

ORDINANCE NO. 578

AN ORDINANCE OF THE CITY OF LOS FRESNOS, TEXAS, PROHIBITING OUTDOOR BURNING WITHIN THE CITY LIMITS; PROVIDING LIMITED EXCEPTIONS CONSISTENT WITH TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) REGULATIONS; INCORPORATING STATE LAW AUTHORITY; ESTABLISHING A PERMIT PROCESS; PROVIDING FOR AUTOMATIC AMENDMENT; PROVIDING PENALTIES; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by _____ that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by _____ and carried by the following voted:

Mayor Alejandro Flores	___ For ___ Against ___ Abstained
Mayor Pro-tem Alberto Escobedo	___ For ___ Against ___ Abstained
Councilmember Andrew Gonzales	___ For ___ Against ___ Abstained
Councilmember Juan Munoz	___ For ___ Against ___ Abstained
Councilmember Luis Gonzalez	___ For ___ Against ___ Abstained
Councilmember Leonel Casanova Jr.	___ For ___ Against ___ Abstained

WHEREAS, The City Council of the City of Los Fresnos finds that uncontrolled outdoor burning poses risks to public health, safety, and welfare; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) regulates outdoor burning pursuant to Title 30, Texas Administrative Code, Chapter 111, which generally prohibits outdoor burning except in limited circumstances; and

WHEREAS, municipalities are authorized to regulate and control outdoor burning under the Texas Clean Air Act (Texas Health and Safety Code Chapter 382), Texas Local Government Code Chapter 352, and Texas Government Code §419.021;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOS FRESNOS, TEXAS:

SECTION 1. AUTHORITY

This ordinance is adopted pursuant to:

- Texas Health and Safety Code, Chapter 382 (Texas Clean Air Act), Subchapter E
- Texas Local Government Code, Chapter 352, Subchapter D
- Texas Government Code §419.021
- 30 Texas Administrative Code, Chapter 111

SECTION 2. DEFINITIONS

All terms shall have the meanings assigned in:

- 30 Texas Administrative Code, Chapter 111; and
- Texas Government Code §419.021, where applicable.

SECTION 3. GENERAL PROHIBITION

A. It shall be unlawful for any person to cause, permit, allow, or conduct outdoor burning within the corporate limits of the City of Los Fresnos.

B. Outdoor burning is prohibited except as expressly allowed by this ordinance and applicable state law.

SECTION 4. LIMITED EXCEPTIONS

Outdoor burning may occur only when:

1. Allowed by this ordinance;
2. Authorized under TCEQ regulations; and
3. Conducted pursuant to an approved permit issued under this ordinance when required.

Permitted categories include:

Recreational and Cooking Fires

Allowed for recreation, ceremony, cooking, or warmth, provided only approved materials are burned.

Firefighter Training

Allowed when conducted in compliance with TCEQ rules and applicable fire protection standards.

Emergency or Public Safety Burning

Allowed when necessary to mitigate an imminent threat to public health or safety and when authorized by the appropriate authority.

TCEQ-Authorized Burning

Allowed only when expressly authorized by TCEQ and compliant with all applicable requirements.

SECTION 5. PERMIT REQUIRED FOR AUTHORIZED BURNS

A. Permit Required

Except for small recreational or cooking fires as described in Section 4(A), any outdoor burning permitted under this ordinance shall require a permit issued by the City.

B. Application Submission

1. A written permit application shall be submitted to the City Secretary's Office.
2. The application shall include, at a minimum:
 - Name and contact information of the applicant

- Location of the proposed burn
- Type and purpose of the burn
- Materials to be burned
- Proposed date(s) and time(s) of burning
- Documentation of any required TCEQ authorization, if applicable

C. Fire Marshal Review and Approval

1. All permit applications shall be reviewed by the City Fire Marshal or designee.
2. The Fire Marshal shall approve, approve with conditions, or deny the application based on:
 - Compliance with TCEQ regulations
 - Weather conditions and fire risk
 - Proximity to structures or sensitive receptors
 - Availability of fire protection resources
 - Overall public safety considerations

D. Conditions of Permit

The Fire Marshal may impose conditions including, but not limited to:

- Specific burn times
- Required fire suppression equipment
- On-site supervision requirements
- Notification of fire department personnel

E. Revocation

Any permit may be suspended or revoked at any time by the Fire Marshal if:

- Conditions become unsafe
- Permit conditions are violated
- Burn bans or emergency conditions arise

F. No Permit Section Override

Issuance of a permit does not relieve the applicant from complying with all applicable TCEQ rules and state laws.

SECTION 6. PROHIBITED MATERIALS

The burning of the following is strictly prohibited:

- Plastics
- Rubber or tires
- Treated lumber
- Construction debris
- Hazardous or chemical waste

SECTION 7. COMPLIANCE WITH STATE LAW

All burning must comply with:

- Texas Health and Safety Code Chapter 382
- Texas Local Government Code Chapter 352
- Texas Government Code §419.021
- 30 TAC Chapter 111

SECTION 8. AUTOMATIC ADOPTION

All referenced TCEQ rules and state statutes shall automatically include any future amendments without further action by the City Council.

SECTION 9. STRICTER LOCAL CONTROL

This ordinance imposes stricter local regulations. Compliance with TCEQ regulations alone does not authorize outdoor burning within the City.

SECTION 10. ENFORCEMENT AND PENALTIES

- A. Any violation constitutes a misdemeanor offense.
- B. Any person violating any provision of this ordinance shall, upon conviction, be fined in an amount not to exceed \$500.00, unless a higher maximum penalty is authorized by state law.
- C. Each day a violation continues constitutes a separate offense.

SECTION 11. SEVERABILITY

If any provision is held invalid, such invalidity shall not affect the remaining provisions.

SECTION 12. REPEALER

All conflicting ordinances are hereby repealed to the extent of such conflict.

SECTION 13. EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as required by law.

INTRODUCED AND APPROVED on the first reading this ____ day of _____, 2026.

APPROVED AND PASSED on the second reading this ____ day of _____, 2026.

Mayor, Alejandro Flores

ATTEST:

City Secretary, Jacqueline Moya