

COUNTY BURN BAN ORDER
TO INCLUDE PRESCRIBED BURN CRITERIA

COUNTY OF
BREWSTER
STATE OF TEXAS

**ORDER
PROHIBITING
OUTDOOR
BURNING**

WHEREAS, Section 352.081 of the Local Government Code provides that the commissioners court of a county, by order, may prohibit outdoor burning in the unincorporated area of the county if the commissioners court makes a finding that circumstances present in the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning; and,

WHEREAS, the Brewster County Commissioners Court does hereby find that circumstances present in the unincorporated areas of Brewster County create a public safety hazard that would be exacerbated by certain outdoor burning; and,

WHEREAS, Section 352.081 of the Local Government Code provides for exemptions from county burn bans for certified prescribed burn managers meeting the requirements of Natural Resources Code, Ch. 153, and the County Commissioners Court believes that additional exceptions are warranted to reduce the likelihood of dangerous and uncontrolled wildfire.

BE IT THEREFORE ORDERED that the following emergency regulations are hereby established for portions of the unincorporated areas of Brewster County, Texas not subject to public ownership or stewardship for the duration of the above mentioned declaration:

(1) Actions Prohibited:

Except as described hereinafter, a person violates this order if he/she ignites, or causes ignition of any combustible or vegetative material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning or ignition by others.

(2) Enforcement:

(a) Under notification of suspected outdoor burning, the fire department assigned to the location of the fire shall respond to the scene and take immediate measures to contain and to extinguish the fire.

- (b) If requested by a fire official, a duly-commissioned peace officer, when available, shall be sent to the scene to investigate the nature of the fire.
- (c) In accordance with Section 352.081 of the Local Government Code, a person who knowingly or intentionally violates this order commits a Class C

Misdemeanor, punishable by a fine up to \$500.

- (d) If the responding peace officer finds that the person responsible for the fire is in violation of (1) above, a citation shall be issued for: Violation of Burn Ban Order.

(3) Exceptions:

- (a) This order shall not apply to the outdoor burning of vegetative material caused by welding or by other causes relating to the act of welding, if such burning is not malicious or intentional.
- (b) This order shall not apply to a prescribed burn conducted by burn personnel of a federal or state agency, or an institution of higher education for prescribed burns on agency owned or managed properties, or for purposes of training local fire department personnel or prescribed burn managers.
- (c) This order shall not apply to a prescribed burn conducted for the purpose of research or demonstration by burn personnel of a federal or state agency, or institution of higher education.
- (d) This order shall not apply to a fire contained in a metal, rock or concrete fire ring and the fire ring must not exceed the height of 18”.
- (e) This order shall not apply to burning of vegetative material when such burning is performed by an individual with appropriate training and experience in conducting burns and in accordance with a prescribed burn plan which:
 - i. addresses the useful nature of such activity as a land and natural resource management tool;
 - ii. includes appropriate safety and protective measures; and
 - iii. is submitted and approved by the Brewster County Office of Emergency Management (OEM) and/or the Fire Chief of the Volunteer Fire Department or Emergency Services District where the burn site is located. The Brewster County OEM shall promulgate rules and procedures for the submission and approvals of such activities.
- (f) This order shall not prohibit other lawful burning as may be permissible by rules established by the Texas Commission on Environmental Quality.

(g) This order shall not prohibit prescribed burning by a commercial or private prescribed burn manager certified by the Texas Department of Agriculture, or by other individual or entities exempted by Section 352.081 of the Local Government Code.

Be it also **ORDERED** that the purpose of this order is the mitigation of the public safety hazard posed by wildfires during the current dry weather period, by curtailing the practice of outdoor burning without specific approval of the commissioners' court or without appropriate licensing from the state.

This order prohibiting outdoor burning shall remain in effect for a period of forty-five (45) days,

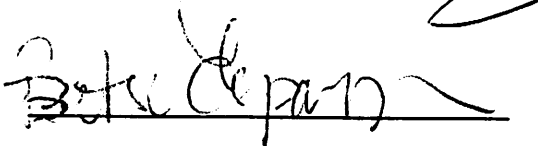
and shall expire at the end of said period or upon the date the Brewster County Commissioners Court, by order, determines that the circumstances present in the unincorporated areas of Brewster County no longer create a public safety hazard that would be exacerbated by outdoor burning, whichever occurs earlier.

ORDERED THIS 22nd DAY OF APRIL, 2020

BREWSTER COUNTY COMMISSIONERS COURT



County Judge



Commissioner, Pct. 1



Commissioner, Pct. 2

Commissioner, Pct. 3

Berta Rios-Martinez

Asst: Bertha Rios Martinez

County Clerk

Commissioner, Pct. 4

Mike P. Kelly