

Chapter 12 FIRE PROTECTION AND PREVENTION

Chapter 12 FIRE PROTECTION AND PREVENTION [11](#)

ARTICLE I. - IN GENERAL

ARTICLE II. - FIRE MARSHAL

ARTICLE III. - FIRE PREVENTION CODE

ARTICLE IV. - OPEN BURNING

FOOTNOTE(S):

--- (1) ---

Cross reference— Building, Ch. 8; electricity, Ch. 11; housing, Ch. 16; mobile homes, Ch. 19; planning, zoning and development, Ch. 24; subdivisions, Ch. 29; zoning, App. A; subdivisions, App. C. [\(Back\)](#)

State Law reference— Home rule municipality, fire department, V.T.C.A., Local Government Code § 342.011; appointment of fire protection personnel, V.T.C.A., Government Code § 410.032; volunteer fire fighters and fire departments, V.T.C.A., Government Code § 419.071; state law does not preempt municipal authority to prohibit or regulate use of fireworks, V.T.C.A., Occupations Code § 2154.004. [\(Back\)](#)

- CODE OF ORDINANCES
Chapter 12 - FIRE PROTECTION AND PREVENTION

ARTICLE I. IN GENERAL

ARTICLE I. IN GENERAL

[Sec. 12-1. Arson reward—Established.](#)

[Sec. 12-2. Same—How offered.](#)

[Sec. 12-3. Same—Notice.](#)

[Sec. 12-4. Same—Payment.](#)

[Sec. 12-5. Positions.](#)

[Secs. 12-6—12-14. Reserved.](#)

Sec. 12-1. Arson reward—Established.

The city hereby offers a standing reward in the amount of five hundred dollars (\$500.00) for the arrest and conviction of any person found guilty of the crime of arson within the corporate limits of the city, same to be payable immediately after the final conviction of such person.

(Ord. No. 0738, § 1, 6-25-62; Ord. No. 1766, 12-21-92)

Sec. 12-2. Same—How offered.

Whenever the mayor shall be informed that any fire occurring in the city was of an incendiary origin, he shall call for a report on the same by the city fire marshal, and if the marshal shall report that such fire was caused by the commission of the crime of arson, it shall become the duty of the mayor to offer the reward provided by this chapter, which reward shall be in the form of a proclamation duly issued by the mayor under his official signature and attested by the seal of the city.

(Ord. No. 1766, 12-21-92)

Sec. 12-3. Same—Notice.

- (a) The city fire marshal is hereby directed to have prepared and posted an arson reward notice on placards eight (8) inches by twelve (12) inches in size showing the following reward notice:

ARSON REWARD

The City of Waxahachie, Texas, hereby offers the reward of five hundred dollars (\$500.00) for the arrest and conviction of any person or persons found guilty of committing the crime of arson within the corporate limits of the City of Waxahachie, Texas. This reward is a standing offer and shall be paid out of the general fund of the City of Waxahachie, Texas.

- (b) Such placards shall be placed in wooden frames under glass and shall be posted inside at least ten (10) different public buildings within the city, one (1) of which shall be the city hall, in accordance with the regulations of the state board of insurance.

(Ord. No. 0738, § 2, 6-25-62; Ord. No. 1766, 12-21-92)

- CODE OF ORDINANCES
Chapter 12 - FIRE PROTECTION AND PREVENTION

ARTICLE I. IN GENERAL

Sec. 12-4. Same—Payment.

Upon information being given by any person causing the arrest and conviction of any person guilty of the specific crime of arson, and upon the final conviction of such person, the person giving such information shall be entitled to receive the reward offered by this chapter from the city.

(Ord. No. 1766, 12-21-92)

Sec. 12-5. Positions.

For classified positions under civil service in the fire department see section 2-35 of this Code of Ordinances.

Editor's note—

Due to duplication of provisions, § 12-5 has been relocated. See § 2-35 of this Code of Ordinances.

Secs. 12-6—12-14. Reserved.

