

## **ORDINANCE NUMBER 13-08**

**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 COMMERCE, TEXAS; WITH THE EXCEPTIONS NOTED UNDER THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY . DECLARING THAT THAT SUCH BURNING CAN CONSTITUTE A FIRE HAZARD, A PUBLIC NUISANCE AND HAZARD; CONTAINING A PENALTY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AND PROPERLY POSTED FOR HEARING AS REQUIRED BY LAW.**

### **AMENDMENT.**

The Code of Ordinances of the City of Commerce, Texas are hereby amended as follows:

### **ADDITIONS TO CHAPTER 38.**

Chapter 38 is hereby amended by adding Article VI as follows:

#### **ARTICLE VI. OUTDOOR BURNING**

**Whereas,** The burning of materials within the municipal boundaries of the City of Commerce can create threats to the general public safety, welfare and health; and

**Whereas,** The strict regulation and control of burning is regulated by the Texas Commission on Environmental Quality ; and

**Whereas,** The Texas Commission on Environmental Quality allows for exceptions to the outdoor burning prohibition,

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS;**

**Section 1:** It shall be unlawful for any person, firm, or organization to burn any materials within

The city limits of The City of Commerce Tx.

#### **EXCEPTIONS:**

- A. Training of Firefighters when authorized by the Texas Commission on Environmental Quality.
- B. Fires used solely for ceremonial purposes with **prior** written notification to, and/or inspection by, the Fire Chief, 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.

- C. Fires used for warmth or outdoor cooking in the noncommercial preparation of food. These must be in a container designed for that purpose.
- D. Fires burning brush, trees, and stumps from land clearing operations under Texas Commission on Environmental Quality rule 111.201 – 111.221 if all conditions of these rules can be met, and with **prior** written notification to, and/or inspection by, the Fire Chief, Fire Marshal (or their designee).
- E. Fires conducted by The City of Commerce to dispose of accumulated trees and brush on city property, following Texas Commission on Environmental Quality guidelines.
- F. That none of these exceptions shall conflict with a Hunt County “burn ban”.

### **PENALTY CLAUSE**

#### **Section 2:**

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.

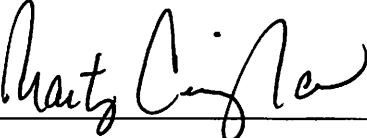
**SECTION 3.** All ordinances and parts of ordinances inconsistent with or in conflict with the provisions of this Ordinance shall be and the same are hereby expressly repealed.

**SECTION 4.** If any section, subsection, word, sentence, or phrase of this ordinance is declared to be invalid it shall not effect the validity of this ordinance.

**PASSED AND APPROVED** on its **FIRST READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 16<sup>th</sup> day of April 2013.

**PASSED AND APPROVED** on its **SECOND READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 21<sup>st</sup> day of May, 2013.

ATTEST:

  
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Marty Cunningham, City Secretary

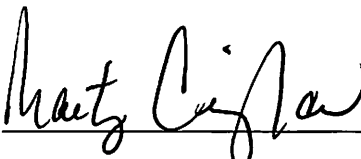
CITY OF COMMERCE:

  
\_\_\_\_\_

John Ballotti, Mayor

(seal)

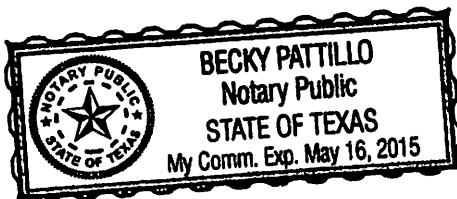
I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance, and that the same has not been repealed and is in full force and effect.

  
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Marty Cunningham, City Secretary

(seal)

Sworn to and subscribed before me, on this the 28th day of May 2013 to certify which witness my hand and seal of office.



(seal)

  
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Notary Public, State of Texas