

DECLARATION OF DISASTER AND ORDER PROHIBITING OUTDOOR BURNING FOR BURNET COUNTY, TEXAS

WHEREAS, Burnet County, is currently threatened by high or extreme wildland fire hazard. This threat is caused by abundant fuel, extreme drought, and windy conditions across the State of Texas and in Burnet County, and

WHEREAS, these hot, dry conditions pose the threat of large, dangerous, and fast-moving wildland fires; and

WHEREAS, the magnitude of the potential damage and rapidity at which such a fire could escalate to major proportions constitute an imminent threat of disaster; and

WHEREAS, declaration of such disaster authorizes the imposition of controls on activities which tend to increase the likelihood of fires;

WHEREAS, on July 11, 2023, the Burnet County Commissioners Court issued a Burn Ban limiting outdoor burning in the unincorporated areas of Burnet County, Texas, which remains in effect; and

WHEREAS, extraordinary measures must be taken to mitigate the suffering of people and to protect and/or rehabilitate property;

NOW THEREFORE, IN ACCORDANCE WITH THE AUTHORITY VESTED IN THE BURNET COUNTY JUDGE AND COMMISSIONERS COURT BY SECTION 418.108 OF THE TEXAS GOVERNMENT CODE, WE HEREBY PROCLAIM THE EXISTENCE OF SUCH DISASTER AND DIRECT THAT ALL NECESSARY MEASURES BOTH PUBLIC AND PRIVATE AS AUTHORIZED BY THE LAWS OF THE STATE OF TEXAS BE IMPLEMENTED TO MEET THIS DISASTER:

1. That a local state of disaster is hereby proclaimed for Burnet County pursuant to Section 418.108 (a) of the Texas Government Code.
2. Pursuant to Section 418.108 (b) of the Government Code, this Declaration of a local state of disaster shall continue for seven (7) days unless extended by the Burnet County Commissioners' Court and then for so long as such conditions exist with the exception granted to fireworks under Section 418.108 (i) of the Government Code unless ratified and extended by the Governor of the State of Texas.
3. Pursuant to Section 418.108 (c) of the Government Code, this Declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Burnet County.

4. Pursuant to Section 418.108 (d) of the Government Code, this Declaration of a local state of disaster activates the Burnet County Emergency Management Plan.

5. The purpose of this order is the mitigation of and response to the hazard posed by wildfires by curtailing the practice of outdoor burning, which purpose is to be taken into account in any enforcement action based upon this order.

BE IT THEREFORE ORDERED that the following emergency regulations are hereby established for all unincorporated areas of Burnet County, Texas for the duration of the declaration;

1. Actions Prohibited:

(a) All outdoor burning of any combustible material is prohibited. A person violates this order if he/she burns any combustible material or orders such burning by others.

2. Exceptions:

(a) A fixed Bar-B-Que pit designed for commercial use may be utilized with wood or charcoal.

(b) Any situations not specifically detailed in this order may be reviewed on a case by case basis by the Burnet County Commissioner's Court.

(c) This order does **allow** outdoor activities which may cause the emission of sparks or fire to include but not limited to welding, cutting, and grinders. However, the following safety measures should be followed at a minimum: saturation of the surrounding ground area with adequate moisture, utilization of adequate personnel to observe and handle the possible resulting effects, and preparation of the ground area to remove large amounts of combustible material (i.e. – dry grass, leaves, mulch, tree branches, etc.)

(d) Outdoor cooking which utilizes wood or charcoal in a device made for cooking and has a lid to contain any open flame or cinders. However, the following safety measures should be followed at a minimum: saturation of the surrounding ground area with adequate moisture, utilization of adequate personnel to observe and handle the possible resulting effects, and preparation of the ground area to remove large amounts of combustible material (i.e. – dry grass, leaves, mulch, tree branches, etc.)

(e) The burning of prickly pear for livestock consumption

3. Enforcement:

(a) Upon 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/or extinguish the fire.

(b) As soon as possible, a duly-commissioned peace officer shall be sent to

the scene to investigate the nature of the fire.

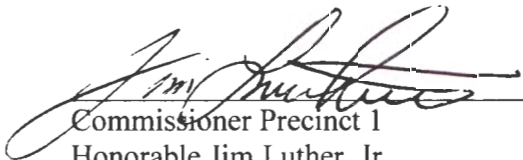
(c) If in the opinion of the officer at the scene and/or the Fire Chief, the goal of the order can be attained by informing the responsible party about the prohibitions established by this order, the officer may, at his discretion, notify the party about the provisions of this order and request compliance with it. In such instances, an entry of the notification shall be made into the dispatcher's log containing the time, date, and place of the warning, and the name of the person receiving the warning.

(4) At the discretion of the peace officer and/or Fire Chief, subsequent or flagrant violations of this order may be prosecuted in accordance with the statutes and procedures governing misdemeanors.

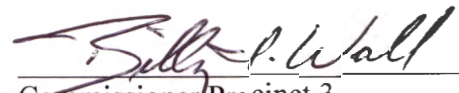
BE IT ALSO ORDERED that this order may be enforced by any duly-commissioned peace officer and that the venue for prosecution of this order will be the Justice of the Peace Court, Burnet County, Texas.

This Declaration and Order shall take effect immediately from and after its issuance and continue until rescinded by the Burnet County Commissioners Court.

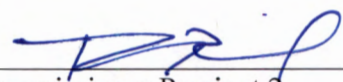
DECLARED AND ORDERED THIS THE 22nd DAY OF August, 2023, effective immediately.



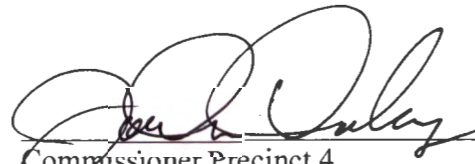
Commissioner Precinct 1
Honorable Jim Luther, Jr.



Commissioner Precinct 3
Honorable Billy Wall



Commissioner Precinct 2
Honorable Damon Beierle



Commissioner Precinct 4
Honorable Joe Don Dockery