

**DELTA COUNTY, TEXAS
ORDER PROHIBITING OUTDOOR BURNING**

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, such a finding authorizes the issuance of an order which prohibits or restricts outdoor burning.

WHEREAS, the Delta County Commissioners' Court does hereby find that circumstances present in the unincorporated area of Delta County create a public safety hazard that would be exacerbated by outdoor burning; and


BE IT THEREFORE ORDERED that the following emergency regulations are hereby established for all unincorporated areas of Delta County, Texas:

- 1) Actions Prohibited:
 - a. A person violates this Order if he or she knowingly or intentionally burns 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.
 - b. A person violates this order if he or she knowingly or intentionally engages in any activity outdoors which could allow flames or sparks that could result in a fire, or orders such activities by others.
- 2) Enforcement:
 - a. A violation of this order is a Class C Misdemeanor, punishable by a fine not to exceed \$500.00.
 - b. This order may be enforced by any duly commissioned peace officer in Delta County, Texas.
- 3) This Order is effective and enforceable for 90 days after the date of adoption which is indicated below.
- 4) The Order does not apply to outdoor burning activities 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
 - c. Planting or harvesting of agricultural crops
- 5) This Order does not apply to outdoor burning activities that are conducted by a prescribed burn manager certified under § 153.048, *Texas Natural Resources Code* and meet the standards of §153.047, *Texas Natural Resources Code*.
- 6) This Order does not apply to welding professionals, provided that the work area has been cleared of all debris or accumulated fuels and that another individual with extinguishing material is present at the worksite.
- 7) Any person or persons who violate this order may be held liable for any and all damages incurred as a result of their actions.

IT IS FURTHER ORDERED that this burn ban be in effect for 90 days from the date of adoption of this Order or at an earlier date as determined by the Delta County Commissioners' Court. This order may be rescinded by the County Judge of Delta County, Texas prior to the end of the 90-day period if the County Judge determines that the circumstances that required the Order no longer exist.

THEREFORE, the Commissioners' Court of Delta County, Texas, at an emergency special called meeting on Monday, July 11, 2022 is hereby **ORDERING** a County-wide burn ban and executed on the same date in a special session of Commissioners' Court.

ADOPTED, this 11th day of July, 2022 by a vote of _____ ayes and _____ nays.



Jason Murray, Delta County Judge


FILED FOR RECORD
AT 11:00 A.M.
JUL 11 2022

Jane Jones, County Clerk
DELTA COUNTY, TEXAS



Morgan Baker, Commissioner Precinct 1

Jimmy Sweat, Commissioner Precinct 2



Anthony Roberts, Commissioner Precinct 3



Mark Brantley, Commissioner Precinct 4

ATTEST: 

Jane Jones, County Clerk

