

## ARTICLE IV. - OPEN BURNING

## Sec. 14-130. - Burning restricted.

Unless otherwise permitted in this article, it shall be unlawful for any person to ignite or burn, or cause to be ignited or burned, any rubbish, garbage, trash, grass, brush, branches, lumber, leaves or other combustible materials of any nature whatsoever at any place within the city limits.

(Code 1992, § 6-4(a); Ord. No. 290, §§ 1—3, 10-9-2000; Ord. No. Ord. No. 290B, § 1, 3-20-2017)

## Sec. 14-131. - Burning for land clearance.

In those areas in the city where the lot size is one acre or more, the fire marshal, the fire chief, or designee, may authorize, in writing, outdoor burning for land clearance only, provided that the requirements of the state commission on environmental quality are met and that the fire will be at least 300 feet from any structure.

(Code 1992, § 6-4(a)(1); Ord. No. 290, §§ 1—3, 10-9-2000; Ord. No. 290A, § 1, 10-14-2013; Ord. No. 290B, § 1, 3-20-2017; Ord. No. 24-516, 6-10-2024)

## Sec. 14-132. - Required postings.

The applicant must post 30 Tex. Admin. Code § 111.219 and the permission from the city on site where it is protected and clearly visible.

(Code 1992, § 6-4(a)(2); Ord. No. 290, §§ 1—3, 10-9-2000; Ord. No. 290B, § 1, 3-20-2017)

## Sec. 14-133. - Compliance with state guidelines.

All outdoor burning is to be done in compliance with the guidelines of the state commission on environmental quality (TCEQ) or the state natural resource conservation commission.

(Code 1992, § 6-4(a)(3); Ord. No. 290, §§ 1—3, 10-9-2000; Ord. No. 290B, § 1, 3-20-2017)

## Sec. 14-134. - Authority to burn is not relief from jurisdiction.

The authority to burn under this section does not relieve the persons conducting the outdoor burning from responsibility for the consequences, damage, or injuries resulting from the burning and does not exempt such persons from complying with all applicable laws and ordinances, regulations or orders of governmental entities having jurisdiction.

(Code 1992, § 6-4(a)(4); Ord. No. 290, §§ 1—3, 10-9-2000; Ord. No. 290B, § 1, 3-20-2017)

Sec. 14-135. - Extinguishment required when ordered.

The fire marshal or his designee, fire chief or his designee, any code enforcement officer or any peace officer may prohibit any and all fires or order the immediate extinguishment of any and all fires when atmospheric conditions or other conditions make such fires an immediate threat to public safety or the smoke or ash from such fires becomes a public nuisance.

(Code 1992, § 6-4(a)(5); Ord. No. 290, §§ 1—3, 10-9-2000; Ord. No. 290B, § 1, 3-20-2017)

Sec. 14-136. - Exceptions.

It is an exception to the provisions of this article if the person ignites or burns, or causes to be ignited or burned, the rubbish, garbage, trash, grass, brush, branches, trees, lumber, leaves or other combustible material in question pursuant to the provisions of the Texas Clean Air Act, codified as V.T.C.A., Health and Safety Code ch. 382, or the rules, regulations, or orders of TCEQ (the state commission on environmental quality) or the state natural resource conservation commission. In any prosecution in the municipal court of any other court of competent jurisdiction, the complaint charging a violation of this section need not negate the existence of the foregoing exception; but the existence of the exception may be raised by the defendant in such prosecution by way of defense.

(Code 1992, § 6-4(b); Ord. No. 290, §§ 1—3, 10-9-2000; Ord. No. 290B, § 2, 3-20-2017)

Sec. 14-137. - Penalty.

Any person, firm, corporation, association or other entity that violates this section may be fined as provided for in section 1-6. Each day of violation shall constitute a separate offense.

(Code 1992, § 6-4(c); Ord. No. 290, §§ 1—3, 10-9-2000; Ord. No. 290B, § 3, 3-20-2017)