- CODE OF ORDINANCES
Chapter 12 - FIRE PROTECTION AND PREVENTION

ARTICLE II. FIRE MARSHAL

ARTICLE II. FIRE MARSHAL ^[2]

[Sec. 12-15. Office created.](#)

[Sec. 12-16. Reserved.](#)

[Sec. 12-17. Appointment and responsibilities.](#)

[Sec. 12-18. Qualifications.](#)

[Sec. 12-19. Removal from office.](#)

[Sec. 12-20. Compensation.](#)

[Sec. 12-21. Duty to investigate fires.](#)

[Sec. 12-22. Taking of testimony generally.](#)

[Sec. 12-23. Summon witnesses, obtain evidence, oaths.](#)

[Sec. 12-24. Private investigations, separate witnesses.](#)

[Sec. 12-25. Duty when evidence indicates arson.](#)

[Sec. 12-26. Misconduct of witnesses.](#)

[Sec. 12-27. Right of entry.](#)

[Sec. 12-28. Inspection of premises.](#)

[Sec. 12-29. Correction of dangerous conditions.](#)

[Sec. 12-30. Record of fires.](#)

[Sec. 12-31. Reserved.](#)

[Secs. 12-32—12-41. Reserved.](#)

Sec. 12-15. Office created.

The office of the fire marshal is hereby created in and for the city.

(Ord. No. 0561, § 1, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-16. Reserved.

Editor's note—

Ord. No. 1668, adopted Oct. 16, 1989, repealed § 12-16, which pertained to independency of fire marshal's office and derived from Ord. No. 0561, § 1, adopted Dec. 6, 1955.

Sec. 12-17. Appointment and responsibilities.

The office of fire marshal shall be filled through civil service procedures. The fire marshal shall be directly responsible to the chief of the fire department for the proper operation of the division and shall have immediate supervision over all activities of the fire prevention and arson divisions.

- CODE OF ORDINANCES
Chapter 12 - FIRE PROTECTION AND PREVENTION

ARTICLE II. FIRE MARSHAL

(Ord. No. 0561, § 1, 12-6-55; Ord. No. 1668, 10-16-89; Ord. No. 1766, 12-21-92)

Sec. 12-18. Qualifications.

The person appointed fire marshal shall be properly qualified for the duties of his office in accordance with recognized standards.

(Ord. No. 0561, § 1, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-19. Removal from office.

The person appointed as fire marshal shall be removed from office only for cause.

(Ord. No. 0561, § 1, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-20. Compensation.

The fire marshal shall receive a salary to be determined by the city council.

(Ord. No. 0561, § 1, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-21. Duty to investigate fires.

The fire marshal shall investigate the cause, origin and circumstances of fires occurring within this city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall begin as soon as possible after the occurrence of such fire.

(Ord. No. 0561, § 2, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-22. Taking of testimony generally.

The fire marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony, on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced to writing.

(Ord. No. 0561, § 3, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-23. Summon witnesses, obtain evidence, oaths.

The fire marshal shall have the power to summon witnesses before him to testify in relation to any matter which is by the provisions of this chapter a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto. The fire marshal is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before him.

(Ord. No. 0561, § 4, 12-6-55; Ord. No. 1766, 12-21-92)

- CODE OF ORDINANCES
Chapter 12 - FIRE PROTECTION AND PREVENTION

ARTICLE II. FIRE MARSHAL

Sec. 12-24. Private investigations, separate witnesses.

All investigations held by or under the direction of the fire marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(Ord. No. 0561, § 6, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-25. Duty when evidence indicates arson.

If the fire marshal shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be lawfully arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

(Ord. No. 0561, § 3, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-26. Misconduct of witnesses.

Any witness who refuses to be sworn, or who refuses to appear or testify, or who disobeys any lawful order of the fire marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct during any of the proceedings of the fire marshal in the matter of such investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a misdemeanor; and it shall be the duty of the fire marshal to cause all such offenders to be prosecuted.

(Ord. No. 0561, § 5, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-27. Right of entry.

The fire marshal shall have the authority at all times of day or night, when necessary, in the performance of the duties imposed upon him by the provisions of this article, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion.

(Ord. No. 0561, § 7, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-28. Inspection of premises.

The fire marshal, upon complaint of any person having interest in any building or property adjacent and without any complaint, shall have the right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city. It shall be his duty to enter upon and make or cause to be entered and made, a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto as needed.

