

## ORDINANCE 2024-06

**AN ORDINANCE PROHIBITING THE OUTDOOR BURNING OF TRASH, WEEDS, GRASS, BRUSH, CONSTRUCTION DEBRIS, LEAVES, OR ANY OTHER REFUSE ON PREMISES LOCATED WITHIN THE CITY LIMITS OF THE CITY OF CARTHAGE, TEXAS; WITH THE EXCEPTIONS NOTED UNDER THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, DECLARING THAT SUCH BURNING CAN CONSTITUTE A FIRE HAZARD, A PUBLIC NUISANCE, AND HAZARD.**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CARTHAGE, TEXAS:

That Chapter 18, Article I, Section 18-1 is hereby amended to read:

### **Section 18-1 – Outdoor Burning Prohibited**

- a. It shall be unlawful for any person, firm, or organization to burn any materials within the city limits of the City of Carthage, Texas.
  
- b. Exceptions:
  1. Training of Firefighters when authorized by the Texas Commission on Environmental Quality.
  2. Fires used solely for ceremonial purposes with **prior** written notification to, and/or inspection by, the Fire Marshal (or their designee) under the guidelines established by the Texas Commission on Environmental Quality. The city retains the right to rescind permission for a ceremonial fire if Fire or Law Enforcement Officers believe public safety, public order, or environmental quality is at risk.
  3. Fires used for warmth or outdoor cooking in the noncommercial preparation of food. These must be in a container designed for that purpose.
  4. Land clearing operation. A permit may be obtained for the burning of vegetation in the clearing of land. Then term “land clearing operation,” as defined by Title 30 Tex. Admin. Code § 111.203(2), as adopted and as may be amended, means the uprooting, cutting of vegetation in connection with conversion for the construction of buildings, rights-of-way, residential, commercial, or industrial development, or the clearing of vegetation to enhance property value, access, or production. The term “land clearing operation” does not include maintenance burning of on-site property wastes such as fallen limbs, branches, or leaves, or other wastes from routine property clean-up activities, nor does it include burning following clearing for ecological restoration.
    - (i) Application for a permit to burn shall be made in writing to the City Marshal’s Office by the owner, operator, or other person in control of the property upon which the burning is to occur. Applications shall be submitted on a form promulgated by the City. The application shall indicate the permitted address, applicant’s name,

address, email address, telephone number, and a valid driver's license number. In addition to the application required herein, applicants for land clearing operations shall obtain and present to the City the required permit from the Texas Commission on Environmental Quality for an Air Curtain Incinerator (ACI), and an approved "Notice of Relocation" for the ACI prior to receiving a permit to burn from the City.

(ii) A permit granted under this chapter is effective for 30 days from the date of issuance.

(iii) There is no fee for the issuance by the City of a burning permit.

5. Fires conducted by The City of Carthage to dispose of accumulated trees and brush on city property, following Texas Commission on Environmental Quality guidelines.

6. That none of these exceptions shall conflict with a Panola County "burn ban".

c. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor offense and upon conviction thereof shall be punished with a fine not exceeding five hundred and No/100 dollars.

**PASSED AND APPROVED** on its **FIRST READING** this the 25 day of March, 2024

**PASSED AND APPROVED** on its **SECOND READING** this the 8 day of April, 2024

**PASSED AND ADOPTED** on its **THIRD READING** this the 22 day of April, 2024

ATTEST:

CITY OF CARTHAGE:

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City Secretary

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Olin Joffrion, Mayor