

# CITY OF CROSS PLAINS

## ORDINANCE NO. 2025-002

**AN ORDINANCE OF THE CITY OF CROSS PLAINS, TEXAS, REGULATING OUTDOOR BURNING; PROVIDING DEFINITIONS, CONDITIONS FOR PERMISSIBLE BURNING, PROHIBITIONS, ENFORCEMENT, PENALTIES, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Cross Plains finds it necessary to protect the health, safety, and welfare of its citizens by regulating outdoor burning within the city limits; and

**WHEREAS**, the Texas Commission on Environmental Quality (TCEQ) provides guidelines for permissible outdoor burning and requires local compliance;

**NOW, THEREFORE**, be it ordained by the City Council of the City of Cross Plains, Texas:

## OUTDOOR BURNING ORDINANCE

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### SECTION 1. DEFINITIONS

- **Outdoor Burning:** Any fire conducted in an open area, outside of a building, including the burning of brush, leaves, trash, or other materials.
- **Burn Ban:** A prohibition on outdoor burning issued by Callahan County or the State due to drought or emergency conditions.
- **Red Flag Warning:** A fire weather warning issued by the National Weather Service indicating extreme fire risk.
- **Prohibited Material:** Includes household garbage, treated wood, plastics, rubber, construction debris, and any materials producing noxious fumes.

### SECTION 2. PERMISSIBLE BURNING

Outdoor burning is permitted only when **all** of the following conditions are met:

**1. Approved Container:**

Burning must be conducted in one of the following:

- A standard 55-gallon metal drum in good condition, equipped with ventilation holes and a mesh cover or lid to prevent embers from escaping; **or**

- A commercially manufactured, enclosed barbecue grill or smoker designed for outdoor use.

2. **Burn Ban:**

No county or state-issued burn ban or Red Flag Warning is in effect at the time of the burn.

3. **Materials Burned:**

Only natural vegetative waste originating from the property may be burned (e.g., brush, leaves, tree limbs). The burning of trash, treated wood, construction debris, or other prohibited materials is not allowed.

4. **Supervision:**

The fire must be continuously attended by a competent adult until it is completely extinguished.

5. **Fire Suppression Readiness:**

A functional water source—such as a hose, bucket, or other firefighting equipment—must be immediately available at the burn site.

6. **Weather Conditions:**

Burning must occur during daylight hours only and when wind speeds are between 6 and 23 miles per hour, in accordance with TCEQ recommendations.

7. **Public Safety:**

The fire must not cause a nuisance, visibility hazard, or health risk to neighboring properties, public roadways, or rights-of-way.

### **SECTION 3. PROHIBITED BURNING**

Outdoor burning is strictly prohibited under the following circumstances:

1. During an active burn ban issued by Callahan County or the State.
2. During Red Flag Warnings issued by the National Weather Service.
3. When prohibited materials are included in the burn. The burning of trash, treated wood, construction debris, or other prohibited materials is not allowed.
4. When the smoke obstructs public roadways or visibility.
5. When the fire is left unattended or not adequately controlled.
6. Burn piles, ground fires, and other unenclosed methods of burning are strictly prohibited within the city limits.

#### **SECTION 4. EMERGENCY AUTHORITY**

The Fire Chief or City Emergency Management Coordinator may suspend all outdoor burning at any time when conditions are deemed hazardous to public safety.

#### **SECTION 5. ENFORCEMENT & PENALTIES**

1. The City of Cross Plains Police Department and Fire Department are authorized to enforce this ordinance.
2. Violations may result in:
  - o A **fine up to \$500 per incident** for repeat or intentional violations.
3. The City may recover the cost of emergency response services for fires caused by unlawful burning.

#### **SECTION 6. SEVERABILITY**

If any section or part of this ordinance is held to be invalid or unconstitutional, the remainder shall not be affected and shall remain in full force and effect.

#### **SECTION 7. EFFECTIVE DATE**

This ordinance shall take effect immediately upon its passage and publication as required by law.

**PASSED AND APPROVED** on this 12<sup>th</sup> day of May 2025.

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**APPROVED:**



**Gary Moses, Mayor**  
City of Cross Plains

**ATTEST:**



**Teresa Kennedy, City Secretary**  
City of Cross Plains