

STATE OF TEXAS

COUNTY OF BREWSTER

ORDER RESTRICTING OUTDOOR BURNING

WHEREAS, the Commissioners Court finds that circumstances present in Alpine Fire District 2, Marathon Fire District 3 and Terlingua Fire District 1 the unincorporated area of the county create a public safety hazard that would be exacerbated by outdoor burning;

IT IS HEREBY ORDERED by the Commissioners Court of Brewster County that outdoor burning of trash, debris, and brush is prohibited in the unincorporated area of the county for 90 days from the date of adoption of this Order, unless the restrictions are terminated earlier based on a determination made by the Commissioners Court based on a determination that the circumstances that required the Order no longer exist.

Should circumstances improve to where a determination that the Order be rescinded in the time between regularly scheduled meetings of the Commissioners Court of Brewster County, the County Judge has the authority to rescind the Order.

This Order is adopted pursuant to Local Government Code §352.081, and other applicable statutes. This Order does not prohibit outdoor burning activities related to public health and safety that are authorized by the Texas Commission on Environmental Quality for: (1) firefighter training; (2) public utility, natural gas pipeline or mining operations; (3) planting or harvesting of agricultural crops; or, (4) burns that are conducted by a prescribed burn manager certified under Natural Resources Code §153.048 and meet the standards of Natural Resources Code §153.047. This Order does not prohibit outdoor cooking fires but does require campfires to be contained within a fire pit or a fire ring. All cooking fires and campfires shall be extinguished completely prior to the user(s) leaving.

Fire Rings must be a minimum of U.S. Park Service Grade Steel, 31" diameter and 7' High with a metal screen cover. Wood can not be piled over the rim. These type of cooking fires can not be left unattended and must be extinguished immediately after use.

OUTDOOR WELDING / ROCK CHIPPING DRILLING GUIDELINES DURING THE BAN ON OUTDOOR BURNING

Where welding, rock chipping or drilling must be performed in the field, the following mitigating efforts will be in force until the Ban on Outdoor Burning has expired:

1. All areas where welding, cutting or grinding operations are being performed will be free of vegetation or at least 25 feet in all directions;
2. Surface around welding area will be wetted down;
3. Wind speeds must be no more than 15 miles per hour while performing welding, cutting or grinding operations outside of barriers or enclosures;
4. A dedicated fire watch person will attend each welder, cutter, grinder, chipper or digger and any activity that causes a spark;
5. A minimum of one water pressure fire extinguisher per fire watch person is required;
6. Each site will have cellular (satellite)telephone communications for emergency response;

For all welding and grinding operations must be performed in a total welding enclosure or "welding box" that is sufficiently high to control sparks and includes a fire-retardant cover over the top. Wind speeds must not exceed 30 miles per hour while utilizing an enclosure;

1. Where welding (above ground and sub-surface) is required in an area where there is a potential for a hazardous atmosphere, barriers will be substituted for total enclosures (e.g. "wind walls") to prevent sparks from coming in contact with any combustible material;
2. The barriers will be installed to allow ventilation of the work area with ingress and egress to the work area for personnel safety;
3. Sub-surface or "bell hole" welding and grinding operations within approved excavations are allowed if all other mitigation efforts are included;

In accordance with Local Government Code §352.081(h), a violation of the Order is a Class C misdemeanor, punishable by a fine not to exceed \$500.00.

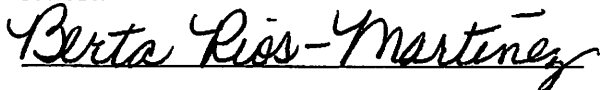
Areas covered by this order are Alpine Fire District 2 (north of Elephant Mountain to Jeff Davis County line and from Presidio County line to just east of the Alpine Landfill on US 90), Marathon Fire District 3 (from Alpine Landfill on US 90 east to Pecos & Terrell County lines and south to Big Bend National Park), and Terlingua Fire District 1 (area south of Elephant Mountain along TX 118 to the border with Mexico, Presidio County and Big Bend National Park).

APPROVED this 16 day of May, 2018, by the Brewster County Commissioners Court.



Eleazar Cano, Brewster County Judge

Attest:



Berta Rios-Martinez, Brewster County Clerk