



Town of Poetry, Texas

Agenda

Public Hearing & Regular Town Council Meeting

Thursday, March 19, 2026

Poetry Town Hall

5671 County Road 323, Poetry TX 75160

5:30 pm



A. Call to Order

Roll Call for Quorum

Pledge of Allegiance

Invocation

Persons wishing to speak on any posted Workshop or Regular Agenda item may do so when the individual item is opened for consideration by the Council. Speakers will be limited to (3) minutes. If a translator is needed, the speaker may be given up to (4) minutes. Sign up is required in advance either in-person prior to the start of the meeting or by emailing your request/comments to speak@poetrytexas.org at least 24 hours prior to the start of the meeting.

B. Public Hearing - Texas Community Development Block Grant Application

The Town of Poetry has been invited to submit a fully developed 2026 Project Application to the Texas Department of Agriculture for a Texas Community Development Block Grant (TxCDBG) (grant # CDV25-0425) This is phase 2 of the application process and means \$750K has been reserved for our CDV grant application. The town is required to match these funds with \$37,500 in town funds. In accordance with Texas Administrative Code, Title 4, Part 1, Section 30.7, this public hearing is to allow citizens an opportunity to provide input regarding our participation and possible projects (likely roads and drainage ditches) that would benefit the low to moderate income (less than 80% of the Area Median Family Income) areas of our town. The Town of Poetry encourages citizens to participate in the development of our TxCDBG application and to make their views known at this public hearing.

C. Items of Community Interest

Pursuant to Section 551.0415 of the Texas Government Code, the Town Council may report on the following items: 1) expression of thanks, congratulations, or condolences; 2) information about holiday schedules; 3) recognition of individuals; 4) reminders upcoming Town Council events; 5) about community events, and 6) announcements involving an imminent threat to public health and safety.

1. Thank you to everyone who participated in the Town of Poetry Clean Up Day including Blackjack Waste who provided the roll off container.
2. Thank you to everyone who participated in the Poetry Farmer's Market
3. Another Community Bingo Night at the Poetry Community Christian School is scheduled for March 27, 2026. For info go to givebutter.com/c/poetrybingo
4. Town of Poetry Annual Agricultural Student Scholarship 2026. Applications April 1-May 1, 2026. See town website for details. Donations needed.
5. TCEQ Discharge Water Permit Hearing for Bishop Airfield Tuesday, April 7, 2026 @ 7:00 PM, Royse City ISD Performing Arts Center, 700 FM 2642, Royse City, TX 75189

6. We're still working on putting together a community survey to gather input for creation of our long-range planning.

D. Reports

1. Financial
 - a. P&L Budget vs Actual - Feb 2026
 - b. Account Quick Reports 6010, 6011, 6012, 6020, 6100 – Feb 2026
 - c. Bank Reconciliation Summary & Detail – Feb 2026
 - d. Bank Reconciliation Petty Cash – Feb 2026
 - e. Sales & Use Tax Report – Feb 2026
 - f. Hunt & Kaufman County Roads Escrow Reports – Feb 2026
2. Roads & Traffic Update
3. Our computing environment audit is underway. No significant findings so far.
4. Mayor & Councilmember Activity Updates

E. Consent Agenda

Items on the Consent Agenda are considered routine, not likely to require discussion or deliberation and may be approved in a single motion. If discussion is desired, items may be removed from the Consent Agenda for individual discussion by any Councilmember prior to the motion and vote.

1. Approve Minutes – January 15, 2026 Executive Session & Regular Meeting
Motion approved at Feb. 19 meeting included 2 amendments to add detail, which is not allowed.
2. Approve Minutes – February 19, 2026 Executive Session & Regular Meeting
3. Approve Nichols Jackson legal bill 2/28/26 - \$1,451.75

F. Regular Agenda (item sponsor)

1. Continue Reviewing and Scoring Grant Administrator RFP Proposals to select top candidate. (grant # CDV25-0425) (Mayor)
If needed, this is a continuation of the agenda item from our March 18, 2026 Special Meeting. We will consider all of the RFP proposals received and select a finalist to consider awarding the role to.
2. Continue Reviewing and Scoring Grant Engineering Services RFQ Proposals to select top candidate. (grant # CDV25-0425) (Mayor)
If needed, this is a continuation of the agenda item from our March 18, 2026 Special Meeting. We will consider all of the RFQ proposals received and select a finalist to consider awarding the role to.
3. Discuss and take action to select a TxCDBG Grant Administrator by Resolution. (grant # CDV25-0425) (Mayor)
This is the item to officially name our choice for Grant Administrator.
4. Discuss and take action to select a TxCDBG Grant Engineering Services firm by Resolution. (grant # CDV25-0425). (Mayor)
This is the item to officially select our choice for Grant Engineering Services.
5. Discuss and take action as needed on consideration of adding \$10,000 to our Hunt County Escrow account for upcoming road maintenance projects. (Mayor)

Our escrow balance with Hunt County is down to \$1,800. With all of the recent rain our road pothole population is once again increasing and as soon as the rain clears out we need to get back to repairing them.

6. Discuss beginning the FY 2026-2027 Budget Process. (Kendrick)

We want to start the budget creation process earlier this year and, in this discussion, will begin to talk about high level objectives.

7. Discuss and take action as needed on Ordinance to allow Outdoor and Open Burning inside the Town of Poetry. (Kendrick)

In the state of Texas, it is illegal to open burn, inside of a city limit unless that city has an ordinance that allows it. This ordinance will allow town residents to open burn compliant with state TCEQ rules.

8. Discuss and take action as needed on determining the exact location of our ETJ boundaries to allow citizens to know where our ETJ boundary lies on their property. (Mayor on behalf of ETJ citizen)

The citizen who brought this item is at least partly in our ETJ at the end of CR 2432 and would like to know exactly where our ETJ boundary is.

G. General Public Comments

Comments are limited to three (3) minutes. If a translator is needed, the speaker may be given up to four (4) minutes. Sign up is required in advance either in-person prior to the start of the meeting or by emailing your comments to speak@poetrytexas.org at least 24 hours prior to the start of the meeting. The Texas Open Meetings Act restricts council members from discussing items not posted on the agenda. Action or responses to your remarks by council members (if not a posted agenda item) are limited to either a statement of fact or recitation of an existing policy or a proposal to place the subject on the agenda for a future meeting.

H. Adjournment

Note: The Town Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including Sec. 551.071 (private consultation with the attorney for the Town); Sec. 551.072 (purchase, exchange, lease, or value of real property); Sec. 551.074 (personnel or to hear complaints against personnel); Sec. 551.076 (deployment, or specific occasions for implementation of security personnel or devices); and Sec. 551.087 (economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Note: Disabled persons requiring special assistance are requested to notify the Town of Poetry 24 hours in advance of the meeting by calling the Mayor at 214-704-1593.

I certify that the above Notice of the Meeting and Agenda was posted at 5671 CR 323 Poetry, Texas on Thursday, March 12, 2026 by 5:30 pm and online at poetrytexas.org.



Mike Jaffe, Mayor

Town of Poetry

Budget vs. Actuals: FY_2025_2026 - FY26 P&L

October 2025 - September 2026

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Income				
3000 Use of Prior Year Excess		50,366.81	-50,366.81	
4000 Franchise Fees Electric				
4010 Oncor Franchise Fees	3,420.07	14,480.00	-11,059.93	23.62 %
4020 FEC Franchise Fees	18,475.30	36,000.00	-17,524.70	51.32 %
Total 4000 Franchise Fees Electric	21,895.37	50,480.00	-28,584.63	43.37 %
4100 Franchise Fees Solid Waste				
4160 Blackjack Disposal Franchi	24,057.00	46,000.00	-21,943.00	52.30 %
Total 4100 Franchise Fees Solid Waste	24,057.00	46,000.00	-21,943.00	52.30 %
4200 Franchise Fees Communicati				
4210 Charter Communications	133.63	300.00	-166.37	44.54 %
Total 4200 Franchise Fees Communicati	133.63	300.00	-166.37	44.54 %
4400 Sales Tax Revenue	56,615.54	108,000.00	-51,384.46	52.42 %
4450 Encumbered Road Fund Prior		103,209.63	-103,209.63	
4500 Donations				
4580 Donations Scholarship		2,000.00	-2,000.00	
Total 4500 Donations		2,000.00	-2,000.00	
4600 PID Permit Application	100.00		100.00	
TDA GOI Grant		0.00	0.00	
Total Income	\$102,801.54	\$360,356.44	\$ -257,554.90	28.53 %
GROSS PROFIT	\$102,801.54	\$360,356.44	\$ -257,554.90	28.53 %
Expenses				
5000 Salary Secretarys	2,618.40		2,618.40	
5005 Wage Exp Secretary	9,237.95	31,668.00	-22,430.05	29.17 %
Wages	0.00		0.00	
Total 5005 Wage Exp Secretary	9,237.95	31,668.00	-22,430.05	29.17 %
5040 Quickbooks Software	202.54	0.00	202.54	
5056 Payroll taxes -Employer	160.07	3,533.00	-3,372.93	4.53 %
Taxes	0.00		0.00	
Total 5056 Payroll taxes -Employer	160.07	3,533.00	-3,372.93	4.53 %
Total 5000 Salary Secretarys	12,218.96	35,201.00	-22,982.04	34.71 %
5100 Office Supplies	549.15	1,000.00	-450.85	54.92 %
5110 Office Equipment, Printers	327.98	1,500.00	-1,172.02	21.87 %
5130 Dues/Membership Admin				
5135 Steering Committee Members	206.90	500.00	-293.10	41.38 %
5140 TML Lobbying (Membership)		812.00	-812.00	
5150 General Dues/Mbrship Admin	125.00	900.00	-775.00	13.89 %
Total 5130 Dues/Membership Admin	331.90	2,212.00	-1,880.10	15.00 %
5200 Shipping and Postage	35.20	500.00	-464.80	7.04 %
5300 Newspaper Publications	133.00	3,000.00	-2,867.00	4.43 %
5450 Poetry Scholarship Donated		2,000.00	-2,000.00	

Town of Poetry

Budget vs. Actuals: FY_2025_2026 - FY26 P&L

October 2025 - September 2026

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
5500 Education & Mtg Exp	175.00	1,000.00	-825.00	17.50 %
5600 Professional Services				
5640 Engineering Survey		17,966.88	-17,966.88	
5650 ETJ Removal		10,000.00	-10,000.00	
5660 Zoning Map Update Prof Services		5,000.00	-5,000.00	
5670 Dis Annexation Map Update		5,000.00	-5,000.00	
Total 5600 Professional Services		37,966.88	-37,966.88	
5700 Tech Support & Serv				
5705 Town Public Forum	224.95	180.00	44.95	124.97 %
5710 Website	129.90	312.00	-182.10	41.63 %
5715 Tech Services - Other	784.05	1,200.00	-415.95	65.34 %
5740 Internet Phone Services	614.09	2,100.00	-1,485.91	29.24 %
5780 Software Subscriptions	1,440.56	3,036.00	-1,595.44	47.45 %
5790 Domain Renewal		23.17	-23.17	
Total 5700 Tech Support & Serv	3,193.55	6,851.17	-3,657.62	46.61 %
5800 Legal Services				
5810 Legal Services Meetings		1,500.00	-1,500.00	
5820 Legal Lawsuit Fees	108.24	15,000.00	-14,891.76	0.72 %
5830 Legal Documents	268.75	3,000.00	-2,731.25	8.96 %
5840 Legal - Other	107.50	500.00	-392.50	21.50 %
5860 Legal Zoning Ordinance		1,500.00	-1,500.00	
Total 5800 Legal Services	484.49	21,500.00	-21,015.51	2.25 %
5900 Town Insurance				
5910 Cyber Ins Policy	1,850.00	1,850.00	0.00	100.00 %
5920 Bldg Ins. "Ervin Ins. Concepts, Inc." TOP		700.00	-700.00	
5930 TML Town Ins	5,500.69	6,526.00	-1,025.31	84.29 %
Total 5900 Town Insurance	7,350.69	9,076.00	-1,725.31	80.99 %
6000 Capital Expenditure				
6010 Cap Exp Road Refurbishment	31,303.16		31,303.16	
6011 Cap Exp HC Road Refurbishm	16,137.00	65,000.00	-48,863.00	24.83 %
6012 Cap Exp KC Road Refurbishm	17,350.00	35,000.00	-17,650.00	49.57 %
Total 6010 Cap Exp Road Refurbishment	64,790.16	100,000.00	-35,209.84	64.79 %
6020 Cap Exp Signage		5,000.00	-5,000.00	
Total 6000 Capital Expenditure	64,790.16	105,000.00	-40,209.84	61.70 %
6100 Pothole Signage & Road Rel	-31,303.16		-31,303.16	
6111 HC Project Sheets	1,618.20	50,000.00	-48,381.80	3.24 %
6112 KC Project Sheets	1,000.00	23,500.00	-22,500.00	4.26 %
6125 Volunteer Pothole Repair		7,000.00	-7,000.00	
6150 Volunteer Road Supplies		500.00	-500.00	
6175 Volunteer Road Equip. Rent		1,000.00	-1,000.00	
Total 6100 Pothole Signage & Road Rel	-28,684.96	82,000.00	-110,684.96	-34.98 %
6200 TownHall Grounds Maint Services	320.00	3,500.00	-3,180.00	9.14 %

Town of Poetry

Budget vs. Actuals: FY_2025_2026 - FY26 P&L

October 2025 - September 2026

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
6350 Town Hall Building Repairs		1,300.00	-1,300.00	
6400 Bldg Utilities Exp				
6410 Reimburse Church/Utilities		600.00	-600.00	
6420 Town Hall Electricity	1,237.99	1,500.00	-262.01	82.53 %
6430 Water Utilities	313.30	600.00	-286.70	52.22 %
Total 6400 Bldg Utilities Exp	1,551.29	2,700.00	-1,148.71	57.46 %
6500 Audit Expense	5,450.00	6,000.00	-550.00	90.83 %
6575 TDA GO! Grant		0.00	0.00	
6600 Emergency Management		5,000.00	-5,000.00	
6650 Rainy Day Fund 25-26		30,549.39	-30,549.39	
6655 Rainy Day Severe Weather C		2,500.00	-2,500.00	
Payroll Expenses				
Taxes	3,197.08		3,197.08	
Total Payroll Expenses	3,197.08		3,197.08	
Total Expenses	\$71,423.49	\$360,356.44	\$ -288,932.95	19.82 %
NET OPERATING INCOME	\$31,378.05	\$0.00	\$31,378.05	0.00%
NET INCOME	\$31,378.05	\$0.00	\$31,378.05	0.00%

Account QuickReport

Town of Poetry
All Dates

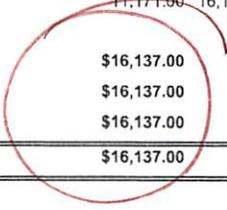
DISTRIBUTION ACCOUNT	TRANSACTION DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	FULL NAME	CLEARED	AMOUNT	BALANCE	
6000 Capital Expenditure										
6010 Cap Exp Road Refurbishment										
6010 Cap Exp Road Refurbishment	12/23/2024	Bill		U Rent It	Per Mayor	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment		500.00	500.00	
6010 Cap Exp Road Refurbishment	12/23/2024	Bill		U Rent It	per Mayor	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment		7.68	507.68	
6010 Cap Exp Road Refurbishment	01/02/2025	Bill	201434765	Texas Materials Group, Inc.	201434765	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment		8,879.00	9,386.68	
6010 Cap Exp Road Refurbishment	01/02/2025	Bill	TOPT-12-24-7L	LBJ Diversified, LLC	TOPT-12-24-7L	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment		893.00	10,279.68	
6010 Cap Exp Road Refurbishment	01/20/2025	Bill	H-19	Hunt County	H-19 Patch Refurbishment of 6 roads 2326, 2426, 2400, 2432, 2434, 2458	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment		54,580.00	64,859.68	
6010 Cap Exp Road Refurbishment	10/01/2025	Journal Entry	1		Move Capital Expense 09302022 to GL 6010	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment		7,477.00	72,336.68	
6010 Cap Exp Road Refurbishment	10/01/2025	Journal Entry	1		Move Capital Expense 09302023 to GL 6010	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment		23,826.16	96,162.84	
Total for 6010 Cap Exp Road Refurbishment								6010	\$96,162.84	
6011 Cap Exp HC Road Refurbishment										
6011 Cap Exp HC Road Refurbishment	10/30/2025	Journal Entry	11		10/14/2025 2-36" Culverts	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		530.00	530.00	
6011 Cap Exp HC Road Refurbishment	10/30/2025	Journal Entry	11		10/14/2025 2-36" Culverts	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		1,590.00	2,120.00	
6011 Cap Exp HC Road Refurbishment	10/30/2025	Journal Entry	11		10/14/2025 2-36" Culverts	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		400.00	2,520.00	
6011 Cap Exp HC Road Refurbishment	10/30/2025	Journal Entry	11		10/14/2025 2-36" Rock	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		400.00	2,920.00	
6011 Cap Exp HC Road Refurbishment	12/09/2025	Journal Entry	3		Project Sheet H-29 Complete 11102025	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		4,930.00	7,850.00	
6011 Cap Exp HC Road Refurbishment	01/31/2026	Journal Entry	11		Adj H-29 Completed Work to HC Poetry Repairs Worksheet	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		-494.00	7,356.00	
6011 Cap Exp HC Road Refurbishment	01/31/2026	Journal Entry	12		Rev 10302025 Entry H-28 to match HC Poetry Repairs Culverts 2-36" 2440, 24" 2466, Rock, 2-36" 2452	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		-2,390.00	4,966.00	
6011 Cap Exp HC Road Refurbishment	01/31/2026	Journal Entry	12		H-28 to match HC Poetry Repairs Culverts 2-36" 2440, 24" 2466, Rock, 2-36" 2452	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		11,171.00	16,137.00	
Total for 6011 Cap Exp HC Road Refurbishment								\$16,137.00		
6012 Cap Exp KC Road Refurbishment										
6012 Cap Exp KC Road Refurbishment	10/01/2025	Journal Entry	2		Completed K-11 per Krystal Cruz KC Road	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6012 Cap Exp KC Road Refurbishment		3,000.00	3,000.00	
6012 Cap Exp KC Road Refurbishment	11/17/2025	Journal Entry	4		Project K-12 Completed 11172025	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6012 Cap Exp KC Road Refurbishment		6,250.00	9,250.00	
6012 Cap Exp KC Road Refurbishment	01/31/2026	Journal Entry	9		K-13 KC Road 321 from CR 321 to FM 986	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6012 Cap Exp KC Road Refurbishment		8,100.00	17,350.00	
Total for 6012 Cap Exp KC Road Refurbishment								\$17,350.00		
Total for 6010 Cap Exp Road Refurbishment with sub-accounts								\$129,649.84		
Total for 6000 Capital Expenditure with sub-accounts								\$129,649.84		
TOTAL								\$129,649.84		

Account QuickReport

Town of Poetry
All Dates

6011

DISTRIBUTION ACCOUNT	TRANSACTION DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	FULL NAME	CLEARED	AMOUNT	BALANCE
6000 Capital Expenditure									
6010 Cap Exp Road Refurbishment									
6011 Cap Exp HC Road Refurbishment									
6011 Cap Exp HC Road Refurbishment	10/30/2025	Journal Entry	11		10/14/2025 2-36" Culverts	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		530.00	530.00
6011 Cap Exp HC Road Refurbishment	10/30/2025	Journal Entry	11		10/14/2025 2-36" Culverts	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		1,590.00	2,120.00
6011 Cap Exp HC Road Refurbishment	10/30/2025	Journal Entry	11		10/14/2025 2-36" Culverts	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		400.00	2,520.00
6011 Cap Exp HC Road Refurbishment	10/30/2025	Journal Entry	11		10/14/2025 2-36" Rock	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		400.00	2,920.00
6011 Cap Exp HC Road Refurbishment	12/09/2025	Journal Entry	3		Project Sheet H-29 Complete 11102025	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		4,930.00	7,850.00
6011 Cap Exp HC Road Refurbishment	01/31/2026	Journal Entry	11		Adj H-29 Completed Work to HC Poetry Repairs Worksheet	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		-494.00	7,356.00
6011 Cap Exp HC Road Refurbishment	01/31/2026	Journal Entry	12		Rev 10302025 Entry H-28 to match HC Poetry Repairs Culverts 2-36" 2440, 24" 2466, Rock, 2-36" 2452	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		-2,390.00	4,966.00
6011 Cap Exp HC Road Refurbishment	01/31/2026	Journal Entry	12		H-28 to match HC Poetry Repairs Culverts 2-36" 2440, 24" 2466, Rock, 2-36" 2452	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6011 Cap Exp HC Road Refurbishment		11,171.00	16,137.00
Total for 6011 Cap Exp HC Road Refurbishment								\$16,137.00	
Total for 6010 Cap Exp Road Refurbishment with sub-accounts								\$16,137.00	
Total for 6000 Capital Expenditure with sub-accounts								\$16,137.00	
TOTAL								\$16,137.00	



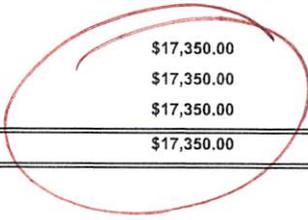
Account QuickReport

Town of Poetry

All Dates

6012

DISTRIBUTION ACCOUNT	TRANSACTION DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	FULL NAME	CLEARED	AMOUNT	BALANCE
6000 Capital Expenditure									
6010 Cap Exp Road Refurbishment									
6012 Cap Exp KC Road Refurbishm									
6012 Cap Exp KC Road Refurbishm	10/01/2025	Journal Entry	2		Completed K-11 per Krystal Cruz KC Road	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6012 Cap Exp KC Road Refurbishm		3,000.00	3,000.00
6012 Cap Exp KC Road Refurbishm	11/17/2025	Journal Entry	4		Project K-12 Completed 11172025	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6012 Cap Exp KC Road Refurbishm		6,250.00	9,250.00
6012 Cap Exp KC Road Refurbishm	01/31/2026	Journal Entry	9		K-13 KC Road 321 from CR 321 to FM 986	6000 Capital Expenditure:6010 Cap Exp Road Refurbishment:6012 Cap Exp KC Road Refurbishm		8,100.00	17,350.00
Total for 6012 Cap Exp KC Road Refurbishm								\$17,350.00	
Total for 6010 Cap Exp Road Refurbishment with sub-accounts								\$17,350.00	
Total for 6000 Capital Expenditure with sub-accounts								\$17,350.00	
TOTAL								\$17,350.00	



Account QuickReport

Town of Poetry

January 1, 2025-February 28, 2026

6020

DISTRIBUTION ACCOUNT	TRANSACTION DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	FULL NAME	CLEARED	AMOUNT	BALANCE
6000 Capital Expenditure									
6020 Cap Exp Signage									
6020 Cap Exp Signage	05/13/2025	Bill	RTS-343785	Xpressmyself.com LLC	Due on Receipt 37 unique customized signs (with multiples) , 10 stop signs, 7 speed limit signs, 49 u channel post brackets, 10 cross brackets	6000 Capital Expenditure:6020 Cap Exp Signage		4,847.48	4,847.48
Total for 6020 Cap Exp Signage								\$4,847.48	
Total for 6000 Capital Expenditure with sub-accounts								\$4,847.48	
TOTAL								\$4,847.48	

Account QuickReport

Town of Poetry

All Dates

DISTRIBUTION ACCOUNT	TRANSACTION DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	FULL NAME	CLEARED	AMOUNT	BALANCE
6100 Pothole Signage & Road Rel	07/03/2025	Bill	271379	Texas Materials Group, Inc.	Volunteer Roads Inv 271379 061925 Appr 484069853 484069825	6100 Pothole Signage & Road Rel		1,475.60	90,350.89
6100 Pothole Signage & Road Rel	08/18/2025	Journal Entry	5		CR 249 Project Sheet Pct Holes/Side of Road ASPPM Cold Mix	6100 Pothole Signage & Road Rel		2,100.00	92,450.89
6100 Pothole Signage & Road Rel	09/30/2025	Journal Entry	09302048		Correcting Closing Entry 09302023 GL 6010 YE 09302023 23826.16 vs entry 24845.94	6100 Pothole Signage & Road Rel		-1,019.78	91,431.11
6100 Pothole Signage & Road Rel	10/01/2025	Journal Entry	1		Move Capital Expense 09302022 to GL 6010	6100 Pothole Signage & Road Rel		-7,477.00	83,954.11
6100 Pothole Signage & Road Rel	10/01/2025	Journal Entry	1		Move Capital Expense 09302023 to GL 6010	6100 Pothole Signage & Road Rel		-23,826.16	60,127.95
Total for 6100 Pothole Signage & Road Rel								\$60,127.95	
<hr/>									
6111 HC Project Sheets									
6111 HC Project Sheets	08/04/2025	Journal Entry	3		Refund Reimbursement HC Missed Work CR 2400	6100 Pothole Signage & Road Rel:6111 HC Project Sheets		-4,300.00	-4,300.00
6111 HC Project Sheets	08/04/2025	Journal Entry	4		Pothole Repairs HC	6100 Pothole Signage & Road Rel:6111 HC Project Sheets		2,471.80	-1,828.20
6111 HC Project Sheets	10/30/2025	Journal Entry	11		10/13/2025 Pothole and Road Edge Repair CR 2454,2526,2426,2432,2458,2460,2440,2450	6100 Pothole Signage & Road Rel:6111 HC Project Sheets		530.00	-1,298.20
6111 HC Project Sheets	10/30/2025	Journal Entry	11		10/14/2025 Pothole and Road Edge Repair CR 2454,2326,2426,2432,2458,2460,2440,2450,2420	6100 Pothole Signage & Road Rel:6111 HC Project Sheets		530.00	-768.20
6111 HC Project Sheets	10/30/2025	Journal Entry	11		10/20/2025 Pothole and Road Edge Repair CR2434,2426,2526,2432,2458,2460,2440,2450,2430	6100 Pothole Signage & Road Rel:6111 HC Project Sheets		530.00	-238.20
6111 HC Project Sheets	01/31/2026	Journal Entry	10		H-25 Adj 2471.8 to 2500.00 pothole signage 2434 2426 2326 2400 2458 2452 2454 2456	6100 Pothole Signage & Road Rel:6111 HC Project Sheets		28.20	-210.00
Total for 6111 HC Project Sheets								-5210.00	
6112 KC Project Sheets									
6112 KC Project Sheets	02/23/2026	Journal Entry	13		K-14 Project Four Post and Gate Lane 02232026 Pothole Expense	6100 Pothole Signage & Road Rel:6112 KC Project Sheets		1,000.00	1,000.00
Total for 6112 KC Project Sheets								\$1,000.00	
Total for 6100 Pothole Signage & Road Rel with sub-accounts								\$60,917.95	
TOTAL								\$60,917.95	