(Ord. No. 0561, § 8, 12-6-55; Ord. No. 1766, 12-21-92; Ord. No. 1879, § 1, 9-16-96)

- CODE OF ORDINANCES
Chapter 12 - FIRE PROTECTION AND PREVENTION

ARTICLE II. FIRE MARSHAL

Sec. 12-29. Correction of dangerous conditions.

Whenever the fire marshal shall find a building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes or combustible, inflammable and refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firemen or occupants, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of the building or premises; provided, however, that the owner or occupant deems himself aggrieved by such order, he may, within ten (10) days, appeal to the city manager, who shall investigate the cause of the complaint and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by the owner or occupant.

(Ord. No. 0561, § 8, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-30. Record of fires.

The fire marshal shall keep a record of all fires occurring within the city, together with all facts, statistics and circumstances, including the origin of the fires and the amount of loss, which may be determined by the investigation required by this article.

(Ord. No. 0561, § 1, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-31. Reserved.

Editor's note—

Ordinance No. 1766, adopted Dec. 21, 1992, amended this chapter in part by deleting § 12-31 in its entirety. Formerly, § 12-31 pertained to monthly report and derived from § 8 of Ord. No. 0561, adopted Dec. 6, 1955.

Secs. 12-32—12-41. Reserved.

FOOTNOTE(S):

--- (2) ---

Cross reference— Administration, Ch. 2. [\(Back\)](#)

- CODE OF ORDINANCES
Chapter 12 - FIRE PROTECTION AND PREVENTION

ARTICLE III. FIRE PREVENTION CODE

ARTICLE III. FIRE PREVENTION CODE

[Sec. 12-42. Adoption.](#)

[Sec. 12-42.1. Amendments to standard code.](#)

[Sec. 12-43. Reserved.](#)

[Sec. 12-44. Mobile service units.](#)

[Sec. 12-45. Conflicts.](#)

[Sec. 12-46. Definitions.](#)

[Sec. 12-47. Penalty for violation.](#)

[Sec. 12-48. Establishment and duties of bureau of fire prevention.](#)

[Secs. 12-49—12-53. Reserved.](#)

[Sec. 12-54. Modifications.](#)

[Sec. 12-55. Appeals.](#)

[Sec. 12-56. New materials, processes or occupancies which may require permits.](#)

[Sec. 12-57. Abatement of hazardous material spills and cost recovery.](#)

[Secs. 12-58—12-70. Reserved.](#)

Sec. 12-42. Adoption.

- (a) The 2000 International Fire Code, is hereby adopted and incorporated as fully as if set out in full herein, and the provisions thereof shall be controlling within the corporate limits of the city. It is specifically provided that, as amendments are made by the issuers of said codes, they are effective thirty (30) days upon acceptance of said amendments by the city.
- (b) There is also adopted, as part of the 2000 International Fire Code, the following provisions:

Key Box/Haz-Mat Box/Quick Opening Device:

- (1) When access to or within a structure or an area is unduly difficult because of secured openings, or where immediate access is necessary for lifesaving or firefighting purposes, the fire chief may require a key box or quick opening device to be installed in an accessible location. The key box or quick opening device shall be a type approved by the fire chief or, if a key box is installed, it shall contain keys to gain necessary access as required by the fire chief.
 - (2) Haz-mat boxes may be required when large quantities of hazardous material are stored or located at a structure.
 - (3) The fire chief shall determine the location of the fire department connection for all sprinkler and/or standpipe systems.
- (c) Amendments to 2006 International Fire Code.
 - (1) *104.11.3 Systems and devices.* No person shall render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the

- CODE OF ORDINANCES
Chapter 12 - FIRE PROTECTION AND PREVENTION

ARTICLE III. FIRE PREVENTION CODE

incident. No person shall tamper with a manual or automatic fire alarm system or sprinkler system making them inoperable to respond to an emergency.

