



2023-076

**ORDER OF THE COMMISSIONERS COURT
PROHIBITING OUTDOOR BURNING
AND PRESCRIBING AUTHORIZED BURN CRITERIA**

FILED FOR RECORD
2023 JUL 25 PM 2:13
Schellana Hook
SHELLANA HOOK
POLK COUNTY CLERK

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 Polk County Commissioners Court does hereby find that circumstances present in the unincorporated area of Polk County, Texas 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 and insured prescribed burn managers meeting the requirements of Natural Resources Code, Chapter 153 and the Polk 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 the unincorporated areas of Polk County, Texas not subject to public ownership or stewardship for the above mentioned declaration:

(1) Actions Prohibited:

Except as described hereinafter, a person violates this order if he/she ignites, causes to ignite or allows ignition of any combustible or vegetative material. Outdoor burning in an enclosure is also prohibited, unless properly supervised and sufficiently covered to prevent sparks or wind-blown debris.

(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 (1) above, a citation shall be issued for: Violation of Burn Ban Order.

(3) Exceptions:

- (a) **Welding.** 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) **Authorized by Texas Commission on Environmental Quality (TCEQ).** 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; (3) planting or harvesting of agricultural crops; or (4) burns that are conducted by a certified and insured prescribed burn manager certified under Section 153.048, Natural Resource Code, and meet the standards of Section 153.047, Natural Resources Code.
- (c) **Food Preparation.** Food cooking using enclosed, above-ground grills in a safe area clear of debris.
- (d) **Air Curtain Incinerator.** Operator must obtain Air Curtain Incinerator General Operating Permit from Texas Commission on Environmental Quality (TCEQ). A copy of the Permit must be submitted to the Polk County Fire Marshal by email at firemarshal@co.polk.tx.us prior to burning.

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, which purpose is to be taken into account in any enforcement action based upon this order.

This order prohibiting outdoor burning is effective as of **12 p.m. (Noon) ON July 25, 2023** and shall remain in effect for a period of **thirty (30) days** and shall expire at the end of said period or upon the date the Polk County Commissioners Court, by order, determines that the circumstances present in the unincorporated area of Polk County no longer creates a public safety hazard that would be exacerbated by outdoor burning, whichever occurs earlier.

ORDERED BY THE POLK COUNTY COMMISSIONERS COURT

IN A REGULAR MEETING

HELD THIS 25TH DAY OF JULY, 2023.

Signed and entered on JULY 25, 2023



Sydney Murphy
County Judge

Attest:



Schelana Hock, County Clerk

By: N/A
Deputy Clerk

