

Changes to the 2021 International Fire Code Section 307 and in accordance with the following State of Texas and Federal Regulations:

Texas Administrative Code Title 30 Part 1 Chapter 111 Subchapter B Outdoor Burning RULE §111.201, RULE §111.207, RULE §111.219 and RULE §111.221

Texas Clean Air Act, Subtitle C. Chapter 382 Subchapter A General Provisions Section 382.002 and Subchapter E, Authority of Local Governments Sec. 382.113 Authority of Municipalities

The Texas Commission on Environmental Quality (TCEQ) Outdoor Burning in Texas – RG-049

Title I of the Federal Clean Air Act (42 U.S.C. Section 7401 et seq.)

Burn Wise Program of U.S. EPA

Section 307.1 shall be amended to read as follows:

Section 307.1. All open burning, including land clearing operations, prescribed burns and burning of domestic waste is prohibited.

Section 307.1.1; amend to read as follows:

Section 307.1.1 All open burning, including land clearing operations, prescribed burns and burning of domestic waste is prohibited in the City of Keller in accordance with the following:

1. Texas Commission on Environmental Quality (TCEQ) guidelines and/or restrictions.
2. Texas Administrative Code Title 30, Part 1 Chapter 111, Subchapter B
3. Chapter 382, Texas Clean Air Act
4. Title I of the Federal Clean Air Act
5. Burn Wise Program of the U.S. EPA
6. State, County or Local temporary or permanent bans on open burning

Section 307.2 shall be deleted.

Section 307.2.1 shall be amended to read as follows:

307.2.1 Authorization. Where required by state or local law or regulations, all outdoor burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization

are followed.

Section 307.4.2; amend to read as follows:

307.4.2 Recreational Fire Pit Use. The fuel used for recreational burns shall consist of only clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood. In accordance with Texas Administrative Code Title 30 Part 1 Chapter 111 Subchapter B RULE §111.207 Exception for Fires Used for Recreation, Ceremony, Cooking, and Warmth, Outdoor burning shall be authorized for fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather. Such burning shall be subject to the requirements of RULE §111.219 General Requirements for Allowable Outdoor Burning and shall be conducted in compliance with the following meteorological and timing considerations:

1. 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).
2. Burning shall not be commenced when surface wind speed is predicted to be less than six miles per hour (mph) or greater than 23 mph during the burn period.
3. Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.
4. Burning shall not be commenced during TCEQ Ozone Action Days.
5. Burning shall not be commenced during persistent drought conditions. Drought conditions means the existence of a long-term deficit of moisture creating atypically severe conditions with increased wildfire occurrence as defined by the Texas Forest Service through the use of the Keetch-Byram Drought Index.
6. Burning of organic material shall be prohibited during State, County or Local temporary or permanent bans on outdoor burning.

Recreational fire pit use shall be conducted in compliance with the meteorological and timing considerations noted above. The meteorological and timing conditions that allow for outdoor burning change daily and can be confirmed at www.kellerfd.com.

Fire Pit Container Size requirement:

1. The minimum required distance from a structure for an in-ground fire pit shall be 25 feet, and 15 feet for a portable fire pit.
2. Maximum diameter of 3 feet or less with firewood no greater than 2 feet or less in height/depth.

Exemption:

1. Users of Compressed Natural Gas and Liquid Propane Gas fueled fire pits.
2. Outdoor Fireplaces with spark arrestors, constructed in accordance with the International Building Code.

Section 307.5 Attendance; amend to read as follows:

307.5 Attendance. Recreational fires and use of portable outdoor fire pits shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with IFC 2021 Section 906 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.

Section 307.6 create new Section 307.6 Fire Pit Safety Survey to read as follows:

307.6 Fire Pit Safety Survey. Residents of the City of Keller electing to inform the fire department of their recreational fire location may submit the online Fire Pit Safety survey at www.kellerfd.com

Section 307.6.1 create new Section 307.6.1 Responsibility for Consequences of Outdoor Burning

307.6.1 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 and in accordance with Texas Administrative Code Title 30 Part 1 Chapter 111 Subchapter B Outdoor Burning RULE §111.221.