6100
6112
6111

Account QuickReport

Town of Poetry

All Dates

DISTRIBUTION ACCOUNT	TRANSACTION DATE	TRANSACTION TYPE	NUM	NAME	MEV/DESCRIPTION	FULL NAME	CLEARED	AMOUNT	BALANCE
6100 Pothole Signage & Road Rel	10/21/2024	Bill		H-17 project sheet	Hunt County	CR 2458, CR 2434, CR 2432, CR 2426, CR 2326, Cr 2400		4,500.00	70,123.44
6100 Pothole Signage & Road Rel	10/31/2024	Bill			Texas Materials Group, Inc.			1,375.40	71,498.84
6100 Pothole Signage & Road Rel	11/04/2024	Bill			Centerline	Signs Roads		450.00	71,948.84
6100 Pothole Signage & Road Rel	11/12/2024	Bill			Amazon Online	slow down signage		39.96	71,988.80
6100 Pothole Signage & Road Rel	11/12/2024	Bill			Amazon Online	slow down signage		35.98	72,024.78
6100 Pothole Signage & Road Rel	11/12/2024	Bill			Amazon Online	workers ahead signage		31.18	72,055.96
6100 Pothole Signage & Road Rel	11/12/2024	Bill			Amazon Online	SLOW TRAFFIC signage		41.00	72,096.96
6100 Pothole Signage & Road Rel	11/14/2024	Bill		Poetry Tack & Ag, LLC	Road Workers	Bagged Ice		3.00	72,099.96
6100 Pothole Signage & Road Rel	11/21/2024	Bill	271379	Texas Materials Group, Inc.	ASPPM Grade 4			1,478.80	73,578.76
6100 Pothole Signage & Road Rel	12/05/2024	Bill	201421125	Texas Materials Group, Inc.	ASPPM GRADE 4	Inv 11222024		657.80	74,234.56
6100 Pothole Signage & Road Rel	12/05/2024	Bill		Poetry Tack & Ag, LLC	roads			46.50	74,281.06
6100 Pothole Signage & Road Rel	01/06/2025	Bill		Amazon Online	Rust Oleum	Roads Repair		82.44	74,363.50
6100 Pothole Signage & Road Rel	01/16/2025	Bill	01-002493	Poetry Tack & Ag, LLC				0.00	74,363.50
6100 Pothole Signage & Road Rel	01/20/2025	Bill	H-18	Hunt County	H-18	10 roads pothole & soft spot repa r		5,500.00	79,863.50
6100 Pothole Signage & Road Rel	01/30/2025	Bill		Poetry Tack & Ag, LLC				23.95	79,887.45
6100 Pothole Signage & Road Rel	02/13/2025	Bill	271379	Texas Materials Group, Inc.	04283	Asphalt		1,448.20	81,333.65
6100 Pothole Signage & Road Rel	02/20/2025	Bill	201454723	Texas Materials Group, Inc.	ASPPM Grade 4			681.80	82,015.45
6100 Pothole Signage & Road Rel	02/21/2025	Bill		Hunt Cty Roads	Hunt County			2,200.00	84,215.45
6100 Pothole Signage & Road Rel	03/13/2025	Bill	271379	Texas Materials Group, Inc.	ASPPM Grade 4	02282025 Inv		701.40	84,916.85
6100 Pothole Signage & Road Rel	03/13/2025	Bill	201467079	Texas Materials Group, Inc.	ASPPM Grade 4	031125 Inv		754.60	85,671.45
6100 Pothole Signage & Road Rel	03/20/2025	Bill	271379	Texas Materials Group, Inc.	ASPPM Grade 4			777.00	86,448.45
6100 Pothole Signage & Road Rel	03/21/2025	Bill	3089,000 58407	Nichols, Jackson, Dillard, Hager & Smith.	Roads Related			215.00	86,663.45
6100 Pothole Signage & Road Rel	03/21/2025	Bill		Tree Trim/Pot Hole	Hunt County			100.00	86,763.45
6100 Pothole Signage & Road Rel	04/01/2025	Bill	271379	Texas Materials Group, Inc.	Inv 201469856	271379 03172025		693.00	87,456.45
6100 Pothole Signage & Road Rel	04/09/2025	Bill		Texas Materials Group, Inc.	Inv 201484359	271379 04092025		721.00	88,177.45
6100 Pothole Signage & Road Rel	04/10/2025	Bill	201485498	Texas Materials Group, Inc.	Inv 201485498	271379 04/10/2025	Road Repair Materials	728.00	88,905.45
6100 Pothole Signage & Road Rel	06/26/2025	Bill		Volunteer Water Drin	Walmart	Volunteer Crow Water		9.84	88,915.29
6100 Pothole Signage & Road Rel	06/26/2025	Journal Entry	09302046		05252021	Cashiers Check written to KC never cashed - bank returned funding		-40.00	88,875.29

Account QuickReport

Town of Poetry

All Dates

DISTRIBUTION ACCOUNT	TRANSACTION DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	FULL NAME	CLEARED	AMOUNT	BALANCE
6100 Pothole Signage & Road Rel									
6100 Pothole Signage & Road Rel	02/22/2022	Check	1028	Kaufman County		6100 Pothole Signage & Road Rel		500.00	500.00
6100 Pothole Signage & Road Rel	02/28/2022	Check	1027	Hunt County		6100 Pothole Signage & Road Rel		500.00	1,000.00
6100 Pothole Signage & Road Rel	05/10/2022	Check	1046	Kaufman County		6100 Pothole Signage & Road Rel		3,557.00	4,557.00
6100 Pothole Signage & Road Rel	05/18/2022	Check	1045	Hunt County		6100 Pothole Signage & Road Rel		1,320.00	5,877.00
6100 Pothole Signage & Road Rel	06/21/2022	Deposit		John Baugh	donation from John Baugh roads	6100 Pothole Signage & Road Rel		-200.00	5,677.00
6100 Pothole Signage & Road Rel	07/26/2022	Check	1060	Hunt County		6100 Pothole Signage & Road Rel		1,800.00	7,477.00
6100 Pothole Signage & Road Rel	08/01/2022	Journal Entry			Hall Right of Way Services	6100 Pothole Signage & Road Rel		3,000.00	10,477.00
6100 Pothole Signage & Road Rel	08/01/2022	Journal Entry			Hall Right of Way Services	6100 Pothole Signage & Road Rel		700.00	11,177.00
6100 Pothole Signage & Road Rel	09/30/2022	Journal Entry	1		Audit ending entry [Hall Right of Way services misposted]	6100 Pothole Signage & Road Rel		-	7,477.00
6100 Pothole Signage & Road Rel	10/01/2022	Check	1089	Hunt County	H04 - Project Sheet	6100 Pothole Signage & Road Rel		3,700.00	3,700.00
6100 Pothole Signage & Road Rel	10/26/2022	Check	1099	Hunt County		6100 Pothole Signage & Road Rel		0.00	11,377.00
6100 Pothole Signage & Road Rel	10/26/2022	Journal Entry	6			6100 Pothole Signage & Road Rel		3,900.00	15,277.00
6100 Pothole Signage & Road Rel	01/23/2023	Check	1305	Kaufman Co		6100 Pothole Signage & Road Rel		6,520.00	21,797.00
6100 Pothole Signage & Road Rel	02/22/2023	Check	1317	Hunt County		6100 Pothole Signage & Road Rel		2,900.00	24,697.00
6100 Pothole Signage & Road Rel	03/23/2023	Journal Entry	Debit 25			6100 Pothole Signage & Road Rel		-	20,797.00
6100 Pothole Signage & Road Rel	04/30/2023	Bill	H-06	Hunt County	Road Project H-06	6100 Pothole Signage & Road Rel		3,900.00	3,900.00
6100 Pothole Signage & Road Rel	05/01/2023	Bill	K-04	Kaufman Co	Road Project K-04	6100 Pothole Signage & Road Rel		1,000.00	21,797.00
6100 Pothole Signage & Road Rel	05/15/2023	Bill	Debit 36	The Home Depot	Blog Repair and Maint	6100 Pothole Signage & Road Rel		3,280.00	25,077.00
6100 Pothole Signage & Road Rel	05/15/2023	Check	1518	Uline		6100 Pothole Signage & Road Rel		71.12	25,148.12
6100 Pothole Signage & Road Rel	06/07/2023	Bill	Roads Project H-07	Hunt County	Roads Project H-07	6100 Pothole Signage & Road Rel		421.75	25,569.87
6100 Pothole Signage & Road Rel	07/19/2023	Bill	May 06 2023 Partial	Hunt County	May 06 2023 Partial Pay	6100 Pothole Signage & Road Rel		3,000.00	28,569.87
6100 Pothole Signage & Road Rel	08/05/2023	Bill	Town Hall Misc	Road Traffic Signs	Reserved Parking Tow Away Zone	6100 Pothole Signage & Road Rel		500.00	29,069.87
6100 Pothole Signage & Road Rel	08/05/2023	Bill	Town Hall Misc	Road Traffic Signs	Road Signs	6100 Pothole Signage & Road Rel		22.24	29,092.11
6100 Pothole Signage & Road Rel	08/05/2023	Bill	Pipe Post Sign Brack	Amazon Online	Pipe Post Sign Bracket Heavy Duty	6100 Pothole Signage & Road Rel		39.75	29,131.86
6100 Pothole Signage & Road Rel	08/11/2023	Bill	Voter Admn	Hunt County	Voting Equipment Lic and Support Fee	6100 Pothole Signage & Road Rel		15.99	29,147.85
6100 Pothole Signage & Road Rel	08/11/2023	Bill	Final May 06 Electio	Hunt County	Final May 06 Election	6100 Pothole Signage & Road Rel		500.00	29,647.85
6100 Pothole Signage & Road Rel	08/31/2023	Bill	Traffic Sign 1 of 2	Smartsign	Traffic Sign 1 of 2	6100 Pothole Signage & Road Rel		2,687.19	32,335.04
6100 Pothole Signage & Road Rel	11/07/2023	Bill	59.94	Amazon Online	Safety Vests	6100 Pothole Signage & Road Rel		7.50	32,322.94
6100 Pothole Signage & Road Rel	11/09/2023	Bill		Amazon Online	safety vest	6100 Pothole Signage & Road Rel		0.00	32,322.94
6100 Pothole Signage & Road Rel	11/21/2023	Bill	H-08 Project	Hunt County	H-08 Project	6100 Pothole Signage & Road Rel		19.99	32,342.93
6100 Pothole Signage & Road Rel	02/07/2024	Bill		The Home Depot	road repair	6100 Pothole Signage & Road Rel		4,250.00	36,592.93
6100 Pothole Signage & Road Rel	02/07/2024	Bill	Roads Repair	The Home Depot		6100 Pothole Signage & Road Rel		8.98	36,601.91
6100 Pothole Signage & Road Rel	02/19/2024	Bill	H-11	Hunt County	H-11 Project sheet	6100 Pothole Signage & Road Rel		29.92	36,631.83
6100 Pothole Signage & Road Rel	02/23/2024	Bill		Texas Materials Group, Inc.	Road Refurbishment	6100 Pothole Signage & Road Rel		6,000.00	42,631.83
6100 Pothole Signage & Road Rel	03/07/2024	Bill		Poetry Tack & Ag, LLC	marking wand	6100 Pothole Signage & Road Rel		1,293.80	43,925.63
6100 Pothole Signage & Road Rel	03/07/2024	Bill		Poetry Tack & Ag, LLC	gatorade for workers	6100 Pothole Signage & Road Rel		35.63	43,961.26
6100 Pothole Signage & Road Rel	03/14/2024	Bill		Texas Materials Group, Inc.		6100 Pothole Signage & Road Rel		8.08	43,969.34
6100 Pothole Signage & Road Rel	03/15/2024	Journal Entry	09302315		CR Texas Bit	6100 Pothole Signage & Road Rel		1,299.00	45,268.34
6100 Pothole Signage & Road Rel	05/30/2024	Bill	H-12 Project	Hunt County	H-12 Project: CR2326, CR2400, CR2426, CR2432, CR2434, CR2440, CR2446, CR2450	6100 Pothole Signage & Road Rel		-99.00	45,169.34
6100 Pothole Signage & Road Rel	05/30/2024	Bill	H-13	Hunt County	4 trees approved for removal H-13	6100 Pothole Signage & Road Rel		4,000.00	49,169.34
6100 Pothole Signage & Road Rel	06/13/2024	Bill	Poetry 3317	TML Intergovernmental Risk Pool	Mobile Equipment Insurance Stryker Device	6100 Pothole Signage & Road Rel		3,200.00	52,369.34
6100 Pothole Signage & Road Rel	07/02/2024	Bill	271379	Texas Materials Group, Inc.	Volunteer Crew CR 247 / portion off CR 323	6100 Pothole Signage & Road Rel		245.00	52,614.34
6100 Pothole Signage & Road Rel	07/08/2024	Check	1543	Poetry Tack & Ag, LLC	9 BAGS OF ASPHALT FOR HOLES ON FOUR POST LANE	6100 Pothole Signage & Road Rel		1,296.10	53,910.44
6100 Pothole Signage & Road Rel	07/16/2024	Bill	Tree removal	Waldo Enriquez	Two large dead trees in prescriptive right away-Removal to 6 inch stump	6100 Pothole Signage & Road Rel		83.70	53,994.14
6100 Pothole Signage & Road Rel	07/18/2024	Bill	201352112	Texas Materials Group, Inc.	ASPPM Grade 4 Road Repair Materials	6100 Pothole Signage & Road Rel		2,500.00	56,494.14
6100 Pothole Signage & Road Rel	07/19/2024	Bill	H-14 Project sheet	Hunt County	Drainage ditch x 2 repair cr 2466 and cr 2326	6100 Pothole Signage & Road Rel		674.70	57,168.84
6100 Pothole Signage & Road Rel	07/19/2024	Bill	H-15 Project Sheet	Hunt County	H-15 Project Sheet for roads 2430, 2434, 2440, 2446, 2448, 2432, 2426, 2400	6100 Pothole Signage & Road Rel		1,500.00	58,668.84
6100 Pothole Signage & Road Rel	07/25/2024	Bill	271379	Texas Materials Group, Inc.	ASPPM Grade	6100 Pothole Signage & Road Rel		4,000.00	62,668.84
6100 Pothole Signage & Road Rel	08/01/2024	Bill	20135694	Texas Materials Group, Inc.	ASPPM Grade 4	6100 Pothole Signage & Road Rel		591.50	63,260.34
6100 Pothole Signage & Road Rel	08/15/2024	Bill	271379	Texas Materials Group, Inc.	ASPPM Grade 4	6100 Pothole Signage & Road Rel		670.80	63,931.14
6100 Pothole Signage & Road Rel	09/19/2024	Bill	201366666	Texas Materials Group, Inc.	ASPP, Grade 4	6100 Pothole Signage & Road Rel		726.70	64,657.84
6100 Pothole Signage & Road Rel	09/19/2024	Bill	201380600	Texas Materials Group, Inc.	ASPPMGrade R	6100 Pothole Signage & Road Rel		665.60	65,323.44
6100 Pothole Signage & Road Rel	09/19/2024	Bill	H-16 Tree trim Fuel	Hunt County	H-16 Tree Trimming	6100 Pothole Signage & Road Rel		300.00	65,623.44

Town of Poetry

American National Bank of Texas, Period Ending 02/28/2026

RECONCILIATION REPORT

Reconciled on: 03/05/2026

Reconciled by: Theresa Scholander

Any changes made to transactions after this date aren't included in this report.

Summary

USD

Statement beginning balance	172,157.13
Checks and payments cleared (18)	-4,004.90
Deposits and other credits cleared (2)	14,665.90
Statement ending balance	182,818.13

Uncleared transactions as of 02/28/2026	-1,001.75
Register balance as of 02/28/2026	181,816.38
Cleared transactions after 02/28/2026	0.00
Uncleared transactions after 02/28/2026	-3,135.70
Register balance as of 03/05/2026	178,680.68

Details

Checks and payments cleared (18)

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
11/21/2025	Bill Payment	1732	TrackerSoft, LP	-36.81
12/24/2025	Bill Payment	1733	TrackerSoft, LP	-36.81
01/29/2026	Bill Payment	1734	TrackerSoft, LP	-73.62
02/03/2026	Tax Payment		QuickBooks Payroll	-489.69
02/03/2026	Payroll Check	DD	Mrs. Theresa Rita Scholander	-932.30
02/03/2026	Payroll Check	DD	Lora Lehew	-1,337.60
02/09/2026	Tax Payment		QuickBooks Payroll	-73.46
02/09/2026	Payroll Check	DD	Mrs. Theresa Rita Scholander	-214.32
02/12/2026	Bill Payment	1739	Microsoft POS	-28.42
02/12/2026	Bill Payment	1740	Wix.com	-25.98
02/17/2026	Bill Payment	1733	Charter Communications	-100.21
02/17/2026	Bill Payment	1737	PWSC	-35.00
02/18/2026	Bill Payment	1729	texas Municipal Clerks Assoc	-85.00
02/18/2026	Bill Payment	1732	Amazon Online	-49.94
02/18/2026	Bill Payment	1731	Amazon Online	-126.20
02/23/2026	Bill Payment	1726	Amazon Online	-148.00
02/23/2026	Bill Payment	1738	Intuit	-202.54
02/23/2026	Bill Payment	1725	Amazon Online	-9.00
Total				-4,004.90

Deposits and other credits cleared (2)

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
02/13/2026	Deposit		TEXAS STATE COMPTROLL...	14,601.88
02/26/2026	Deposit		Charter Communications Fran...	64.02
Total				14,665.90

Additional Information

Uncleared checks and payments as of 02/28/2026

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
08/01/2024	Bill Payment	1564	Mrs. Shelley Smith	-3.05
08/01/2024	Bill Payment	1566	Haley Anderton-Dennis	-6.00
06/26/2025	Bill Payment	36	Reliant	-123.62
09/04/2025	Bill Payment	ACH	Gusto	-65.03
02/17/2026	Bill Payment	1735	Reliant	-297.15

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
02/17/2026	Bill Payment	1736	Steering Committee of Cities	-206.90
02/17/2026	Bill Payment	1734	TrackerSoft, LP	-300.00
Total				-1,001.75

Uncleared checks and payments after 02/28/2026

DATE	TYPE	REF NO.	PAYEE	AMOUNT (USD)
03/03/2026	Payroll Check	DD	Lora Lehew	-1,309.89
03/03/2026	Payroll Check	DD	Mrs. Theresa Rita Scholander	-1,083.20
03/03/2026	Tax Payment		QuickBooks Payroll	-514.65
03/05/2026	Bill Payment	1728	Herbert Fletcher	-80.00
03/11/2026	Bill Payment	1730	Charter Communications	-112.96
03/20/2026	Bill Payment	1727	PWSC	-35.00
Total				-3,135.70

Town of Poetry

Petty Cash, Period Ending 02/28/2026

RECONCILIATION REPORT

Reconciled on: 03/05/2026

Reconciled by: Theresa Scholander

Any changes made to transactions after this date aren't included in this report.

Summary

	USD
Statement beginning balance.....	45.41
Checks and payments cleared (0).....	0.00
Deposits and other credits cleared (0).....	0.00
Statement ending balance.....	<u>45.41</u>
Register balance as of 02/28/2026.....	45.41



Town of
Poetry

February 2026
GL Account
6010,11,12,20
Capital Road
Refurbishment &
6100 Pothole
Signage, Road
Repair

Sales and Use Tax Revenue

Texas Comptroller Allocation

May-23	\$392.28
Jun-23	\$6,432.63
July-23	\$8,529.55
August-23	\$7,633.36
September-23	\$9,172.77
October-23	\$8,169.48
November-23	\$10,285.29
December-2023	\$8,982.72
January-2024	\$9,297.01
February-2024	\$11,177.13
March-2024	\$8,313.79
April-2024	\$8,767.73
May-2024	\$9,379.24
June-2024	\$8,025.35
July-2024	\$8,761.22
August-2024	\$8,616.47
September-2024	\$9,517.29
October-2024	\$8,149.76
November-2024	\$8,692.26
December-2024	\$8,333.01
January-2025	\$9,549.48
February-2025	\$12,200.67
March-2025	\$8,778.05
April-2025	\$7,790.71
May-2025	\$10,381.66
June-2025	\$9,598.68
July-2025	\$9,281.90
Aug-2025	\$10,026.77
Sept-2025	\$12,416.15
Oct-2025	\$9,339.81
Nov-2025	\$10,263.27
Dec-2025	\$10,236.88
Jan-2026	\$12,173.70
February-2026	\$14,601.88

Total Allocation \$313,267.95

Expenditures	
Capital Expense	
GL 6010 YE 09302022	\$ 7,477.00
GL 6010 YE 09302023	\$ 23,826.16
GL 6010 YE 09302025	\$ 64,859.68
GL 6020 YE 09/30/2025 Signage	\$ 4,847.48
GL 6011 YE 09302026 HC	\$ 16,137.00
GL 6012 YE 09302026 KC	\$ 17,350.00
6010,20,11,& 12 TOTAL	\$ 134,497.32
Pothole and Signage	
GL 6100 YE 09302024	\$ 33,300.50
GL 6100 YE 09302025	\$ 25,027.45
GI 6112 KC Proj. Sheets YE 09302026	\$ 1,000.00
GL 6111 HC Proj. Sheets YE 09302026	\$ 1,590.00
6100,6111 &6112 TOTAL	60,917.95
HC Escrow Account	\$ 11,073.00
KC Escrow Account	\$ 8,407.00
Escrow Accounts TOTAL	\$ 19,480.00

10/01 -09/30/2026
10/01 -09/30/2026

10/01 -09/30/2026

Road Fund Balance	\$98,372.68
General Fund Balance	\$84,445.45
Bank Bal 02/28/2026	\$182,818.13

Total Expenditures \$214,895.27

Account QuickReport

Town of Poetry

All Dates

DISTRIBUTION ACCOUNT	TRANSACTION DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	FULL NAME	CLEARED	AMOUNT	BALANCE
ROADS Escrow Accounts									
Hunt County Roads AGREED CREDIT Escrow Acct									
Hunt County Roads AGREED CREDIT Escrow Acct	08/04/2025	Journal Entry	3		Refund Reimbursement HC Missed Work CR 2400	ROADS Escrow Accounts:Hunt County Roads AGREED CREDIT Escrow Acct	Uncleared	4,300.00	4,300.00
Hunt County Roads AGREED CREDIT Escrow Acct	08/04/2025	Journal Entry	4		Pothole Repairs HC	ROADS Escrow Accounts:Hunt County Roads AGREED CREDIT Escrow Acct	Uncleared	-2,471.80	1,828.20
Hunt County Roads AGREED CREDIT Escrow Acct	01/31/2026	Journal Entry	10		H-25 Adj 2471.8 to 2500.00 pothole signage 2434 2426 2326 2400 2458 2452 2454 2456	ROADS Escrow Accounts:Hunt County Roads AGREED CREDIT Escrow Acct	Uncleared	-28.20	1,800.00
Total for Hunt County Roads AGREED CREDIT Escrow Acct								\$1,800.00	
Total for ROADS Escrow Accounts with sub-accounts								\$1,800.00	
TOTAL								\$1,800.00	

Account QuickReport

Town of Poetry
All Dates

DISTRIBUTION ACCOUNT	TRANSACTION DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	FULL NAME	CLEARED	AMOUNT	BALANCE
ROADS Escrow Accounts									
Hunt County Roads Escrow Acct									
Hunt County Roads Escrow Acct	07/01/2025	Bill	Escrow Acct ROADS	Hunt County Attn Brittany Gibson	Escrow Acct.ROADS Initial Deposit Approved Council 06192025 HUNT COUNTY	ROADS Escrow Accounts:Hunt County Roads Escrow Acct	Uncleared	5,000.00	5,000.00
Hunt County Roads Escrow Acct	10/21/2025	Bill	10162025 Project Shee	Hunt County Attn Brittany Gibson	Project Sheet 12K Approved 10162025 TH Meeting	ROADS Escrow Accounts:Hunt County Roads Escrow Acct	Uncleared	12,000.00	17,000.00
Hunt County Roads Escrow Acct	10/30/2025	Journal Entry	11		10/03/2025 See Hunt County ILA Spreadsheet 10302025	ROADS Escrow Accounts:Hunt County Roads Escrow Acct	Uncleared	-530.00	16,470.00
Hunt County Roads Escrow Acct	10/30/2025	Journal Entry	11		10/13/2025 See Hunt County ILA Spreadsheet 10302025	ROADS Escrow Accounts:Hunt County Roads Escrow Acct	Uncleared	-530.00	15,940.00
Hunt County Roads Escrow Acct	10/30/2025	Journal Entry	11		10/14/2025 See Hunt County ILA Spreadsheet 10302025	ROADS Escrow Accounts:Hunt County Roads Escrow Acct	Uncleared	-530.00	15,410.00
Hunt County Roads Escrow Acct	10/30/2025	Journal Entry	11		10/14/2025 See Hunt County ILA Spreadsheet 10302025	ROADS Escrow Accounts:Hunt County Roads Escrow Acct	Uncleared	-1,590.00	13,820.00
Hunt County Roads Escrow Acct	10/30/2025	Journal Entry	11		10/14/2025 See Hunt County ILA Spreadsheet 10302025	ROADS Escrow Accounts:Hunt County Roads Escrow Acct	Uncleared	-400.00	13,420.00
Hunt County Roads Escrow Acct	10/30/2025	Journal Entry	11		10/14/2025 See Hunt County ILA Spreadsheet 10302025	ROADS Escrow Accounts:Hunt County Roads Escrow Acct	Uncleared	-400.00	13,020.00
Hunt County Roads Escrow Acct	10/30/2025	Journal Entry	11		10/20/2025 See Hunt County ILA Spreadsheet 10302025	ROADS Escrow Accounts:Hunt County Roads Escrow Acct	Uncleared	-530.00	12,490.00
Hunt County Roads Escrow Acct	11/21/2025	Bill		Hunt County Attn Brittany Gibson	Town Council Mtg 11202025 approved Escrow Payment Hunt County Roads	ROADS Escrow Accounts:Hunt County Roads Escrow Acct	Uncleared	10,000.00	22,490.00
Hunt County Roads Escrow Acct	12/09/2025	Journal Entry	3		Project Sheet H-29 Complete 11102025	ROADS Escrow Accounts:Hunt County Roads Escrow Acct	Uncleared	-4,930.00	17,560.00
Hunt County Roads Escrow Acct	01/31/2026	Journal Entry	11		Adj H-29 Completed Work to HC Poetry Repairs Worksheet	ROADS Escrow Accounts:Hunt County Roads Escrow Acct	Uncleared	494.00	18,054.00
Hunt County Roads Escrow Acct	01/31/2026	Journal Entry	12		Rev 10302025 Entry H-28 to match HC Poetry Repairs Culverts 2-36" 2440, 24" 2466, Rock, 2-36" 2452	ROADS Escrow Accounts:Hunt County Roads Escrow Acct	Uncleared	-2,390.00	20,444.00
Hunt County Roads Escrow Acct	01/31/2026	Journal Entry	12		H-28 to match HC Poetry Repairs Culverts 2-36" 2440, 24" 2466, Rock, 2-36" 2452	ROADS Escrow Accounts:Hunt County Roads Escrow Acct	Uncleared	-	9,273.00
Total for Hunt County Roads Escrow Acct								11,171.00	
Total for ROAD Escrow Accounts with sub-accounts								\$9,273.00	
TOTAL								\$9,273.00	

Account QuickReport

Town of Poetry

All Dates

DISTRIBUTION ACCOUNT	TRANSACTION DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	FULL NAME	CLEARED	AMOUNT	BALANCE
ROADS Escrow Accounts									
Kaufman County Roads Escrow Acc									
Kaufman County Roads Escrow Acc	07/01/2025	Bill		Kaufman County Auditor	Escrow Account ROADS initial Deposit Approved Council 06192025 Kaufman Cty	ROADS Escrow Accounts:Kaufman County Roads Escrow Acc	Uncleared	5,000.00	5,000.00
Kaufman County Roads Escrow Acc	08/18/2025	Journal Entry	5		CR 249 Project: Sheet Pot Holes/Side of Road ASPPM Cold Mix	ROADS Escrow Accounts:Kaufman County Roads Escrow Acc	Uncleared	-2,100.00	2,900.00
Kaufman County Roads Escrow Acc	09/19/2025	Bill	ESCROW #2	Kaufman County Auditor	Escrow Check #2 Approved TH Mtg 09182025	ROADS Escrow Accounts:Kaufman County Roads Escrow Acc	Uncleared	20,000.00	22,900.00
Kaufman County Roads Escrow Acc	10/01/2025	Journal Entry	2		Completed K-11 per Krystal Cruz KC Road	ROADS Escrow Accounts:Kaufman County Roads Escrow Acc	Uncleared	-3,000.00	19,900.00
Kaufman County Roads Escrow Acc	10/07/2025	Journal Entry	8		Beginning Balance - Per KC FY 2023 Rollover	ROADS Escrow Accounts:Kaufman County Roads Escrow Acc	Uncleared	3,857.00	23,757.00
Kaufman County Roads Escrow Acc	11/17/2025	Journal Entry	4		Project K-12 Completed 11172025	ROADS Escrow Accounts:Kaufman County Roads Escrow Acc	Uncleared	-6,250.00	17,507.00
Kaufman County Roads Escrow Acc	01/31/2026	Journal Entry	9		K-13 KC Road 321 from CR 321 to FM 986	ROADS Escrow Accounts:Kaufman County Roads Escrow Acc	Uncleared	-8,100.00	9,407.00
Kaufman County Roads Escrow Acc	02/23/2026	Journal Entry	13		K-14 Project Four Post and Gate Lane 02232026 Pothole Expense	ROADS Escrow Accounts:Kaufman County Roads Escrow Acc	Uncleared	-1,000.00	8,407.00
Total for Kaufman County Roads Escrow Acc								\$8,407.00	
Total for ROADS Escrow Accounts with sub-accounts								\$8,407.00	
TOTAL								\$8,407.00	



Town of Poetry, Texas

Minutes

Executive Session & Regular Town Council Meeting

Thursday, January 15, 2026

Poetry Town Hall

5671 County Road 323, Poetry Texas 75160

5:30pm



**STATE OF TEXAS
COUNTIES OF KAUFMAN AND HUNT
TOWN OF POETRY, TEXAS**

BE IT REMEMBERED THAT ON THIS DAY OF THE 15TH of January 2026 at 5:30pm, the Town Council of Poetry, Texas, held an Executive Session and Regular Town Council Meeting at Poetry Town Hall, 5671 County Road 323, Poetry, Texas 75160.

