditions, and the burn ban status. For burning rules and regulations, contact the Briar-Reno Fire Department. There is no fee for outdoor burning. Outdoor burning violations inside the City limits are subject to a fine of up to \$2,000.00.

**SECTION IV.**

Only trees, brush, grass leaves, branch trimmings, or other plant growth may be burned. The following materials shall not be burned: construction or demolition materials (includes building, structures, and mobile homes), garbage/trash, business waste (includes pallets), electrical insulation, plastics, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, tires, furniture, or items containing natural or synthetic rubber. These are violations of the Texas Water Code Chapter 7, Section 7.177 "Violations of Clean Air Act" and are subject to a fine of \$1,000 to \$50,000 and/or confinement of up to 180 days.

**SECTION V.**

Outdoor burning is permitted from one hour after sunrise to one hour before sunset on the same day. All open flames shall be fully extinguished one hour before sunset. Outdoor burning is prohibited at night. Exception: Recreational and contained fires in compliance with the requirements listed below.

**SECTION VI.**

Outdoor burning, including recreational and contained fires, shall not commence or continue if the wind speed is less than 6 mph or greater than 23 mph. Outdoor burning is prohibited on "Level Red" or higher Ozone Action Days, when a "HIGH" fire weather threat index (Red Flag Day) is forecasted, or when a Burn Ban is in effect. Weather conditions may be viewed online at <https://weather.com> Air Quality Index: Fort Worth-Arlington Metropolitan Area.

#### **SECTION VII.**

All outdoor burning shall be constantly attended by one or more people until the fire is fully extinguished. Attendants shall have at least one of the following on site to contain and control the fire: 1. Water supply; 2. Fire extinguisher; 3. Firefighting equipment.

#### **SECTION VIII.**

The location for outdoor burning shall not be less than 300 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet of any structure. Exception: Recreational and contained fires in compliance with the requirements listed below.

#### **SECTION IX.**

If any complaints are received regarding the outdoor burning being a nuisance, affecting sensitive receptors or creating a traffic hazard, the fire department will respond to the site to assist the attendant in extinguishing the fire. (TCEQ chapter 111 defines sensitive receptors)

#### **SECTION X.**

Accumulations of brush/trees from land clearing for development shall be hauled away or chipped. Open burning on site is prohibited. Trench burning utilizing an approved Air Curtain Incinerator is permitted only with a TCEQ permit. The Fire Marshall's Office shall be contacted for a site evaluation prior to applying for a TCEQ permit.

#### **SECTION XI.**

Recreational fires shall be contained in incinerators, fire rings, outdoor fire pits, outdoor fireplaces or portable outdoor fireplaces with a total fuel area of five (5) feet or less in diameter and two (2) feet or less in height and combustible materials and shall be attended at all times.

Open flame cooking devices such as charcoal grills, smokers, and other similar devices used for cooking shall not be located or used on combustible patios, balconies, decks, or within five (5) feet of combustible construction (including multi-family dwellings).

Permanently installed outdoor firepits for recreational fire purposes shall not be installed within ten (10) feet of a structure or combustible material. Recreation fires do not require notification to the fire department.

#### **SECTION XII.**

Brush piles shall not be more than thirty (30) feet in diameter or ten (10) feet in height. Larger brush piles shall be divided into smaller piles prior to burning. Brush piles meeting the sizes of this section shall be considered a contained fires as long as Section VII of this Ordinance are complied with.

#### **SECTION XIII.**

Sky lanterns: A person shall not release or cause to be released an unmanned free-floating device(s) containing an open flame or other heat source such as but not limited to a sky lantern.

#### **SECTION XIV.**

The authority to conduct outdoor burning under these regulations 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 these regulations.

**SECTION XV.**

All rights and remedies of the City of Sanctuary are expressly saved with any other ordinances affecting outdoor burning guidelines which have accrued at the time of the effective date of this ordinance, and as such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

**SECTION XVI.**

The City Secretary of the City of Sanctuary is hereby directed to publish caption, penalty clause, and effective date clause in the official newspaper at least once within ten (10) days after the passage of this ordinance.

**SECTION XVII.**

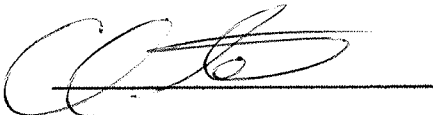
This ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SANCTUARY, TEXAS**

**ON DECEMBER 5, 2023.**

A handwritten signature in black ink, appearing to read "Mark Sommers", written over a horizontal line.

**Mark Sommers, Mayor**

A handwritten signature in black ink, appearing to read "Chris Stewart", written over a horizontal line.

**Chris Stewart, City Secretary**