

## ORDINANCE NO. 19

AN ORDINANCE OF THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, OKLAHOMA, AMENDING THE CODE OF ORDINANCES AT TITLE 6: "POLICE AND PUBLIC SAFETY; ADDING CHAPTER 4: "PROHIBITIONS ON OUTDOOR BURNING DURING FIRE WEATHER WATCHES, RED FLAG WARNINGS, HIGH WIND WATCHES, AND HIGH WIND WARNINGS"; ESTABLISHING PURPOSE; PROVIDING FOR DEFINITIONS; ESTABLISHING PROHIBITIONS OF OUTDOOR BURNING; PROVIDING EXCEPTIONS; PROVIDING FOR ENFORCMENT AND PENALTIES FOR VIOLATION; PROVIDING FOR LIABILITY FOR DAMAGES; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, MCCURTAIN COUNTY, STATE OF OKLAHOMA:

**SECTION 1.** That Title 6, new Chapter 4 of the Code of Ordinances of the Town of Hochatown, Oklahoma is hereby adopted and shall hereinafter read as follows:

### **Chapter 4: PROHIBITIONS ON OUTDOOR BURNING DURING FIRE WEATHER WATCHES, RED FLAG WARNINGS, HIGH WIND WATCHES, AND HIGH WIND WARNINGS**

#### **SECTION:**

#### **6-4-1: PURPOSE**

The purpose of this ordinance is to protect public safety, property, and natural resources by prohibiting outdoor burning and fires during periods of extreme fire danger and high winds, as indicated by the issuance of a Fire Weather Watch, Red Flag Warning, High Wind Watch, or High Wind Warning by the National Weather Service.

#### **6-4-2: DEFINITIONS**

For the purposes of this ordinance the following definitions shall apply:

- A. **Fire Weather Watch:** A notice issued by the National Weather Service indicating that critical fire weather conditions may develop.
- B. **Red Flag Warning:** A notice issued by the National Weather Service indicating that critical fire weather conditions are occurring or imminent.
- C. **High Wind Watch:** A notice issued by the National Weather Service indicating the potential for strong, damaging winds.
- D. **High Wind Warning:** A notice issued by the National Weather Service indicating that strong, damaging winds are occurring or imminent.
- E. **Outdoor Burning:** The open-air burning of any materials, including but not limited to leaves, brush, wood, or trash, as well as recreational fires, bonfires, and the use of fire pits.

- F. **Open Flame Device:** Any device that produces an open flame, including but not limited to torches, fireworks, charcoal grills, and camp stoves.

#### **6-4-3: PROHIBITION OF OUTDOOR BURNING**

- A. It shall be unlawful for any person to ignite, cause to be ignited, or maintain any outdoor burning or open flame device when a Fire Weather Watch, Red Flag Warning, High Wind Watch, or High Wind Warning has been issued for the jurisdiction.
- B. This prohibition includes, but is not limited to:
  - 1. Campfires, bonfires, and fire pits
  - 2. Burning of debris, brush, or other materials
  - 3. Use of fireworks, torches, or other open-flame devices
  - 4. Charcoal grills, unless used in a controlled, enclosed structure such as a building or pavilion

#### **6-4-4: EXCEPTIONS**

The following activities are exempt from this ordinance:

- A. Cooking devices using propane, natural gas, or electricity, provided they are operated in a safe manner and attended at all times.
- B. Fires necessary for public safety, such as those conducted by fire departments or emergency personnel for training or hazard mitigation.

#### **6-4-5: ENFORCEMENT AND PENALTIES**

- A. Any person found violating this ordinance shall be subject to the following penalties:
  - 1. First offense: A warning or a fine of up to \$250.
  - 2. Second offense: A fine of up to \$500.
  - 3. Subsequent offenses: A fine of up to \$1,000 and/or up to 30 days in jail
- B. Law enforcement officers and fire officials shall have the authority to enforce this ordinance and issue citations.

#### **6-4-6: LIABILITY FOR DAMAGES**

Any person found in violation of this ordinance may be held civilly liable for any damages to property, injuries, or costs incurred by emergency response services resulting from a fire caused by their failure to comply with this ordinance. This includes, but is not limited to, the cost of firefighting operations, property damage, and associated expenses incurred by public agencies or private parties.

**SECTION 2.** That the remaining portions of Title 7 of the Code of Ordinances of the Town of Hochatown, Oklahoma shall be unchanged by this Ordinance.

**SECTION 3.** The provisions of this ordinance are severable and if any section, subsection, subdivision, paragraph, sentence, clause or phrase or any part thereof is for any reason determined to be unconstitutional or adjudged invalid or ineffective by any Court of competent jurisdiction, such determination or adjudication shall not affect or impair the validity or effectiveness of the remaining parts, provisions or portions hereof.

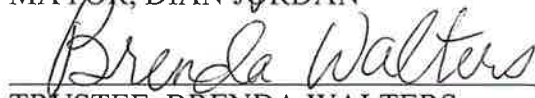
**SECTION 4.** Repealer. All ordinances or parts thereof which are inconsistent with this ordinance are repealed upon effective date of this ordinance.

**SECTION 5.** It being immediately necessary for the preservation of the public health, peace, and safety of the citizens of the Town of Hochatown, Oklahoma, that an emergency be declared to exist, this ordinance shall be in full force and effect immediately from and after its passage, approval, and publication.

**SECTION 6.** Pursuant to 11 O.S. §14-108, the Town Clerk is authorized to include this ordinance in the official Code of Ordinances for the Town of Hochatown, it being the intent to authorize recodification with the inclusion of this ordinance upon approval.

**PASSED AND APPROVED** by the Town Trustees of the Town of Hochatown, Oklahoma this the 2nd day of April, 2025.

  
MAYOR, DIAN JORDAN

  
TRUSTEE, BRENDA WALTERS

  
TRUSTEE, MICHAL TODD MCDANIEL

  
TRUSTEE, CHAD SARGENT

  
TRUSTEE, HOWARD HAGGARD

ATTEST:

  
Helen Harden, Town Clerk



Approved:

  
Liz George, OBA No. 30562  
Town Attorney