BURNET COUNTY BURN BAN

TO INCLUDE PRESCRIBED BURN CRITERIA

COUNTY OF BURNET

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 count 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 Burnet County Commissioners Court does hereby find that circumstances present in the unincorporated areas of Burnet 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 wild land fire.

BE IT THEREFORE ORDERED that the following emergency regulations are hereby established for the unincorporated areas of Burnet County, Texas not subject to public ownership or stewardship for the duration of the above-mentioned order:

1) All outdoor burning is prohibited in the unincorporated areas of Burnet County for 90 days from the date of this Order, unless the restrictions are terminated earlier.
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 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 of up to $500.

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

3) Exceptions:
   a) This order shall not apply to the outdoor burning of vegetative material caused by welding, or by 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 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) Is submitted and approved by the Burnet County Office of Emergency Management.
   e) This order shall not prohibit other lawful burning as may be permissible by rules established by the Texas Commission on Environmental Quality.
   f) 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.
   g) This order shall not prohibit the burning of prickly pear cactus for livestock consumption. The person burning the prickly pear shall have a working cell phone and a water source present at the site and shall monitor the site to ensure no fires are started.

IT IS FURTHER ORDERED that the purpose of this order is the mitigation of the public safety hazard posed by wildland fires during the current dry weather period, by curtailing the practice of outdoor burning without specific approval of the commissioners' court or without appropriate licensing for the state.

ITS IS FURTHER ORDERED that the Commissioners Court of Burnet County hereby designates the Burnet County Judge as the officer authorized to determine whether circumstances no longer exist to prohibit outdoor burning, and the County Judge may rescind this Order at such time.

This order prohibiting outdoor burning in the unincorporated areas of Burnet County shall remain in effect for a period of ninety (90) days, and shall expire at the end of said period or upon the date the Burnet County Judge or Commissioners Court, by order, determines that the circumstances present in the unincorporated areas of Burnet County no longer create a public safety hazard that would be exacerbated by outdoor burning.

EFFECTIVE AND ADOPTED this 13th DAY OF October, 2026 at 9:10 A.M.

BURNET COUNTY COMMISSIONERS COURT

Judge Bryan Wilson
County Judge

Jim Luther, Jr.
Commissioner Precinct 1

Damon Beierle
Commissioner Precinct 2

Chad Collier
Commissioner Precinct 3

Joe Don Dockery
Commissioner Precinct 4