- (2) *505.1 Address numbers.* New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with the background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). All new and existing buildings with a rear entrance shall have the building address or suite number installed upon the rear door, except residential.
- (3) *506.1.1.* An approved lock shall be installed on gates or similar barriers when required by the fire code official. All new electronic gates installed at a business or residential location shall have a Knox key box or Knox electronic key switch installed for fire department access approved by the fire code official.
- (4) *508.5.5 Clear space around hydrants.* A 5-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.
- (5) *902 Definition of fire area.* The aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls or fire resistance-rated horizontal assemblies of a building.
- (6) *903.* An automatic sprinkler system shall be provided for group B occupancies where one of the following conditions exists:
 - a. The fire area exceeds 10,000 square feet;
 - b. The fire area has an occupant load of 300 or more; or
 - c. The fire area is located on a floor other than the level of exit discharge.
- (7) *903 Automatic sprinkler systems.* Where the fire code addresses a fire area of 10,000 square feet or greater.
- (8) *903.3.6 Hose threads.* Fire hose threads and fittings used in connection with automatic sprinkler systems shall be as prescribed by the fire code official. All caps shall be metal breakaway or screw-in type approved by the fire code official.
- (9) *903.3.7 Fire department connections.* The location of fire department connections shall be approved by the fire code official. Any fire department connection that serves more than one occupancy shall have a sign placed over the top of the fire department connection stating the occupancies that are served by that connection. stand alone fire department connections shall have a 6" piece of reflective tape applied to the fdc riser just below the fire department connection.
- (10) *905.3.1 Building height.* Class I manual dry standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access.

(Ord. No. 1636, 6-6-88; Ord. No. 1766, 12-21-92; Ord. No. 1879, § 2, 9-16-96; Ord. No. 2148, 10-21-02; Ord. No. 2386, Exh. A, 9-18-06)

Charter reference— Codes and technical regulations, § 2.16.

- CODE OF ORDINANCES
Chapter 12 - FIRE PROTECTION AND PREVENTION

ARTICLE III. FIRE PREVENTION CODE

Sec. 12-42.1. Amendments to standard code. [\[3\]](#)

The Standard Fire Prevention Code is hereby amended as follows:

- (1) *Section 105, Board of adjustments and appeals* is deleted.
- (2) *Section 602.6* is amended so that fire lanes will be twenty-four (24) feet in width, instead of twenty (20) feet as otherwise provided.
- (3) All buildings in the fire limits (see section 8-1 Fire limits) with a forty (40) percent remodel or greater shall be equipped with an automatic fire detection system or automatic sprinkler system, determined by the chief building official and the fire marshal.
 - a. The forty (40) percent rule refers to the square footage of the building remodeled.
 - b. All fire detection systems shall be monitored by an approved central station.

(Ord. No. 1636, 6-6-88; Ord. No. 1766, 12-21-92; Ord. No. 1879, § 3, 9-16-96; Ord. No. 2620, 8-15-11)

Sec. 12-43. Reserved.

Editor's note—

Ord. No. 1636, subsection (a), adopted June 6, 1988, amended this Code by deleting § 12-43 which pertained to flammable liquid regulations; such section contained no historical notation and is presumed to be derived from the ordinance adopting this Code.

Sec. 12-44. Mobile service units.

It shall be unlawful for any person to operate a mobile service unit for the dispensing of gasoline or similar flammable liquids at retail, for delivery directly to the fuel tanks of motor vehicles, within the city, including but not limited to the retail sale of gasoline from service trucks or mobile units for delivery to motor vehicles on private or public parking lots. This shall not be interpreted, however, to prevent operators of regular service stations from delivering small quantities of gasoline or similar flammable liquids for emergency service, such as to the vehicle of a customer whose automobile has run out of gasoline completely and cannot be operated.

(Ord. No. 1027, § 1, 8-26-71; Ord. No. 1766, 12-21-92)

Sec. 12-45. Conflicts.

In the event of any conflict between the provisions of the fire prevention code adopted by this article and the other provisions of this Code, state law or city ordinances, rules or regulations, the provisions of this Code, state law or city ordinances, rules or regulations shall prevail and be controlling.

(Ord. No. 1766, 12-21-92)

Sec. 12-46. Definitions.

Whenever the word "municipality" or the word "city" is used in the code adopted by this article, it shall be construed to mean the City of Waxahachie, Texas.

- CODE OF ORDINANCES
Chapter 12 - FIRE PROTECTION AND PREVENTION

ARTICLE III. FIRE PREVENTION CODE

Whenever the term "corporate counsel" or "city attorney" is used in the code adopted by this article, it shall be construed to mean the city attorney of this city.

(Ord. No. 1766, 12-21-92)

Sec. 12-47. Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 1766, 12-21-92)

Sec. 12-48. Establishment and duties of bureau of fire prevention.

