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ORDINANCE NO. 3523

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 15 FIRE PROTECTION AND PREVENTION, ARTICLE IV, OPEN BURNING, SECTION 15-109, COMMERCIAL OPEN BURNING; PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

**ORDINANCE**

**Section 1.** That the Midwest City Municipal Code, Chapter 15 Fire Protection and Prevention, Article IV, Opening Burning, Section 15-109, Commercial open burning, is hereby amended to read as follows:

**Section 15-109, Commercial open burning**

(a) Land clearing operations for the purposes of new commercial and residential development (two (2) or more lots) are required to use a properly designed air curtain incinerator at the time of burning. An incineration unit operates by forcefully projecting a curtain of air across an open, integrated combustion chamber (firebox) or open pit or trench (trench burner) in which combustion occurs. Enforced by the regulations of the Oklahoma Department of Environmental Quality, Title 252, Chapter 100, Section 13.

(b) Certain medical marijuana plant refuse commercial licensees, medical marijuana research facilities, and medical marijuana educational facilities are allowed to open burn the parts of the marijuana plant grown to produce medical marijuana and exempted from the term medical marijuana waste, as set forth in Sections 428 and 429 of Title 63 of the Oklahoma Statutes.

(c) Approved commercial burning permits may allow for overnight burning provided the permit application included burn plan which has also been approved by the City and said burn plan is on file with the Midwest City Fire Department.

**Section 2.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 3.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of the ordinance.

Ordinance Amendments PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this 25 day of July, 2023.

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THE CITY OF MIDWEST CITY, OKLAHOMA



*Matthew D. Dukes, II*  
MATTHEW D. DUKES, II, Mayor

ATTEST:

*Sara Hancock*  
SARA HANCOCK, City Clerk

Approved as to form and legality this *26th* day of *July*, 2023.

*Donald D. Maisch*  
DONALD D. MAISCH, City Attorney