Order # 35870

STATE OF TEXAS §
COUNTY OF KERR §

ORDER RESTRICTING OUTDOOR BURNING

WHEREAS the Commissioners Court of Kerr County finds that circumstances present in 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 Kerr County that outdoor burning is banned in the unincorporated area of the county for 90 days from the date of adoption of this Order, unless the ban is terminated earlier based on a determination by the Commissioners Court that the circumstances described above no longer exist. This Order is adopted pursuant to Texas Local Government Code §352.081, and other applicable statutes. This Order does not prohibit outdoor burning activities **(1)** related to public health and safety that are authorized by the Texas Commission on Environmental Quality for (a) firefighter training; (b) public utility, natural gas pipeline or mining operations; or (c) planting or harvesting of agricultural crops; or **(2)** that are conducted by a prescribed burn manager certified by the Texas Department of Agriculture or certified under Section 153.048, Natural Resources Code, and meeting the standards of Section 153.047, Natural Resources Code; **(3)** related to Commercial Food Establishments; and **(4)** propane and cooking fires under safe and controlled conditions.

IT IS FURTHER ORDERED that 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 (1) for prescribed burns on agency owned or managed properties, (2) for the purposes of training local fire department personnel or prescribed burn managers, or (3) for the purpose of research or demonstration by burn personnel of a federal or state agency, or institution of higher education.

IT IS FURTHER ORDERED that if the circumstances leading to this order are modified by transitory conditions, the Commissioners Court authorizes each Commissioner to suspend this order for a specified period in their precinct after consultation with the fire departments in their precinct. Such temporary suspensions(s) of the ban may be terminated at any time before expiration of the specified period by the appropriate County Commissioner(s).

In accordance with Local Government Code Section 352.081(h), a person commits an offense if the person knowingly or intentionally violates a prohibition or restriction established by this Order. A violation of this Order is a Class C misdemeanor, punishable by a fine not to exceed $500.00.

ADOPTED this 14th day of November by a vote of 4 Ayes and 0 Nays.

Tom Pollard, County Judge

Attest:

COUNTY CLERK

COMMISSIONERS COURT KERR COUNTY, TEXAS