

CHAPTER 41: FIRE PREVENTION

Statutory reference: Municipal fire protection, see TEX. LOC. GOV'T CODE, §§ 342.001 et seq.

GENERAL PROVISIONS

§ 41.01 OPEN BURNING; PERMIT REQUIRED.

(A) Permit required. No person shall kindle or maintain any open fire, or authorize such fire to be kindled or maintained, on any private land or on any public street, alley, road, or other public grounds within the city without first having obtained a permit for such fire from the Fire Marshal of the city or his authorized representative unless the open fire qualifies under one of the following exceptions:

- (1) Exception: Permit Not Required. Firefighter training if authorization has been provided by the Texas Commission on Environmental Quality (TCEQ) pursuant to 30 Texas Administrative Code §§111.201 et seq., as amended, or by the rules, regulations, and orders of the TCEQ (collectively referred to as "TCEQ Regulations");
- (2) Exception: Permit Not Required. Fires for recreational or ceremonial purposes, campfires, cookouts, disposing of brush and tree debris from trimming or removal of dead or overgrown vegetation by the property owner or manager, in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather as long as the fires otherwise comply with TCEQ Regulations.

(B) Restrictions. A permit under this section shall be given only for good cause shown and shall be subject to such restrictions as may be deemed necessary to limit the hazardous effects thereof on residents and property within the city. Restrictions on proposed open fires under such permit shall include, but not be limited to, the following:

- (1) The location of such open fire shall not be less than 50 feet from any structure, and adequate provision shall be made to prevent such fire from spreading within 50 feet of any structure; or such fire shall be contained in an approved waste burner located safely no less than 15 feet from any structure.
- (2) Such open fire shall be attended by a competent person until the fire is extinguished, and such person shall have a garden hose connected to a water supply or have other fire-extinguishing equipment readily available for use.

(C) Open fires prohibited. The above notwithstanding, the Fire Marshal, or his authorized representative, may prohibit any or all open fires:

- (1) When atmospheric conditions or local circumstances make such fires hazardous; and
- (2) Which would be in violation of Tex. Health & Safety Code, §§ 382.001 et seq., as amended, or with the rules, regulations, and orders of the TCEQ, pursuant thereto.

(D) Interpretation. This section shall not be administered, construed, or interpreted in any manner which would render this section in conflict with, or inconsistent with, Tex. Health & Safety Code, §§ 382.001 et seq., as amended, and with the rules, regulations, and orders of the Air Control Board of the State of Texas. Rather this section shall be deemed to be supplementary to Tex. Health & Safety Code, §§ 382.001, and the rules, regulations, and orders of the Texas Air Control Board adopted pursuant thereto, so that authorization

for such burning under said statute, and the rules, regulations, and orders of the Texas Air Control Board adopted pursuant thereto, require additional authorization under this section to protect against fire hazards. Penalty, see §40.99

FIREWORKS

§ 41.15 DEFINITIONS.

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

FIREWORKS. Firecrackers, skyrocketes, torpedoes, roman candles, sparklers, fire balloons, and all substances, in whatever combination and by whatever name, which are intended for use in obtaining visible or audible effects by combustion, explosion or detonation. Such term shall include all articles or substances within the ordinary meaning of the term fireworks, whether or not specifically designated herein.

PERSON. Any natural person, association or persons, partnership or corporation and shall include any agent, officer, or employee of the foregoing.

§ 41.16 DECLARATION OF NUISANCE.

Except as provided in § 41.17, the transporting, storing, offering for sale, sale, possession, assembly, manufacture, use or discharge of fireworks within the city and the offering for sale or sale of fireworks within 1,000 feet outside the city limits is hereby declared to be illegal and a public nuisance, and it shall be unlawful for any person to transport, store, offer for sale, sell, have in his possession, use, discharge, cause to be discharged, ignite, detonate or otherwise set into action any fireworks within the city.

Penalty, see § 40.99

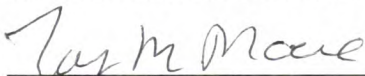
Statutory reference: Authority to regulate fireworks, see Tex. Loc. Gov't Code, § 342.003(a)(8)

§ 41.17 EXCEPTIONS.

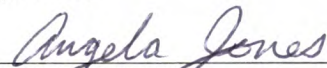
(A) This subchapter shall not apply to signal flares transported or used by railroads in connection with their operations; signal flares or rockets for police use; auto safety flares; paper caps containing less than .25 of a grain of explosive material per cap, designed for use in toy guns or toy cannons; or to blank cartridges used in connection with athletic or similar events.

(B) This chapter shall not apply to fireworks or pyrotechnic displays except when expressly prohibited such as during burn bans enacted by Coffee City VFD or Henderson County Fire Marshall's office..

PASSED AND ADOPTED THIS APRIL 9TH, 2012



TONY MOORE, MAYOR

ATTEST: 
ANGELA JONES, CITY SECRETARY

ATTEST AS TO FORM:
KURT NOEL, CITY ATTORNEY