A. Call to Order

Mayor Mike Jaffe called the public meeting to order at 5:30pm. Roll call was taken by Deputy Secretary Lora Lehew. Present were: Mayor Mike Jaffe, Mayor Pro Tem Terry Fowler, Council Members: Tom Anderson, Dale Bryant, Tracie Hibbs, and Doug Kendrick. No Council Members were absent. The Deputy Secretary announced a quorum was present.

Pledge of Allegiance: Mayor Pro Tem Terry Fowler

Invocation: Mayor Pro Tem Terry Fowler

B. Executive Session

The Town Council convened in Executive Session pursuant to Section 551.074, Texas Government Code (Personnel) to discuss and deliberate on the employment, evaluation, duties, and pay of town secretaries.

The Council convened into Executive Session at 5:33pm.

The Executive Session concluded at 6:03pm.

No vote or action was taken during the Executive Session.

The Council reconvened and began the Regular Council Meeting at 6:07pm.

C. Items of Community Interest

Pursuant to Section 551.0415 of the Texas Government Code, the Town Council may report on the following items: 1) expression of thanks, congratulations, or condolences; 2) information about holiday schedules; 3) recognition of individuals; 4) reminders upcoming Town Council events; 5) about community events, and 6) announcements involving an imminent threat to public health and safety.

1. Mayor Jaffe thanked the Hunt and Kaufman County Commissioners and their teams.
2. Mayor Jaffe announced that the Poetry Bingo Night at Poetry Community Christian School is February 6, 2026. Tickets and more information are available at poetrychristian.org.
3. There are two important elections coming up March 3, 2026. Hunt County Judge and Commissioner positions are on the ballot and are important to the Town of Poetry.

4. A reminder was given that oral arguments will be heard in the Court of Appeals in the lawsuit against the Town of Poetry on February 3, 2026 at 10:00am at the George Allen Courts Building, 600 Commerce Street, 2nd Floor, Dallas, Texas. This is open to the public but only the attorneys are allowed to talk. Councilmember Bryant suggested posting a Notice of Possible Quorum, and Mayor Jaffe agreed that a Notice will be created and posted.

D. Reports

1. Financial
 - a. P&L Budget vs Actual Dec 2025
 - b. Account Quick Reports 6010 & 6100 - Dec 2025
 - c. Bank Reconciliation Summary & Detail - Dec 2025
 - d. Bank Reconciliation Petty Cash – Dec 2025
 - e. Sales & Use Tax Report - Dec 2025
 - f. Hunt & Kaufman County Roads Escrow Reports - Dec 2025. Mayor Jaffe amended the Project Sheets to correctly reflect the actual amount verses the projected amounts. All sheets correctly balance now.
2. Mayor Jaffe reported on roads and traffic. Mayor Pro Tem Fowler gave an update on culverts.
3. Mayor and Councilmember Activity Updates – 6:23pm
 - Mayor Jaffe reported on receiving calls on various items, the future ETJ map, and current map.
 - Mayor Pro Tem Fowler reported that he met with Monroe regarding culverts, permitting, and right-of-ways.
 - Councilmember Anderson reported on zoning issues but differed to Item 1 on the Agenda for more discussion.
 - Councilmember Kendrick provided updates on CERT, the Texas Department of Emergency Management, and DMAT update.
 - Councilmember Bryant reported on the signage project and looking at the cleanup of intersections in preparation for the installation of the signage.
 - Councilmember Hibbs reported on cybersecurity and the budget.

E. Consent Agenda – 6:37pm

Items on the Consent Agenda are considered routine, not likely to require discussion or deliberation and may be approved in a single motion. If discussion is desired, items may be removed from the Consent Agenda for individual discussion by any Councilmember prior to the motion and vote.

1. Approved Minutes – December 18, 2025 Workshop & Regular Meeting
2. Approved Nichols Jackson 12/31/25 legal bill - \$54.49
3. Ratified Payment of auditor's invoice dated 11/21/25 - \$5,450 (budgeted \$6,000)

Motion made by Councilmember Anderson to approve the items on the Consent Agenda.

Motion seconded by: Mayor Pro Tem Fowler

All in Favor: Anderson, Bryant, Fowler, Hibbs, Kendrick

All Opposed: none

Abstain: none

Result: Passed 5-0

F. **Regular Agenda** – 6:41pm

1. Discussed the status of the effort to create a draft to update the current Zoning Ordinance. Council is continuing to work on developing proposed updates and cleaning up the Zoning Ordinance. This was a check-in to see where we are at with the process. The red-line comments by Councilmember Anderson were reviewed and discussed. **No action was taken, no changes were made, and no vote was taken.**

Citizens Speaking on this topic:

- None

2. Discussed and took action on creating a Citizen Zoning Advisory Committee. Discussion was had on creating the Committee including information from Councilmember Bryant as to name, objective, meeting frequency, committee size and make up. It was decided that Councilmember Bryant and Councilmember Anderson would take the lead on the Committee. Councilmember Bryant will be prepared with more information at the February Council meeting.

Citizens Speaking on this topic:

- Haley Dennis, Poetry

Motion made by Councilmember Kendrick to create the Citizen Zoning Advisory Committee with the parameters discussed including the name, the meetings being open to the public, the meetings will be recorded (not live-streamed), no authority other than proposing changes, and will be reviewing document as to Code. The Committee will meet at Town Hall with the dates and times determined by Councilmembers Anderson and Bryant. Committee will be two Councilmembers and 2-4 citizens.

Motion seconded by: Councilmember Anderson

All in Favor: Anderson, Bryant, Fowler, Hibbs, Kendrick

All Opposed: none

Abstain: none

Result: Passed 5-0

3. Discussed possible creation of a second Town bank account to hold all Sales Tax revenue funds. One of our auditors suggested we open a second bank account to hold all funds derived from Sales Tax revenue which are restricted use (road maintenance). We currently hold those funds in our single account and track them in our accounting system. To do this we would need minutes authorizing creation, authorized signatories, purpose of the account, and opening balance. **After discussion, no action was taken, no changes were made, and no vote was taken.**

Citizens Speaking on this topic:

- None

4. Discussed the TxDOT bridge inspection report. At the moment, there are at least two bridges in the Town of Poetry that receive regular safety inspections by TxDOT. They are CR2326 & Dry Creek and CR2434 & Simmons Branch both in Hunt County. The Town received the 12/2/25 preliminary report for CR2326 & Dry Creek bridge. According to the report, it requires maintenance. Hunt County has offered to assist with that maintenance

under our interlocal agreement (ILA). Follow up will be done with Hunt County Commissioner Monroe and TxDOT. **After discussion, no action was taken and no vote was taken.**

Citizens Speaking on this topic:

- Shelley Smith, Poetry

5. Discussed the Kaufman County 911 map updates. Recently, the Town was asked by Kaufman County 911 to verify our Kaufman County Town and ETJ boundaries. The last updated map was provided to them 4/16/25. It is slightly different from the currently approved map dated 5/9/25. Kaufman County needs an updated map with geofiles (shapefiles or .gdb) along with any annex, de-annex, or ETJ removal documentation. Discussion was had relating to the current status of the map. Mayor Pro Tem Fowler will follow up on this. **After discussion, no action was taken and no vote was taken.**

Citizens Speaking on this topic:

- None

6. Discussed and took action on renewal of our Federal System for Award Management (SAM) subscription which expires 2/3/26. We originally subscribed in 2024. For us to be eligible for any Federal grants, including the Department of Agriculture grant we applied for a while back, we must be subscribed to SAM. Updates and corrections to our contact information will be done.

Citizens Speaking on this topic:

- None

Motion made by Councilmember Kendrick to not renew subscription to the company trying to charge the Town, but rather go directly to update our SAM.

Motion seconded by: Councilmember Hibbs

All in Favor: Anderson, Bryant, Fowler, Hibbs, Kendrick

All Opposed: none

Abstain: none

Result: Passed 5-0

7. Discussed the road and traffic safety concerns for the intersection of FM986 and FM3486/CR249. This intersection has drawn the attention of a number of citizens and Councilmembers lately as there have been multiple motor vehicle accidents there recently. Most of the intersection is under the jurisdiction of TxDOT for signage and pavement maintenance. Discussion was had regarding possible options for improving the safety of the intersection working in partnership with TxDOT, law enforcement, and citizens.

Citizens Speaking on this topic:

- Shelley Smith, Poetry
- Scott Lehew, Poetry

G. General Public Comments

Comments are limited to three (3) minutes. If a translator is needed, the speaker may be given up to four (4) minutes. Sign up is required in advance either in-person prior to the start of the meeting or by emailing your comments to speak@poetrytexas.org at least 24 hours prior to the start of the meeting. The Texas Open Meetings Act restricts council members from discussing items not posted on the agenda. Action or responses to

your remarks by council members (if not a posted agenda item) are limited to either a statement of fact or recitation of an existing policy or a proposal to place the subject on the agenda for a future meeting.

Citizens Speaking-General Public Comments:

- None

H. Adjournment

The Town Council meeting adjourned at 8:04pm.

I certify that the minutes of January 15, 2026 were voted and approved by the Council of the Town of Poetry on this 19th day of February, 2026.

Mike Jaffe, Mayor
Town of Poetry, Texas

ATTEST:

Lora Lehew, Deputy Secretary
Town of Poetry, Texas



Town of Poetry, Texas

Minutes



Executive Session & Regular Town Council Meeting

Thursday, February 19, 2026

Poetry Town Hall

5671 County Road 323, Poetry Texas 75160

5:30pm

**STATE OF TEXAS
COUNTIES OF KAUFMAN AND HUNT
TOWN OF POETRY, TEXAS**

BE IT REMEMBERED THAT ON THIS DAY OF THE 19TH of February 2026 at 5:30pm, the Town Council of Poetry, Texas, held an Executive Session and Regular Town Council Meeting at Poetry Town Hall, 5671 County Road 323, Poetry, Texas 75160.

A. Call to Order

Mayor Mike Jaffe called the public meeting to order at 5:30pm. Roll call was taken by Deputy Secretary Lora Lehew. Present were: Mayor Mike Jaffe, Mayor Pro Tem Terry Fowler, Council Members: Tom Anderson, Dale Bryant, Tracie Hibbs, and Doug Kendrick. No Council Members were absent. The Deputy Secretary announced a quorum was present.

Pledge of Allegiance: Mayor Jaffe

Invocation: Mayor Jaffe

B. Executive Session

The Town Council convened in Executive Session pursuant to Texas Government Code Section 551.076 (Security Devices, Personnel and Audits) and Section 551.089 (Information Technology and Network Security) and discussed a legal opinion and possible actions regarding the security of Town email and electronic document storage.

The Council convened into Executive Session at 5:32pm.

The Executive Session concluded at 5:53pm.

No vote was taken during the Executive Session.

The Council reconvened and began the Regular Council Meeting at 5:56pm.

C. Items of Community Interest – 5:56pm

Pursuant to Section 551.0415 of the Texas Government Code, the Town Council may report on the following items: 1) expression of thanks, congratulations, or condolences; 2) information about holiday schedules; 3) recognition of individuals; 4) reminders upcoming Town Council events; 5) about community events, and 6) announcements involving an imminent threat to public health and safety.

1. Mayor Jaffe reminded everyone that Election Day is March 3rd with early voting from February 17th – 27th. Early voting in Kaufman County is at the sub-courthouse. Hunt County early voting is at the Fletcher Warren Civic Center. Election Day voting is at Faith Temple. Mayor Jaffe stated that in Hunt County there is a judge seat up for election.

2. Mayor Jaffe announced there will be a Town Clean Up Day on March 6th & 7th and to check the Town's website poetrytexas.org for more information. The Town has trash bags and vests available.
3. Mayor Jaffe announced there will be a Poetry Farmers Market at Poetry Community Christian School on March 7th. For more information you can go to the website: <https://www.facebook.com/share/1DMqwQ9KxV/?mibextid=wwXlfr>. If you are a vendor interested in participating in the Farmers Market, more information can be found here: <https://forms.gle/Ld32rrEDM9Dp6rEQ8>.
4. Mayor Jaffe explained that the State of Texas has been late in sending out voter cards, but those are not necessary for voting. You only need a photo ID card, passport, driver's license, ID card, or similar.

D. Reports – 6:01pm

1. Financial
 - a. P&L Budget vs Actual - Jan 2026
 - b. Account Quick Reports 6010, 6011, 6012, 6020, 6100 – Jan 2026
 - c. Bank Reconciliation Summary & Detail – Jan 2026
 - d. Bank Reconciliation Petty Cash – Jan 2026
 - e. Sales & Use Tax Report – Jan 2026
 - f. Hunt & Kaufman County Roads Escrow Reports – Jan 2026. Mayor Jaffe explained that the Hunt County Escrow Report is not in the normal format due to a different account manager with Hunt County. Mayor Jaffe stated that the numbers are absolutely correct. There were adjustments to the numbers after reconciliation due to Hunt County's estimates being higher than the actual cost.
2. Mayor Jaffe gave an update on the results of the hearing at the Appeals Court regarding the lawsuit against the Town. Mayor Jaffe will also check with the Town attorney, Mr. Berman, regarding potential costs in relation to budgeting issues.
3. Mayor Jaffe provided an update on the status of the Oncor Steering Committee results.
4. Mayor Jaffe provided updates on roads and traffic with Council discussing several topics relating to various roads.
5. Mayor Jaffe provided an update on Federal System for Award Management (SAM) Registration process and status.
6. Mayor and Councilmember Activity Updates
 - Councilmember Kendrick provided information regarding the Kaufman County emergency management meeting and CERT training.
 - Councilmember Bryant reported on the signage project and status with TxDOT.

E. Consent Agenda – 6:28pm

Items on the Consent Agenda are considered routine, not likely to require discussion or deliberation and may be approved in a single motion. If discussion is desired, items may be removed from the Consent Agenda for individual discussion by any Councilmember prior to the motion and vote.

0. Mayor Jaffe announced that there was no legal bill for January.

1. Approval Minutes – January 15, 2026 Executive Session & Regular Meeting. This item was moved to the Regular Agenda as Item 0.

Motion made by Councilmember Anderson to move the approval of the Minutes – January 15, 2026 Executive Session & Regular Meeting moved to Agenda Item 0.
Motion seconded by: Mayor Pro Tem Fowler
All in Favor: Anderson, Bryant, Fowler, Hibbs, Kendrick
All Opposed: none
Abstain: none
Result: Passed 5-0

2. Approved OCSC Steering Committee 2026 Invoice - \$206.90

Motion made by Councilmember Hibbs to approve the Steering Committee invoice.
Motion seconded by: Councilmember Anderson
All in Favor: Anderson, Bryant, Fowler, Hibbs, Kendrick
All Opposed: none
Abstain: none
Result: Passed 5-0

F. Regular Agenda – 6:32pm

0. Discussed and took action to Approve Minutes – January 15, 2026 Executive Session & Regular Meeting with two clarifications: 1) add the case number “Cause No. 117866-86” of the lawsuit to Section C item 4 and 2) add “Hunt County Commissioner David” to Section D item 3, bullet 2.

Motion made by Councilmember Anderson to approve Minutes with the two clarifications.
Motion seconded by: Mayor Pro Tem Fowler
All in Favor: Anderson, Bryant, Fowler, Hibbs, Kendrick
All Opposed: none
Abstain: none
Result: Passed 5-0

1. Discussed items from the Executive Session related to the security of internal computing environment, access, and security of the network. **No vote was taken.**
Citizens Speaking on this topic:
 - None
2. Discussed and took action to create the Citizen Zoning Advisory Committee. This formally defined the Citizen Zoning Advisory Committee including the list of citizens selected to participate, the parameters, and the purpose of the Committee. Updates and the schedule of meetings will be on the website.
Citizens Speaking on this topic:
 - Tara Senkevech, Poetry
 - Robbyn Followill, Poetry

Motion made by Councilmember Hibbs to approve Dale's Advisory Committee consisting of Haley Dennis, Robbyn Followill, and Brady Kirby, and that they will follow the direction of Dale and Tom as to the planning and zoning refurbishment and that the meetings will be public, announced, and all will be welcome to the meetings.

Motion seconded by: Councilmember Anderson

All in Favor: Anderson, Bryant, Fowler, Hibbs, Kendrick

All Opposed: none

Abstain: none

Result: Passed 5-0

3. Discussed and took action on updating the Town of Poetry Employee Handbook. The current Employee Handbook was approved by Council on February 20, 2025. If any Councilmembers have comments or edits, they should email them to Deputy Secretary. Councilmember Kendrick and Deputy Secretary will incorporate updates and edits to the handbook including adding sections to cover acceptable use of Town computers and internet along with acceptable uses of Town monies (debit card, checks, other). If the new draft is completed, it will be presented at the next Council meeting for consideration. **After discussion, no vote was taken.**

Citizens Speaking on this topic:

- None

4. Discussed the year-to-date budget performance against the 2024-2025 budget and began considering items and input for the 2026-2027 budget. Discussion was had regarding the lessons learned thus far and various considerations for the 2026-2027 budget. **After discussion, no vote was taken.**

Citizens Speaking on this topic:

- None

5. Discussed and took action to consider changes on how the 1.5% sales tax revenue funds can be utilized and a possible different ballot proposition for the November 2026 election that would be associated with this action. The current 1.5% sales tax must be reauthorized in an election by the voters of Poetry every 4 years. Currently, this revenue is restricted to maintenance and repairs of municipal streets which includes the roadways and the areas that extend to the edge of the easements. Road repairs, tree removal, ditch repairs, drainage issues, and anything inside the easement is included in this. Councilmember Hibbs proposed possible changes to how the 1.5% tax is allocated which also requires the citizens' vote on a new ballot item. It was requested that Deputy Secretary distribute a document from Councilmember Hibbs to the Mayor and the rest of the Council. Mayor Jaffe will get clarification and additional information on this topic, distribute items to Council for review, and include this item on the Agenda for next month. **After discussion, no vote was taken.**

Citizens Speaking on this topic:

- Scott Lehew, Poetry
- Robbyn Followill, Poetry

The Council recessed for a break at 7:35pm.

The Council reconvened 7:41pm.

6. Discussed and took action to determine if the Town will establish and implement a Town of Poetry fire code and associated inspections and permits, and/or an open burning ordinance relating to burning inside the Town limits. Council will come back at a later meeting with a draft ordinance for open burning. **After discussion, no vote was taken.**

Citizens Speaking on this topic:

- Robbyn Followill, Poetry

7. Discussed and took action on various different aspects of Long-Range Planning for the Town. Mayor Jaffe and Deputy Secretary will research possibly doing a survey of citizens to get input and also possibly doing workshops. Councilmembers and the Mayor will email potential questions for the citizen survey to the Deputy Secretary to be considered at the March meeting. **After discussion, no vote was taken.**

Citizens Speaking on this topic:

- None

8. Discussed and adopted an Ordinance to Establish a Records Management Policy. We are required by state law to have a clearly defined Records Management Policy, and this ordinance complies with those requirements. The proper forms and filings will be completed and sent to the appropriate agency. A policy of how retention and storage are implemented will be managed by Secretary Theresa, and Council will be informed as to what that policy is.

Citizens Speaking on this topic:

- Robbyn Followill, Poetry

Motion made by Councilmember Fowler to approve the Ordinance.

Motion seconded by: Councilmember Anderson

All in Favor: Anderson, Bryant, Fowler, Hibbs, Kendrick

All Opposed: none

Abstain: none

Result: Passed 5-0

9. Discussed and adopted an Ordinance to formally adopt and protect our existing Town seal. This action is to adopt the seal by ordinance and establish rules around its use. No changes were made to the current seal.

Citizens Speaking on this topic:

- None

Motion made by Councilmember Anderson to accept the Ordinance as presented.

Motion seconded by: Councilmember Hibbs

All in Favor: Anderson, Bryant, Fowler, Hibbs, Kendrick

All Opposed: none

Abstain: none

Result: Passed 5-0

G. General Public Comments - 8:28pm

Comments are limited to three (3) minutes. If a translator is needed, the speaker may be given up to four (4) minutes. Sign up is required in advance either in-person prior to the start of the meeting or by emailing your comments to speak@poetrytexas.org at least 24 hours prior to the start of the meeting. The Texas Open Meetings Act restricts council members from discussing items not posted on the agenda. Action or responses to

your remarks by council members (if not a posted agenda item) are limited to either a statement of fact or recitation of an existing policy or a proposal to place the subject on the agenda for a future meeting.

Citizens Speaking on General Public Comments:

- Tara Senkevech, Poetry
- Robbyn Followill, Poetry

H. Adjournment

Motion made by Councilmember Anderson to adjourn.
Motion seconded by: Councilmember Hibbs
All in Favor: Anderson, Bryant, Hibbs, Kendrick
All Opposed: Fowler
Abstain: none
Result: Passed 4-1

The Town Council meeting adjourned at 8:35pm.

I certify that the minutes of February 19, 2026 were voted and approved by the Council of the Town of Poetry on this 19th *day of* March, 2026.

Mike Jaffe, Mayor
Town of Poetry, Texas

ATTEST:

Lora Lehew, Deputy Secretary
Town of Poetry, Texas

Nichols, Jackson, Dillard, Hager & Smith L.L.P.
500 N Akard St.
Suite 1800
Dallas, TX 75201 USA
214-965-9900 Tax ID: 75-0861592

TOWN OF POETRY	Date:	02/28/2026
TX USA	Ref.:	3089.000
	Bill #:	65584

RE: General Legal Services

Attention: **Mayor Mike Jaffe**

Date	Init	Description of Service	Hours	Amount
02/02/2026	DMB	Review of materials, research, preparation for appellate court oral argument. Re West litigation	3.00	645.00
02/03/2026	DMB	Review of materials, court appearance, oral argument, court of appeals. Re West litigation	2.50	537.50
02/06/2026	DMB	Email opinion to mayor re building codes; preparation of draft ordinance adopting records retention program.	1.25	268.75
		Our Fee	6.75	1,451.25

Time Summary

Lawyer Initials	Rate	Hrs	Amount
DMB	215.00	6.75	1,451.25

Disbursements

Photocopies @ \$.25	0.50
---------------------	------

Total Disbursements	0.50
----------------------------	-------------

Total Fees and Disbursements	1,451.75
-------------------------------------	-----------------

TOTAL	1,451.75
--------------	-----------------

Net Amount Owing on This Bill	1,451.75
--------------------------------------	-----------------

Statement of Account

Prior Balance	161.99
Payments & Adjustments	-161.99

Current Fees	1,451.25
Current Disbursements	\$0.50
Amount Due and Owing to Date	\$1,451.75

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Dallas, TX 75201 USA
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E-mail admin@nicholsjackson.com

Feb 28, 2026

Client: 3089

TOWN OF POETRY
TX USA

MATTER STATUS

	Prior Balance	Payments Adjustments	Current Charges	Total
3089.000 General Legal Services	161.99	-161.99	1,451.75	1,451.75
Total	161.99	-161.99	1,451.75	1,451.75

Administration/Professional Services Rating Sheet

Grant Recipient _____
 Name of Respondent _____
 Evaluator's Name _____

TxCDBG Contract No. _____
 Date of Rating _____

Experience -- Rate the Respondent of the Request For Proposal (RFP) by awarding points up to the maximum listed for each factor. Information necessary to assess the Respondent on these criteria may be gathered either from past experience with the Respondent and/or by contacting past/current clients of the Respondent.

