

CITY OF LIBERTY HILL
ORDINANCE NO. 22-O- 04.06-03

AN ORDINANCE OF THE CITY OF LIBERTY HILL, TEXAS AMENDING CHAPTER 5 OF THE LIBERTY HILL TO REFLECT AMENDMENTS PROPOSED BY WILLIAMSON COUNTY EMERGENCY SERVICES DISTRICT NO. 4; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Liberty Hill deems it necessary to update and amend Chapter 5 of the City of Liberty Hill Code of Ordinances which regulate Fire Prevention and Protection; and

WHEREAS, the proposed amendments are being requested by Williamson County Emergency Services No. 4 which provide fire services to the City; and

WHEREAS, the City Council believes this amendment is for the good government, peace, and order of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF LIBERTY HILL, TEXAS:**

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Chapter 5 of the City of Liberty Hill Code of Ordinances – Fire Prevention and Protection are hereby amended so to read in accordance with *Attachment "A"*, which are attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text or text in the color red shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment "A"*.

3. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

4. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations, and

policies in the City's Code of Ordinances as authorized by law.

5. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication of caption.

6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, and Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this 6th day of April, 2022, by a vote of 5
(ayes) to 0 (nays) to 0 (abstentions) of the City Council of Liberty Hill, Texas.

CITY OF LIBERTY HILL




Liz Branigan, Mayor

ATTEST:


Rebecca Harness, City Secretary

ATTACHMENT “A”

CHAPTER 5

FIRE PREVENTION AND PROTECTION

ARTICLE 5.01 GENERAL PROVISIONS^{*}

(Reserved)

ARTICLE 5.02 FIRE CODE

Sec. 5.02.001 Adopted

(a) The city council hereby adopts the following fire code and incorporates it as the fire code that will govern the city:

Current fire code and amendments that have been adopted by Williamson County Emergency Services District No. 4.

(b) The code adopted by this section shall apply to any construction, alteration, remodeling, removal, demolition, movement, enlargement, replacement, equipment, use and occupancy location, and repair of any structure in the city.

Sec. 5.02.002 Penalty

A violation of this article is a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00). Each day such violation continues shall constitute a separate and distinct offense. (Ordinance 07-O-03, sec. 4, adopted 1/8/07)

ARTICLE 5.03 FIREWORKS[†]

Sec. 5.03.001 Definitions

In this article the following terms shall have the meanings associated therewith:

Fireworks. Any device that can be used to produce or is intended to produce a striking display such as light, noise, or smoke, or a combination of those by the combustion of explosive or flammable composition.

(Ordinance 02-O-08, sec. 3, adopted 5/31/13)

Sec. 5.03.002 Declared nuisance

Fireworks located within the city limits are hereby declared to be a public nuisance. (Ordinance 02-O-08, sec. 4, adopted 5/31/13)

Sec. 5.03.003 Prohibited

(a) No person may sell, offer for sale, give away, use, receive, or manufacture any fireworks within the city limits.

(b) It is a defense to prosecution under subsection (a) of the section that the explosives or fireworks were authorized by special written permit pursuant to [section 5.03.006](#); or being transported upon or along a state or federal highway in a motor vehicle which meets the department of transportation requirements for transporting of fireworks and was equipped with at least one (1) ten-pound fire extinguisher for extinguishing type B fires.

(Ordinance 02-O-08, sec. 5, adopted 5/31/13)

Sec. 5.03.004 Aiding a minor prohibited

A person commits an offense, without regard to his mental state, if he encourages or in any way aids a person under eighteen (18) years of age in possessing or discharging fireworks within the city limits. (Ordinance 02-O-08, sec. 7, adopted 5/31/13)

Sec. 5.03.005 Penalty

Any person violating any portion or provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, therefore, shall be punishable by a fine not to exceed \$500.00. Each day a violation occurs or continues shall be deemed a separate offense. (Ordinance 02-O-08, sec. 9, adopted 5/31/13)

Sec. 5.03.006 Fireworks/explosives permit; contents; offense

(a) **Williamson County ESD No. 4** may issue a special written permit for a fireworks/explosives display within the city limits.

(b) The special written permit shall set forth the conditions under which the fireworks display may be conducted.

(c) A person commits an offense, without regard to his mental state, if he receives a special written permit and fails to comply with the conditions set forth in

the permit.

(Ordinance 02-O-08, sec. 6, adopted 5/31/13)

ARTICLE 5.04 OUTDOOR BURNING^{*}

Sec. 5.04.001 State law adopted

The city hereby adopts the outdoor burning rules as outlined in Title 30 of the Texas Administrative Code, sections 111.201–111.211, except as amended below. If a conflict occurs between title 30 of the Texas Administrative Code, sections 111.201–111.221 and this article, the stricter of the two codes shall prevail.

Sec. 5.04.002 Definitions

The terms used in this article shall have the meanings commonly ascribed to them in the field of air pollution control. When used in this article, the following terms shall have the following meanings unless the context clearly indicates otherwise.

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

Land clearing operation. The uprooting, cutting, or clearing of vegetation in connection with conversion for the construction of buildings, rights-of-way, residential, commercial, or industrial development, or the clearing of vegetation to enhance property value, access, or production. It does not include the maintenance burning of on-site property wastes such as fallen limbs, branches, or leaves, or other wastes from routine property clean-up activities, nor does it include burning following clearing for ecological restoration.

Practical alternative. An economically, technologically, ecologically, and logistically viable option.

Structure containing sensitive receptor(s). A manmade structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term “manmade 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 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.

