



**TITLE:** Consider/Discuss/Act on an Ordinance Repealing Chapter 42, Article III, Sections 42-56 through 42-67 of the Code of Ordinances of the City of McKinney, Texas, entitled "Open Burning," and Adopting a New Chapter 42, Article III, Sections 42-56 through 42-68, entitled "Open Burning"

**MEETING DATE:** July 16, 2013

**DEPARTMENT:** Fire Department

**CONTACT:** Danny Kistner, Fire Chief  
Andrew Barr, Deputy Fire Marshal

**RECOMMENDED CITY COUNCIL ACTION:** Repeal prior Ordinance and adopt new Ordinance.

**ITEM SUMMARY:**

- The proposed recommended changes to the Open Burning Ordinance are to provide some additional guidance not currently in either the 2012 International Fire Code or in the NCTCOG recommend amendments to the 2012 IFC.
- With the proposed adoption of the 2012 International Fire Code staff is recommending that the existing open burning ordinance be amended to be in line with the new 2012 International Fire Code provisions.
- The provisions of this ordinance are consistent with 2012 International Fire Code relative to open burning with the adoption of local modifications to address local issues.
- This ordinance is intended to protect the health, safety and welfare of the citizens of McKinney by enacting a comprehensive burn ordinance.
- It complies with state and local regulations including provisions of the Texas Commission on Environmental Quality and the City's Air Pollution Control ordinance.

**BACKGROUND INFORMATION:**

- The City of McKinney has been adopting an Open Burning Ordinance in this manner for many years in conjunction with the adoption of a new edition of the Fire Code.
- Our current Open Burning Ordinance, 2008-02-12 was adopted in conjunction with the adoption of the 2006 International Fire Code (IFC).
- Section 307 of the 2012 IFC covers Open Burning, Recreational Fires and Portable Outdoor Fireplaces. Outdoor fireplaces are a new addition in the 2012 IFC. The existing ordinance specifically address both concerns of open burning,

bonfires and recreational fires to McKinney and that of the recommended amendments to the 2006 IFC from NCTCOG.

- The proposed recommended changes to the Open Burning Ordinance are to continue those same concerns and code requirements, and to provide some additional guidance not currently in either the 2012 International Fire Code or in the NCTCOG recommend amendments to the 2012 IFC. The new amendments include the following:
  1. Provide dimensions to distinguish a bonfire from that of a recreational fire and to allow a small ceremonial fire to be considered a recreational fire and not a bonfire.
    - This is not addressed in either the 2006 IFC, 2012 IFC or the NCTCOG recommended amendments to the 2012 IFC.
  2. Identify that bonfires by their nature are larger than a recreational fire and present additional hazards to the public that would necessitate fire department standby personnel. These are permitted events which may require significant manpower and provide for cost recovery.
    - Our current adopted Open Burning Ordinance does not provide a mechanism to require standby personnel and cost recovery, or to permit a bonfire less than the prescribed distances.
  3. Provide definitions and requirements for both permanent and temporary outdoor fireplaces not present in the 2006 IFC, but present in the 2012 IFC and the NCTCOG recommended amendments to the 2012 IFC.
    - Our current adopted Open Burning Ordinance does not allow a portable or temporary fireplace and further the proposed amendments would allow a portable fireplace on a balcony that is protected by an approved fire sprinkler system.

**FINANCIAL SUMMARY:** N/A

**BOARD OR COMMISSION RECOMMENDATION:** N/A