- (a) The fire prevention code shall be enforced by the fire marshal which [position] is hereby established and which [position] shall be operated under the supervision of the chief of the fire department.
- (b) The fire marshal shall be in charge of the bureau of fire prevention and is appointed by the city manager on the basis of examination to determine his qualifications.
- (c) Reserved.
- (d) A report of the bureau of fire prevention shall be made annually and transmitted to the fire chief monthly; it shall contain all proceedings under this Code, with such statistics as the chief of the fire department may wish to include therein.

(Ord. No. 1688, 10-16-89; Ord. No. 1766, 12-21-92)

Secs. 12-49—12-53. Reserved.

Editor's note—

Ord. No. 1636, subsections (b)—(f), adopted June 6, 1988, amended this Code by deleting §§ 12-49—12-53 which established the following respectively: districts where storage of explosives and blasting agents prohibited; limits in which storage of liquified petroleum gases restricted; routes for transporting explosives and blasting agents; routes for transporting hazardous chemicals or other dangerous articles; and fire lanes on private property devoted to public use. With the exception of § 12-50, which derived from Ord. No. 0239, § 1, adopted May 7, 1940, the deleted sections contained no historical notation and are presumed to be derived from the ordinance adopting this Code.

Sec. 12-54. Modifications.

The fire chief shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the fire chief thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

(Ord. No. 1766, 12-21-92)

- CODE OF ORDINANCES
Chapter 12 - FIRE PROTECTION AND PREVENTION

ARTICLE III. FIRE PREVENTION CODE

Sec. 12-55. Appeals.

Whenever the fire chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the city council within thirty (30) days from the date of the decision appealed.

(Ord. No. 1766, 12-21-92)

Sec. 12-56. New materials, processes or occupancies which may require permits.

The city manager, the chief of the fire department and the fire marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the code. The fire marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

(Ord. No. 1766, 12-21-92)

Sec. 12-57. Abatement of hazardous material spills and cost recovery.

- (a) The fire chief shall have the authority to order the clean up of leaking or spilled substances that are considered hazardous to the health and safety of the public.
- (b) The actual cost of abatement of a hazardous material leak or spill may be recovered from the responsible party; including damage to equipment and/or the environment; operational costs including use of city-owned equipment, additional storage cost; and administrative cost.

(Ord. No. 2035, § 1, 6-5-00)

Secs. 12-58—12-70. Reserved.

FOOTNOTE(S):

--- (3) ---

Editor's note— The sections listed as amended in subsections (1) and (2) of section 12-42.1 refer to sections of the Standard Fire Prevention Code. With Ord. No. 2148, adopted Oct. 21, 2002, the city adopted the 2000 International Fire Code. [\(Back\)](#)

- CODE OF ORDINANCES
Chapter 12 - FIRE PROTECTION AND PREVENTION

ARTICLE IV. OPEN BURNING

ARTICLE IV. OPEN BURNING

[Sec. 12-71. Adoption of Texas Administrative Code.](#)

[Sec. 12-72. General prohibition.](#)

[Sec. 12-73. Exceptions to article.](#)

[Sec. 12-74. Requirements for authorization.](#)

[Sec. 12-75. Fee for permit.](#)

[Sec. 12-76. General requirements for burning.](#)

[Sec. 12-77. Parallel requirements.](#)

[Sec. 12-78. Remedies.](#)

Sec. 12-71. Adoption of Texas Administrative Code.

The City of Waxahachie hereby adopts the outdoor burning rules as outlined in Title 30 of the Texas Administration Code, Sections 111.201—111.211. If a conflict occurs between Title 30 of the Texas Administrative Code, 111.201—111.221 and this article, the stricter of the two codes shall prevail.

(Ord. No. 2424, § 1, 8-20-07)

Sec. 12-72. General prohibition.

No person may cause, suffer, allow, or permit any outdoor burning within the city limits of the City of Waxahachie, except as provided by this article. The burning of household trash, garbage of any form, or municipal solid waste is prohibited within the city limits. It shall also be unlawful for any person to light or have lighted any fire in any street, alley, thoroughfare or public property. Outdoor disposal or disposition of any material capable of igniting spontaneously, with the exception of the storage of fossil fuels, shall not be allowed. No furniture, construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and item containing natural or synthetic rubber shall be burned.

