

**CITY OF HORSESHOE BAY, TEXAS**

**ORDINANCE NO. ORD 08-09-16H**

**OUTDOOR USE OF OPEN FLAME EQUIPMENT ORDINANCE**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY REGARDING THE OUTDOOR USE OF WELDING, CUTTING, AND/OR OPEN TORCH EQUIPMENT, PROVIDING FOR FINDINGS OF FACT, DEFINITIONS, REGULATIONS, ENFORCEMENT, PENALTIES OF UP TO \$2000 PER DAY FOR VIOLATION, REPEALER, SEVERABILITY, AND EFFECTIVE DATE**

**WHEREAS**, the use of exterior or outdoor use of welding, cutting and/or open torch equipment is hazardous and can ignite fires, and;

**WHEREAS**, these fires can create dangerous and fast moving wildfires, and;

**WHEREAS**, these wildfires pose a significant threat to large sections of the City of Horseshoe Bay, and;

**WHEREAS**, the City Council finds that an adoption of an ordinance regulating the exterior or outdoor use of welding, cutting and/or open torch equipment promotes the welfare and safety of the citizens of the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:**

**I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**II. EXTERIOR/OUTDOOR USE OF OPEN TORCH EQUIPMENT REGULATIONS**

**(a) Scope**

The provisions of this Ordinance shall apply within the City Limits (i.e., incorporated municipal boundary).

**(b) Compliance Required**

It shall be unlawful for any person to violate the provisions of this ordinance.

**(c) Definitions**

*Hot site* means a location where hot work is performed and the immediately surrounding area of a minimum of 25 feet in all directions.

*Hot work* means the use of welding (including arc and acetylene), metal cutting, or other type of open torch work.

*Spotter* means a person, other than the person performing the hot work, who watches the hot work for the purpose of extinguishing sparks or fires, advising the person performing the work of wind changes or other factors that may create an unsafe condition, and generally ensuring that the work does not cause a fire or other hazardous situation.

**(d) Regulatory and Safety Compliance**

(1) The use of welding, cutting and/or open torch equipment within a structure is governed under the International Fire Code, Section 2601, which was adopted as the City's Code by Ord. No. 08-01-22c. This type of exterior or outdoor hot work shall not be performed when winds are greater than 15 mph.

(2) A spotter for each welder or hot work location is required.

(3) The hot site shall be cleared of all movable, flammable objects and any other object that may retard or interfere with easy access or response to fire. All flammable vegetation within the hot site shall be removed or wetted down and kept wet so that it will not burn.

(4) Each hot site shall have readily available either: a minimum of 100 gallons of water plus at least one two-gallon fire extinguisher (either pump or pressure type); or, alternatively, a charged hose line (minimum size of ½") that is long enough to reach the entirety of the hot site plus an additional 25 feet in all directions from the perimeter of the hot site.

(5) Each job site shall have a phone or cell phone immediately available and accessible to workers in the event of a fire.

(6) The person responsible for this job site shall ensure that any small spot fires are quickly and completely extinguished. No job site shall be abandoned until fires are thoroughly extinguished.

(7) The fire department shall be promptly notified of any fires that extend beyond the 25 foot perimeter, are out-of-control, or that continue to smolder.

(8) The welding or hot work shall be stopped if the fire department so orders, and it shall not resume until the fire department deems that conditions are safe.

**III. ENFORCEMENT**

**(a) Enforcement**

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to prosecution for criminal violations.

**(b) Penalty for Violation**

The penalty for violation of this ordinance carries a fine not to exceed \$2,000. Each violation is a separate offense.

**IV. EFFECTIVE DATE**

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

**V. REPEALER**

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

**VI. SEVERABILITY**

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

**ADOPTED AND APPROVED** on this 16<sup>th</sup> day September, 2008 by a vote of the City Council of the City of Horseshoe Bay, Texas.

**CITY OF HORSESHOE BAY, TEXAS**

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**Robert W. Lambert, Mayor**

**ATTEST:**

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**Teresa L. Moore, City Secretary**