

**TOWN OF POETRY, TEXAS
ORDINANCE NO. 2026-04-16-01**

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 A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000); 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 health, safety and welfare 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;
6. A fire used to burn crop residue for agricultural management purposes;
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 not begin earlier than one (1) hour after sunrise.
4. Burning must be completed on the same day no later than one (1) 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, firm or corporation violating any of the provision or terms of this ordinance shall, upon conviction, be punished by a fine not to exceed the sum of two thousand dollars (\$2,000) for each offense.

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. 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.

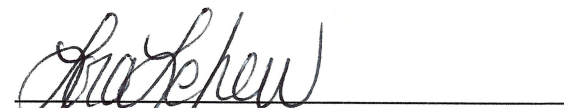
DULY PASSED by the Town Council of the Town of Poetry, Texas, on the 16th day of April, 2026.

APPROVED:



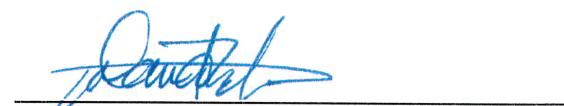
Mayor

ATTEST:



Town Deputy Secretary

APPROVED AS TO FORM:



Town Attorney

