

## ORDER-BURNING BAN

**WHEREAS**, the Commissioners' Court finds that circumstances present in the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning.

**IT IS HEREBY ORDERED** by the Commissioners' Court of Presidio County that all outdoor burning is prohibited in the unincorporated area of the county for 90 days from the date of adoption of this 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 (1) preceded by permit in writing by the County Judge, or the County Emergency Management Coordinator, or the County Fire Marshall, or (2) authorized by the Texas Commission on Environmental Quality for: (a) firefighter training, (b) public utility, natural gas pipeline or mining operations; (c) planting or harvesting of agricultural crops; or (d) burns that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resources Code and meet the standards of Section 153.047 Natural Resources Code. **HOWEVER, EVEN EXEMPTED BURNS ARE PROHIBITED IF THERE IS A FIRE WEATHER WATCH RED FLAG WARNING ISSUED ON THE NATIONAL WEATHER SERVICE HOTLINE AT <http://www.srh.noaa.gov> FOR WEATHER CONDITIONS IN PRESIDIO COUNTY AND BIG BEND AREAS; AND ALL EXEMPTED BURNS MUST BE PRECEDED BY NOTIFICATION TO THE COUNTY JUDGE OR THE COUNTY EMERGENCY MANAGEMENT COORDINATOR, OR THE COUNTY FIRE MARSHALL WITH SUCH NOTICE TO INCLUDE A DETAILED BURN PLAN.**

(3) Actions prohibited

- (a) No person may burn combustible material outside of an enclosure which serves to contain all flames and/or sparks, or order such burning by others.
- (b) No person may drive or park in tall, dead grass.
- (c) No person may smoke without using an ashtray.
- (d) No person may light campfires.
- (e) No person may weld in grassy areas.
- (f) No person may light cooking fires outside of a container elevated from the ground (barbecue pits).

(4) Sale or Use of restricted fireworks in unincorporated areas of Presidio County:

- (a) No person may sell, detonate, ignite, or in any way use fireworks classified under 49 C.F.R. part 173.100R(2)(10-01-86 edition) as "skyrockets with sticks" and "missiles with fins."
- (b) This order does not prohibit:
  - (1) Common fireworks, small in size classified as Class C explosives.
  - (2) Large firework devices designed primarily to produce visible or audible effects by combustion, deflagration, or detonation and classified as Class B explosives by the U.S. Dept. of Transportation Texas Occupational Code Chapter 2154.
- (c) Added by Commissioners' Court 06/13/2005: Exceptions to 4(b) allows the use of all fireworks

at Vizcaino Park near Marfa and the horse race track one mile west of Presidio on Hwy 170.

(5) Enforcement:

- (a) Upon 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 or extinguish the fire.
- (b) Upon notification of burning of the use of prohibited fireworks, a duly-commissioned peace Officer shall be sent to the scene to investigate the nature of the incident.
- (c) If in the opinion of the officer at the scene and/or Fire Chief, the goal of the order can be attained by informing the responsible party about the prohibitions established by this Order, the officer may at his/her discretion, notify the party about provisions of this Order and request compliance with it. In such instances, an entry of the notification shall be made into the dispatchers' log containing the time, date, a place of the warning, and the name of the person receiving the warning.
- (d) VIOLATION OF THIS ORDER IS A CLASS C MISDEMEANOR, PUNISHABLE BY A FINE NOT TO EXCEED \$500.00.
- (e) THE LAW ALLOWS ANY PERSON TO OBTAIN AN INJUNCTION TO PREVENT THE VIOLATION OF THIS ORDER.

**BE IT ALSO ORDERED**, that this Order may be enforced by any duly-commissioned peace officer and that the venue for prosecution of this Order will be in Presidio County Court and will be in effect until the Commissioners' Court finds that a public safety hazard no longer exists, or 90 days from the date of adoption of this Order, whichever comes first.

ORDERED AND ENTERED OF RECORD on this, the 9th day of December 2020.

  
Presidio County Judge Guevara

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Virgie Pallarez, Presidio County Clerk