(Ord. No. 2424, § 2, 8-20-07)

Sec. 12-73. Exceptions to article.

- (a) *Fire training:* Outdoor burning shall be authorized for training of firefighting personnel when requested in writing and authorized by the city fire marshal's office. The burning shall be authorized if notice of denial is not received within ten (10) working days after the date of postmark or date personal delivery of the request.
- (b) *Domestic outdoor fire:* Fires are allowed out-of-doors for cooking or warmth provided such a fire is built in a fireproof container, such as a bar-b-que pit chimenea, made of brick, stone, metal, or other fireproof material in such a manner to prevent said fire from escaping. Domestic outdoor fires do not require a burn permit.
- (c) *Land clearing:* Special permission may be obtained for the burning of vegetation in the clearing of land. See section 12-74 below for obtaining permission to burn.

- CODE OF ORDINANCES
Chapter 12 - FIRE PROTECTION AND PREVENTION

ARTICLE IV. OPEN BURNING

(Ord. No. 2424, § 3, 8-20-07)

Sec. 12-74. Requirements for authorization.

- (a) Application for a "permit to burn" shall be made to the fire marshal in writing or in person by the owner, operator, or other person in control of the property upon which the burning is to occur. Application is to indicate the permitted address, applicants name, address, telephone number and valid driver's license or identification number.
- (b) The permit is effective for thirty (30) days from the date of issuance.
- (c) Requestor must obtain final approval to burn from the City of Waxahachie Fire Marshal's office immediately prior to the start of burning to ensure that weather conditions will be conducive to the type of burning.
- (d) Permit is automatically voided if the Waxahachie Fire Marshal's office considers the conditions unsafe.

(Ord. No. 2424, § 4, 8-20-07)

Sec. 12-75. Fee for permit.

The fee for a "permit to burn" shall be paid before the permit is issued. The fee for the said permit shall be fifty dollars (\$50.00).

(Ord. No. 2424, § 5, 8-20-07)

Sec. 12-76. General requirements for burning.

- (a) Requester must contact the Waxahachie Fire Marshal's office prior to burning. The fire marshal, or his designee, shall inspect the burn site and materials to ensure that no prohibited materials are included and that general requirements are being followed.
- (b) Burning is permitted only when the wind direction and other meteorological conditions are such that the smoke and other pollutants will not present a hazard to any public road or have an effect on any building structure.
- (c) If at any time the burning causes or may tend to cause smoke to blow onto or across a street, roadway, or highway, it is the responsibility of the person initiating the burn to post flag persons on the affected roads.
- (d) Fires must be kept downwind of, or at least three hundred (300) feet away, from any neighboring structure.
- (e) Burning shall not commence when the surface wind speed is predicted to be less than six (6) miles per hour (six (6) mph or five (5) knots) or greater than twenty-three (23) miles per hour (twenty-three (23) mph or twenty (20) knots) during the burn period.
- (f) Burning shall not be conducted during periods of actual or predicted persistent low level atmospheric temperature inversions.
- (g) Burning may begin no earlier than one (1) hour after sunrise and must end the same day no later than one (1) hour before sunset.

- CODE OF ORDINANCES
Chapter 12 - FIRE PROTECTION AND PREVENTION

ARTICLE IV. OPEN BURNING

- (h) A responsible party must be present while the burn is active. Such persons shall have a water hose connected to a reliable water supply or have other fire extinguishing equipment readily available for use.
- (i) Any residual fires and/or smoldering objects that continue to emit smoke must be extinguished at the end of the burn.
- (j) Only brush/vegetation generated and gathered from the burn site area will be permitted. There shall be no importation of brush from any other properties for the purpose of burning.

(Ord. No. 2424, § 6, 8-20-07)

Sec. 12-77. Parallel requirements.

The authority to conduct outdoor burning under this article does not exempt or excuse the requestor from complying with all other applicable laws and ordinances, regulations, and orders of any governmental entity having jurisdiction, even though the burning is otherwise conducted in compliance with this article.

(Ord. No. 2424, § 7, 8-20-07)

Sec. 12-78. Remedies.

Violators of this article shall be issued a citation and upon conviction for such violation shall be punished by a penalty of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00).

(Ord. No. 2424, § 9, 8-20-07)