



Atascosa County Fire Marshal & Emergency Management Office

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**ATASCOSA COUNTY ORDER RESTRICTING OUTDOOR BURNING
TO INCLUDE PRESCRIBED BURN CRITERIA**

COUNTY OF ATASCOSA

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 Texas Forest Service has determined that drought conditions, as defined by Section 352.081(a), Local Government Code, exist in all or a part of Atascosa County; and,

WHEREAS, the Atascosa County Commissioners Court does hereby find that circumstances present in the unincorporated areas of Atascosa County create a public safety hazard that would be exacerbated 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 and uncontrolled wildfire.

BE IT THEREFORE ORDERED that the following emergency regulations are hereby established for portions of the unincorporated areas of Atascosa 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) 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 to extinguish the fire.

(b) If requested by a fire official, a duly commissioned peace officer, when available, 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.

(d) If the responding peace officer finds that the person responsible for the fire is in violation of Section (1) above, a citation shall be issued for: Violation of Burn Ban Order.

(3) Exceptions:

(a) 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.

(b) 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.

(c) 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.

(d) 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 permit application which:

i. addresses the useful nature of such activity

ii. includes appropriate safety and protective measures; and

iii. is submitted to and approved by the Atascosa County Fire Marshal with notice provided to the Fire Chief of the Volunteer Fire Department or Emergency Services District where the burn site is located. The Atascosa County Fire Marshal shall promulgate policies and procedures for the submission and approval of such requests.

(e) This order shall not apply to burns authorized by the Fire Marshal's Office where a permit has been filed for fires other than agricultural purpose.

(f) This order shall not prohibit other lawful burning as may be permissible by rules established by the Texas Commission on Environmental Quality.

(g) 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.

This order prohibiting outdoor burning shall remain in effect for a period of 90 days, and shall expire at the end of said period, upon the date set by the Atascosa County Commissioners Court, by order, and allow the Fire Marshal to end the Burn Ban without returning to Commissioners Court for approval when the Fire Marshal determines that the circumstances present in the unincorporated areas of Atascosa County no longer create a public safety hazard that would be exacerbated by outdoor burning.

ORDERED THIS _____ DAY OF _____, 20____, by a vote of _____ ayes and _____ nays.

ATASCOSA COUNTY COMMISSIONERS COURT

**Weldon P. Cude
County Judge**

**Mark Gillespie
Commissioner, Pct. 1**

**Mark Bowen
Commissioner, Pct. 2**

**George Pawelek
Commissioner, Pct. 3**

**Kennard Riley
Commissioner, Pct. 4**

Attest:

Theresa Carrasco, County Clerk