

STATE OF TEXAS            3  
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COUNTY OF BEXAR        3

**ORDER RESTRICTING OUTDOOR BURNING**

WHEREAS, the Commissioners Court has determined that circumstances present in all of the unincorporated area of the County create a public safety hazard that would be exacerbated by outdoor burning;

IT IS HEREBY ORDERED by the Commissioners Court of Bexar County that all unrestricted outdoor burning is banned in the unincorporated area of the County for 90 days from the date of adoption of this Order, unless the restrictions are terminated earlier based on a determination made by this Court that a public safety hazard no longer exists.

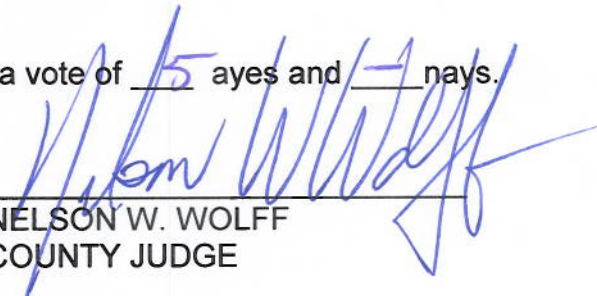
Restrictions:

This Order allows only household trash and other domestic waste to be burned in inclosures such as burn barrels with metal wire mesh screens which prevent the spread of sparks and flames. A person violates this Order if he burns any other combustible materials within such an inclosure, burns any combustible materials outside of such an inclosure, or orders such burnings of others without the authorization of the County Fire Marshal.

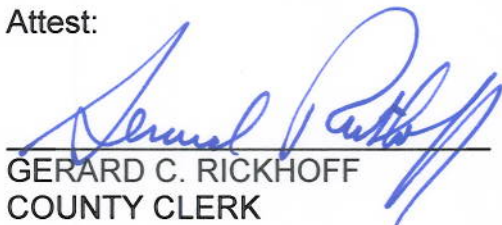
This Order is adopted pursuant to Local Government Code § 352.081, and other applicable statutes. This Order does not prohibit outdoor burning activities related to public health and safety that are authorized by the Texas Commission on Environmental Quality for (1) firefighting training; (2) public utility, natural gas pipeline or mining operations; or (3) planting or harvesting of agricultural crops, or, (4) 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.

In accordance with Local Government Code § 352.081(h), a violation of this Order is a Class C misdemeanor, punishable by a fine not to exceed \$500.00.

ADOPTED this 24<sup>th</sup> day of December, 2010 by a vote of 15 ayes and 1 nays.

  
NELSON W. WOLFF  
COUNTY JUDGE

Attest:

  
GERARD C. RICKHOFF  
COUNTY CLERK

LOCAL GOVERNMENT CODE

CHAPTER 352. COUNTY FIRE PROTECTION

SUBCHAPTER D. OUTDOOR BURNING

§ 352.081. REGULATION OF OUTDOOR BURNING. (a) In this section, "drought conditions" means the existence of a long-term deficit of moisture creating atypically severe conditions with increased wildfire occurrence as defined by the Texas Forest Service through the use of the Keetch-Byram Drought Index or, when that index is not available, through the use of a comparable measurement that takes into consideration the burning index, spread component, or ignition component for the particular area.

(b) On the request of the commissioners court of a county, the Texas Forest Service shall determine whether drought conditions exist in all or part of the county. The Texas Forest Service shall make available the measurement index guidelines that determine whether a particular area is in drought condition. Following a determination that drought conditions exist, the Texas Forest Service shall notify the county when drought conditions no longer exist. The Texas Forest Service may accept donations of equipment or funds as necessary to aid the Texas Forest Service in carrying out this section.

(c) The commissioners court of a county by order may prohibit or restrict outdoor burning in general or outdoor burning of a particular substance in all or part of the unincorporated area of the county if:

(1) drought conditions have been determined to exist as provided by Subsection (b); or

(2) the commissioners court makes a finding that circumstances present in all or part of the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning.

(d) An order adopted under this section must specify the period during which outdoor burning is prohibited or restricted. The period may not extend beyond the 90th day after the date the order is adopted. A commissioners court may adopt an order under this section that takes effect on the expiration of a previous order adopted under this section.

(e) An order adopted under this section expires, as applicable, on the date:

(1) a determination is made under Subsection (b) that drought conditions no longer exist; or

(2) a determination is made by the commissioners court that the circumstances identified under Subsection (c)(2) no longer exist.

(f) This section does not apply to outdoor burning activities:

(1) related to public health and safety that are authorized by the Texas Natural Resource Conservation Commission for:

- (A) firefighter training;
  - (B) public utility, natural gas pipeline, or mining operations; or
  - (C) planting or harvesting of agriculture crops;
- or

(2) 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.

(g) Any person is entitled to injunctive relief to prevent the violation or threatened violation of a prohibition or restriction established by an order adopted under this section.

(h) A person commits an offense if the person knowingly or intentionally violates a prohibition or restriction established by an order adopted under this section. An offense under this subsection is a Class C misdemeanor.

Added by Acts 1999, 76th Leg., ch. 1435, § 1, eff. Aug. 30, 1999.

Amended by Acts 2001, 77th Leg., ch. 1185, § 1, eff. Sept. 1,

2001. Renumbered from § 240.906 by Acts 2001, 77th Leg., ch.

1420, § 12.004, eff. Sept. 1, 2001.