
	<b>TRAVIS COUNTY ESD #5 MANCHACA FIRE RESCUE</b> <b>Department Policy</b>	<b>B315</b>
	Authorized by:  Fire Chief Chris Barron	<b>Effective:</b> 3-1-2018 <b>Rescinds:</b> <b>Reference:</b> AFD B315.3 / TCEQ <b>Application:</b> All Uniform Members
<b>Outdoor Burning Incidents</b>		

## I. Purpose

To establish a policy for action at incidents involving outdoor burning both in the unincorporated areas of Travis County as well as within the City of Austin.

## II. Background

Manchaca Fire Rescue is often called to investigate reports of outdoor burning. Due to the proximity of our district to the City of Austin and our status as an auto aid partner, the source of these investigations may be in the unincorporated areas of Travis County, or within the City of Austin. Rules and regulations regarding outdoor burning will vary based on the jurisdiction. Therefore, responders need to be aware of the basic regulations for each jurisdiction.

## III. Policy

A. **Incidents within ESD5.** Personnel responding to incidents of outdoor burning within the jurisdiction of ESD5 should utilize the guidelines below to determine if the fire is allowed.

1. **Permissible fires within ESD5.** Outdoor burning in ESD5 is governed by the Texas Commission on Environmental Quality regulations on outdoor burning. Additionally, outdoor burning is only permitted when the Travis County Commissioners Court has not issued a burn ban. The following are generally considered to be permissible fires.
  - a. **Recreation, ceremonies, cooking, and warmth.** Fires used for the sole purpose of recreational or ceremonial purposes, in the noncommercial preparation of food, or exclusively as a means of generating warmth in cold weather are allowed.
  - b. **Household trash.** If the local government does not provide trash service or authorize a business to do so, household domestic waste may be burned. The waste must be generated and burned on the same property and must come from a private residence of no more than 3 families. Prohibited materials are not allowed to be burned as domestic waste and the fire cannot create a nuisance or traffic hazard.

- c. **Animal carcasses and remains.** A diseased animal may be disposed of by burning as a measure to control disease spread. Typically, this situation occurs on agricultural land and may be considered a nuisance in more densely populated areas. Additionally, a veterinarian may burn animal remains and associated medical waste.
- d. **On-site burning of waste plant growth.** Organic materials such as trees, brush, leaves, grass, branch trimmings or other plant growth may be burned on the property in which the material grew. Crop residue may also be burned as a part of agricultural management as long as the burn does not affect sensitive receptors.
- e. **Prescribed burns.** Prescribed burns conducted under the authority of a qualified prescribed burn manager are permitted. These burns may be allowed to be conducted when other outdoor burning is restricted, such as during a burn ban.
- f. **Special situations.** TCEQ may allow for specific burns to take place in special circumstances such as pipeline breaks, trench burning operations, or situations where there is no practical alternative to burning.

## 2. Fires to be extinguished within ESD5.

- a. **Fires during a burn ban.** Outdoor burning is not permitted when the Travis County Commissioner's Court has issued a burn ban. Once issued, the burn ban can only be rescinded by the Commissioner's Court or the County Fire Marshal.
- b. **Prohibited materials.** Regardless of whether a fire is considered a permissible fire, fuels should be limited to natural, untreated materials. Items such as construction debris, tires, furniture, carpet, electrical wire, plastics, treated lumber, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and appliances cannot be burned. Any fire containing these materials should be extinguished.
- c. **Nuisance fires.** Fires that are impacting a structure with "sensitive receptors" should be extinguished. A structure containing sensitive receptor is defined as a manmade structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term "sensitive live vegetation" is defined as vegetation that 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. Unless there is an agreement in place, fires must be downwind, or at least 300 feet from, any neighboring structure that contains a sensitive receptor.
- d. **Traffic hazards.** Fires that are presenting a safety hazard to roadways or airstrips through smoke production or proximity to the roadway or airstrip should be extinguished.
- e. **Fires conducted outside of acceptable conditions.** Permissible outdoor fires should be ignited no earlier than one hour after sunrise and burning should cease on the same day no later than one hour before sunset. Wind conditions must be between 6 and 23 miles per hour to allow

for dissipation of smoke. Outdoor burning should not be conducted during a temperature inversion.

- f. **Unattended fires.** The responsible party for the burn must be present while the fire is active and progressing. At the end of the burn, extinguishment of residual isolated fires and smoldering materials should occur if the smoke can be a nuisance or traffic hazard.