Sunrise/sunset. The official sunrise/sunset as set forth in the United States Naval Observatory tables available from National Weather Service offices.

Sec. 5.04.003 General prohibition

No person may cause, suffer, allow, or permit any outdoor burning within the city limits, except as provided by this article. The burning of household trash, garbage of any form, or municipal solid waste is prohibited within the city limits. It shall also be unlawful for any person to light or have lighted any fire in any street, alley, thoroughfare, or public property. Outdoor disposal or disposition of any material capable of igniting spontaneously, with the exception of the storage of fossil fuels, shall not be allowed. No furniture, construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber shall be burned.

Sec. 5.04.004 Exceptions

Regardless of the exceptions in title 30 of the Texas Administrative Code, sections 111.201–111.211, only fires, under the conditions described below, will be permitted within the corporate limits of the city:

(1) **Fire training.** Outdoor burning shall be authorized for training of firefighting personnel. ~~when requested in writing and authorized either verbally or in writing by the city manager. The burning shall be authorized if notice of denial is not received within 10 working days after the date of postmark or date personal delivery of the request.~~ Adjacent owners to the location of the outdoor burning training site must be notified in writing two weeks prior to the date of the fire training.

(2) **Domestic outdoor fires.** Outdoor burning shall be authorized for fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used for the purpose of supplying warmth during cold weather. Fires for cooking or warmth shall be limited to fires in a fireproof container, such as a bar-b-que pit or chimenea, made of brick, stone, metal, or other fireproof material in such a manner to prevent said fire from escaping. Domestic outdoor fires do not require burn permit.

(3) Land clearing. Special permission may be obtained for the burning of vegetation in a land clearing operation. See [section 5.04.005](#) below for obtaining permission to burn.

(4) Disposal fires. Except as provided in Local Government Code, section 352.082, outdoor burning is authorized for the following:

(A) Diseased animal carcass burning when burning is the most effective means of controlling the spread of disease;

(B) Veterinarians in accordance with Texas Occupations Code, section 801.361, disposal of animal remains;

(C) Brush, trees, and other plant growth causing a detrimental public health and safety condition burned by a county or municipal government at a site it owns upon receiving site and burn approval from the executive director of the Texas Commission on Environmental Quality. Such a burn can only be authorized when there is no practical alternative, and it may be done no more frequently than once every two months. Such burns cannot be conducted at municipal solid waste landfills unless authorized by regulations of the Texas Commission on Environmental Quality.

(5) Otherwise prohibited outdoor burning. If not otherwise authorized by this article, outdoor burning may be authorized by written permission from the city and **Williamson County ESD No. 4** if there is no practical alternative and if the burning will not cause or contribute to a nuisance, traffic hazard, or to a violation of any federal or state primary or secondary ambient air standard. The city council may specify procedures or methods to control or abate emissions from outdoor burning authorized pursuant to this article. Authorization to burn may be revoked by the city **administrator**, chief of police, **Williamson County ESD No. 4 fire marshal**, or any of **their designee's** at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

Sec. 5.04.005 Requirements for authorization

(a) Application for a "permit to burn" shall be made to **Williamson County ESD No.**

4 by the owner, operator, or other person in control of the property upon which the burning is to occur. Application shall indicate the permitted address, applicant's name, address, and telephone number, and valid driver's license or identification number.

- (b) The permit is effective for thirty (30) days from the date of issuance.
- (c) Requestor must obtain final approval to burn from **Williamson County Communications** immediately prior to the start of burning to ensure that weather conditions will be conducive to this type of burning.
- (d) Permit is automatically voided if the city **administrator**, chief of police, **Williamson County ESD No. 4 fire marshal, or any of their designees** considers the conditions unsafe.

Sec. 5.04.006 Fee for permit

Fee for permit shall be made to Williamson County ESD No. 4.

Sec. 5.04.007 General requirements for burning

- (a) Requester must contact the appropriate persons as determined by the city manager prior to burning. The **fire marshal**, or his designee, shall inspect the burn site and materials to ensure that no prohibited materials are included and that general requirements are being followed.
- (b) Burning is permitted only when the wind direction and other meteorological conditions are such that the smoke and other pollutants will not present a hazard to any public road or have an effect on any building structure.
- ~~(c) If at any time the burning causes or may tend to cause smoke to blow onto or across a street, roadway, or highway, it is the responsibility of the person initiating the burn to post flag persons on the affected roads.~~
- (c) Fires must be kept downwind of, or at least 300 feet away from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from the adjacent occupant with possessory control.
- (d) Burning shall not commence when the surface wind speed is predicted to be less than six miles per hour (6 mph or 5 knots) or greater than twenty-three miles

per hour (23 mph or 20 knots) during the burn period.

(e) Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.

(f) Burning may begin no earlier than one hour after sunrise and must end the same day no later than one hour before sunset.

(g) A responsible party must be present while the burn is active. Such persons shall have a water hose connected to a reliable water supply or have other fire-extinguishing equipment readily available for use.

(h) Any residual fires and/or smoldering objects that continue to emit smoke must be extinguished at the end of the burn.

Sec. 5.04.008 Parallel requirements

The authority to conduct outdoor burning under this article does not exempt or excuse the requestor from complying with all other applicable laws or ordinances, regulations, and orders of any governmental entity having jurisdiction, even though the burning is otherwise conducted in compliance with this article.

Sec. 5.04.009 Penalties

Any person violating any portion or provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, therefore, shall be punishable by a fine not to exceed \$2,000.00. Each day a violation occurs or continues shall be deemed a separate offense.

(Ordinance 12-O-05 adopted 2/27/12)