

**CITY OF KEMPNER
12288 US HWY 190
KEMPNER, TEXAS 76539
PHONE (512)932-2180
FAX(512)932-3124**

POLICY FOR BURNING WITHIN THE KEMPNER CITY LIMITS

AUTHORITY: Vernon’s Texas Statutes and Codes Annotated, Health and Safety Code, Chapter 382. Texas Clean Air Act, Subchapter E. Authority of Local Government, Southern Standard Fire Prevention Code, 1997 Edition as adopted by the City of Kempner, Texas, Ordinance #2006-10-24-002.

DEFINITIONS: **Adequate water supply** – A supply of water sufficient to the containment and control of the fire(s).

Building – Any structure erected for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Extinguished – The absence of any visible flame, glowing coals or smoke.

Land Clearing Operation – The uprooting, cutting or clearing of vegetation in connection with conversion for construction of buildings, rights-of-way, residential, commercial or industrial development, or the clearing of vegetation to enhance property value, access or production. It does include the maintenance burning of on site property wastes such as fallen limbs, branches, or leaves, or other natural vegetation.

Outdoor Burning Container – A 50-gallon drum or barrel that has a burn screen on top with holes not more than 1” (one inch) in size.

- POLICY:
1. The person requesting the controlled burn must make application in person at City Hall. The applicant must provide proof, that all alternatives (chipping, composting, removal to landfill or trench burning) have been explored and that those alternatives are not practical.
 2. **Burning will only be allowed for land clearing and property clean up.** The State of Texas has set the following guidelines that must be followed. These standards are minimum qualifications only. Each request for a burn permit will be handled separately.
 3. General Requirements for Allowable Outdoors Burning:
 - (a.) Prior to prescribed or controlled burning for forest management purposes, the Texas Forest Service shall be notified.

(b.) Burning must be outside the corporate limits of a city or town except where the incorporated city or town has enacted ordinances which permit burning consistent with the Texas Clean Air Act, (Subchapter E, Authority of Local Governments). (See attached Ordinance.)

(c.) Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s).

(d.) If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.

(e.) Burning shall be conducted in compliance with the following meteorological and timing considerations:

(1.) The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the burn phase when fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished. In no case shall the extent of the burn be allowed to increase after this time.

(2.) Burning shall not be commenced when surface wind speed is predicted to be less than six miles per hour (mph)(five knots) or greater than 23 mph (20 knots) during the burn period.

(3.) Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.

(4.) There must be a responsible adult on site with the availability of telephonic communications and adequate water supply at all times when the material ignited is still burning, to include smoldering ashes.

(5.) The maximum number of days that will be eligible to burn shall be thirty (30). This is given as a courtesy in the instance of bad weather and/or time issues.

(6.) You must notify the **Lampasas Sheriff's Department** prior to starting your burn. Their number is **512-556-8255**.

(7.) At any time, if a county-wide **burn ban** is put into effect, your permit is **void** during that time.

(f.) Electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphalt materials, potentially explosive materials, chemical wastes, tires and items containing natural or synthetic rubber must **NOT** be burned.

4. Responsibility for Consequences of Outdoor Burning:

The authority to conduct outdoor burning under this regulation 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 this regulation.

(See Attached Ordinance.)