Experience

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Related Experience / Background with federally funded projects	10	_____
2. Related Experience / Background with specific project type (housing rehabilitation, acquisition of property, coordination with regulatory agency, etc.)	5	_____
4. Certified Administrator of TxCDBG Program by TDA	5	_____
5. References from current/past clients	10	_____
Subtotal, Experience	30	_____

Work Performance

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Submits requests to client/TDA in a timely manner	5	_____
2. Responds to client/TDA requests in a timely manner	5	_____
3. Past client/TDA projects completed on schedule	5	_____
4. Work product is consistently of high quality with low level of errors	5	_____
5. Past client/TDA projects have low level of monitoring findings/concerns	5	_____
6. Manages projects within budgetary constraints	5	_____
Subtotal, Performance	30	_____

Capacity to Perform

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Qualifications of Professional Administrators / Experience of Staff	5	_____
2. Present and Projected Workloads	5	_____
3. Quality of Proposal/Work Plan	5	_____
4. Demonstrated understanding of scope of the TxCDBG Project	5	_____
Subtotal, Capacity to Perform	20	_____

Proposed Cost

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
A = Lowest Proposal \$ _____		
B = Bidder's Proposal \$ _____		
A ÷ B X 20 equals Respondent's Score	20	_____

TOTAL SCORE

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
<input type="checkbox"/> Experience	30	_____
<input type="checkbox"/> Work Performance	30	_____
<input type="checkbox"/> Capacity to Perform	20	_____
<input type="checkbox"/> Proposed Cost	20	_____
Total Score	100	_____

Sample - Engineer Rating Sheet

Grant Recipient _____
 Name of Respondent _____
 Evaluator's Name _____

TxCDBG Contract No. _____
 Date of Rating _____

Experience -- Rate the respondent for experience in the following areas:

<u>Factor</u>	<u>Max.Pts.</u>	<u>Score</u>	<u>Comments</u>
1. Has previously designed _____ type of projects	20	_____	
2. Has worked on federally funded construction projects	10	_____	
3. Has worked on projects that were located in this general region.	10	_____	
Note: Location for A/E (Architect/Engineer) may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract. 2 CFR 200.319(b)			
4. Extent of experience in project construction management	15	_____	
5. Current Certification of TxCDBG Project Implementation Training	5	_____	
Subtotal, Experience	60	_____	

Work Performance

<u>Factor</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Past projects completed on schedule	10	_____
2. Manages projects within budgetary constraints	5	_____
3. Work product is of high quality	10	_____
Subtotal, Performance	25	_____

NOTE: Information necessary to assess the respondent on these criteria should be gathered by contacting past/current clients.

Capacity to Perform

<u>Factor</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Staff Level / Experience of Staff	5	_____
2. Adequacy of Resources	5	_____
3. Professional liability insurance is in force	5	_____
Subtotal, Capacity to Perform	15	_____

TOTAL SCORE

<u>Factor</u>	<u>Max.Pts.</u>	<u>Score</u>
<input type="checkbox"/> Experience	60	_____
<input type="checkbox"/> Work Performance	25	_____
<input type="checkbox"/> Capacity to Perform	15	_____
Total Score	100	_____

RESOLUTION _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS, SELECTING A GRANT ADMINISTRATION FIRM TO ASSIST THE TOWN WITH THE SUBMITTAL OF AN APPLICATION FOR FUNDING AND ADMINISTRATION OF A CONTRACT, IF AWARDED, FROM THE TEXAS DEPARTMENT OF AGRICULTURE (TDA) FOR THE 2025/2026 TEXAS COMMUNITY BLOCK GRANT PROGRAM – COMMUNITY DEVELOPMENT FUND (TxCDBG-CD) UNDER APPLICATION NUMBER CDV25-0425.

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, the Town of Poetry desires assistance in application preparation and, if awarded, the subsequent implementation and administration of the funding from the Texas Department of Agriculture (TDA) 2025/2026 Texas Community Development Block Grant – Community Development Fund (TxCDBG-CD) under application number CDV25-0425; and,

WHEREAS, the Town of Poetry has sought proposals from administrative consultants for Application Preparation and Project Administration; and,

WHEREAS, the Town of Poetry performed these solicitations in compliance with guidance for subrecipients under 2 CFR Part 200; and,

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS, AS FOLLOWS:

SECTION 1. The Town Council has reviewed and hereby formally selects the firm of:

_____ as the administrative consultant for application preparation, project administration and project-related management services, if awarded, for funding from the Texas Department of Agriculture (TDA) 2025/2026 Texas Community Development Block Grant – Community Development Fund (TxCDBG-CD) under application number CDV25-0425.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS, on this 19th day of March 2026.

Mike Jaffe, Mayor

ATTEST:

Theresa Scholander, Town Secretary

RESOLUTION _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF POETRY TEXAS, SELECTING AN ENGINEERING FIRM TO ASSIST THE TOWN WITH THE SUBMITTAL OF AN APPLICATION FOR FUNDING AND PROJECT IMPLEMENTATION OF A CONTRACT, IF AWARDED, FROM THE TEXAS DEPARTMENT OF AGRICULTURE (TDA) FOR THE 2025/2026 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – COMMUNITY DEVELOPMENT FUND (TxCDBG-CD) UNDER APPLICATION NUMBER CDV25-0425

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, the Town of Poetry desires assistance in application preparation and, if awarded, the subsequent project implementation of the funding from the Texas Department of Agriculture (TDA) 2025/2026 Texas Community Development Block Grant – Community Development Fund (TxCDBG-CD) under application number CDV25-0425; and,

WHEREAS, the Town of Poetry has sought proposals from engineering firms for Application Preparation and Project Implementation; and,

WHEREAS, the Town of Poetry performed these solicitations in compliance with guidance for subrecipients under 2 CFR Part 200; and,

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS, AS FOLLOWS:

SECTION 1. The Town Council has reviewed and hereby formally selects the firm of:

_____ as the engineering service provider for application preparation, project implementation and project-related engineering services, if awarded, for funding from the Texas Department of Agriculture (TDA) 2025/2026 Texas Community Development Block Grant – Community Development Fund (TxCDBG-CD) under application number CDV25-0425.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS, on this 19th day of March 2026.

Mike Jaffe, Mayor

ATTEST:

Theresa Scholander, Town Secretary

TOWN OF POETRY, TEXAS
ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF POETRY, TEXAS, REGULATING OUTDOOR AND OPEN BURNING WITHIN THE TOWN LIMITS; PROVIDING DEFINITIONS; ESTABLISHING PERMITTED AND PROHIBITED BURNING ACTIVITIES; PROVIDING EXCEPTIONS; PROVIDING SAFETY REQUIREMENTS; PROVIDING FOR COMPLIANCE WITH STATE LAW; PROVIDING FOR PENALTIES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Poetry, Texas finds it necessary to regulate outdoor burning within the Town limits to protect the public and ensure compliance with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS THAT:

SECTION 1. PURPOSE. The purpose of this ordinance is to regulate outdoor burning within the Town limits to protect public health, safety, and property while ensuring compliance with applicable state laws and regulations governing outdoor and open burning.

SECTION 2. DEFINITIONS

“Open Burning” - The burning of any material in which the products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

“Recreational Fire” - A small outdoor fire intended for recreation, ceremony, cooking, warmth, or similar purposes.

SECTION 3. GENERAL PROHIBITION. Open burning within the Town limits is prohibited except as specifically allowed by this ordinance and in compliance with applicable state law and regulations. Open burning is prohibited when a burn ban has been

issued by Kaufman County or Hunt County. Open burning is prohibited when there is a red flag warning or unsafe wind conditions exist.

No person may ignite, cause, allow, or maintain open burning that:

1. Violates applicable state environmental regulations governing outdoor burning;
2. Creates a hazardous condition or nuisance due to smoke, odor, or fire danger; or
3. Endangers public health, safety, or property.

SECTION 4. COMPLIANCE WITH STATE LAW. All outdoor burning conducted within the Town must comply with applicable rules adopted by the Texas Commission on Environmental Quality (TCEQ) governing outdoor burning. Burning that violates state air-quality regulations is prohibited. See TCEQ publication RG-049 *Outdoor Burning in Texas*.

SECTION 5. ALLOWED BURNING EXCEPTIONS. Outdoor burning may be conducted when allowed under state rules and when the following activities apply:

1. A fire used for firefighter training, with proper notice to TCEQ;
2. A fire used for recreation, ceremony, non-commercial cooking, or warmth;
3. A fire used to dispose of domestic waste generated at a private residence if burned inside a burn barrel with a mesh screen cover to prevent embers from leaving the barrel;
4. A fire used to dispose of a diseased animal carcass;
5. A fire used for on-site burning of trees, brush, grass, leaves, branch trimmings, or other plant growth by the owner of the property;
6. A fire used to burn crop residue for agricultural management purposes when no practical alternative exists;
7. A prescribed burn for forest, range, wildland management, and wildfire hazard mitigation.

SECTION 6. SAFETY AND OPERATING REQUIREMENTS. Outdoor burning conducted under this ordinance must comply with the following safety conditions:

1. Burning must be conducted only when wind direction and meteorological conditions will not cause smoke to create adverse effects to public roads, landing strips, navigable waters, or off-site structures containing sensitive receptors.
2. Burning must occur downwind of or at least 300 feet from structures containing sensitive receptors on adjacent properties, unless prior written approval is obtained from the adjacent occupant.
3. Burning must begin no earlier than one hour after sunrise.
4. Burning must be completed on the same day no later than one hour before sunset (burn piles should be small enough to guarantee compliance with this rule).
5. Surface wind speeds must be between six (6) and twenty-three (23) miles per hour.
6. Burning shall not be conducted during persistent low-level atmospheric temperature inversions (causing the smoke to settle like fog, instead of rising into the sky).
7. Disposal of domestic waste must be conducted inside a burn barrel with a mesh screen cover to prevent embers from leaving the barrel.
8. The fire shall be attended by a responsible party at all times.
9. A means of controlling and extinguishing the fire shall be present at all times.
10. If smoke blows onto or across a roadway, the person initiating the burn is responsible for posting flag-persons on affected roads.

SECTION 7. FIRE CONTROL AND EMERGENCY NOTIFICATION. If any fire becomes uncontrolled, 911 emergency services must be contacted immediately. Persons conducting large outdoor burns are encouraged to notify emergency dispatch or the appropriate county non-emergency number in advance to avoid unnecessary emergency response.

SECTION 8. PROHIBITED MATERIALS. It is always unlawful to burn the following materials:

- Electrical insulation
- Treated lumber
- Plastics
- Non-wood construction or demolition materials

- Heavy oils
- Asphaltic materials
- Potentially explosive materials
- Chemical wastes
- Materials containing natural or synthetic rubber

Such materials must be taken to an approved solid waste disposal site.

SECTION 9. PROHIBITED BURNING CONDITIONS. Controlled burning at night is prohibited except for fires used for recreation, ceremony, cooking, or warmth.

SECTION 10. PENALTY. Any person who violates any provision of this ordinance commits an offense and may be subject to penalties as provided by applicable law. Violation of burn bans or outdoor burning regulations may constitute a fine, a misdemeanor or a state jail felony. Additional penalties may apply under state law for violations of the Texas Clean Air Act or other statutes relating to illegal dumping, reckless damage or destruction or arson.

SECTION 11. All provisions of the ordinances of the Town of Poetry in conflict with the provisions of this Ordinance be and the same are hereby repealed, and all other provisions of the ordinances of the Town of Poetry not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 12. THAT should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the ordinances of the Town as a whole.

SECTION 13. THAT this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED by the Town Council of the Town of Poetry, Texas, on the 19th day of March, 2026.

APPROVED:

Mayor

ATTEST:

Town Deputy Secretary

APPROVED AS TO FORM:

Town Attorney

Outdoor Burning

IN TEXAS



**PROGRAM SUPPORT AND ENVIRONMENTAL
ASSISTANCE DIVISION (PSEAD)**

RG-049 (Rev. 10/25) · tceq.texas.gov/publications



Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*

Kelly Keel, *Executive Director*

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Introduction

TCEQ developed this guide on the Outdoor Burning Rule, Title 30, Texas Administrative Code (30 TAC), Sections 111.201–221 (see [Appendix A](#)), for the public, the regulated community, and responsible state and local officials. It covers key aspects of the Outdoor Burning Rule (or Rule for the purposes of this guidance), including:

- General requirements that allow for outdoor burning.
- Exceptions that allow outdoor burning.
- Notification requirements for allowable outdoor burning.

Appendices contain a copy of the Outdoor Burning Rule, notification requirements, and additional resources.

Limitations of This Guide

This document does not include the requirements of other governmental agencies and local authorities (cities or counties). Local authorities and governmental agencies may implement additional restrictions on outdoor burning.

Some municipalities have enacted local ordinances that prohibit or restrict outdoor burning within their corporate limits. Residents should always check with municipal officials about potential limitations on outdoor burning, so they do not unintentionally violate an existing ordinance. Municipal ordinances may be located online at the [Texas State Law Library](#)¹, and city and county ordinances can be obtained by visiting city and county websites or by contacting them directly.

During extreme fire danger, local authorities or governmental agencies may ban outdoor burning to help prevent wildfires. A county judge and county

commissioners court may issue a ban on outdoor burning that is applicable to unincorporated portions of the county. TCEQ does not set or regulate outdoor burn bans put in place by local authorities.

In addition, Texas criminal statutes specify penalties that pertain to escaped control fires and wildland fires that were deliberately set. People responsible for escaped control fires or arson wildfires may be subject to civil suits for damages caused by these fires.

Numerous authorities, including the [National Weather Service](#)² and the [Texas A&M Forest Service](#)³, may issue advisories, watches, or warnings when weather and fuel conditions increase the risk of escaped fires or the severity of wildfires. Public cooperation during dangerous wildfire conditions is essential to prevent wildfires and the losses they may cause.

¹ guides.sll.texas.gov/texas-law/local-ordinances

² www.weather.gov

³ fsweb.tamu.edu



The Outdoor Burning Rule Explained

The Outdoor Burning Rule is the result of a coordinated effort to produce streamlined regulations that can be applied consistently and fairly throughout Texas. Its purpose is to protect the environment, promote public health and safety, and avoid nuisance conditions through the regulation of outdoor burning activities.

Summary of the Rule

The Outdoor Burning Rule prohibits outdoor burning anywhere in Texas but allows exceptions for specific situations where burning is necessary or where it does not pose a threat to human health or the environment. The Rule also prescribes conditions that must be met to protect the environment and avoid other adverse impacts when burning is allowed. In general, TCEQ does not issue burning permits. However, for situations that do not fit the exceptions stated in the Rule where burning seems necessary, special authorizations to conduct burning can be requested from TCEQ. In addition, the Rule also prohibits storing spontaneously combustible materials other than solid fossil fuel outside.

General Requirements for Outdoor Burning (30 TAC 111.219)

If an outdoor burn activity meets the conditions for an exception to the general prohibition on outdoor burning, additional requirements designed to protect public health, safety, and the environment may apply. These requirements are designed to reduce the likelihood that the burning will create a nuisance, cause a hazard, or harm the environment. The specific requirements applicable to each type of allowable outdoor burn are identified in the exceptions to the Outdoor Burning Rule (page 6). The party responsible for the burn remains liable for damages, injuries, and other consequences that may result from burning, even when it is carried out in compliance with these regulations.

General requirements include:

- Notifying the Texas A&M Forest Service prior to any prescribed or controlled burns that are intended for forest management.

- Only burning outside the corporate limits of a city or town, unless the incorporated city or town has an ordinance that permits burning (consistent with the [Texas Clean Air Act, Texas Health and Safety Code, Chapter 382](#)⁴).
- Commencing or continuing to burn only when the wind direction and other weather conditions are such that smoke and other pollutants will not present a hazard to any public road, landing strip, or navigable water (e.g., lake, river, stream, or bay), or have an adverse effect on any off-site structure containing “sensitive receptors” (e.g., a residence, business, farm building, or greenhouse). Up to date information regarding weather conditions can be obtained online. This information should be referenced before conducting outdoor burning to determine the direction and speed of the wind, whether winds are expected to shift, whether your area is under a temperature inversion, and whether high ozone levels are forecast. Ozone level information is available on TCEQ’s [Texas Air Quality Forecast webpage](#)⁵.

“Sensitive receptors” include humans and livestock, as well as “sensitive live vegetation” such as nursery plants, mushrooms under cultivation, and plants raised for pharmaceutical production or use in lab experiments. For a complete definition, see 30 TAC 111.203(7) in [Appendix A](#).

- Posting someone to flag traffic if the burning causes, or may cause, smoke to blow onto or across a road or highway at any time.
- Keeping fires downwind of, or at least 300 feet away from, any neighboring structure that contains

⁴ tceq.texas.gov/goto/txcleanairact

⁵ tceq.texas.gov/goto/airtoday

sensitive receptors. This requirement may be waived only with the prior written approval of whoever owns or rents the adjacent property and either resides or conducts business there.

- Beginning burns at least one hour after sunrise, ceasing burns the same day at least one hour before sunset, and ensuring that a responsible party is present while a burn is active and a fire is progressing. The requirement for having a responsible party in attendance during an active burn phase does not mean that someone has to be in attendance once the fire is nearly complete and is not advancing (i.e., once it principally consists of glowing coals with possibly some patchy residual fires). A fire that has burned down to glowing coals has consumed most of the volatile substances and will not progress as a flame. At the end of the burn, extinguish isolated residual fires or smoldering objects if the smoke they produce could be a nuisance or a traffic hazard. Do not start burning unless weather conditions are such that the smoke will dissipate (winds of at least 6 miles per hour (mph) without temperature inversions) while still allowing the fire to be contained and controlled (winds no faster than 23 mph). Section 111.219(6)(A) allows flexible burn opportunities with consideration

for meteorological conditions conducive to dispersion. For example, if you wish to burn 100 acres with a road on one side and no sensitive structures around the burn area, extinguish residual fires and smoldering objects along the road where the potential for nuisance or traffic hazard exists and allow the remaining portion of the burn site to subside at a natural rate.

- Not burning any prohibited items, including, but not limited to, electrical insulation, treated lumber, plastic, non-wooden construction or demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical waste, and items that contain natural or synthetic rubber.

A **temperature inversion** is a weather phenomenon where a layer of warmer air sits above cooler air. Since warm air rises, air under the inversion cannot escape, and smoke and pollution get trapped at the surface. Signs of a **temperature inversion** include clear skies, calm wind (< 3 mph), near sunrise or sunset, the presence of dew, horizontal smoke patterns, and ground fog in low-lying areas.

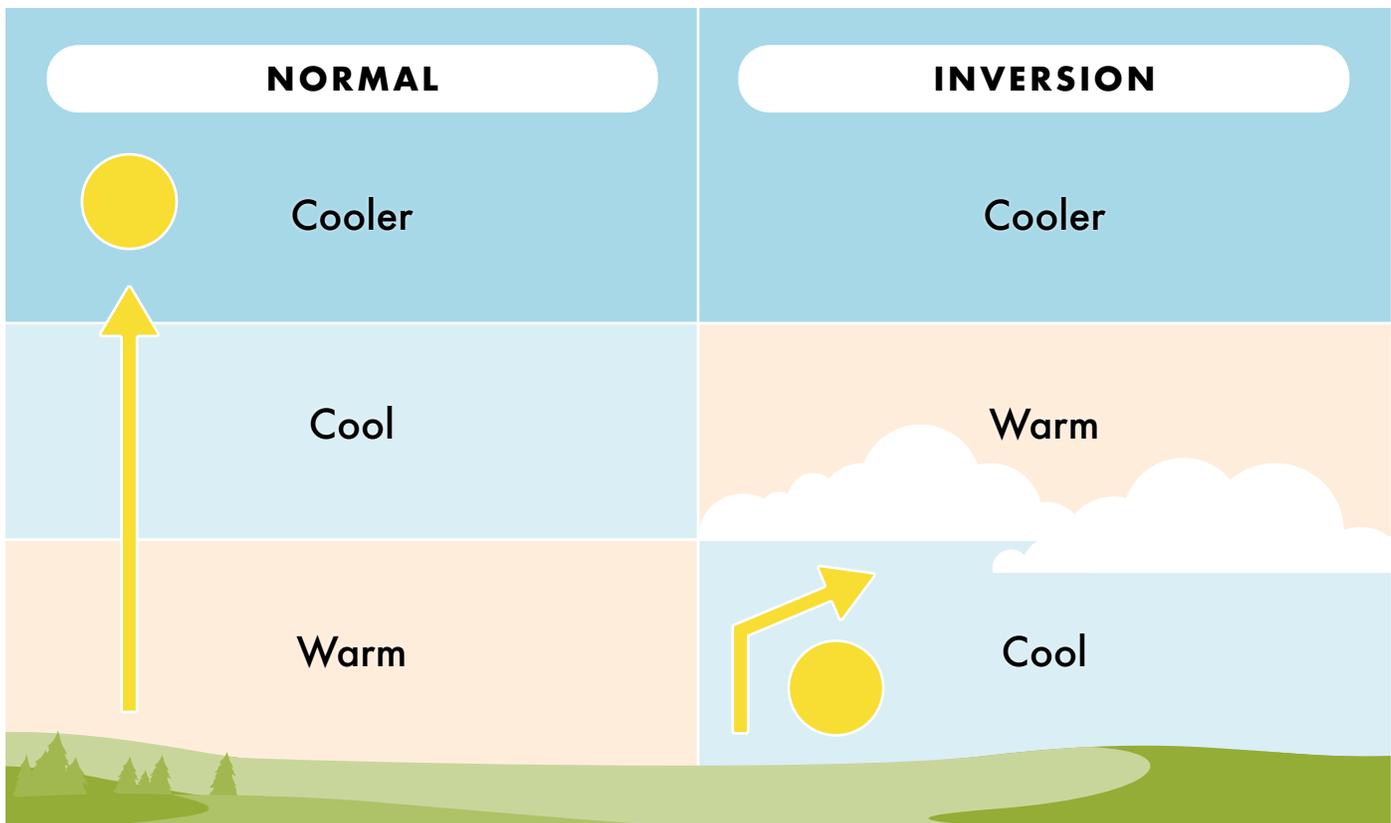


Figure 1: Temperature Inversion

Common Considerations

Obtaining a burning permit from TCEQ

TCEQ does not issue outdoor burning permits; however, you may be able to obtain an authorization prior to starting burning under certain conditions. Outdoor burnings in general are prohibited in Texas, although the Outdoor Burning Rule ([Appendix A](#)) does allow certain exceptions. If your situation meets all the requirements for one of the exceptions described in the Rule, you may conduct outdoor burning in accordance with applicable special conditions. Some exceptions may require you to submit a written request to conduct a burn to the appropriate [TCEQ regional office](#)⁶ (shown in [Appendix C](#)) to obtain approval before you conduct outdoor burning activities. If your outdoor burning activity does not meet any of the requirements for an exception to the Rule, or if you cannot comply with the special conditions, you may still be able to obtain authorization from the Executive Director.

Considering neighbors

Even if you meet an exception to burn, you still need to take your neighbors into account. In addition to common courtesy, the Outdoor Burning Rule requires that certain kinds of burning be conducted downwind of, or at least 300 feet from, any structure containing sensitive receptors (see page 3) located on adjacent properties unless written approval is obtained from the owner or occupant of the adjacent or downwind property, the one who will suffer adverse effects. In addition, your burning must not cause a nuisance or traffic hazard, in accordance with 30 TAC 101.4 and 101.5.

Notifying TCEQ

Some exceptions to the Outdoor Burning Rule require you to notify the appropriate TCEQ regional office (see [Appendix C](#)) before conducting outdoor burning.

In addition, you may have to contact other governmental agencies, local authorities, or your surrounding neighbors. See Appendix B for a quick reference guide to when you should notify TCEQ and the applicable rules.

Complying with local regulations

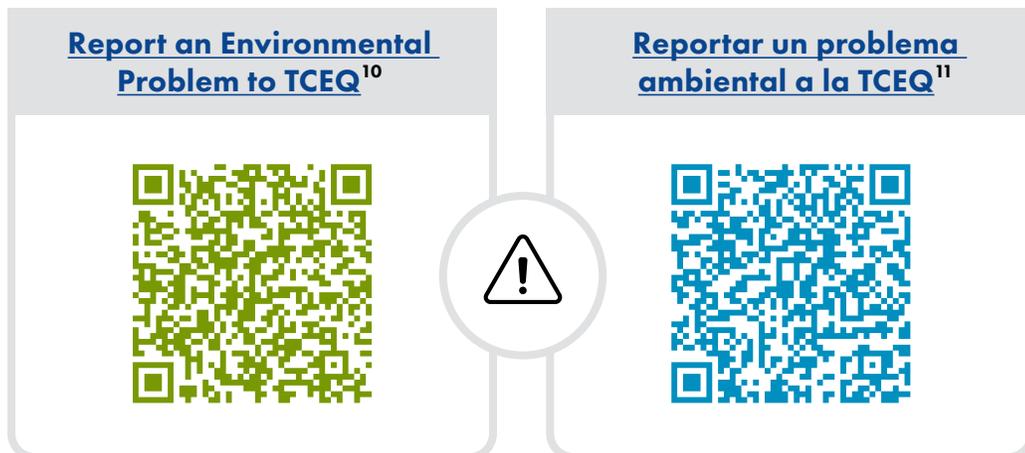
Even if your burning is in compliance with TCEQ regulations, it still may not comply with other, stricter laws, regulations, and ordinances enforced by cities, counties, and other jurisdictions. You must comply with all such regulations (e.g., county burn bans) in addition to TCEQ rules.

Considering weather conditions

Some exceptions to the Outdoor Burning Rule must be conducted in accordance with applicable special conditions that limit outdoor burning during specific weather conditions and times of day. These include wind direction, wind speed, and temperature inversions. Current and predicted weather conditions should be obtained prior to conducting outdoor burning activities to determine wind speed, wind direction, whether winds are expected to shift during active burning, whether there will be periods of persistent low level atmospheric temperature inversions, and ozone levels. You can obtain up to date weather conditions through websites like [The National Weather Service](#)⁷ or [The National Oceanic and Atmospheric Administration](#)⁸. Information regarding ozone levels in your area are available from TCEQ's [Texas Air Quality Forecast](#)⁹ website.

Reporting illegal outdoor burning

The best way to report an environmental problem to TCEQ is by using our online complaint form available on our webpage, or by scanning one of the following QR Codes. If you prefer to submit a complaint by telephone, please contact your TCEQ regional office (see [Appendix C](#)).



⁶ tceq.texas.gov/agency/directory/region

⁷ www.weather.gov

⁸ www.noaa.gov

⁹ tceq.texas.gov/goto/airtoday

¹⁰ tceq.texas.gov/goto/report-an-environmental-problem-to-tceq

¹¹ tceq.texas.gov/goto/report-an-environmental-problem-to-tceq-esp

Practical Alternatives to Burning

The Outdoor Burning Rule defines a practical alternative as being “economically, technologically, ecologically, and logistically viable.” Alternatives are considered on these four criteria to determine whether they are practical with the standard of judgment being that of a reasonable person. For example:

- An option that is technologically available but neither economically affordable nor logistically possible is not practical.
- A method other than burning may not be practical if it cannot achieve the desired ecological outcome.
- An alternative that is technologically, economically, and logistically feasible is not practical if it causes a greater ecological harm than burning.

