



ORDER OF THE COURT

ORDER PROHIBITING OUTDOOR BURNING FOR UNINCORPORATED AREAS OF DELTA COUNTY

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:
 - i. Knowingly or intentionally engages in any outdoor activities which produces flames or sparks that could result in a fire or orders such activities by others.
 - ii. Knowingly or recklessly discards lighted or burning materials.
 - iii. This order does not limit the authority granted under other state statutory regulations including reckless damage of property. Damage to property resulting from reckless conduct of burning or discharge of fireworks could result in further violations of Texas statutes.
- 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.
- 3) This Order is effective and enforceable for ninety (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; or,

- b. Public utility, natural gas pipeline, or mining operations; or,
 - c. Planting or harvesting of agricultural crops; or,
 - d. Burns 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*; or,
 - e. Burns that are conducted by the Texas Parks and Wildlife Department (TPWD), under training and guidelines of the National Wildlife Coordinating Group (NWCG).
- 5) This Order does not apply to the following outdoor activities:
- a. Welding, Cutting, or Grinding Operations: This order shall not apply to the outdoor burning of vegetative material caused by welding, cutting, or grinding operations if such burning is not malicious or intentional and the following provisions are followed:
 - i. Wind speeds must be no more than 20 miles per hour while performing welding, cutting, or grinding operations outside of approved barriers or enclosures.
 - ii. Each site in which the welding, cutting, or grinding operations are taking place must have the ability to call 911 for emergency response.
 - iii. A dedicated fire watch person must attend each welder, cutter, or grinder or any activity that causes a spark.
 - iv. A minimum of one (1) water pressure fire extinguisher or pressurized water source is required to be on-hand per fire watch person.
 - v. If an emergency exists where welding must be performed outside these provisions, the County Fire Marshal may issue a temporary exception to the Order, along with any requirements necessary to reduce the hazards associated with such activities.
 - b. Outdoor Cooking: This order shall not prohibit outdoor cooking activities when the following provisions are followed:
 - i. All outdoor cooking must be attended to at all times by a responsible party.
 - ii. The responsible part must have the ability to call 911 for emergency response.
 - iii. A minimum of one (1) water pressure fire extinguisher or pressurized water source is required to be on-hand at all times.

IT IS FURTHER ORDERED that this burn ban be in effect for ninety (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, under advisement of the County Fire Marshal, prior to the end of the ninety (90) day period if the County Judge and County Fire Marshal determines that the circumstances that required the Order no longer exist.

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 without specific approval of the Commissioners' Court, or the

Commissioners' Court designee which is designated as the County Fire Marshal, or without appropriate licensing from the State of Texas regulatory agency.

ADOPTED, this 22nd day of August, 2023 by a vote of: 4 ayes 0 nays.



Tanner Crutcher, County Judge



Morgan Baker, Commissioner Precinct 1

Jimmy Sweat, Commissioner Precinct 2



Anthony Roberts, Commissioner Precinct 3



Mark Brantley, Commissioner Precinct 4

ATTEST:


Janice Roberts, County/District Clerk