

OUTDOOR BURNING REQUIREMENTS

Outdoor burning in Texas is illegal unless the following requirements are followed when burning:

- Burning can only be done at a time when the wind speed is greater than 6 mph and less than 23 mph.
- Burning must be done no earlier than one hour after sunrise or later than one hour before sunset.
- Only dry plant growth generated on the burn site can be burned.
- The following prohibited materials cannot be burned:
 - Asphaltic materials
 - Chemical wastes
 - Electrical insulation
 - Items containing natural or synthetic rubber
 - Non-wood construction / demolition materials
 - Petroleum products
 - Plastics
 - Potentially explosive materials
 - Treated lumber
- You cannot burn within 300 feet of a residential, recreational, commercial, or industrial area that is not located on the property where the burning is occurring.

PENALTIES

Penalties in accordance with section 7.177 of the water code are:

- A person who violates a rule adopted under section 382.018, Health and Safety Code, commits an offense that is a class C misdemeanor, except that the offense is a class B misdemeanor if the violation is a second or subsequent violation of a rule adopted under section 382.018; or except as provided by subdivision (2), the violation involves the burning of a substance specifically prohibited by a rule adopted under section 382.018; and the offense is a Class A misdemeanor if the violation involves the burning of a tire or of insulation on copper wire.
- Class A misdemeanor. An individual adjudged guilty of a Class A misdemeanor shall be punished by a fine not to exceed \$4,000; confinement in jail for a term not to exceed one year; or both such fine and confinement.
- Class B misdemeanor. An individual adjudged guilty of a Class B misdemeanor shall be punished by a fine not to exceed \$2,000; confinement in jail for a term not to exceed 180 days; or both such fine and confinement.
- Class C misdemeanor. An individual adjudged guilty of a Class C misdemeanor shall be punished by a fine not to exceed \$500. Additionally, any damage resulting from a burn may result in civil penalties as well as criminal charges under Texas Penal Codes:
 - Sec. 28.04. Reckless damage or destruction. Class C misdemeanor
 - Sec. 28.03. Criminal mischief. Class C misdemeanor up to a felony of the first degree if the amount of pecuniary loss is \$200,000 or more
 - Sec. 28.02. Arson. State jail felony up to first degree felony

SAFE BURN TIPS

Recommendations for conducting a safe controlled burn include the following:

- Ample water supply to control or extinguish the fire or heavy equipment that may be used to control or extinguish the fire.
- Clear of any overhead obstructions or trees.
- Control burns should have 50-foot area mowed around it.
- Do not use gasoline to start the fire.
- Kendall County Fire Marshal's Office can offer inspection of burn sites if requested.
- Fire must not be left unattended and person conducting the burn must have a reliable means of contacting 911.
- Humidity level at 25% or greater.
- Minimum of 300 feet from any structure containing sensitive receptors (residence, business, barn, or greenhouse).
- Potential runoff may not flow into any public waterway.
- Wind speed between 6 to 12 miles per hour.

