

COUNTY OF WASHINGTON

STATE OF TEXAS

ORDER RESTRICTING OUTDOOR BURNING

WHEREAS, Section 352.081 of the Texas Local Government Code provides that the commissioners court of a county, by order, may prohibit or restrict 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 Washington County Commissioners Court does hereby find that the circumstances present in the unincorporated areas of Washington County create a public safety hazard that would be exacerbated by outdoor burning; and

BE IT THEREFORE ORDERED that the following regulations are hereby established for the unincorporated areas of Washington County, Texas:

- (1) Except as herein provided, all outdoor burning is banned in the unincorporated area of the County for ninety (90) days from the date the original order was adopted.
- (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 extinguish the fire.
  - (b) If requested by a fire official, a commissioned peace officer 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 and a peace officer may issue a citation for such violation named: VIOLATION OF BURN BAN ORDER.

- (3) 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 (a) firefighter training; (b) public utility, natural gas pipeline or mining operations; or (c) planting or harvesting of agricultural crops.
- (4) This order does not prohibit prescribed burns conducted in compliance with a written burn plan written and/or approved by an appropriately trained and experienced person with: The South Central Texas Prescribed Burn Association, the Natural Resources Conservation Service (NRCS), Texas Forest Service (TFS), Texas Parks and Wildlife Department (TPWD) or Texas Agri-Life Extension Service.

The plan must be submitted to the Washington County Environmental Department. The prescribed burn shall not be conducted until the Washington County Environmental Department issues written authorization. The Washington County Environmental Department shall promulgate rules and regulations for prescribed burn permitting.

The prescribed burn can not be conducted until the Commissioner for the precinct in which the burn will occur, the Washington County Sheriff's Department and Washington County 911 have been notified.

- (5) This order does not prohibit outdoor burning of household garbage in screened barrels or properly constructed screened pits.
- (6) All or part of this order may be rescinded at any time by the County Judge.

This Order prohibiting outdoor burning shall remain in effect for a period of ninety days and shall expire at the end of the said period or upon the date the Washington County Commissioners Court or County Judge determines that

the circumstances present in the unincorporated areas of Washington County no longer create a public safety hazard that would be exacerbated by outdoor burning, whichever occurs earlier.

ORDERED BY A MAJORITY VOTE OF THE MEMBERS OF THE COMMISSIONERS COURT THIS 25<sup>th</sup> 27<sup>th</sup> DAY OF August, 2019.

MEMBERS VOTING AYE:

John Durrenberger  
John Durrenberger  
County Judge

Not Present  
Don Koester  
Commissioner, Precinct 1

Candice Bullock  
Candice Bullock  
Commissioner, Precinct 2

Kirk Hanath  
Kirk Hanath  
Commissioner, Precinct 3

Joy Fuchs  
Joy Fuchs  
Commissioner, Precinct 4

MEMBERS VOTING NAY:

John Durrenberger  
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County Judge

Don Koester  
Don Koester  
Commissioner, Precinct 1

Candice Bullock  
Candice Bullock  
Commissioner, Precinct 2

Kirk Hanath  
Kirk Hanath  
Commissioner, Precinct 3

Joy Fuchs  
Joy Fuchs  
Commissioner, Precinct 4