B. **Incidents within the City of Austin.** All companies responding to incidents involving outdoor burning within the City of Austin shall use the following guidelines when determining whether or not to extinguish the fire:

1. **Permissible fires within the City of Austin.** Fires that are generally permissible and that are not usually required to be extinguished within the City of Austin:

- a. **Legitimate cooking fire.** A fire kindled within the confines of an appliance or structure manufactured or built for the express purpose of cooking meals for consumption by people.
- b. **Legitimate warming fire.** A fire kindled within the confines of a metal or other non-combustible container at a construction site or other similar outdoor employment location for the sole purpose of allowing employees/workers to warm themselves without having to leave the workplace or construction site. Fire must be in an approved container that is not less than 15 feet from a structure.
- c. **Recreational fire.** An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. Fire must be at least 25 feet from structures and other combustibles.
- d. **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 short chimney or chimney opening in the top. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material.
- e. **Permitted fires.** Fires with a written permit issued by the AFD Emergency Prevention Division (typically falling under the terminology of Open Burning) must follow the exact guidelines stipulated in a permit.

2. **Fires to be extinguished within the City of Austin.**

- a. **Hazardous fires.** Open burning, recreational fires and use of portable outdoor fireplaces shall be prohibited when atmospheric conditions or circumstances make such fires hazardous.

- b. **Unattended fires.** Open burning, recreational fires and use of portable outdoor fireplaces shall be constantly attended by a responsible adult until the fire is extinguished.
- c. **Fires without extinguishing equipment available.** A minimum of one portable fire extinguisher 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. If not immediately available, the fire should be extinguished.
- d. **Residential barbecue pits or incinerators on balconies.** Residential barbecue pits, hibachis or other cooking appliances utilizing charcoal, wood or gas as a fuel may not be used on any balconies of residential occupancies, on other combustible balconies, within five feet measured horizontally from any portion of combustible building, or within 15 feet measured along the shortest distance if the pit is located below any portion of a combustible building.
  - 1) **Extinguishment.** If the responding company should find a cooking appliance (BBQ, etc.) in violation of the above guidelines, the company should:
    - i. Require the resident/attendant to extinguish the fire
    - ii. Ask the resident/attendant to move the appliance later, when it is safe to do so (after it cools), and
    - iii. The responding company may follow-up on the removal of the appliance or may email the Emergency Prevention Division at [FirePrevention@austintexas.gov](mailto:FirePrevention@austintexas.gov) (an Inspector will then ensure that the appliance has been moved).
  - 2) **Exceptions.** The extinguishment of cooking appliances on residential balconies does not apply to:
    - i. Detached one- and two-family dwellings because of an exception in the fire code.
    - ii. Electrical cooking appliances.
- e. **Open burning.** Fires involving the burning of trash, leaves, rubbish, etc. should be extinguished.
- f. **Fires with legitimate complaints.** Permitted fires for which AFD receives a complaint, due to smoke emissions, when it is determined by the responding company to be a legitimate complaint should be extinguished (even with an approved permit).
  - 1) **Defined.** A legitimate complaint is defined as: "A complaint received specifically due to health or safety concerns."
  - 2) **Odor investigation.** A complaint of "Smoke Odor" may only be a notification of possible fire and not actually a legitimate complaint.

## IV. Procedure

- A. **Permissible and prohibited fires.** Any fire falling under section III.A.1 or section III.B.1 of this policy shall be allowed unless the burning is determined by the Company Officer to constitute a hazard or nuisance, then the fire should be extinguished. Any fire falling under category III.A.2 or III.B.2 of this policy shall be extinguished.
  
- B. **Burn bans.** During a burn ban, most outdoor burning is prohibited. Depending on the conditions declared in the actual burn ban declaration, some activities may still be allowed. Hot work (welding/cutting) may still be allowed. Additionally, cooking fires in county parks may be allowed as long as they are in covered containers. Also, fires under the supervision of a prescribed burn manager are typically permitted. The actual language of an issued burn ban is available at the Travis County Fire Marshal's web site.
  - 1. **Burn ban signs.** When a burn ban is enacted, the on duty crew will open the district's burn ban signs. A list of burn ban sign locations is posted on the department web site's documents section. When a burn ban is lifted, the on duty crew will close the burn ban signs.
  
- C. **Fires with a permit within the City of Austin.** For those fire situations requiring a permit from the AFD Emergency Prevention Division, the permit must be on-site and presented to the responding company on demand. Failure to present the permit will result in extinguishment of the fire.
  
- D. **Referral of complaints.** When a Company Officer makes the decision to extinguish a fire over the objections of the landowner or attendant, the Company Officer shall explain the applicable provisions of the this policy, and/or explain the dangers presented by allowing the fire to continue to burn. If the landowner or attendant has further questions, he or she should be encouraged to contact the AFD Emergency Prevention Division or ESD5 Battalion Chief (depending on the jurisdiction of the incident) during regular business hours.
  
- E. **Law enforcement assistance.** Company Officers may also request the response of the on-duty AFD Investigator, Travis County Fire Marshal, APD, or TCSO as deemed appropriate.
  
- F. **Response to other jurisdictions.** If responding to another jurisdiction for an open burning incident, the authority having jurisdiction may be contacted to obtain the open burning rules for that jurisdiction. If needed, the company officer may ask Fire Dispatch to assist with contacting the appropriate authorities.