The following methods of disposal can sometimes serve as practical alternatives to burning:

1. **Recycling** – Salvageable metals can be manually or mechanically separated from other material and sold at a salvage yard. For recycling guidance, rules, and information, see TCEQ’s [Recycling Resources webpage](#)¹².
2. **Composting** – Organic waste from landscape maintenance can often be composted on-site easily and cleanly. Similar wastes—like paper products, kitchen waste, or cardboard boxes—can be composted under the right conditions. For more information, see TCEQ’s [composting resources webpage](#)¹³.
3. **Mechanical chipping or mulching** – Mulch produced from mechanical chipping and mulching can be used for soil enrichment and moisture retention or used to create compost. In addition, mulch can be turned into a marketable product, used where it is produced, or given to individuals and nurseries. Even if the resulting material cannot be used as landscape mulch, chipping can still be useful to reduce the volume of waste that must be disposed of by other means.
4. **Logging** – Timber can sometimes be converted into a marketable product—lumber, pulp, or firewood—as one way to reduce disposal costs. The remaining small limbs and brush are then much easier to dispose of through one of the other alternatives.
5. **Landfills** – Some landfills have recycling centers, with chippers for wood waste and collection bins for paper, plastic, and glass. Type IV landfills accept brush. Contact your local landfills for details.
6. **Air-curtain incineration (trench burning)** – Many land-clearing contractors have portable devices,

known as trench burners or air-curtain incinerators, which can be used to dispose of brush or untreated lumber with minimal emissions. These devices must be authorized by the TCEQ Air Permits Division prior to their construction at a burn site. For more information, visit TCEQ’s [Air-Curtain Incinerators webpage](#)¹⁴.

Section 111.211 of the Outdoor Burning Rule recognizes the use of fire as a necessary management tool for situations where there is no practical alternative. All such burns are subject to the general requirements for allowable outdoor burning (30 TAC 111.219).

Landclearing is the uprooting, cutting, or clearing of vegetation 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. It does not include the 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 that follows clearings for ecological restoration. *The goal of **landclearing** is a major change in land use (i.e., the conversion of the land from one use to another), whereas, the goal of a **prescribed burn** is to restore, maintain, or renew the ecosystem.*

Exceptions to the Outdoor Burning Rule

The standard exceptions to the Outdoor Burning Rule cover the most common situations where outdoor burning is allowed in Texas. Some of the exceptions will be subject to parts of or all of the general requirements for allowable outdoor burning under 30 TAC 111.219. In addition, some exceptions will require verbal or written notification to the appropriate TCEQ regional office (see [Appendix C](#)), governmental agencies, local authorities, and neighboring properties prior to burning (see [Appendix B](#) for details on specific notification requirements). Local authorities may also regulate outdoor burning by issuing ordinances or burn bans for their area. If an ordinance is in effect, the requirements and restrictions of this ordinance must also be met. TCEQ does not issue or regulate burn bans.

Special Restrictions

Depending on your location in Texas, there may be additional requirements you need to meet in order to be eligible for an exception under the Outdoor Burning Rule.

NONATTAINMENT

TCEQ developed the State Implementation Plan (SIP) to meet national air quality standards established in the federal Clean Air Act. The SIP identifies strategies to improve air quality for areas designated as “nonattainment.” Nonattainment areas are formally designated by EPA as having air pollution levels that exceed the National Ambient Air Quality Standards (NAAQS).

Nonattainment areas may have more stringent regulations on outdoor burning than those detailed in the Outdoor Burning Rule. To determine if your county is a nonattainment county, and subject to these exceptions to the Rule, review the map in the [Texas SIP](#)¹⁵ or call your regional TCEQ office (see [Appendix C](#)).

MONTGOMERY COUNTY

In unincorporated areas of Montgomery County, it is a criminal offense, as well as a violation of agency rules, to burn household refuse on a lot smaller than five acres or located in a “neighborhood.” The terms “neighborhood” and “refuse” are defined in 30 TAC 111.203 (see [Appendix A](#)). Under Texas Local Government Code Section 352.082, this restriction could in the future also apply to certain planned communities if the population of a county adjacent to the one where such a community is located grows to 3.3 million or more.

Fires for Disposal (111.209)

A broad exception to the Burning Rule exists for fires to dispose of waste or clear land. It includes several more specific categories:

1. **Domestic waste** – Domestic waste (i.e., household trash or rubbish) may be burned when the local governmental organization with jurisdiction over such matters does not collect trash and does not authorize a business or other service to do so. To qualify for this exception, the waste must come from a property that is designed to be a private residence and used exclusively as a private residence for no more than three families. The waste must also be burned on the property where it was produced. According to TCEQ rules [30 TAC 101.1(26)], domestic wastes include wastes that normally result from the function of life within a residence (e.g., kitchen garbage, untreated lumber, cardboard boxes, packaging, clothing, grass, leaves, and branch trimmings). Items such as tires, construction debris, roofing shingles, treated-wood pallets, furniture, carpet, electrical wire, and appliances are not considered domestic waste and cannot be burned. The Rule specifically prohibits the burning of insulated wire while still allowing the burning of piles created by fence demolition, which contain wire and untreated wood wastes. Other conditions of the general requirements for outdoor burning do not apply. In addition, the burning of domestic waste should not cause a nuisance, in accordance with 30 TAC 101.4.
2. **Diseased animal carcasses** – These may be burned when burning is the most effective means of controlling the spread of disease. The general requirements for outdoor burning do not apply to this exception, but burning under this exception must not cause a nuisance or traffic hazard, or be prohibited by local ordinances.
3. **Burning of animal remains by a veterinarian** – A veterinarian may burn animal remains and medical waste—not including sharps (e.g., needles)—associated with animals in their care on their property if the property is located outside the corporate boundaries of a municipality (or within such boundaries if they were annexed on or after September 1, 2003). This section prevails over any other law that authorizes a governmental authority to abate a public nuisance (Texas Occupations Code, Section 801.361).
4. **On-site burning of waste plant growth** – In most attainment counties, trees, brush, grass, leaves, branch trimmings, or other plant growth may be burned on the property on which the material grew. In all cases, the plant growth must be burned by the property owner, or another person authorized to do so by the owner. Depending on the county type, on-site burning of waste plant growth must meet the following requirements. To determine if your county is an attainment or a nonattainment county for the purposes of this exception, review the map in the [Texas SIP](#) or call your regional TCEQ office (see [Appendix C](#)).

¹⁵ tceq.texas.gov/airquality/sip



- **All designated nonattainment counties and some attainment counties** – Burning of waste plant growth is allowed only if the material was generated because of right-of-way (or easement) maintenance, land clearing, or maintenance along water canals, and no practical alternative to burning exists. Burning conducted under this exception must conform to all the general requirements for outdoor burning.
 - **Most attainment counties** – Burning of waste plant growth is allowed regardless of the activity that generated the material, and practical alternatives do not need to be considered beforehand. Burning conducted under this exception must conform to some of the general requirements for outdoor burning, specifically the requirements in 30 TAC 111.219(3, 4, 6, 7) (see [Appendix A](#)). Burning of this type is also subject to local ordinances that prohibit burning within the corporate limits of a city or town. **For the purposes of this exception, some attainment counties are treated as nonattainment counties.** Specifically, any attainment county that contains any part of a municipality that extends into a bordering nonattainment county is treated as a nonattainment county.
5. **Designated residential burn sites in rural areas** – This exception allows private residents in rural areas to transport their yard waste (trees, brush, grass, leaves, branch trimmings or other plant growth) to a designated site for consolidated burning, rather than having numerous smaller fires in the yards of rural neighborhoods. All burning at a designated site must be directly supervised by a fire department employee. A volunteer firefighter can be used to supervise designated burn sites, per [Texas Health and Safety Code, Subsection 382.018\(d\)\(1\)\(D\)\(ii\)](#). Designated burn sites must be outside the corporate limits of a municipality and within a county with a population of less than 50,000. The site must be designated by its owner, though designation does not require registration with TCEQ. A site is designated by:
- Posting all entrances to the site with a placard that must always be clearly visible and legible, measuring at least 2 feet wide by 4 feet high, and bearing the specific information stated in 30 TAC 111.209(5)(A) (see [Appendix A](#)).
 - Specifying which residential properties the site has been designated for and maintaining a record of those specific residential properties. This record must contain a description of a platted subdivision, a list of all specific residential addresses, or both. This record must be made available within 48 hours of any request by any authority having jurisdiction.
- Furthermore, the owner of the site must ensure that:
- All waste burned at the site consists of only trees, brush, grass, leaves, branch trimmings, and other plant growth that was generated at one of the specific residential properties for which the site is designated.
 - All burning at the site is directly supervised by a paid, on-duty fire department employee who is part of the fire protection personnel and is acting in the scope of their employment. The fire department employee must notify the appropriate TCEQ regional office by phone or fax 24 hours in advance of each burn. TCEQ will supply them with information on practical alternatives to burning.
6. **Crop residues** – When there is no practical alternative, crop residues may be burned as part of agricultural management. Determining whether there is a practical alternative requires evaluating such things as the type of crop, soil moisture level, soil nutrient benefits, cropping sequence, and the cost of using alternative disposal methods. Burning carried out under this exception must conform to the general requirements for outdoor burning, and

structures containing sensitive receptors (see page 3) must not be negatively affected by the burn. This exception does not apply to crop-residue burning covered by an administrative order.

7. **Off-site plant growth burning** – A county or municipal government may contact the appropriate TCEQ regional office and request site and burn authorization in writing to burn accumulations of brush, trees, and other plant growth that cause a detrimental condition to public health and safety. The burn must occur at a site owned by the local government and will only be authorized if TCEQ determines that there is no practical alternative. The frequency of such burns may not exceed once every two months, and they cannot be used in place of other sound brush-management practices. Burns conducted under this exception must conform to the general requirements for allowable outdoor burning. *The burning may not occur at a municipal landfill without advance permission from TCEQ.*

COMMON CONSIDERATIONS

Requesting exceptions not listed in the Rule

If your situation does not fit any of the exceptions given in the Rule, but you would still like to conduct a burn, submit a written request to the TCEQ regional office who serves the county where you wish to conduct outdoor burning. Acting on behalf of the executive director, regional personnel will review your request and determine whether a practical alternative is available. If they agree that none can be found, they will issue you a written authorization to burn which will outline specific conditions that you must follow to control the emissions.

Burning in rural communities

If there is not a governmentally provided or authorized trash-collection service available to you, you may burn domestic waste on the property where it is produced, as long as outdoor burning is not prohibited by local ordinances and does not create a nuisance or a traffic hazard.

Disposing of oil filters

You cannot burn old oil filters. They must be taken to an authorized recycling facility. To locate recycling facilities, you may call 800-CLEAN-UP (800-253-2687) or visit the [Earth911 website](http://www.earth911.com)¹⁶.

Burning waste from a business

According to the Outdoor Burning Rule, the burning of commercial business waste is prohibited. The exception that allows for the burning of domestic waste only applies if the property where the waste is produced is used exclusively as a private residence and the local

governmental authority does not provide or authorize the collection of waste at the premises where the waste is generated. There is no such exception for businesses. You can contract the waste disposal service yourself as part of your business operation and consider the possibility of recycling waste such as boxes, pallets, cardboard, and barrels, or find ways that you or others could reuse these materials.

Disposing of scrap tires

The Outdoor Burning Rule provides no exception for the disposal of tires (or any other items that contain natural or synthetic rubber) through outdoor burning because of the air pollution that would result. [TCEQ's Scrap Tire Program](http://www.tceq.texas.gov)¹⁷ (512-239-2335 or tires@tceq.texas.gov) can give you more information regarding proper methods for tire disposal.

Rules for municipal landfills

The Outdoor Burning Rule does not allow routine burning at municipal landfills.

Authorization to burn animal remains

A veterinarian may dispose of the remains and medical waste associated with an animal burial or burning if:

1. the burial or burning occurs on property owned by the veterinarian that is located
 - (a) outside the corporate boundaries of a municipality; or
 - (b) within the corporate boundaries of a municipality as a result of an annexation that occurred on or after September 1, 2003; and
2. at least one of the following requirements is met:
 - (a) a veterinarian-client-patient relationship existed between the veterinarian, the owner or other caretaker of the animal, and the animal before the animal's death
 - (b) the veterinarian diagnosed, treated, boarded, or otherwise cared for the animal before its death; or
 - (c) the veterinarian performed euthanasia or an autopsy on the animal.

Medical waste associated with the animal, except for sharps (e.g., needles), can also be burned. For details, see [Texas Occupations Code, Section 801.361](http://www.texasoccupationscode.com)¹⁸.

Burning trees

There are some exceptions to the prohibition on outdoor burning that may allow you to burn trees. Most cities prohibit burning within city limits and provide waste disposal options or require their residents to contract with a waste disposal service. Grass, leaves, and branch trimmings from residences are all considered "domestic waste." If your local government does not

¹⁶ www.earth911.com

¹⁷ tceq.texas.gov/permitting/waste_permits/tires/tires

¹⁸ statutes.capitol.texas.gov/Docs/OC/htm/OC.801.htm

collect domestic waste and does not authorize a private collector to do so, you may burn material of this type. If such waste collection is available, then it cannot be burned under the domestic-waste exception. A separate exception may apply depending on your location, regardless of whether domestic-waste pickup is available. If you are in a county that does not contain any part of a city that extends into a nonattainment county, you may burn plant waste (not all domestic waste) on the property on which it was generated. Under either exception, the burning must not create a nuisance or traffic hazard, and you must comply with all applicable local rules or ordinances.

Using burning to clear property within city limits

Depending on the attainment status of the county in which you wish to burn, you may be able to burn trees and brush within city limits. In designated nonattainment counties, as well as attainment counties that border nonattainment counties and include any part of a city extending into the nonattainment county, this type of burning is not exempt unless the municipal government has enacted ordinances that permit burning in accordance with state law. In such cases, you must consider alternatives such as chipping or trench burning. If there is no practical alternative to burning, and the city has not enacted ordinances that permit burning, you may request written permission from TCEQ for authorization to burn, though you cannot commence burning until you receive such authorization. Such requests are evaluated on a case-by-case basis. Contact the appropriate TCEQ regional office for guidance (see [Appendix C](#)). In all other counties, this burning meets TCEQ's exception unless the municipal government has enacted ordinances that prohibit burning. For information regarding nonattainment counties visit the [Texas State Implementation Plan webpage](#)¹⁹.

Transporting land clearing materials to be burned elsewhere

The Outdoor Burning Rule only allows the burning of land clearing materials at the site of the land clearing. You may not move these materials to burn them elsewhere, even if you own the property where they are to be burned.

Burning for crop management

Burning for crop management (e.g., burning corn stubble) is allowed when no practical alternatives exist, provided that it is conducted under suitable weather conditions and at appropriate times, and does not cause a nuisance or traffic hazard.

Hay disposal

Hay used as bedding for animals is not considered crop residue and needs to be properly disposed of by a

method other than burning. Check with your local county officials or agricultural organizations. They may need this material for erosion control or other purposes.

Firefighter Training (111.205)

Organizations that train firefighters must obtain authorization to conduct outdoor burning for such training, including training on the operation of fire extinguishers. To obtain authorization, the organization responsible for the training must send a written request to the local air pollution control agency, or, if there is no such agency, the appropriate TCEQ regional office (see [Appendix C](#)). A list of local air pollution control agencies is available at TCEQ's [Local Air Pollution Control Programs](#)²⁰ webpage.

If training occurs regularly (weekly, throughout the year) at a dedicated facility, only one annual written notification, sent to the relevant TCEQ regional office, is needed. If a dedicated training facility (i.e., a fire academy for students) conducts training regularly but less than once a week, a telephone, fax, or email notification will be necessary 24 hours in advance of each event, in addition to an annual written notification. See [Appendix B](#) for notification guidelines.

Burning conducted to train firefighters does not have to conform to the general requirements for other forms of allowable outdoor burning, but it must not cause a nuisance or traffic hazard. TCEQ may revoke an authorization for burning if it is used to avoid complying with other portions of the Outdoor Burning Rule.

COMMON CONSIDERATIONS

Burning abandoned houses as volunteer fire department (VFD) training

The training of firefighters may be authorized as an exception to the prohibition on outdoor burning. To receive an authorization for burning, submit a written request on behalf of the VFD to the local air pollution-control agency, or, if there is no local agency, the relevant TCEQ regional office. TCEQ may authorize such training orally or in writing. If TCEQ denies the request, your VFD will receive a notice of denial within 10 working days after the postmark date or the date of personal delivery of the request to the regional office. To ensure that the fire will not form or disperse toxic substances, the local air pollution-control agency or the reviewing TCEQ regional office may require that the building be stripped of many common construction materials (including electrical wiring, lead flashing, carpet, asbestos, and many others) before the fire is ignited. Note that the burning of abandoned buildings by a fire department is not automatically considered

¹⁹ tceq.texas.gov/airquality/sip

²⁰ tceq.texas.gov/permitting/air/local_programs.html



fire training. There must be a specific benefit to the fire department. Simply preventing the spread of fire from an abandoned building to neighboring property is not considered training. Such burns constitute an attempt to circumvent the Outdoor Burning Rule and are prohibited. The property owner is still responsible for disposing of residual materials properly.

Fires for Recreation, Ceremonies, Cooking, or Warmth (111.207)

Outdoor burning is allowed when used solely for recreational or ceremonial purposes, in the noncommercial preparation of food, or exclusively as a means of generating warmth in cold weather. In other words, campfires, bonfires, and cooking fires are allowed. Fires under this exception may not contain electrical insulation, treated lumber (including paint, stain, varnish, clear coat, or any other kind of treatment), plastics, construction or demolition materials not made of wood, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, or items containing natural or synthetic rubber. The other general requirements for allowable outdoor burning do not apply to fires covered by this exception, but the burning must not cause a nuisance or traffic hazard.

COMMON CONSIDERATIONS

Cooking in a backyard

Fires used in the noncommercial preparation of food for human consumption are allowed under the permit by rule in 30 TAC 106.244, which includes ovens, mixers, blenders, barbecue pits, and cookers. Additionally, smokehouses, whose maximum horizontal inside cross-sectional area does not exceed 100 square feet, are also allowed under the permit by rule in 30 TAC 106.243.

To qualify for either of these permits by rule, the general conditions listed under 30 TAC 106.4 must be met. For additional information see TCEQ's [Air Permits by Rule webpage](#)²¹.

Building fires in fireplaces

Yes, the Outdoor Burning Rule does not regulate indoor fires. Domestic-use fireplaces are authorized under TCEQ's de minimis rules in 30 TAC 116.119.

Campfires inside city limits

Fires used solely for recreation or ceremony are allowed by state law; however, local ordinance may prohibit this kind of burning. Check with your local city or county office prior to burning within their jurisdiction. Make sure no oils, asphalt, synthetic rubber, or other materials that produce heavy smoke are placed in the fire as they could release toxic gases and cause a nuisance or traffic hazard.

Prescribed Burns (111.211)

The exception for prescribed burns encompasses the use of fire to manage forests, rangeland, wildland, and wildlife statewide, plus coastal salt marshes in 14 counties. This exception also includes wildfire-hazard mitigation. All these forms of burning are subject to the general requirements for allowable outdoor burning.

Coastal salt marsh burning also entails more specific notification requirements (see [Appendix B](#)), which are stated in 30 TAC 111.211(2)(A) and (B). Owners of private property and state-owned land planning to conduct coastal salt marsh management under 30 TAC 111.211(2) must each seek and obtain written approval from TCEQ for coastal salt marsh burning.

COMMON CONSIDERATIONS

Technical information on prescribed burning

A good source of technical information on prescribed burning is the Texas Department of Agriculture's [Prescribed Burn Program](#)²², which sets standards for prescribed burning; develops a comprehensive training curriculum for prescribed-burn managers and sets standards for their certification, recertification and training; establishes minimum education and professional requirements for instructors for the approved curriculum; and sets minimum insurance

²¹ tceq.texas.gov/permitting/air/permitbyrule/air-pbr

²² texasagriculture.gov/Home/Production-Agriculture/Prescribed-Burn-Program

requirements for prescribed-burn managers. For safety reasons, a prescribed-burn plan may call for burning at night. Such plans require special authorization and must consider the effects of a temperature inversion on smoke dispersal to protect public health.

Burning on federal lands

Authorization from TCEQ is needed in order to conduct a burn on federal lands. Federal lands are not exempt from TCEQ Outdoor Burning rules in the SIP.

Certified and Insured Prescribed Burn Managers (111.217)

A Certified and Insured Prescribed Burn Manager (CIPBM) is licensed by the Texas Department of Agriculture (TDA) and approved by the Prescribed Burning Board. A CIPBM has the ultimate authority and responsibility when conducting a prescribed burn. A CIPBM must meet the minimum standards of training and experience and maintain the required insurance. A CIPBM must provide reasonable assurance that a prescribed burn will be confined to a predetermined area, that the effects of smoke emissions will be minimized, and that a prescribed burn will be conducted in a manner that will accomplish land management objectives.

There are four types of certified and insured prescribed burn managers:

1. **Private** – conducts prescribed burns on property owned by, leased by, or occupied by the private certified and insured prescribed burn manager or that person’s employer.
2. **Commercial** – may conduct prescribed burns for hire on any property allowed by his or her certification, including that of his or her employer.
3. **Government** – conducts prescribed burns as an authorized employee of a governmental unit.
4. **Not-for-Profit** – conducts prescribed burns on property owned or leased by a prescribed burning organization or on property owned or leased by a person who is a member of a prescribed burning organization.

***Note:** TCEQ’s rules do not use the term “Burn Boss”; however, TDA rules include the term “Burn Boss” in regard to CIPBMs. The TCEQ Outdoor Burning Rule, though not specifically using the term “Burn Boss” (30 Texas Administrative Code Chapter 111, Subchapter B), has requirements concerning prescribed burns that will be conducted by a “Certified and Insured Prescribed Burn Manager.”*

For more information regarding CIPBMs, please reference TDA rules in 4 TAC 225-231.

Pipeline Breaks and Oil Spills (111.213)

An oil (or other hydrocarbon) spill or pipeline break may trigger a requirement to notify the appropriate TCEQ regional office, in accordance with the notification requirements for major upsets in 30 TAC 101.6 (see [Appendix C](#)). Once notified of the spill, the regional office staff will decide whether burning is necessary to protect the public welfare. If TCEQ gives the company or person responsible for the spill permission to burn, TCEQ may also require that the company or person take samples and monitor the site to determine and evaluate environmental impacts.

***Note:** The exception for hydrocarbon burning is subject to 30 TAC 101.6 of this title (relating to Notification Requirements for Major Upset). 30 TAC 101.6 was repealed as a result of a rule change which went into effect September 12, 2002. The rule was moved to new Subchapter F under 101.201 of this chapter (relating to Emissions Event Reporting and Recordkeeping Requirements). The Outdoor Burn Rule will be updated at a later date to reflect this change.*

Other Situations That Do Not Meet an Exception (111.215)

If a situation may require outdoor burning but is not covered by the previously described exceptions, you may request permission to burn from a TCEQ regional office (see [Appendix C](#)). TCEQ staff, acting on behalf of the executive director, will consider whether:

1. There is a practical alternative (refer to the definition listed in 30 TAC 111.203(4) and to the additional information in [Appendix D](#)).
2. The burning will cause or contribute to a nuisance or traffic hazard.
3. The practice will violate any federal or state primary or secondary standard for ambient air quality.

Such authorizations may require you to follow certain procedures to control or abate emissions. These authorizations may be revoked at any time if TCEQ determines that the outdoor burning is creating a nuisance, violating any provision of an applicable permit, causing a violation of any air quality standard, or not conforming to the conditions specified in the authorization.

COMMON CONSIDERATIONS

Burning storm debris

Burning storm debris, regardless of whether the brush is to be burned on-site or at a landfill, is not specifically authorized in the exceptions to the prohibition on outdoor burning. However, TCEQ may authorize

the disposal of storm debris if there are no practical alternatives. Such requests are evaluated on a case-by-case basis. Contact the appropriate TCEQ regional office (see [Appendix C](#)).

Burning land-clearing materials at housing subdivisions

Housing subdivisions are allowed to dig pits and burn their land-clearing materials within city limits because

they are using a process called air-curtain incineration (trench burning), which is authorized under a permit by rule (or standard permit). Companies that specialize in this kind of business must obtain prior TCEQ approval, obtain a federal operating permit, and follow specific written operating procedures before conducting a burn. Contact TCEQ Air Permits Division at 512-239-1250, or airperm@tceq.texas.gov for more information.



Related TCEQ Publications

TCEQ has a variety of publications available on issues related to outdoor burning. Several of them explain specific alternatives to outdoor burning. They include:

- **RG-325** – Used Oil Recycling Handbook: Guidance for Used Oil Handlers
- **GI-415/415-esp** – Answers to Some Burning Questions/Repuestas a algunas preguntas ardientes
- **RG-419** – Disposal of Domestic or Exotic Livestock Carcasses

These publications can be downloaded from TCEQ's [publication search webpage](#)²³, and copies of certain TCEQ publications can be ordered from TCEQ's [publication ordering form webpage](#)²⁴.

²³ tceq.texas.gov/publications/search-pubs

²⁴ tceq.texas.gov/publications/pub-orders

Appendixes

APPENDIX A:

Outdoor Burning Rule

The [Outdoor Burning Rules](#)²⁵ is reproduced below from the Secretary of State website. The most current version of these regulations is online. You can order a current copy of this guidance document online from TCEQ's [publications ordering webpage](#)²⁶.

Note: The exception for hydrocarbon burning is subject to 30 TAC 101.6 of this title (relating to Notification Requirements for Major Upset). 30 TAC 101.6 was repealed as a result of a rule change adopted August 21, 2002, and became effective September 12, 2002. The rule was moved to new Subchapter F under 101.201 of this chapter (relating to Emissions Event Reporting and Recordkeeping Requirements). The Outdoor Burn Rule will be updated at a later date to reflect this change.

§111.201. General Prohibition

No person may cause, suffer, allow, or permit any outdoor burning within the State of Texas, except as provided by this subchapter or by orders or permits of the commission. Outdoor disposal or deposition of any material capable of igniting spontaneously, with the exception of the storage of solid fossil fuels, shall not be allowed without written permission of the executive director. The term “executive director,” as defined in Chapter 3 of this title (relating to Definitions), includes authorized staff representatives.

