

General Requirements for Burning

The following requirements apply to the specific situations for which they are mentioned above. Note: The party responsible for the burn remains liable for damages, injuries, or other consequences that may result from burning, even when it is carried out in compliance with these regulations. These requirements also do not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations and orders of governmental entities having jurisdiction.

Burn only outside the corporate limits of a city or town, unless the incorporated city or town has an ordinance that permits burning and is consistent with the Texas Clean Air Act.

Begin or continue burning only when wind direction and other weather conditions are such that smoke and other pollutants will not present a hazard to any public road, landing strip, or navigable water, or have an adverse effect on any

off-site structure containing "sensitive receptors."

Post someone to flag traffic if at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway.



Keep fires downwind of or at least 300 feet (90 meters) away from any neighboring structure that contains sensitive receptors. This requirement may be waived only with the prior written approval of whoever owns or rents the adjacent property and either resides or conducts business there.

Begin burning no earlier than one hour after sunrise, end it the same day and no later than one hour before sunset, and make sure that a responsible party is present while the burn is active and the fire is progressing. Winds must be from six to 23 miles per hour during the burn period. Burning during temperature inversions or air stagnation advisories is prohibited.

Don't burn any electrical insulation, treated lumber, plastics, construction or demolition materials not made of wood, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, or items that contain natural or synthetic rubber.

Notify the Texas Forest Service before carrying out any prescribed or controlled burns that are intended for forest management.

Texas Penal Code — Outdoor Burning Offenses

Provisions within the Texas Penal Code address escaped control burning and deliberately set wildland fires.

TITLE 7 OFFENSES AGAINST PROPERTY

CHAPTER 28 Arson, Criminal Mischief, Property Damage or Destruction

£28.04 Reckless Damage or Destruction

A person commits a crime if he recklessly allows his fire to damage or destroy someone else's property. A person acts recklessly, or is reckless, when

he is aware of but consciously disregards a substantial and unjustifiable risk that his burning will escape from his control and result in damage to the property of another.

An offense under this section is a class C misdemeanor, punishable by a fine not to exceed \$500.

£28.02 Arson

A person commits a violation if he starts a fire or causes an explosion with intent to destroy or damage any vegetation, fence or structure on open space land. "Open space land" means real property that is undeveloped for the purpose of human habitation.

Wildland arson is a second degree felony unless the fire results in bodily injury or death. The offense becomes a first degree felony if someone is injured or killed because of the fire.

Punishment for wildland arson includes a possible fine up to \$10,000 and confinement in the Texas Department of Criminal Justice ranging from two years to life.

Toll-Free Arson Hotline

1-800-364-3470