



FILED FOR RECORD

2020 APR 28 PM 12:39

Schelana Hocke
POLK COUNTY CLERK

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

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 areas 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 prescribed burn managers meeting the requirements of Natural Resources Code, Ch. 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 outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning or ignition by others.

(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) 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) 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 an 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 and in accordance with a prescribed burn plan which:

i. addresses the useful nature of such activity as a land and natural resources management tool;

ii. includes appropriate safety and protective measures; and

iii. is submitted to and approved by the Polk County Office of Emergency Management (OEM) on the form provided by the OEM.

(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.

Be it also **ORDERED** that the purpose of this order is the mitigation of the public safety hazard posed by wildfires during the current disaster declaration period, by curtailing the practice of outdoor burning in the unincorporated areas of Polk County, Texas without specific approval of Polk County or without appropriate licensing from the state. This order prohibiting outdoor burning is effective as of 12:00 (noon) on April 28, 2020 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 storm impacted areas of Onalaska and Seven Oaks, Polk County, Texas no longer create 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 28th DAY OF APRIL, 2020.

Signed and entered on April 28, 2020



Sydney Murphy
County Judge

Attest:



Schelana Hock County Clerk

