

EMERGENCY ORDER FOR LAMAR COUNTY

PROHIBITION OF OUTDOOR BURNING

UNINCORPORATED AREAS OF LAMAR COUNTY

WHEREAS, Section 418 of the Local Government Code provides that the County Judge, by order, may prohibit outdoor burning within the county if the County Judge makes a finding that circumstances present in the county create a public safety hazard that would be exacerbated by outdoor burning; and, whereas, such a finding authorizes the issuance of an order which prohibits or restricts outdoor burning.

WHEREAS, the County Judge does hereby find that circumstances present in the unincorporated area of Lamar County create a public safety hazard that would be exacerbated by outdoor burning; and

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

1) Actions Prohibited:

a. A person violates this order if he or she:

- i. Knowingly or intentionally engages in any outdoor activities which produces flames or sparks that could result in a fire or orders such activities by others.
- ii. Knowingly or recklessly discards lighted or burning materials.
- iii. This Order does not limit the authority granted under other state statutory regulations including reckless damage of property. Damage to property resulting from reckless conduct of burning or discharged of fireworks could result in further violations of Texas statutes.

2) Enforcement:

- a. A violation of this Order is a Class C Misdemeanor, punishable by a fine not to exceed \$500.00.
- b. This Order may be enforced by any duly commissioned peace officer.

3) This Order is effective and enforceable for seven (7) days after the date of adoption unless ratified and adopted by the county's commissioners court.

4) The Order does not apply to outdoor burning activities related to public health and safety that are authorized by the Texas Commission on Environmental Quality for:

- a. Firefighter training; or,
- b. Public utility, natural gas pipeline, or mining operations; or,
- c. Planting or harvesting of agricultural crops; or,
- d. Burns that are conducted by a prescribed burn manager certified under §153.048, *Texas Natural Resources Code* and meet the standards of §153.047, *Texas Natural Resources Code*; or,
- e. Burns that are conducted by the Texas Parks and Wildlife Department (TPWD), under training and guidelines of the National Wildlife Coordinating Group (NWCG).

5) This Order does not apply to the following outdoor activities:

- a. Welding, Cutting, or Grinding Operations: This Order shall not apply to the outdoor burning of vegetative material caused by welding, cutting, or grinding operations if such burning is not malicious or intentional and the following provisions are followed:
 - i. Wind speeds must be no more than 20 miles per hour while performing welding, cutting, or grinding operations outside of approved barriers or enclosures.
 - ii. Each site in which the welding, cutting, or grinding operations are taking place must have the ability to call 911 for emergency response.
 - iii. A dedicated fire watch person must attend each welder, cutter, or grinder or any activity that causes a spark.
 - iv. A minimum of one (1) water pressure fire extinguisher or pressurized water source is required to be on-hand per fire watch person.
 - v. If an emergency exists where welding must be performed outside these provisions, the County Judge, the Emergency Management Coordinator, a Peace Officer, and/or the Fire Chief may issue a temporary exception to the Order, along with any requirements necessary to reduce the hazards associated with such activities.

- b. Outdoor Cooking: This Order shall not prohibit outdoor cooking activities when the following provisions are followed:
 - i. All outdoor cooking must be attended to at all times by a responsible party.
 - ii. The responsible party must have the ability to call 911 for emergency response.
 - iii. A minimum of one (1) water pressure fire extinguisher or pressurized water source is required to be on-hand at all times.

IT IS FURTHER ORDERED that this burn ban be in effect for thirty (30) days from the date of this Order, unless renewed by the county's commissioners court.

Effective Dates: August 26, 2024 through September 23, 2024.

Signed, this 26th day of August, 2024.



Brandon Bell, Lamar County Judge



Ruth Sisson, Lamar County Clerk
ATTEST