§111.203. Definitions

Unless specifically defined in the Texas Clean Air Act (TCAA) or in the rules of the Texas Commission on Environmental Quality (commission), the terms used by the commission have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms that are defined by the TCAA, the following terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

(1) **Certified and Insured Prescribed Burn**

Manager—A person with ultimate authority and responsibility for a prescribed burn, who has been certified by the Prescribed Burning Board of the Texas Department of Agriculture. The certification issued by the Prescribed Burning Board must be considered effective, and to have met the certification requirements found in 4 TAC Chapter 226 (relating to Requirements for Certification by the Board), at the time the prescribed burn is conducted.

- (2) **Extinguished**—The absence of any visible flames, glowing coals, or smoke.
- (3) **Landclearing operation**—The uprooting, cutting, or clearing 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. It does not include the 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.
- (4) **Neighborhood**—A platted subdivision or property contiguous to and within 300 feet of a platted subdivision.
- (5) **Practical alternative**—An economically, technologically, ecologically, and logistically viable option.
- (6) **Prescribed burn**—The controlled application of fire to naturally occurring vegetative fuels under specified environmental conditions and confined to a predetermined area, following appropriate planning and precautionary measures.
- (7) **Refuse**—Garbage, rubbish, paper, and other decayable and nondecayable waste, including vegetable matter and animal and fish carcasses.
- (8) **Structure containing sensitive receptor(s)**—A man-made structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term “man-made structure” does not include such things as range

fences, roads, bridges, hunting blinds, or facilities used solely for the storage of hay or other livestock feeds. The term “sensitive live vegetation” is defined as vegetation that has potential to be damaged by smoke and heat, examples of which include, but are not limited to, nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

- (9) **Sunrise/Sunset**—Official sunrise/sunset as set forth in the United States Naval Observatory tables available from National Weather Service offices.
- (10) **Wildland**—Uncultivated land other than fallow, land minimally influenced by human activity, and land maintained for biodiversity, wildlife forage production, protective plant cover, or wildlife habitat.

§111.205. Exception for Fire Training

- (a) Outdoor burning shall be authorized for training firefighting personnel when requested in writing and when authorized either verbally or in writing by the local air pollution control agency. In the absence of such local entities, the appropriate commission regional office shall be notified. The burning shall be authorized if notice of denial from the local air pollution control agency, or commission regional office is not received within 10 working days after the date of postmark or the date of personal delivery of the request.
- (b) Facilities dedicated solely for firefighting training, at which training routinely will be conducted on a frequency of at least once per week, shall submit an annual written notification of intent to continue such training to the appropriate commission regional office and any local air pollution control agency.
- (c) Facilities dedicated solely for firefighting training, at which training is conducted less than weekly, shall provide an annual written notification of intent, with a telephone or electronic facsimile notice 24 hours in advance of any scheduled training session. No more than one such notification is required for multiple training sessions scheduled within any one-week period, provided the initial telephone/facsimile notice includes all such sessions. Both the written and telephone notifications shall be submitted to the appropriate commission regional office and any local air pollution control agency.
- (d) Authorization to conduct outdoor burning under this provision may be revoked by the executive director if the authorization is used to circumvent other prohibitions of this subchapter.

§111.207. Exception for Fires Used for Recreation, Ceremony, Cooking, and Warmth

Outdoor burning shall be authorized for fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather. Such burning shall be subject to the requirements of §111.219(7) of this title (relating to General Requirements for Allowable Outdoor Burning).

§111.209. Exception for Disposal Fires

Except as provided in Local Government Code, §352.082, outdoor burning is authorized for the following:

- (1) domestic waste burning at a property designed for and used exclusively as a private residence, housing not more than three families, when collection of domestic waste is not provided or authorized by the local governmental entity having jurisdiction, and when the waste is generated only from that property. Provision of waste collection refers to collection at the premises where the waste is generated. The term “domestic waste” is defined in §101.1 of this title (relating to Definitions). Wastes normally resulting from the function of life within a residence that can be burned include such things as kitchen garbage, untreated lumber, cardboard boxes, packaging (including plastics and rubber), clothing, grass, leaves, and branch trimmings. Examples of wastes not considered domestic waste that cannot be burned, include such things as tires, non-wood construction debris, furniture, carpet, electrical wire, and appliances;
- (2) diseased animal carcass burning when burning is the most effective means of controlling the spread of disease;
- (3) veterinarians in accordance with Texas Occupations Code, §801.361, Disposal of Animal Remains;
- (4) on-site burning of trees, brush, grass, leaves, branch trimmings, or other plant growth, by the owner of the property or any other person authorized by the owner, and when the material is generated only from that property:
 - (A) in a county that is part of a designated nonattainment area or that contains any part of a municipality that extends into a designated nonattainment area; if the plant growth was generated as a result of right-of-way maintenance, landclearing operations,

and maintenance along water canals when no practical alternative to burning exists. Such burning is subject to the requirements of §111.219 of this title (relating to General Requirements for Allowable Outdoor Burning). Commission notification or approval is not required; or

- (B) in a county that is not part of a designated nonattainment area and that does not contain any part of a municipality that extends into a designated nonattainment area; this provision includes, but is not limited to, the burning of plant growth generated as a result of right-of-way maintenance, landclearing operations, and maintenance along water canals. Such burning is subject to local ordinances that prohibit burning inside the corporate limits of a city or town and that are consistent with the Texas Clean Air Act, Chapter 382, Subchapter E, Authority of Local Governments, and the requirements of §111.219(3), (4), (6), and (7) of this title. Commission notification or approval is not required.
- (5) at a site designated for consolidated burning of waste generated from specific residential properties. A designated site must be located outside of a municipality and within a county with a population of less than 50,000. The owner of the designated site or the owner's authorized agent shall:
 - (A) post at all entrances to the site a placard measuring a minimum of 48 inches in width and 24 inches in height and containing, at a minimum, the words "DESIGNATED BURN SITE - No burning of any material is allowed except for trees, brush, grass, leaves, branch trimmings, or other plant growth generated from specific residential properties for which this site is designated. All burning must be supervised by a fire department employee. For more information call {PHONE NUMBER OF OWNER OR AUTHORIZED AGENT}." The placard(s) must be clearly visible and legible at all times;
 - (B) designate specific residential properties for consolidated burning at the designated site;
 - (C) maintain a record of the designated residential properties. The record must contain the description of a platted subdivision and/or a list of each property address. The description must be made available to commission or local air pollution control agency staff within 48 hours, if requested;
 - (D) ensure that all waste burned at the designated site consists of trees, brush, grass, leaves, branch trimmings, or other plant growth;
 - (E) ensure that all such waste was generated at specific residential properties for which the site is designated; and
 - (F) ensure that all burning at the designated site is directly supervised by an employee of a fire department who is part of the fire protection personnel, as defined by Texas Government Code, §419.021, and is acting in the scope of the person's employment. The fire department employee shall notify the appropriate commission regional office with a telephone or electronic facsimile notice 24 hours in advance of any scheduled supervised burn. The commission shall provide the employee with information on practical alternatives to burning. Commission approval is not required;
- (6) crop residue burning for agricultural management purposes when no practical alternative exists. Such burning shall be subject to the requirements of §111.219 of this title and structures containing sensitive receptors must not be negatively affected by the burn. When possible, notification of the intent to burn should be made to the appropriate commission regional office prior to the proposed burn. Commission notification or approval is not required. This section is not applicable to crop residue burning covered by an administrative order; and
- (7) brush, trees, and other plant growth causing a detrimental public health and safety condition burned by a county or municipal government at a site it owns upon receiving site and burn approval from the executive director. Such a burn can only be authorized when there is no practical alternative, and it may be done no more frequently than once every two months. Such burns cannot be conducted at municipal landfills unless authorized under §111.215 of this title (relating to Executive Director Approval of Otherwise Prohibited Outdoor Burning) and shall be subject to the requirements of §111.219 of this title.

§111.211. Exception for Prescribed Burn

Outdoor burning shall be authorized for:

- (1) Prescribed burning for forest, range and wildland/wildlife management, and wildfire hazard mitigation purposes, with the exception of coastal salt-marsh management burning. Such burning shall

be subject to the requirements of §111.219 of this title (relating to General Requirements for Allowable Outdoor Burning), and structures containing sensitive receptors must not be negatively affected by the burn. When possible, notification of intent to burn should be made to the appropriate commission regional office prior to the proposed burn. Commission notification or approval is not required.

- (2) Coastal salt-marsh management burning conducted in Aransas, Brazoria, Calhoun, Chambers, Galveston, Harris, Jackson, Jefferson, Kleberg, Matagorda, Nueces, Orange, Refugio, and San Patricio Counties. Coastal salt-marsh burning in these counties shall be subject to the following requirements:
 - (A) All land on which burning is to be conducted shall be registered with the appropriate commission regional office using a United States Geological Survey map or equivalent upon which are identified significant points such as roads, canals, lakes, and streams, and the method by which access is made to the site. For large acreage, the map should be divided into manageable blocks with identification for each defined block. The information must be received for review at least 15 working days before the burning takes place.
 - (B) Prior to any burning, notification, either verbal or written, must be made to, and authorization must be received from the appropriate commission regional office. Notification must identify the specific area and/or block to be burned, approximate start and end time, and a responsible party who can be contacted during the burn period.
 - (C) Such burning shall be subject to the requirements of §111.219 of this title.

§111.213. Exception for Hydrocarbon Burning

Outdoor burning shall be authorized for hydrocarbon burning from pipeline breaks and oil spills only upon proper notification as set forth in §101.6 of this title (relating to Notification Requirements for Major Upset), and if the executive director has determined that the burning is necessary to protect the public welfare. Sampling and monitoring may be required to determine and evaluate environmental impacts.

§111.215. Executive Director Approval of Otherwise Prohibited Outdoor Burning

If not otherwise authorized by this chapter, outdoor burning may be authorized by written permission from the executive director if there is no practical alternative and if the burning will not cause or contribute to a nuisance, traffic hazard or to a violation of any federal or state primary or secondary ambient air standard. The executive director may specify procedures or methods to control or abate emissions from outdoor burning authorized pursuant to this rule. Authorization to burn may be revoked by the executive director at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

§111.217. Requirements for Certified and Insured Prescribed Burn Managers

Prescribed burning shall be authorized when conducted under the direction of a Certified and Insured Prescribed Burn Manager, as defined in §111.203 of this title (relating to Definitions), for forest, range and wildland/wildlife management and wildfire hazard mitigation purposes, with the exception of coastal salt-marsh management burning. When possible, notification of intent to burn should be made to the appropriate commission regional office prior to the proposed burn. Commission notification or approval is not required. Such burning shall be subject to the following requirements, and not the requirements in §111.219 of this title (relating to General Requirements for Allowable Outdoor Burning).

- (1) 4 TAC Chapter 227 (relating to Requirements for Certified and Insured Prescribed Burn Managers) and Chapter 228 (relating to Procedures for Certified and Insured Prescribed Burn Managers).
- (2) Prior to prescribed or controlled burning for forest management purposes, the Texas Forest Service shall be notified.
- (3) Burning must be outside the corporate limits of a city or town except where the incorporated city or town has enacted ordinances which permit burning consistent with the Texas Clean Air Act, Subchapter E, Authority of Local Governments.
- (4) Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any

public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s).

- (5) Burning shall be conducted in compliance with the following meteorological and timing considerations:
 - (A) The initiation of burning shall commence no earlier than sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.
 - (B) Burning shall not be commenced when surface wind speed is predicted to be less than five miles per hour (mph) (four knots) or greater than 23 mph (20 knots) during the burn period.
 - (C) Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.
- (6) Electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

§111.219. General Requirements for Allowable Outdoor Burning

Outdoor burning which is otherwise authorized shall also be subject to the following requirements when specified in any section of this subchapter.

- (1) Prior to prescribed or controlled burning for forest management purposes, the Texas Forest Service shall be notified.
- (2) Burning must be outside the corporate limits of a city or town except where the incorporated city or town has enacted ordinances which permit burning consistent with the Texas Clean Air Act, Subchapter E, Authority of Local Governments.
- (3) Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s).

- (4) If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.
- (5) Burning must be conducted downwind of or at least 300 feet (90 meters) from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from the adjacent occupant with possessory control.
- (6) Burning shall be conducted in compliance with the following meteorological and timing considerations:
 - (A) The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.
 - (B) Burning shall not be commenced when surface wind speed is predicted to be less than six miles per hour (mph) (five knots) or greater than 23 mph (20 knots) during the burn period.
 - (C) Burning shall not be conducted during periods of actual or predicted persistent low level atmospheric temperature inversions.
- (7) Electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

§111.221. Responsibility for Consequences of Outdoor Burning

The authority to conduct outdoor burning under this regulation does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this regulation.

APPENDIX B:

When Should You Notify TCEQ?

Purpose of the Burning	When Should You Notify TCEQ?	Who Else Needs Notification?	Rule Section
Fire Training			
On demand requests	In writing, 10 working days prior	A	111.205(a)
Dedicated facility, used at least once per week	Every year	A	111.205(b)
Dedicated facility, used less frequently than once a week	In writing every year, and by phone or fax 24 hours before event	A	111.205(c)
Disposal			
Domestic waste	Not required	B	111.209(1)
Diseased animal carcasses	Not required	B	111.209(2)
Animal remains and associated medical waste	Not required	B	111.209(3)
Plant growth on-site	Not required	B, D	111.209(4)
Plant growth at designated burn site	Verbally or in writing, 24 hours before event	B, D	111.209(5)
Crop residue	Verbally or in writing when possible	B, D	111.209(6)
Brush, off-site, by county or city	In writing, also notify verbally when possible	B, D	111.209(7)
Prescribed Burns			
Other than coastal salt marsh	Verbally or in writing when possible	B, C, D	111.211(1)
Coastal salt marsh	Land must be registered 15 working days prior	D	111.211(2)(A)
Other			
Pipeline breaks and oil spills	Spill notification and executive director approval required for major upset	B	111.213
Ceremonial fires	Not required	B	111.207

- A. If there is a local air pollution–control agency, notify that agency.
- B. Check local ordinances and notify any other government having jurisdiction over the area (for example, the county fire marshal, local fire department, or local law-enforcement officials).
- C. Notify the Texas Forest Service before conducting prescribed burns for forest management.
- D. Before conducting the burn, determine whether any structures containing sensitive receptors (for example, residences, greenhouses, stables, etc.) are within 300 feet of, and in the general direction downwind from, the site of the burn. If so, obtain written permission from the occupants or operators of those structures before you begin the burn.

APPENDIX C:

TCEQ Areas and Regional Offices

TCEQ Area Offices

BORDER AND PERMIAN BASIN

Region 6, El Paso • Region 7, Midland
Region 15, Harlingen • Region 16, Laredo
Area Director: David A. Ramirez
1804 W. Jefferson Ave. • Harlingen, TX 78550-5247
956-425-6010 • FAX: 956-412-5059

CENTRAL TEXAS

Region 9, Waco • Region 11, Austin • Region 13, San Antonio
Area Director: Joel Anderson, MC 172
P.O. Box 13087 • Austin, TX 78711-3087
12100 Park 35 Circle • Austin, TX 78753
210-403-4010 • FAX: 512-239-4390

COASTAL AND EAST TEXAS

Region 5, Tyler • Region 10, Beaumont • Region 12, Houston • Region 14, Corpus Christi
Area Director: Susan Clewis, MC 172
P.O. Box 13087 • Austin, TX 78711-3087
12100 Park 35 Circle • Austin, TX 78753
512-239-0468 • FAX: 512-239-4390

NORTH CENTRAL AND WEST TEXAS

Region 1, Amarillo • Region 2, Lubbock • Region 3, Abilene
Region 4, Dallas/Fort Worth • Region 8, San Angelo
Area Director: Randy J. Ammons
5012 50th St., Ste. 100 • Lubbock, TX 79414-3426
806-796-7092 • FAX: 806-796-7107

TCEQ Regional and Watermaster Offices

1 – AMARILLO

Regional Director: Guy Wilkins
5809 S. Western St, STE 260,
Amarillo, TX 79110-3631
806-353-9251 • FAX: 806-468-0530

2 – LUBBOCK

Regional Director: Christopher Mayben, P.G.
5012 50th St., Ste. 100
Lubbock, TX 79414-3426
806-796-7092 • FAX: 806-796-7107

3 – ABILENE

Regional Director: Michael Taylor, P.G.
1977 Industrial Blvd.
Abilene, TX 79602-7833
325-698-9674 • FAX: 325-692-5869

4 – DALLAS/FORT WORTH

Regional Director: Elizabeth Smith
2309 Gravel Dr.
Fort Worth, TX 76118-6951
817-588-5800 • FAX: 817-588-5700

Stephenville Office

(Concentrated Animal Feeding Operations)
580 W. Lingleville Rd., Ste. D
Stephenville, TX 76401-2209
254-552-1900 or 800-687-7078

5 – TYLER

Regional Director: Leroy Biggers
2916 Teague Dr.
Tyler, TX 75701-3734
903-535-5100 • FAX: 903-595-1562

6 – EL PASO

Regional Director: Reagyn (Ryan) Slocum
401 E. Franklin Ave., Ste. 560
El Paso, TX 79901-1212
915-834-4949 • FAX: 915-834-4940

7 – MIDLAND

Regional Director: Reagyn (Ryan) Slocum
10 Desta Dr., Ste 350E
Midland, TX 79705
432-570-1359 • FAX: 432-620-6110

8 – SAN ANGELO

Regional Director: Michael Taylor, P.G.
622 S. Oakes, Ste. K
San Angelo, TX 76903-7035
325-655-9479 • FAX: 325-658-5431

9 – WACO

Regional Director: David Mann
6801 Sanger Ave., Ste. 2500
Waco, TX 76710-7826
254-751-0335 • FAX: 254-761-3067

10 – BEAUMONT

Regional Director: Kathryn Saucedo
3870 Eastex Fwy.
Beaumont, TX 77703-1830
409-898-3838 • FAX: 409-892-2119

11 – AUSTIN

Regional Director: Lori Wilson
P.O. Box 13087 • Austin, TX 78711-3087
12100 Park 35 Circle • Austin, TX 78753
512-339-2929 • FAX: 512-339-3795

12 – HOUSTON

Regional Director: Nicole Bealle
5425 Polk St., Ste. H
Houston, TX 77023-1452
713-767-3500 • FAX: 713-767-3520

13 – SAN ANTONIO

Regional Director: George Ortiz
14250 Judson Rd.
San Antonio, TX 78233-4480
210-490-3096 • FAX: 210-545-4329

14 – CORPUS CHRISTI

Regional Director: Melanie Edwards
500 N. Shoreline Blvd., Ste. 500
Corpus Christi, TX 78401-0318
361-881-6900 • FAX: 361-881-6901

15 – HARLINGEN

Regional Director: Jaime A. Garza
1804 W. Jefferson Ave.
Harlingen, TX 78550-5247
956-425-6010 • FAX: 956-412-5059

16 – LAREDO

Regional Director: Jaime A. Garza
707 E. Calton Rd., Ste. 304
Laredo, TX 78041-3887
956-791-6611 • FAX: 956-791-6716

TEXAS WATERMASTERS

Brazos Watermaster: Molly Mohler
6801 Sanger Ave., Ste. 2500
Waco, TX 76710-7826
254-761-3027 or 254-313-8554
FAX: 254-761-3067

Concho Watermaster: Angela Sander
622 S. Oakes, Ste. K
San Angelo, TX 76903-7035
San Antonio: 210-403-4041 or 866-314-4894
San Angelo: 325-262-0834
FAX: 325-658-5431

Rio Grande Watermaster: Georgina Bermea
Harlingen Office
1804 W. Jefferson Ave.
Harlingen, TX 78550-5247
956-430-6056, 956-430-6039, or 800-609-1219
FAX: 956-430-6052

Eagle Pass Office

P.O. Box 1185 • Eagle Pass, TX 78853-1185
1593 S. Veterans Blvd.
Eagle Pass, Texas 78852-6474
830-773-5059 or 800-609-1219
FAX: 830-773-4103

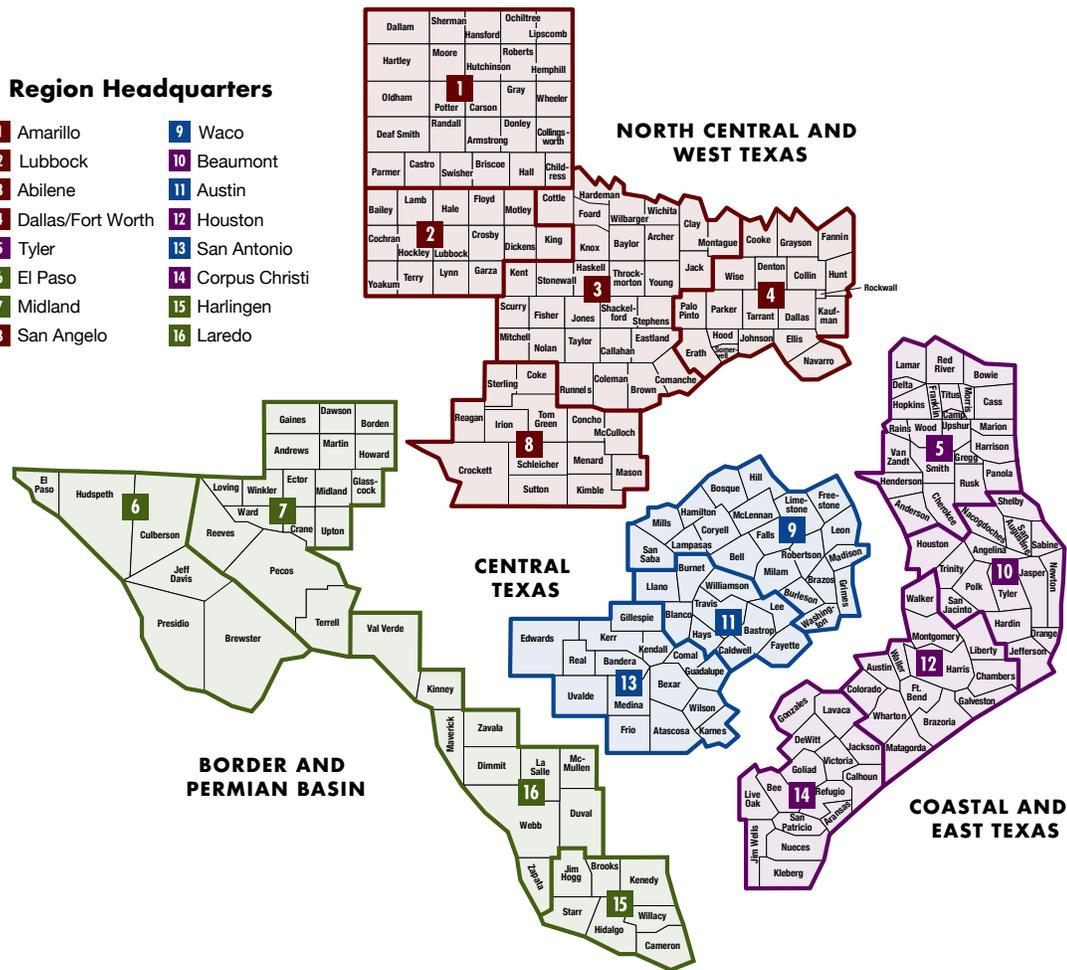
South Texas Watermaster: Angela Sander
14250 Judson Rd.
San Antonio, TX 78233-4480
210-403-4041 or 800-733-2733
FAX: 210-545-4329

See more regional information:
www.tceq.texas.gov/goto/regions.

TCEQ Central Office: P.O. Box 13087,
Austin, Texas 78711-3087, 512-239-1000

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TCEQ Areas and Regions



Small Business and Local Government Compliance Assistance Team Members in TCEQ Regions

REGION 1 – AMARILLO
Brittany Crawford, 806-468-0515

REGION 2 – LUBBOCK
Mariana Chacon, 806-796-7092
Courtney Lanier, 806-796-7617
Ellyn Anthony, 806-796-7608

REGION 3 – ABILENE
Jeremiah Johnson, 325-698-9674
Adam Liuzza, 325-698-6104

REGION 4 – DFW
Racheal Ajayi, 817-588-5708
Katie Cunningham, 817-588-5907
Kristen Fenati, 817-588-5827
Cary Yandell, 817-588-5707

REGION 5 – TYLER
Theresa Carr, 903-535-5165
Mackenzie Maserang, 903-535-5158
Taylor Bowman, 903-535-5176

REGION 6 – EL PASO
Vanessa Duenas, 915-834-4974
Cody Castaneda, 512-239-4943

REGION 7 – MIDLAND
Haley Stinchcomb, 432-620-6134
Elissa Torrez, 432-620-6137

REGION 8 – SAN ANGELO
Diana Steele (team leader), 325-481-8061
Rachel McMath, 325-481-8054
Zachary Johnson, 325-481-8062

REGION 9 – WACO
Charles Mortensen, 254-761-3020
Meera Hodges, 254-761-3021

REGION 10 – BEAUMONT
Lori Palmer, 409-899-8789
Yvonne Rodriguez, 409-899-8731

REGION 11 – AUSTIN
McKenna Wheeler, 512-239-0414
Will Wyman, 512-239-0448

REGION 12 – HOUSTON
Rebecca Costigan de la Cerda, 512-239-7003
Theodora Jacobs, 512-239-4180
Stephen Scalise, 512-239-7018
Shaquila Rolle, 512-239-4468

REGION 13 – SAN ANTONIO
Agnieszka Hobson, 210-657-8424
Priscilla Hudson, 210-403-4017
Madeline McDonald, 210-403-4036

REGION 14 – CORPUS CHRISTI
Veronica Medrano, 361-881-6986
Gabrielle Price, 361-881-6983

REGION 15 – HARLINGEN
Imelda Pena Sanchez, 956-389-7427
Gabriel Soto, 512-239-4465
Yadira Trevino, 956-389-7425

REGION 16 – LAREDO
Carmen (Ramirez) Garcia, 956-721-8457
Erica Solis, 956-721-8452
Elsa Hull, 956-753-4063
Guillermina Sanchez, 956-721-8458

For an up-to-date directory of TCEQ's regional offices and their staff, see tceq.texas.gov/goto/regionsmap.

APPENDIX D:

Additional Resources

EPA Green Book

The EPA Green Book (www.epa.gov/green-book) provides detailed information about area NAAQS designations, classifications, and nonattainment status.

Prescribed Burn Handbook

Texas A&M AgriLife Extension's Prescribed Burn Handbook (agrilife.org/rxburn) collects information and resources for conducting prescribed burns in Texas.

Reporting Arson

Report suspicious fire activity to your local law enforcement office or call one of the following toll-free phone numbers. You may be eligible for a reward up to \$2,000 if your information leads to the arrest and grand jury indictment of the person or persons responsible for arson.

- **Texas Toll-Free Arson Hotline** – 1-877-4FIRE45 (1-877-434-7345)
- **Texas A&M Forest Service Wildland Arson Hotline** – 1-800-364-3470

Texas A&M Forest Service

Texas A&M Forest Service's website (tfsweb.tamu.edu) collects information on wildfires and forest management, including a list of outdoor burn bans in Texas (tfsweb.tamu.edu/wildfire-and-other-disasters/burn-bans-and-information/).

