

COUNTY OF MATAGORDA       §  
  §  
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 Keetch-Byram Drought Index is a system for relating current and recent weather conditions to potential or expected fire behavior, and

WHEREAS, the Matagorda County Commissioners Court does hereby find that when the Keetch-Byram Drought Index reaches a value of 500 and/or that circumstances are present in unincorporated areas of Matagorda County that create a public safety hazard that would be exacerbated by outdoor burnings,

NOW, THEREFORE, it is ORDERED that outdoor burning is prohibited when the Keetch-Byram Drought Index for Matagorda County reaches an average value of 500 in all of the unincorporated areas of Matagorda County or conditions create a public safety hazard that would be exacerbated by outdoor burnings, as follows:

- (1) Actions prohibited:
  - (a) A person violates this order if he/she burns any combustible material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning by others.
  - (b) A person violates this order if he/she engages in any activity outdoors which could allow flames or sparks that could result in a fire unless done in an enclosure designed to protect the spread of fire, or orders such activities by others.
  
- (2) Enforcement:
  - (a) Upon notification of suspected outdoor burning, the fire department with jurisdiction for the location of the fire shall respond to the scene and take immediate measures to contain and/or extinguish the fire.
  - (b) As soon as possible, a duly commissioned peace officer shall be sent to the scene to investigate the nature of the fire.
  - (c) If, in the opinion of the officer on the scene, the goal of this order can be attained by informing the responsible party about the prohibitions established by this order, the officer may, at his or her discretion, request compliance with it. In such instances, an entry of this notification containing the date, time and place of the

warning, along with the name of the party receiving the warning, shall be made into the dispatcher's log.

- (d) In accordance with Section 352.081(h) 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.
- (3) Implementation:
- (a) When the Keetch-Byram Drought Index for Matagorda County has reached an average mean value of 500 for Matagorda County, the Matagorda County, Emergency Management Coordinator shall notify the County Judge and each County Commissioner that the bum ban is then in effect for a period not to exceed 90 days. When the Keetch-Byram Drought Index for Matagorda County drops below an average mean value of 500 in Matagorda County, he shall notify the County Judge and each County Commissioner that the bum ban is lifted.
  - (b) The commissioners court of a county by order may prohibit or restrict outdoor burning in general or outdoor burning of a particular substance in all or part of the unincorporated area of the county if: (1) drought conditions have been determined to exist and/or(2) the commissioners court make a finding that circumstances present in all or part of the unincorporated area create a public safety hazard that would exacerbated by outdoor burning.
  - (c) Section 352.081 of the Texas Local Government Code states that a bum ban may not be issued for more than 90 days. The code authorizes the Commissioners Court to issue a new bum ban, for up to 90 days, that takes effect on the expiration of the previous bum ban. Therefore, in the event the Keetch-Byram Drought Index for Matagorda County remains at an average value of 500 in all of the unincorporated areas of Matagorda County for a period that exceeds 90 days, Commissioners Court action is required to adopt a bum ban not to exceed 90 days which may commence on the expiration of a previous burn ban.
- (4) Exemptions: In compliance with Section 352.081(t), this order does not apply to the following outdoor burning activities :
- (a) related to public health and safety that are authorized by the Texas Natural Resource Conservation Commission for:
    - (a) firefighter training;
    - (b) public utility, natural gas pipeline, or mining operations; or
    - (c) harvesting of agriculture crops.
  - (b) that are conducted by a certified and insured prescribed burn manager certified under Section 153.047, Natural Resources Code.
- (5) Procedure (applicable with or without a bum ban in place):
- (a) If a burn meets the exemptions listed above, the entity and/or individual coordinating the burn shall give written notification to Matagorda County's Emergency Management Coordinator at 2200 7<sup>th</sup> Street, 3rd Floor, Bay City, Texas 77414. The Emergency Management Coordinator shall give telephonic



notice of the location and date of the burn to the County Judge and each County Commissioner. Additionally, the Emergency Management Coordinator shall give written notice to the County Judge and each County Commissioner via letter, email or facsimile.

- (b) If a burn does not meet the exemptions listed above, the entity and/or individual coordinating the burn shall request an application for a Burn Permit from Matagorda County's Emergency Management. The permit shall go before the Matagorda County Commissioners' Court for approval prior to the burn.

Be it also ORDERED that the purpose of this order is the mitigation of the public safety hazard posed by wild fires during the current dry weather by curtailing the practice of outdoor burning, which purpose is to be taken into account in any enforcement action based upon this order.

This order prohibiting outdoor burning, shall be effective immediately, and shall expire upon such date as the Matagorda County Commissioners Court by order determines that the circumstances present in the unincorporated areas of Matagorda County no longer create a public safety hazard that would be exacerbated by outdoor burning or the Keetch-Byram Drought Index, on a countywide average, falls below 500, whichever occurs earlier.

Adopted on March 7<sup>th</sup>, 2022

Edward Cook

~~Nate McDonald~~ County Judge Pro-Tem

Edward COOK

ATTEST:

Stephanie Wurtz  
Stephanie Wurtz





Matagorda County Commissioner's Court

**NOTICE**  
**Burn ban**  
**in effect**

Today, March 7, 2022, Matagorda County is calling into effect an immediate burn ban due to Commissioner's Court finding that drought conditions are present and create a public safety hazard would be exacerbated with outdoor burning. The burn ban will stay in effect until further notice.

*Edward Cook*

~~Nate McDonald~~ Edward COOK

County Judge PRO-TEM