

# HAYS COUNTY FIRE MARSHAL'S OFFICE



# RULES FOR OUTDOOR BURNING

## CAUTION

Starting a fire and allowing that fire to get out of control and damage or destroy the property of another is a crime under the Texas Penal Code.

Lifting of the burn ban does not authorize burning of any material that is prohibited from being burned by Texas Commission on Environmental Quality.

### Those materials include:

Treated construction waste, household garbage, tires, rubber or plastic products, heavy oils, fiberglass products, oil-based materials, and any material that produces excessive amounts of smoke.

## TITLE 30 TAC #111.203 DEFINITIONS.

### Structure containing sensitive receptors -

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 cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

Hays County Fire Marshal's Office  
712 S. Stagecoach Trail  
San Marcos, TX 78666  
512-393-7300  
[www.co.hays.tx.us/fire-marshall.aspx](http://www.co.hays.tx.us/fire-marshall.aspx)  
[www.haysinformed.com](http://www.haysinformed.com)

Hays County Sheriff's Non- Emergency  
512-393-7896

# HAYS COUNTY FIRE MARSHAL'S OFFICE

## GENERAL REQUIREMENTS FOR ALLOWABLE OUTDOOR BURNING.

### \*OUTDOOR BURNING ONLY TO BE CONDUCTED UNDER THE FOLLOWING CONDITIONS.\*

- Burning must be conducted downwind of or at least 300 feet from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from adjacent occupant with possessory control.
- Burning shall NOT be conducted when wind is greater than 23 mph.
- The initiation of burning shall commence no earlier than one hour after sunrise.
- Burning shall be complete on the same day not later than one hour before sunset. In cases where residua fires and/ or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from the potential to create a nuisance or traffic hazard conditions. In no case shall the extent of the burn area be allowed to burn after this time.
- All outdoor burning shall be supervised at ALL times and under controlled conditions. Citizens responsible for controlled burns shall have the means to control/ extinguish the burn.
- Burning shall NOT be conducted during periods of actual predicted persistent low-level humidity. (Dry Conditions)
- For campfires and other recreational and ceremonial purposes, the noncommercial preparation of food and for supplying warmth in cold weather. For recreational and ceremonial BONFIRES a permit must be obtained from the **Hays County Fire Marshal's Office.**

- To destroy diseased animals when necessary to prevent the spread of disease.
- Outdoor burning of trees, brush, and other plant growth for the right of way maintenance, land clearing operations, and maintenance along water canals when no practical alternative to burning exists and when the materials are generated only from that property. The burn must not negatively affect structures containing sensitive receptors. Such burning shall be subject to the above conditions.
- Violations of this order shall be punishable as a Class C misdemeanor with a maximum fine of \$500.00.

### DEFINITIONS

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

**Campfire** – A fire no larger than 5ft in diameter and 5ft in height. For recreational purposes.

**Bonfire** – Any fire larger than a campfire that is used as a ceremonial or recreational purpose.

## Prohibited Burn Items

Treated construction waste, household garbage, tires, rubber or plastic products, heavy oils, fiberglass products, oil-based materials, and any material that produces excessive amounts of smoke.

### ALL BURNING IS PROHIBITED DURING COUNTY WIDE BURN BANS.

The authority to conduct outdoor burning under the above circumstances does not exempt or excuse any person from any consequences, damages, or injuries resulting from burning and does not excuse anyone from complying with all ordinances of other governmental agencies. The above rules shall be enforced by the **Hays County Fire Marshal's Office.**

### YOUR COOPERATION IS APPRECIATED IN THIS MATTER

For any questions you may have, contact  
Hays County Fire Marshal's Office.

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