Texas Commission on Environmental Quality

- **Main website** – tceq.texas.gov
- **Air Curtain Incinerator General Operating Permit** – tceq.texas.gov/permitting/air/titlev/generalpermits/gop_no_518.html
- **Air Curtain Incinerator Permit by Rule** – tceq.texas.gov/permitting/air/permitbyrule/subchapter-v/air_curtain.html
- **Air Permits Division** – 512-239-1250
- **Find the TCEQ region for your county** – tceq.texas.gov/agency/directory/region/county.html
- **TCEQ Publications webpage** – tceq.texas.gov/publications
- **Texas State Implementation Plan (Nonattainment county information)** – tceq.texas.gov/airquality/sip

Texas Constitution and Statutes (statutes.capitol.texas.gov)

Other than the Outdoor Burning Rule, the following statutes also cover burning in Texas:

- **Local Government Code** – Section 352. County Fire Protection, Subchapter D. Outdoor Burning
- **Government Code** – Section 419. Texas Commission on Fire Protection – 021. Definitions
- **Texas Health and Safety Code** – Title 5C, Chapter 382. Clean Air Act, Subchapter E. Authority of Local Governments

Texas Department of Agriculture

The Texas Department of Agriculture (texasagriculture.gov) oversees the Prescribed Burn Board which certifies prescribed burn managers. They also oversee the Prescribed Burn Program (texasagriculture.gov/Home/Production-Agriculture/Prescribed-Burn-Program) and publish a list of all certified and insured prescribed burn managers (texasagriculture.gov/Home/Production-Agriculture/Prescribed-Burn-Program/Find-a-Burn-Manager).

United States Census Bureau - for Population of Texas Counties

The United States Census Bureau (www.census.gov) collects population and demographic data from across the country, including the individual populations of Texas counties.



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LOCAL GOVERNMENT CODE

TITLE 2. ORGANIZATION OF MUNICIPAL GOVERNMENT

SUBTITLE C. MUNICIPAL BOUNDARIES AND ANNEXATION

CHAPTER 42. EXTRATERRITORIAL JURISDICTION OF MUNICIPALITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 42.001. PURPOSE OF EXTRATERRITORIAL JURISDICTION. The legislature declares it the policy of the state to designate certain areas as the extraterritorial jurisdiction of municipalities to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the municipalities.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

SUBCHAPTER B. DETERMINATION OF EXTRATERRITORIAL JURISDICTION

Sec. 42.021. EXTENT OF EXTRATERRITORIAL JURISDICTION. (a) The extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located:

(1) within one-half mile of those boundaries, in the case of a municipality with fewer than 5,000 inhabitants;

(2) within one mile of those boundaries, in the case of a municipality with 5,000 to 24,999 inhabitants;

(3) within two miles of those boundaries, in the case of a municipality with 25,000 to 49,999 inhabitants;

(4) within 3-1/2 miles of those boundaries, in the case of a municipality with 50,000 to 99,999 inhabitants; or

(5) within five miles of those boundaries, in the case of a municipality with 100,000 or more inhabitants.

(b) Regardless of Subsection (a), the extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located:

(1) within five miles of those boundaries on a barrier island; or

(2) within one-half mile of those boundaries off a barrier island.

(c) Subsection (b) applies to a municipality that has:

(1) a population of 2,000 or more; and

(2) territory located:

(A) entirely on a barrier island in the Gulf of Mexico; and

(B) within 30 miles of an international border.

(d) Regardless of Subsection (a), the extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located within three miles of those boundaries if the municipality:

(1) has a population of not less than 25,000 or more than 27,000; and

(2) is located in a county that has a population of 45,000 or more and borders the Trinity River.

(e) An annexation commenced after January 1, 2023, does not expand the extraterritorial jurisdiction of a municipality unless contemporaneously with the annexation the owner or owners of the area that would be included in the municipality's extraterritorial jurisdiction as a result of the annexation request that the area be included in the municipality's extraterritorial jurisdiction.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 761 (H.B. [3325](#)), Sec. 1, eff. June 15, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 215 (H.B. [91](#)), Sec. 1, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 612 (S.B. [508](#)), Sec. 1, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. [1093](#)), Sec. 22.001(33), eff. September 1, 2013.

Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. [2038](#)), Sec. 2, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 644 (H.B. [4559](#)), Sec. 121, eff. September 1, 2023.

Sec. 42.022. EXPANSION OF EXTRATERRITORIAL JURISDICTION.

(a) When a municipality annexes an area, the extraterritorial jurisdiction of the municipality expands with the annexation to comprise, consistent with Section 42.021, the area around the new municipal boundaries.

(b) The extraterritorial jurisdiction of a municipality may expand beyond the distance limitations imposed by Section 42.021 to include an area contiguous to the otherwise existing extraterritorial jurisdiction of the municipality if the owners of the area request the expansion.

(c) The expansion of the extraterritorial jurisdiction of a municipality through annexation, request, or increase in the number of inhabitants may not include any area in the existing extraterritorial jurisdiction of another municipality, except as provided by Subsection (d).

(d) The extraterritorial jurisdiction of a municipality may be expanded through annexation to include area that on the date of annexation is located in the extraterritorial jurisdiction of another municipality if a written agreement between the municipalities in effect on the date of annexation allocates the area to the extraterritorial jurisdiction of the annexing municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 337 (H.B. 2902), Sec. 1, eff. June 17, 2011.

Sec. 42.0225. EXTRATERRITORIAL JURISDICTION AROUND CERTAIN MUNICIPALLY OWNED PROPERTY. (a) This section applies only to an area owned by a municipality that is:

(1) annexed by the municipality; and
(2) not contiguous to other territory of the municipality.

(b) Notwithstanding Section 42.021, the annexation of an area described by Subsection (a) does not expand the extraterritorial jurisdiction of the municipality.

Added by Acts 1999, 76th Leg., ch. 1167, Sec. 1, eff. Sept. 1, 1999.

Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION. The extraterritorial jurisdiction of a municipality may not be reduced unless the governing body of the municipality gives its written consent by ordinance or resolution, except:

- (1) in cases of judicial apportionment of overlapping extraterritorial jurisdictions under Section [42.901](#);
- (2) in accordance with an agreement under Section [42.022\(d\)](#);
- (3) as necessary to comply with Section [42.0235](#); or
- (4) as necessary to comply with Subchapter D or E.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 337 (H.B. [2902](#)), Sec. 2, eff. June 17, 2011.

Acts 2015, 84th Leg., R.S., Ch. 941 (H.B. [4059](#)), Sec. 1, eff. June 18, 2015.

Acts 2025, 89th Leg., R.S., Ch. 1041 (H.B. [2512](#)), Sec. 1, eff. September 1, 2025.

Sec. 42.0235. LIMITATION ON EXTRATERRITORIAL JURISDICTION OF CERTAIN MUNICIPALITIES. (a) Notwithstanding Section [42.021](#), and except as provided by Subsection (d), the extraterritorial jurisdiction of a municipality with a population of more than 175,000 located in a county that contains an international border and borders the Gulf of Mexico terminates two miles from the extraterritorial jurisdiction of a neighboring municipality if extension of the extraterritorial jurisdiction beyond that limit would:

- (1) completely surround the corporate boundaries or extraterritorial jurisdiction of the neighboring municipality; and
- (2) limit the growth of the neighboring municipality by precluding the expansion of the neighboring municipality's extraterritorial jurisdiction.

(b) A municipality shall release extraterritorial jurisdiction as necessary to comply with Subsection (a).

(c) Notwithstanding any other law, a municipality that owns an electric system and that releases extraterritorial jurisdiction under Subsection (b) may provide electric service in the released area to the same extent that the service would have been provided if the municipality had annexed the area.

(d) Extraterritorial jurisdiction for a municipality subject to this section is determined under Section 42.021 if the governing body of the municipality and the governing body of the neighboring municipality each adopt, on or after June 1, 2017, resolutions stating that the determination of extraterritorial jurisdiction under Section 42.0235(a) is not in the best interest of the municipality.

Added by Acts 2015, 84th Leg., R.S., Ch. 941 (H.B. 4059), Sec. 2, eff. June 18, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 447 (S.B. 468), Sec. 1, eff. September 1, 2017.

Sec. 42.024. TRANSFER OF EXTRATERRITORIAL JURISDICTION BETWEEN CERTAIN MUNICIPALITIES. (a) In this section:

(1) "Adopting municipality" means a home-rule municipality with a population of less than 25,000 that purchases and appropriates raw water for its water utility through a transbasin diversion permit from one or two river authorities in which the municipality has territory.

(2) "Releasing municipality" means a home-rule municipality with a population of more than 450,000 that owns an electric utility, that has a charter provision allowing for limited-purpose annexation, and that has annexed territory for a limited purpose.

(b) The governing body of an adopting municipality may by resolution include in its extraterritorial jurisdiction an area that is in the extraterritorial jurisdiction of a releasing municipality if:

(1) the releasing municipality does not provide water, sewer services, and electricity to the released area;

(2) the owners of a majority of the land within the

released area request that the adopting municipality include in its extraterritorial jurisdiction the released area;

(3) the released area is:

(A) adjacent to the territory of the adopting municipality;

(B) wholly within a county in which both municipalities have territory; and

(C) located in one or more school districts, each of which has the majority of its territory outside the territory of the releasing municipality;

(4) the adopting municipality adopts ordinances or regulations within the released area for water quality standards relating to the control or abatement of water pollution that are in conformity with those of the Texas Commission on Environmental Quality applicable to the released area on January 1, 1995;

(5) the adopting municipality has adopted a service plan to provide water and sewer service to the area acceptable to the owners of a majority of the land within the released area; and

(6) the size of the released area does not exceed the difference between the total area within the extraterritorial jurisdiction of the adopting municipality, exclusive of the extraterritorial jurisdiction of the releasing municipality, on the date the resolution was adopted under this subsection, as determined by Section [42.021](#), and the total area within the adopting municipality's extraterritorial jurisdiction on the date of the resolution.

(c)(1) The service plan under Subsection (b)(5) shall include an assessment of the availability and feasibility of participation in any regional facility permitted by the Texas Commission on Environmental Quality in which the releasing municipality is a participant and had plans to provide service to the released area. The plan for regional service shall include:

(A) proposed dates for providing sewer service through the regional facility;

(B) terms of financial participation to provide sewer service to the released area, including rates proposed for service sufficient to reimburse the regional participants over a

reasonable time for any expenditures associated with that portion of the regional facility designed or constructed to serve the released area as of January 1, 1993; and

(C) participation by the adopting municipality in governance of the regional facility based on the percentage of land to be served by the regional facility in the released area compared to the total land area to be served by the regional facility.

(2) The adopting municipality shall deliver a copy of the service plan to the releasing municipality and any other participant in any regional facility described in this subsection at least 30 days before the resolution to assume extraterritorial jurisdiction. The releasing municipality and any other participant in any regional facility described in this subsection by resolution shall, within 30 days of delivery of the service plan, either accept that portion of the service plan related to participation by the adopting municipality in the regional facility or propose alternative terms of participation.

(3) If the adopting municipality, the releasing municipality, and any other participant in any regional facility described in this subsection fail to reach agreement on the service plan within 60 days after the service plan is delivered, any municipality that is a participant in the regional facility or any owner of land within the area to be released may appeal the matter to the Texas Commission on Environmental Quality. The Texas Commission on Environmental Quality shall, in its resolution of any differences between proposals submitted for review in this subsection, use a cost-of-service allocation methodology which treats each service unit in the regional facility equally, with any variance in rates to be based only on differences in costs based on the time service is provided to an area served by the regional facility. The Texas Commission on Environmental Quality may allow the adopting municipality, the releasing municipality, or any other participant in any regional facility described in this subsection to withdraw from participation in the regional facility on a showing of undue financial hardship.

(4) A decision by the Texas Commission on

Environmental Quality under this subsection is not subject to judicial review, and any costs associated with the commission's review shall be assessed to the parties to the decision in proportion to the percentage of land served by the regional facility subject to review in the jurisdiction of each party.

(5) The releasing municipality shall not, prior to January 1, 1997, discontinue or terminate any interlocal agreement, contract, or commitment relating to water or sewer service that it has as of January 1, 1995, with the adopting municipality without the consent of the adopting municipality.

(d) On the date the adopting municipality delivers a copy of the resolution under Subsection (b) to the municipal clerk of the releasing municipality, the released area shall be included in the extraterritorial jurisdiction of the adopting municipality and excluded from the extraterritorial jurisdiction of the releasing municipality.

(e) If any part of a tract of land, owned either in fee simple or under common control or undivided ownership, was or becomes split, before or after the dedication or deed of a portion of the land for a public purpose, between the extraterritorial jurisdiction of a releasing municipality and the jurisdiction of another municipality, or is land described in Subsection (b)(3)(C), the authority to act under Chapter 212 and the authority to regulate development and building with respect to the tract of land is, on the request of the owner to the municipality, with the municipality selected by the owner of the tract of land. The municipality selected under this subsection may also provide or authorize another person or entity to provide municipal services to land subject to this subsection.

(f) Nothing in this section requires the releasing municipality to continue to participate in a regional wastewater treatment plant providing service, or to provide new services, to any territory within the released area.

(g) This section controls over any conflicting provision of this subchapter.

Added by Acts 1995, 74th Leg., ch. 766, Sec. 1, eff. Aug. 28, 1995.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 986 (S.B. 766), Sec. 30, eff. September 1, 2025.

Acts 2025, 89th Leg., R.S., Ch. 986 (S.B. 766), Sec. 31, eff. September 1, 2025.

Sec. 42.025. RELEASE OF EXTRATERRITORIAL JURISDICTION BY CERTAIN MUNICIPALITIES. (a) In this section, "eligible property" means any portion of a contiguous tract of land:

(1) that is located in the extraterritorial jurisdiction of a municipality within one-half mile of the territory of a proposed municipal airport;

(2) for which a contract for land acquisition services was awarded by the municipality; and

(3) that has not been acquired through the contract described by Subdivision (2) for the proposed municipal airport.

(b) The owner of eligible property may petition the municipality to release the property from the municipality's extraterritorial jurisdiction not later than June 1, 1996. The petition must be filed with the secretary or clerk of the municipality.

(c) Not later than the 10th day after the date the secretary or clerk receives a petition under Subsection (b), the municipality by resolution shall release the eligible property from the extraterritorial jurisdiction of the municipality.

(d) Eligible property that is released from the extraterritorial jurisdiction of a municipality under Subsection (c) may be included in the extraterritorial jurisdiction of another municipality if:

(1) any part of the other municipality is located in the same county as the property; and

(2) the other municipality and the owner agree to the inclusion of the property in the extraterritorial jurisdiction.

Added by Acts 1995, 74th Leg., ch. 788, Sec. 1, eff. June 16, 1995. Renumbered from Local Government Code Sec. 42.024 by Acts 1997, 75th Leg., ch. 165, Sec. 31.01(64), eff. Sept. 1, 1997.

Sec. 42.0251. RELEASE OF EXTRATERRITORIAL JURISDICTION BY

CERTAIN GENERAL-LAW MUNICIPALITIES. (a) This section applies only to a general-law municipality:

(1) that has a population of less than 4,000;

(2) that is located in a county with a population of more than 800,000 that is adjacent to a county with a population of more than four million; and

(3) in which at least two-thirds of the residents reside within a gated community.

(b) A municipality shall release an area from its extraterritorial jurisdiction not later than the 10th day after the date the municipality receives a petition requesting that the area be released that is signed by at least 80 percent of the owners of real property located in the area requesting release.

Added by Acts 2011, 82nd Leg., R.S., Ch. 337 (H.B. 2902), Sec. 3, eff. June 17, 2011.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 644 (H.B. 4559), Sec. 122, eff. September 1, 2023.

Sec. 42.026. LIMITATION ON EXTRATERRITORIAL JURISDICTION OF CERTAIN MUNICIPALITIES. (a) In this section, "navigable stream" has the meaning assigned by Section 21.001, Natural Resources Code.

(b) This section applies only to an area that is:

(1) located in the extraterritorial jurisdiction of a home-rule municipality that has a population of 60,000 or less and is located in whole or in part in a county with a population of 240,000 or less;

(2) located outside the county in which a majority of the land area of the municipality is located; and

(3) separated from the municipality's corporate boundaries by a navigable stream.

(c) A municipality that, on August 31, 1999, includes that area in its extraterritorial jurisdiction shall, before January 1, 2000:

(1) adopt an ordinance removing that area from the municipality's extraterritorial jurisdiction; or

(2) enter into an agreement with a municipality located in the county in which that area is located to transfer that area to the extraterritorial jurisdiction of that municipality.

(d) If the municipality that is required to act under Subsection (c) does not do so as provided by that subsection, the area is automatically removed from the extraterritorial jurisdiction of that municipality on January 1, 2000.

(e) Section 42.021 does not apply to a transfer of extraterritorial jurisdiction under Subsection (c)(2).

Added by Acts 1999, 76th Leg., ch. 1494, Sec. 1, eff. Aug. 30, 1999.

SUBCHAPTER C. CREATION OR EXPANSION OF GOVERNMENTAL ENTITIES IN EXTRATERRITORIAL JURISDICTION

Sec. 42.041. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL JURISDICTION GENERALLY. (a) A municipality may not be incorporated in the extraterritorial jurisdiction of an existing municipality unless the governing body of the existing municipality gives its written consent by ordinance or resolution.

(b) If the governing body of the existing municipality refuses to give its consent, a majority of the qualified voters of the area of the proposed municipality and the owners of at least 50 percent of the land in the proposed municipality may petition the governing body to annex the area. If the governing body fails or refuses to annex the area within six months after the date it receives the petition, that failure or refusal constitutes the governing body's consent to the incorporation of the proposed municipality.

(c) The consent to the incorporation of the proposed municipality is only an authorization to initiate incorporation proceedings as provided by law.

(d) If the consent to initiate incorporation proceedings is obtained, the incorporation must be initiated within six months after the date of the consent and must be finally completed within 18 months after the date of the consent. Failure to comply with either time requirement terminates the consent.

(e) This section applies only to the proposed

municipality's area located in the extraterritorial jurisdiction of the existing municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2005, 79th Leg., Ch. 287 (H.B. 585), Sec. 1, eff. June 16, 2005.

For expiration of Subsections (c) and (d), see Subsections (c) and (d).

Sec. 42.0411. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL JURISDICTION OF CERTAIN MUNICIPALITIES. (a) This section applies only to:

(1) an area located north and east of Interstate Highway 10 that is included in the extraterritorial jurisdiction, or the limited-purpose annexation area, of a municipality with a population of one million or more that has operated under a three-year annexation plan similar to the municipal annexation plan described by Section 43.052 for at least 10 years; or

(2) an area located north and east of Interstate Highway 10:

(A) that is included in the extraterritorial jurisdiction, or the limited-purpose annexation area, of a municipality with a population of one million or more that has operated under a three-year annexation plan similar to the municipal annexation plan described by Section 43.052 for at least 10 years;

(B) that has not been included in the municipality's annexation plan described by Section 43.052 before the 180th day before the date consent for incorporation is requested under Section 42.041(a); and

(C) for which the municipality refused to give its consent to incorporation under Section 42.041(a).

(b) The residents of the area described by Subsection (a)(2) may initiate an attempt to incorporate as a municipality by filing a written petition signed by at least 10 percent of the registered voters of the area of the proposed municipality with the county judge of the county in which the proposed municipality is

located. The petition must request the county judge to order an election to determine whether the area of the proposed municipality will incorporate. An incorporation election under this section shall be conducted in the same manner as an incorporation election under Subchapter A, Chapter 8. The consent of the municipality that previously refused to give consent is not required for the incorporation.

(c) In this subsection, "deferred annexation area" means an area that has entered into an agreement with a municipality under which the municipality defers annexation of the area for at least 10 years. An area described by Subsection (a)(1) that is located within 1-1/2 miles of a municipality's deferred annexation area or adjacent to the corporate boundaries of the municipality may not be annexed for limited or full purposes during the period provided under the agreement. During the period provided under the agreement, the residents of the area may incorporate in accordance with the incorporation proceedings provided by law, except that the consent of the municipality is not required for the incorporation. This subsection expires on the later of:

(1) September 1, 2009; or

(2) the date that all areas entitled to incorporate under this subsection have incorporated.

(d) This subsection applies only to an area that is described by Subsection (a)(1) and removed from a municipality's annexation plan under Section 43.052(e) two times or more. The residents of the area and any adjacent territory that is located within the extraterritorial jurisdiction of the municipality or located within an area annexed for limited purposes by the municipality and that is adjacent to the corporate boundaries of the municipality may incorporate in accordance with the incorporation proceedings provided by law, except that the consent of the municipality is not required for the incorporation. This subsection expires on the later of:

(1) September 1, 2009; or

(2) the date that all areas entitled to incorporate under this subsection have incorporated.

Added by Acts 2005, 79th Leg., Ch. 287 (H.B. 585), Sec. 2, eff. June

16, 2005.

Sec. 42.042. CREATION OF POLITICAL SUBDIVISION TO SUPPLY WATER OR SEWER SERVICES, ROADWAYS, OR DRAINAGE FACILITIES IN EXTRATERRITORIAL JURISDICTION. (a) A political subdivision, one purpose of which is to supply fresh water for domestic or commercial use or to furnish sanitary sewer services, roadways, or drainage, may not be created in the extraterritorial jurisdiction of a municipality unless the governing body of the municipality gives its written consent by ordinance or resolution in accordance with this subsection and the Water Code. In giving its consent, the municipality may not place any conditions or other restrictions on the creation of the political subdivision other than those expressly permitted by Sections 54.016(e) and (i), Water Code.

(b) If the governing body fails or refuses to give its consent for the creation of the political subdivision, including a water district previously created by an act of the legislature, on mutually agreeable terms within 90 days after the date the governing body receives a written request for the consent, a majority of the qualified voters of the area of the proposed political subdivision and the owners of at least 50 percent of the land in the proposed political subdivision may petition the governing body to make available to the area the water, sanitary sewer services, or both that would be provided by the political subdivision.

(c) If, within 120 days after the date the governing body receives the petition, the governing body fails to make a contract with a majority of the qualified voters of the area of the proposed political subdivision and the owners of at least 50 percent of the land in the proposed political subdivision to provide the services, that failure constitutes the governing body's consent to the creation of the proposed political subdivision.

(d) The consent to the creation of the political subdivision is only an authorization to initiate proceedings to create the political subdivision as provided by law.

(e) Repealed by Acts 1997, 75th Leg., ch. 1070, Sec. 55, eff. Sept. 1, 1997.

(f) If the municipality fails or refuses to give its consent to the creation of the political subdivision, including a water district previously created by an act of the legislature, or fails or refuses to execute a contract providing for the water or sanitary sewer services requested within the time limits prescribed by this section, the applicant may petition the Texas Commission on Environmental Quality for the creation of the political subdivision or the inclusion of the land in a political subdivision. The commission shall allow creation or confirmation of the creation of the political subdivision or inclusion of the land in a proposed political subdivision on finding that the municipality either does not have the reasonable ability to serve or has failed to make a legally binding commitment with sufficient funds available to provide water and wastewater service adequate to serve the proposed development at a reasonable cost to the landowner. The commitment must provide that construction of the facilities necessary to serve the land will begin within two years and will be substantially completed within 4-1/2 years after the date the petition was filed with the municipality.

(g) On an appeal taken to the district court from the ruling of the Texas Commission on Environmental Quality, all parties to the commission hearing must be made parties to the appeal. The court shall hear the appeal within 120 days after the date the appeal is filed. If the case is continued or appealed to a higher court beyond the 120-day period, the court shall require the appealing party or party requesting the continuance to post a bond or other adequate security in the amount of damages that may be incurred by any party as a result of the appeal or delay from the commission action. The amount of the bond or other security shall be determined by the court after notice and hearing. On final disposition, a court may award damages, including any damages for delays, attorney's fees, and costs of court to the prevailing party.

(h) A municipality may not unilaterally extend the time limits prescribed by this section through the adoption of preapplication periods or by passage of any rules, resolutions, ordinances, or charter provisions. However, the municipality and

the petitioner may jointly petition the Texas Commission on Environmental Quality to request an extension of the time limits.

(i) Repealed by Acts 1989, 71st Leg., ch. 1058, Sec. 1, eff. Sept. 1, 1989.

(j) The consent requirements of this section do not apply to the creation of a special utility district under Chapter 65, Water Code. If a special utility district is to be converted to a district with taxing authority that provides utility services, this section applies to the conversion.

(k) This section, except Subsection (i), applies only to the proposed political subdivision's area located in the extraterritorial jurisdiction of the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 3(b), eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 1058, Sec. 1, eff. Sept. 1, 1989; Acts 1995, 74th Leg., ch. 76, Sec. 11.254, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1098 (H.B. 3378), Sec. 1, eff. June 15, 2007.

Acts 2019, 86th Leg., R.S., Ch. 1128 (H.B. 2590), Sec. 1, eff. September 1, 2019.

Sec. 42.0425. ADDITION OF LAND IN EXTRATERRITORIAL JURISDICTION OF MUNICIPALITY TO CERTAIN POLITICAL SUBDIVISIONS.

(a) A political subdivision, one purpose of which is to supply fresh water for domestic or commercial use or to furnish sanitary sewer services, roadways, or drainage, may not add land that is located in the extraterritorial jurisdiction of a municipality unless the governing body of the municipality gives its written consent by ordinance or resolution in accordance with this section and the Water Code. In giving its consent, the municipality may not place any conditions or other restrictions on the expansion of the political subdivision other than those expressly permitted by Section 54.016(e), Water Code.

(b) The procedures under Section 42.042 governing a municipality's refusal to consent to the creation of a political subdivision apply to a municipality that refuses to consent to the

addition of land to a political subdivision under this section.

(c) An owner of land in the area proposed to be added to the political subdivision may not unreasonably refuse to enter into a contract for water or sanitary sewer services with the municipality under Section 42.042(c).

(d) This section does not apply to a political subdivision created by Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993.

Added by Acts 2007, 80th Leg., R.S., Ch. 703 (H.B. 2091), Sec. 2, eff. June 15, 2007.

Sec. 42.043. REQUIREMENTS APPLYING TO PETITION. (a) A petition under Section 42.041 or 42.042 must:

- (1) be written;
- (2) request that the area be annexed or that the services be made available, as appropriate;
- (3) be signed in ink or indelible pencil by the appropriate voters and landowners;
- (4) be signed, in the case of a person signing as a voter, as the person's name appears on the most recent official list of registered voters;
- (5) contain, in the case of a person signing as a voter, a note made by the person stating the person's residence address and the precinct number and voter registration number that appear on the person's voter registration certificate;
- (6) contain, in the case of a person signing as a landowner, a note made by the person opposite the person's name stating the approximate total acreage that the person owns in the area to be annexed or serviced;
- (7) describe the area to be annexed or serviced and have a plat of the area attached; and
- (8) be presented to the secretary or clerk of the municipality.

