

ORDER NO. 2019-050

COUNTY BURN BAN ORDER
TO INCLUDE PRESCRIBED BURN CRITERIA

COUNTY OF DeWITT
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 made more severe by outdoor burning; and

WHEREAS, the DeWitt County Commissioners Court does hereby find that circumstances present in the unincorporated area of DeWitt County create a public safety hazard that would be made more severe 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 uncontrolled wildfire.

BE IT THEREFORE ORDERED that the following emergency regulations are hereby established for portions of the **unincorporated area of DeWitt 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) In cases where exceptions are granted pursuant to section 3 (a), (d), (e), (f), (g) and (h), a person conducting a burn must notify the DeWitt County Sheriff's Dispatcher (361-275-5734) and responsible fire department on the day of the burn, prior to ignition and upon completion of the burn.
- b) Under notification of suspected illegal outdoor burning, the fire department assigned to the location of the fire will respond.

- c) If requested by a fire official, a duly-commissioned peace officer will be sent to the scene to investigate the nature of the fire.
- d) 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. DeWitt County will also seek restitution for fire calls.
- e) If the responding peace officer finds that the person responsible for the fire is in violation of (1) above, a citation will be issued for: Violation of Burn Ban Order.

3) Exceptions:

- a) This order shall not apply to the outdoor burning of brush piles by commercial contractors or landowners who burn brush piles responsibly where no vegetation is present.
 - i. A commercial contractor is defined as an individual or business that is hired by a landowner and receives payment for brush management services.
 - ii. The commercial contractor and/or landowner and their equipment must be present on site for the duration of the burn.
- b) Burning will be allowed in screen-covered containers with ½ inch or smaller openings.
- c) 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.
- d) 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.
- e) 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.
- f) 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. must be approved by either the Natural Resource Conservation Service, Texas Parks and Wildlife Department, or a Certified Prescribed Burn Manager. The landowner must be able to provide this written prescribed burn plan upon request.
- g) This order shall not prohibit other lawful burning as may be permissible by rules established by the Texas Commission on Environmental Quality.

- h) This order shall not prohibit outdoor burning activities related to planting or harvesting or renovation of agricultural crops.
- i) 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.

4) Term of Order:

This order prohibiting outdoor burning shall:

- Become **EFFECTIVE IMMEDIATELY**, to mean, **12:01 o'clock A.M. on the 13th day August, 2019** and
- remain in effect for a period of **ninety (90) days; EXPIRING** at the end of said period at **12 o'clock midnight on the 13th day of November, 2019**, or
- upon the date the DeWitt County Commissioners Court, by order, determines that the circumstances present in the **unincorporated** areas of DeWitt County no longer create a public safety hazard that would be made more severe by outdoor burning, whichever occurs earlier.
- The County Judge may rescind this Order upon a determination that the circumstances that required the Order no longer exist.

Ordered this the **12th day of August, 2019** by DeWitt County Commissioners Court.



Daryl L. Fowler
DeWitt County Judge