

**AN ORDINANCE AMENDING ARTICLE 6.600, OUTDOOR BURNING,
OF THE CITY OF ORANGE CODE OF ORDINANCES
AS SHOWN IN EXHIBIT "A".**

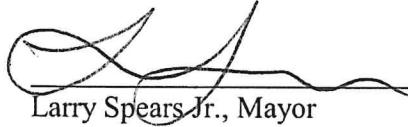
WHEREAS, to increase the health and safety of citizens and property in the City Of Orange, Texas, city staff is recommending the adoption of an updated Outdoor Burning Ordinance order to give more definition of restrictions and safety measures to be taken while burning in the city. The updated ordinance will make changes to Article 6.600, Outdoor Burning, of the City of Orange Code of Ordinances, as shown in Exhibit "A" and therefore

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
ORANGE, TEXAS:**

THAT, the City Council accepts the staff recommendation and hereby adopts and approves that amendments to Article 6.600, Outdoor Burning, of the City of Orange Code of Ordinances as shown in Exhibit "A".

PASSED and APPROVED on the first reading this the 14th day of October, 2025.

PASSED and APPROVED, and ADOPTED on the final reading on this the 28th day of October, 2025.



Larry Spears Jr., Mayor

ATTEST:



Patricia Anderson, City Secretary

APPROVED AS TO FORM:



Kyle Lemo
City Attorney

EXHIBIT "A"

Article 6.600 – Outdoor Burning

Sec. 6.601 – General Prohibition of Outdoor Burning

No person may cause, suffer, allow, or permit any outdoor burning within the city, except as provided by this article.

Sec. 6.602 - Definitions

Attended. Involved in the fires recreational activities or maintaining the fire.

Extinguished. The absence of any flames, glowing coals, or smoke.

Immediate Utilization. Within fifteen (15) feet of the attending person.

Nuisance. Any act, thing, occupation, condition or use of property which is of such a nature and continues for such length of time as substantially annoy or endanger the comfort, health, repose, or safety of the public.

Open Burning. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include outdoor fireplace, portable outdoor fireplace, barbecue grill or barbecue pit.

Ozone Action Day. A day when the projected formation of ground level ozone exceeds the federal government recommended standard. Daily reports predicting these levels from the Texas Commission on Environmental Quality (TCEQ) meteorologists in Austin are forwarded to the local governments of the South East Texas Regional Planning Commission (SETRPC) for broadcast to the general public.

Portable Outdoor Fireplace. A portable, outdoor, solid fuel burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

Recreational Fire. Outdoor fire burning solid fuel materials not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbecue grill or barbecue pit for the purpose of recreation, cooking or warmth.

Structure Containing Sensitive Receptor(s). A man-made structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term "man-made structure" does not include such things as range fences, roads, bridges, hunting blinds or facilities used solely for the storage of hay or other livestock feeds. The term "sensitive live vegetation" is defined as vegetation which has potential to be damaged by smoke and heat, examples of which include, but are not limited to: nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

Traffic Hazard. Any act, thing, condition or use of property that unlawfully and substantially interferes with, obstructs or tends to obstruct, or renders dangerous for passage any street, alley, highway, roadway, or other public way.

Sec. 6.603 – Exceptions for Allowing Burning

- (a) Exception for Firefighter Training. Outdoor burning shall be authorized for training firefighter personnel when requested by the fire chief and authorized by the city council or the city manager, such burning does not have to conform with general requirements for other forms of allowable burning in section 6.604 in this article.
- (b) Exception for Recreational Cooking, or Warmth. Outdoor burning shall be authorized for fires used solely for recreational 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 section 6.604 of this article.
- (c) Brush, Trees, and Other Plant Growth by the City. Brush, trees, and other plant growth causing a detrimental public health and safety condition may be burned by Orange County or the City of Orange at a site it owns upon receiving site and burn approval from executive director of the TCEQ, such a burn can only be authorized when there is no practical alternative, and it may be done no more frequently than every two (2) months. Such burns cannot be conducted at municipal solid waste landfills unless authorized by the executive director of the TCEQ and shall be subject to the requirements of section 6.604 of this article.

Sec. 6.604 – General Requirements for Allowable Outdoor Burning

- (a) Burning must 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).
- (b) Burning shall be conducted in compliance with the following meteorological considerations.
 - (1) Burning shall not be commenced when surface wind speed is predicted to be less than six (6) miles per hour (mph) or greater than twenty-three (23) miles per hour (mph) during the burn period.
 - (2) Burning shall not be commenced on a day that has been determined to be an ozone action day by the SETRPC.
- (c) Burning shall **Not** be commenced on a day when a County Burn Ban is in place.
- (d) **Only** natural cut wood may be burned.
- (e) The following shall **Not** be burned: leaves, pine needles, processed lumber or sawdust.
- (f) The fire shall be attended by someone eighteen (18) years of age or older at all times.
- (g) The fire will be at least fifteen (15) feet from any structure.
- (h) There will be a fire extinguisher with a minimum rating of 4-A, or a charged garden hose available for immediate utilization.

- (i) The fire will be completely contained by a fire ring made of metal, brick, or concrete.
- (j) The fire ring will be no larger than three (3) feet in diameter and no more than two (2) feet in height.

Sec. 6.605 – Responsibility for Consequences of Outdoor Burning

The authority to conduct outdoor burning under this article 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 article.

Sec. 6.606 -Enforcement

Enforcement of this article shall be the responsibility of the fire department or the fire marshal's office. The fire department or the fire marshal shall have the authority to issue citations for any violations of this article. If the subject cited is not present, the fire department or the fire marshal may send the citation to the subject by registered or certified mail. Furthermore, at the discretion of the fire department or fire marshal, any fire which is deemed to be in violation of this article or is deemed to be nuisance, a traffic hazard, or endangering a neighboring property containing sensitive receptors, may order a fire to be extinguished. It shall be unlawful for any person to interfere with any fire department official or fire marshal in the performance of his duties.

Sec. 6.607 – Penalty for Violations

Any person, firm, or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed two thousand dollars (\$2,000.00) and each and every violation continues shall constitute a separate offense.

ORANGE FIRE DEPARTMENT

MEMORANDUM

October 6, 2025

TO: Mike Kunst, City Manager**FROM:** Jordan Bennett, Fire Marshal**CC:** John Bilbo, Fire Chief**RE:** Outdoor Burning Ordinance

Attached to this memorandum is a ordinance requesting the adoption of an updated Outdoor Burning Ordinance. The purpose of this update is to provide clearer definitions regarding burning restrictions and outline enhanced safety measures to be followed when outdoor burning occurs within the City.

Please bring this ordinance before the City Council at the next scheduled meeting, if this meets with your approval.

If you have any questions regarding this request or the attached ordinance, please feel free to contact me at extension 7360.

Thank you for your attention to this matter.

Attachments: Ordinance
Exhibit A-Outdoor Burning Ordinance

Attachments: 1