(b) The signatures to the petition need not be appended to one paper.

(c) Before the petition is circulated among the voters and landowners, notice of the petition must be given by posting a copy

of the petition for 10 days in three public places in the area to be annexed or serviced and by publishing the notice once, in a newspaper of general circulation serving the area, before the 15th day before the date the petition is first circulated. Proof of posting and publication must be made by attaching to the petition presented to the secretary or clerk:

(1) the affidavit of any voter who signed the petition, stating the places and dates of the posting;

(2) the affidavit of the publisher of the newspaper in which the notice was published, stating the name of the newspaper and the issue and date of publication; and

(3) the affidavit of at least three voters who signed the petition, if there are that many, stating the total number of voters residing in the area and the approximate total acreage in the area.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 42.044. CREATION OF INDUSTRIAL DISTRICT IN EXTRATERRITORIAL JURISDICTION. (a) In this section, "industrial district" has the meaning customarily given to the term but also includes any area in which tourist-related businesses and facilities are located.

(b) The governing body of a municipality may designate any part of its extraterritorial jurisdiction as an industrial district and may treat the designated area in a manner considered by the governing body to be in the best interests of the municipality.

(c) The governing body may make written contracts with owners of land in the industrial district:

(1) to guarantee the continuation of the extraterritorial status of the district and its immunity from annexation by the municipality for a period not to exceed 15 years; and

(2) with other lawful terms and considerations that the parties agree to be reasonable, appropriate, and not unduly restrictive of business activities.

(d) The parties to a contract may renew or extend it for successive periods not to exceed 15 years each. In the event any

owner of land in an industrial district is offered an opportunity to renew or extend a contract, then all owners of land in that industrial district must be offered an opportunity to renew or extend a contract subject to the provisions of Subsection (c).

(e) A municipality may provide for adequate fire-fighting services in the industrial district by:

(1) directly furnishing fire-fighting services that are to be paid for by the property owners of the district;

(2) contracting for fire-fighting services, whether or not all or a part of the services are to be paid for by the property owners of the district; or

(3) contracting with the property owners of the district to have them provide for their own fire-fighting services.

(f) A property owner who provides for his own fire-fighting services under this section may not be required to pay any part of the cost of the fire-fighting services provided by the municipality to other property owners in the district.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 975, Sec. 1, eff. Aug. 30, 1993.

Sec. 42.045. CREATION OF POLITICAL SUBDIVISION IN INDUSTRIAL DISTRICT. (a) A political subdivision, one purpose of which is to provide services of a governmental or proprietary nature, may not be created in an industrial district designated under Section 42.044 by a municipality unless the municipality gives its written consent by ordinance or resolution. The municipality shall give or deny consent within 60 days after the date the municipality receives a written request for consent. Failure to give or deny consent in the allotted period constitutes the municipality's consent to the initiation of the creation proceedings.

(b) If the consent is obtained, the creation proceedings must be initiated within six months after the date of the consent and must be finally completed within 18 months after the date of the consent. Failure to comply with either time requirement terminates the consent for the proceedings.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 42.046. DESIGNATION OF A PLANNED UNIT DEVELOPMENT DISTRICT IN EXTRATERRITORIAL JURISDICTION. (a) The governing body of a municipality that has disannexed territory previously annexed for limited purposes may designate an area within its extraterritorial jurisdiction as a planned unit development district by written agreement with the owner of the land under Subsection (b). The agreement shall be recorded in the deed records of the county or counties in which the land is located. A planned unit development district designated under this section shall contain no less than 250 acres. If there are more than four owners of land to be designated as a single planned unit development, each owner shall appoint a single person to negotiate with the municipality and authorize that person to bind each owner for purposes of this section.

(b) An agreement governing the creation, development, and existence of a planned unit development district established under this section shall be between the governing body of the municipality and the owner of the land subject to the agreement. The agreement shall not be effective until signed by both parties and by any other person with an interest in the land, as that interest is evidenced by an instrument recorded in the deed records of the county or counties in which the land is located. The parties may agree:

(1) to guarantee continuation of the extraterritorial status of the planned unit development district and its immunity from annexation by the municipality for a period not to exceed 15 years after the effective date of the agreement;

(2) to authorize certain land uses and development within the planned unit development;

(3) to authorize enforcement by the municipality of certain municipal land use and development regulations within the planned unit development district, in the same manner such regulations are enforced within the municipality's boundaries, as may be agreed by the landowner and the municipality;

(4) to vary any watershed protection regulations;

(5) to authorize or restrict the creation of political

subdivisions within the planned unit development district; and

(6) to such other terms and considerations the parties consider appropriate.

(c) The agreement between the governing body of the municipality and the owner of the land within the planned unit development district shall be binding upon all subsequent governing bodies of the municipality and subsequent owners of the land within the planned unit development district for the term of the agreement.

(d) An agreement or a decision made under this section and an action taken under the agreement by the parties to the agreement are not subject to an approval or an appeal brought under Section [26.177](#), Water Code.

Added by Acts 1989, 71st Leg., ch. 822, Sec. 5, eff. Sept. 1, 1989.

Amended by Acts 1991, 72nd Leg., ch. 891, Sec. 1, eff. June 8, 1991.

Sec. 42.047. CREATION OF A POLITICAL SUBDIVISION IN AN AREA PROPOSED FOR A PLANNED UNIT DEVELOPMENT DISTRICT. If the governing body of a municipality that has disannexed territory previously annexed for limited purposes refuses to designate a planned unit development district under Section [42.046](#) no later than 180 days after the date a request for the designation is filed with the municipality by the owner of the land to be included in the planned unit development district, the municipality shall be considered to have given the consent required by Section [42.041](#) to the incorporation of a proposed municipality including within its boundaries all or some of such land. If consent to incorporation is granted by this subsection, the consenting municipality waives all rights to challenge the proposed incorporation in any court.

Added by Acts 1989, 71st Leg., ch. 822, Sec. 5, eff. Sept. 1, 1989.

Sec. 42.049. AUTHORITY OF WELLS BRANCH MUNICIPAL UTILITY DISTRICT. (a) Wells Branch Municipal Utility district is authorized to contract with a municipality:

(1) to provide for payments to be made to the municipality for purposes that the governing body of the district determines will further regional cooperation between the district

and the municipality; and

(2) to provide other lawful terms and considerations that the district and the municipality agree are reasonable and appropriate.

(b) A contract entered into under this section may be for a term that is mutually agreeable to the parties. The parties to such a contract may renew or extend the contract.

(c) A municipality may contract with the district to accomplish the purposes set forth in Subsection (a) of this section. In a contract entered into under this section, a municipality may agree that the district will remain in existence and be exempt from annexation by the municipality for the term of the contract.

(d) A contract entered into under this section will be binding on all subsequent governing bodies of the district and of the municipality for the term of the contract.

(e) The district may make annual appropriations from its operations and maintenance tax or other revenues lawfully available to the district to make payments to a municipality under a contract entered into under this section.

Added by Acts 1999, 76th Leg., ch. 926, Sec. 4, eff. June 18, 1999.

SUBCHAPTER D. RELEASE OF AREA BY PETITION OF LANDOWNER OR RESIDENT
FROM EXTRATERRITORIAL JURISDICTION

Sec. 42.101. APPLICABILITY. This subchapter does not apply to an area located:

(1) within five miles of the boundary of a military base, as defined by Section [43.0117](#), at which an active training program is conducted;

(2) in an area that was voluntarily annexed into the extraterritorial jurisdiction that is located in a county:

(A) in which the population grew by more than 50 percent from the previous federal decennial census in the federal decennial census conducted in 2020; and

(B) that has a population greater than 240,000;

(3) within the portion of the extraterritorial

jurisdiction of a municipality with a population of more than 1.4 million that is:

(A) within 15 miles of the boundary of a military base, as defined by Section 43.0117, at which an active training program is conducted; and

(B) in a county with a population of more than two million;

(4) in an area designated as an industrial district under Section 42.044;

(5) in an area subject to a strategic partnership agreement entered into under Section 43.0751; or

(6) for the extraterritorial jurisdiction of a municipality located in four or more counties, one of which has a population of 2.1 million or more and is adjacent to a county with a population of 2.6 million or more:

(A) in an area subject to an active development agreement entered into under Section 212.172 with the municipality;

(B) in a platted or unplatted lot of less than 12 acres unless included with the other land in a petition for release under Section 42.102; or

(C) within a platted subdivision of 25 or more lots if the area is a single lot.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. 2038), Sec. 1, eff. September 1, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 1041 (H.B. 2512), Sec. 2, eff. September 1, 2025.

Sec. 42.102. AUTHORITY TO FILE PETITION FOR RELEASE.

(a) A resident of an area in a municipality's extraterritorial jurisdiction may file a petition with the municipality in accordance with this subchapter for the area to be released from the extraterritorial jurisdiction.

(b) The owner or owners of the majority in value of an area consisting of one or more parcels of land in a municipality's extraterritorial jurisdiction may file a petition with the municipality in accordance with this subchapter for the area to be

released from the extraterritorial jurisdiction.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. 2038), Sec. 1, eff. September 1, 2023.

Sec. 42.103. APPLICABILITY OF OTHER LAW. Chapter 277, Election Code, applies to a petition requesting removal under this subchapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. 2038), Sec. 1, eff. September 1, 2023.

Sec. 42.104. PETITION REQUIREMENTS. (a) A petition requesting release under this subchapter must be signed by:

(1) more than 50 percent of the registered voters of the area described by the petition as of the date of the preceding uniform election date; or

(2) a majority in value of the holders of title of land in the area described by the petition, as indicated by the tax rolls of the applicable central appraisal district.

(b) A person filing a petition under this subchapter must satisfy the signature requirement described by Subsection (a) not later than the 180th day after the date the first signature for the petition is obtained.

(c) A signature collected under this section must be in writing.

(d) The petition must include a map of the land to be released and describe the boundaries of the land to be released by:

(1) metes and bounds; or

(2) lot and block number, if there is a recorded map or plat.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. 2038), Sec. 1, eff. September 1, 2023.

Sec. 42.105. RESULTS OF PETITION. (a) A petition requesting removal under this subchapter shall be verified by the municipal secretary or other person responsible for verifying signatures.

(b) The municipality shall notify the residents and

landowners of the area described by the petition of the results of the petition. The municipality may satisfy this requirement by notifying the person who filed the petition under Section 42.102.

(c) If a resident or landowner obtains the number of signatures on the petition required under Section 42.104 to release the area from the municipality's extraterritorial jurisdiction, the municipality shall immediately release the area from the municipality's extraterritorial jurisdiction.

(d) If a municipality fails to take action to release the area under Subsection (c) by the later of the 45th day after the date the municipality receives the petition or the next meeting of the municipality's governing body that occurs after the 30th day after the date the municipality receives the petition, the area is released by operation of law.

(e) Notwithstanding any other law, an area released from a municipality's extraterritorial jurisdiction under this section may not be included in the extraterritorial jurisdiction or the corporate boundaries of a municipality, unless the owner or owners of the area subsequently request that the area be included in the municipality's extraterritorial jurisdiction or corporate boundaries.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. 2038), Sec. 1, eff. September 1, 2023.

SUBCHAPTER E. RELEASE OF AREA BY ELECTION FROM EXTRATERRITORIAL JURISDICTION

Sec. 42.151. APPLICABILITY. This subchapter does not apply to an area located:

(1) within five miles of the boundary of a military base, as defined by Section 43.0117, at which an active training program is conducted;

(2) in an area that was voluntarily annexed into the extraterritorial jurisdiction that is located in a county:

(A) in which the population grew by more than 50 percent from the previous federal decennial census in the federal decennial census conducted in 2020; and

(B) that has a population greater than 240,000;

(3) within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million that is:

(A) within 15 miles of the boundary of a military base, as defined by Section 43.0117, at which an active training program is conducted; and

(B) in a county with a population of more than two million;

(4) in an area designated as an industrial district under Section 42.044;

(5) in an area subject to a strategic partnership agreement entered into under Section 43.0751; or

(6) for the extraterritorial jurisdiction of a municipality located in four or more counties, one of which has a population of 2.1 million or more and is adjacent to a county with a population of 2.6 million or more:

(A) in an area subject to an active development agreement entered into under Section 212.172 with the municipality;

(B) in a platted or unplatted lot of less than 12 acres unless included with the other land in a petition for release under Section 42.152; or

(C) within a platted subdivision of 25 or more lots if the area is a single lot.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. 2038), Sec. 1, eff. September 1, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 1041 (H.B. 2512), Sec. 3, eff. September 1, 2025.

Sec. 42.152. AUTHORITY TO REQUEST ELECTION FOR RELEASE.

(a) A resident of an area in a municipality's extraterritorial jurisdiction may request the municipality to hold an election in accordance with this subchapter to vote on the question of whether to release the area from the municipality's extraterritorial jurisdiction by filing with the municipality a petition that includes the signatures of at least five percent of the registered

voters residing in the area as of the date of the preceding uniform election date. A resident may only file for release of an area if the resident resides in the area subject to the release.

(b) A resident may not request another election on the question of releasing the same or substantially same area from the municipality's extraterritorial jurisdiction before the second anniversary of the date the municipality receives a petition filed under Subsection (a).

(c) The petition must include a map of the land to be released and describe the boundaries of the land to be released by:

- (1) metes and bounds; or
- (2) lot and block number, if there is a recorded map or plat.

(d) If a municipality receives a petition under this section, the municipality shall provide notice of the petition to the residents and landowners of the area described by the petition. The municipality shall provide the notice not later than the seventh business day after the date the municipality receives the petition.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. [2038](#)), Sec. 1, eff. September 1, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 1041 (H.B. [2512](#)), Sec. 4, eff. September 1, 2025.

Sec. 42.153. ELECTION. (a) Except as provided by Section [42.156](#), a municipality shall order an election on the question of whether to release an area from the municipality's extraterritorial jurisdiction to be held on the first uniform election date that falls on or after the 90th day after the date the municipality receives a petition that complies with Section [42.152](#).

(b) The municipality shall hold the election ordered under this section in the area described by the petition at which the qualified voters of the area described by the petition may vote on the question of the release.

(c) An election ordered under this section must be held in the same manner as general elections of the municipality. The

municipality shall pay for the costs of holding the election.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. 2038), Sec. 1, eff. September 1, 2023.

Sec. 42.154. RESULTS OF ELECTION. (a) The governing body of a municipality shall canvass the election returns for an election held under this subchapter in accordance with Chapter 67, Election Code.

(b) Not later than 48 hours after the canvass of an election held under this subchapter, the municipality shall notify the residents of the area proposed to be released from the municipality's extraterritorial jurisdiction of the results of the election. The municipality may satisfy this requirement by notifying the person who filed the petition under Section 42.152.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. 2038), Sec. 1, eff. September 1, 2023.

Sec. 42.155. RELEASE OF AREA AS RESULT OF ELECTION. (a) If at the election held under this subchapter a majority of qualified voters of the area to be released approve the proposed release, the municipality shall immediately release the area from the municipality's extraterritorial jurisdiction.

(b) If the municipality fails to take action to release the area under Subsection (a) by the later of the next meeting of the municipality's governing body or the 15th day after the canvass date for the election, the area is released by operation of law.

(c) Notwithstanding any other law, an area released from a municipality's extraterritorial jurisdiction under this section may not be included in the extraterritorial jurisdiction or the corporate boundaries of a municipality, unless the owner or owners of the area subsequently request that the area be included in the municipality's extraterritorial jurisdiction or corporate boundaries.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. 2038), Sec. 1, eff. September 1, 2023.

Sec. 42.156. VOLUNTARY RELEASE. Instead of holding an

election under Section 42.153, the municipality may voluntarily release the area for which the election is to be held from the municipality's extraterritorial jurisdiction before the date on which the election would have been held under Section 42.153(a).

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. 2038), Sec. 1, eff. September 1, 2023.

Sec. 42.157. OPT OUT OF REMOVAL. Before an area is released from a municipality's extraterritorial jurisdiction under this subchapter, a landowner in the area to be released must be provided the opportunity to have the landowner's property remain within the municipality's extraterritorial jurisdiction.

Added by Acts 2025, 89th Leg., R.S., Ch. 1041 (H.B. 2512), Sec. 5, eff. September 1, 2025.

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 42.901. APPORTIONMENT OF EXTRATERRITORIAL JURISDICTIONS THAT OVERLAPPED ON AUGUST 23, 1963. (a) If, on August 23, 1963, the extraterritorial jurisdiction of a municipality overlapped the extraterritorial jurisdiction of one or more other municipalities, the governing bodies of the affected municipalities may apportion the overlapped area by a written agreement approved by an ordinance or a resolution adopted by the governing bodies.

(b) A municipality having a claim of extraterritorial jurisdiction to the overlapping area may bring an action as plaintiff in the district court of the judicial district in which the largest municipality having a claim to the area is located. The plaintiff municipality must name as a defendant each municipality having a claim of extraterritorial jurisdiction to the area and must request the court to apportion the area among the affected municipalities. In apportioning the area, the court shall consider population densities, patterns of growth, transportation, topography, and land use in the municipalities and the overlapping area. The area must be apportioned among the municipalities:

(1) so that each municipality's part is contiguous to

the extraterritorial jurisdiction of the municipality or, if the extraterritorial jurisdiction of the municipality is totally overlapped, is contiguous to the boundaries of the municipality;

(2) so that each municipality's part is in a substantially compact shape; and

(3) in the same ratio, to one decimal, that the respective populations of the municipalities bear to each other, but with each municipality receiving at least one-tenth of the area.

(c) An apportionment under this section must consider existing property lines. A tract of land or adjoining tracts of land that were under one ownership on August 23, 1963, and that do not exceed 160 acres may not be apportioned so as to be in the extraterritorial jurisdiction of more than one municipality unless the landowner gives written consent to that apportionment.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 42.902. RESTRICTION AGAINST IMPOSING TAX IN EXTRATERRITORIAL JURISDICTION. The inclusion of an area in the extraterritorial jurisdiction of a municipality does not by itself authorize the municipality to impose a tax in the area.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 42.9025. RESTRICTION ON IMPOSING FINE OR FEE IN CERTAIN AREAS IN EXTRATERRITORIAL JURISDICTION. (a) This section applies only to an area that is located in a municipality's extraterritorial jurisdiction and:

(1) that has been disannexed from the municipality under Subchapter G, Chapter 43; or

(2) for which the municipality has attempted and failed to obtain consent for annexation under Subchapter C-4 or C-5, Chapter 43.

(b) Notwithstanding any other law, a municipality may not impose under a municipal ordinance a fine or fee on a person on the basis of:

(1) an activity that occurs wholly in an area described by Subsection (a); or

(2) the management or ownership of property located wholly in an area described by Subsection (a).

(c) This section does not limit a municipality, including a municipally owned retail water, wastewater, or drainage utility, from imposing in an area described by Subsection (a) a fine or fee, including through the adoption and enforcement of rates, for water, sewer, drainage, or other related utility services.

(d) This section does not apply to development or redevelopment in an area in which an election was held under Section [43.0117](#).

Added by Acts 2021, 87th Leg., R.S., Ch. 386 (S.B. [1168](#)), Sec. 1, eff. June 7, 2021.

Sec. 42.903. EXTRATERRITORIAL JURISDICTION OF CERTAIN TYPE B OR C GENERAL-LAW MUNICIPALITIES. (a) This section applies only to a Type B or C general-law municipality:

(1) that has more than 200 inhabitants;

(2) that is wholly surrounded, at the time of incorporation, by the extraterritorial jurisdiction of another municipality; and

(3) part of which was located, at any time before incorporation, in an area annexed for limited purposes by another municipality.

(b) The governing body of the municipality by resolution or ordinance may adopt an extraterritorial jurisdiction for all or part of the unincorporated area contiguous to the corporate boundaries of the municipality and located within one mile of those boundaries. The authority granted by this section is subject to the limitation provided by Section [26.178](#), Water Code.

(c) Within 90 days after the date the municipality adopts the resolution or ordinance, an owner of real property in the extraterritorial jurisdiction may petition the municipality to release the owner's property from the extraterritorial jurisdiction. On the presentation of the petition, the property:

(1) is automatically released from the extraterritorial jurisdiction of the municipality and becomes part of the extraterritorial jurisdiction or limited purpose area of the

municipality whose jurisdiction surrounded, on May 31, 1989, the municipality from whose jurisdiction the property is released; and

(2) becomes subject to any existing zoning or other land use approval provisions that applied to the property before the property was included in the municipality's extraterritorial jurisdiction under Subsection (b).

(d) The municipality may exercise in its extraterritorial jurisdiction the powers granted under state law to other municipalities in their extraterritorial jurisdiction, including the power to ensure its water supply and to carry out other public purposes.

(e) To the extent of any conflict, this section controls over other laws relating to the creation of extraterritorial jurisdiction.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 13.01(a), eff. Aug. 26, 1991.

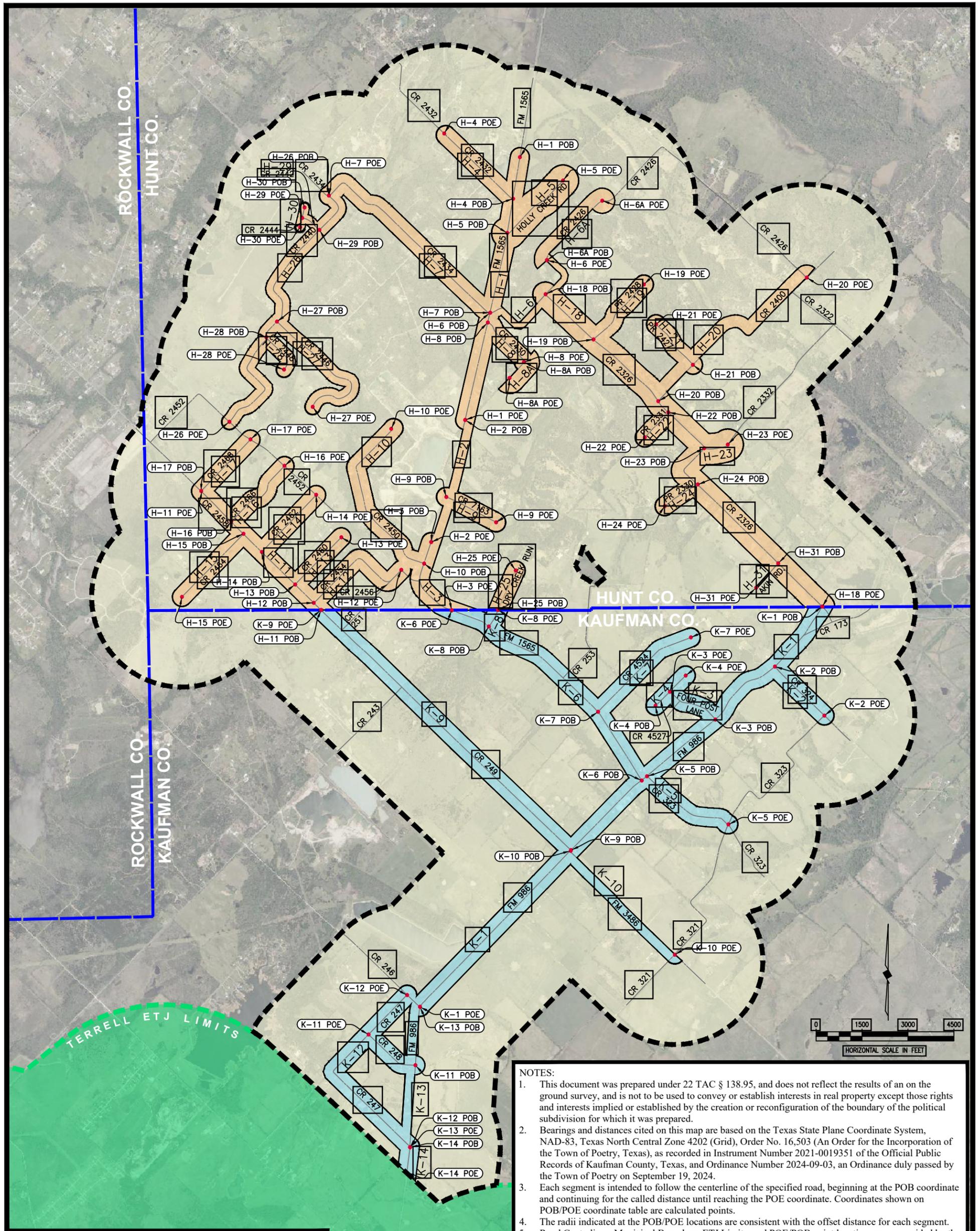
Sec. 42.904. EXTRATERRITORIAL JURISDICTION AND VOTING RIGHTS IN CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality that has disannexed territory under Section 43.133 that it had previously annexed for limited purposes and that has extended rules to its extraterritorial jurisdiction under Section [212.003](#).

(b) The municipality shall allow all qualified voters residing in the municipality's extraterritorial jurisdiction to vote on any proposition that is submitted to the voters of the municipality and that involves:

(1) an adoption of or change to an ordinance or charter provision that would apply to the municipality's extraterritorial jurisdiction; or

(2) a nonbinding referendum that, if binding, would apply to the municipality's extraterritorial jurisdiction.

Added by Acts 1993, 73rd Leg., ch. 172, Sec. 1, eff. May 17, 1993.



LEGEND

- TOWN OF POETRY – EXTRATERRITORIAL JURISDICTION (ETJ) LIMITS
- CITY LIMITS
- COUNTY LINE
- HUNT COUNTY MUNICIPAL AREA
- KAUFMAN COUNTY MUNICIPAL AREA
- ROAD CENTERLINE
- POINT OF BEGINNING (POB)
- POINT OF ENDING (POE)
- COUNTY ROAD
- PRIVATE ROAD
- FARM TO MARKET ROAD

NOTES:

1. This document was prepared under 22 TAC § 138.95, and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
2. Bearings and distances cited on this map are based on the Texas State Plane Coordinate System, NAD-83, Texas North Central Zone 4202 (Grid), Order No. 16,503 (An Order for the Incorporation of the Town of Poetry, Texas), as recorded in Instrument Number 2021-0019351 of the Official Public Records of Kaufman County, Texas, and Ordinance Number 2024-09-03, an Ordinance duly passed by the Town of Poetry on September 19, 2024.
3. Each segment is intended to follow the centerline of the specified road, beginning at the POB coordinate and continuing for the called distance until reaching the POE coordinate. Coordinates shown on POB/POE coordinate table are calculated points.
4. The radii indicated at the POB/POE locations are consistent with the offset distance for each segment.
5. Road Centerlines, Municipal Boundary, ETJ Limits, and POE/POB point locations were provided by the Town of Poetry.
6. A companion POB/POE coordinate table of even date accompanies this Original Articles of Incorporation Map.
7. Total Original Articles of Incorporation Area = 2,505.38 acres (109,134,224.83 square feet) (3.91 square miles)

TOWN OF POETRY, TEXAS

ORIGINAL ARTICLES OF INCORPORATION MAP

UPDATED: May 2025

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