

STATE OF TEXAS

COUNTY OF PALO PINTO

**ORDER PROHIBITING OUTDOOR BURNING**

**(Level 2)**

**WHEREAS**, in accordance with Section 352.081 of the Local Government Code, the Commissioners' Court of Palo County, Texas, may, by order, prohibit or restrict outdoor burning in general and/or outdoor burning of a particular substance including welding in all or part of the unincorporated area of Palo Pinto County, Texas, provided:

1. Drought conditions have been determined to exist as provided by subsection (b) of 240.906; or
2. The Palo Pinto County Commissioners' Court makes a finding that circumstances present in all or part of the unincorporated area of the Palo Pinto County, Texas; create a public safety hazard that would be exacerbated by outdoor burning.

**WHEREAS**, in accordance with Section 352.081 of the Local Government Code, the Commissioners' Court of Palo Pinto County, Texas, hereby makes a finding that circumstances are present in all or part of the unincorporated area of Palo Pinto County, Texas, that presently create a public safety hazard that would be exacerbated by outdoor burning.

**WHEREAS**, the Commissioners' Court of Palo Pinto County, Texas, has authorized this order as evidenced by the signatures below for the benefit and protection of the citizens of Palo Pinto County, Texas,

**BE IT THEREFORE ORDERED** that the following emergency regulations be hereby established for all unincorporated areas of Palo Pinto County, Texas, until further action is taken by Palo Pinto Commissioners' Court in Palo Pinto County, Texas.

**ACTIONS CONSTITUTING A VIOLATION OF THIS ORDER:**

**THE USE OF COMBUSTIBLE MATERIALS IN AN OUTDOOR ENVIRONMENT BY ANY PERSON IS PROHIBITED.**

**COMBUSTIBLE MATERIALS INCLUDE, BUT ARE NOT LIMITED TO THE DISCARDING OF CIGARETTES OR OTHER FLAMMABLE MATERIALS, MATERIALS USED IN ACTIVITIES SUCH AS WELDING AND ANY OTHER ACTIVITY THAT COULD RESULT IN A FIRE.**

**WHERE WELDING MUST BE PERFORMED IN THE FIELD, THE FOLLOWING MITIGATING EFFORTS WILL BE IN FORCE UNTIL THE FIRE EMERGENCY DECLARATION HAS EXPIRED:**

-- All areas where welding, cutting or grinding operations are being performed will be free of vegetation for at least twenty five (25) feet in all directions;

-- Surface around welding area will be wetted down;

-- Wind speeds must be no more than 20 miles per hour while performing welding, cutting or grinding operations outside of barriers or enclosures;

-- A dedicated fire watch person will attend each welder, cutter, grinder and any activity that causes a spark;

-- A minimum of one (1) water pressure fire extinguisher per fire watch person is required;

-- Each site will have cellular telephone communications for emergency response;

-- All welding, cutting and grinding operations may be performed in a total welding enclosure, or "welding box", that is sufficiently high to control sparks and includes a fire retardant cover over the top. Winds speeds must not exceed 30 miles per hour while utilizing an enclosure;

a. Where welding (above ground and sub-surface) is required in an area where there is a potential for a hazardous atmosphere, barriers will be substituted for total enclosures (e.g. "wind walls") to prevent sparks from coming in contact with any combustible material;

b. The barriers will be installed to allow ventilation of the work area and ingress and egress to the work area for personnel safety;

c. Sub-surface, or "bell hole", welding and grinding operations within approved excavations are allowed if all other mitigation efforts are included.

**This Order prohibits the burning of brush/tree piles when clearing land.**

**This Order prohibits the use of aerial luminaries, known as "Sky Lanterns, Kong-Ming Lanterns or Chinese Lanterns".**

**ACTIONS NOT CONSTITUTING A VIOLATION OF THIS ORDER:**

1. This action does not apply to the use of bar-b-que type equipment used strictly for cooking use only.

2. This 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; or
- (c) Planting or harvesting of agricultural crops.


**ENFORCEMENT**

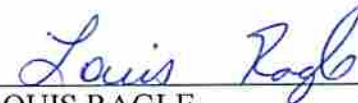
- A. Upon notification of suspected outdoor burning, the fire department assigned to the location of the fire shall respond to the scene and take immediate measures to contain and/or extinguish the fire.
- B. As soon as possible, a duly-commissioned peace officer shall be sent to investigate the nature of the fire.
- C. Violations of this Order may be prosecuted in accordance with the statues and procedures governing misdemeanors.
- D. A violation of this Order is a Class "C" misdemeanor by authority of the Texas Local Government Code, §352.081.

**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 Justice of the Peace Court, Palo Pinto County, Texas.

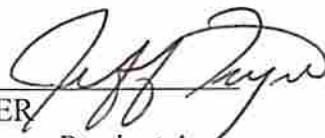
ADOPTED this 25 day of AUGUST, 2014 by the Commissioners Court of Palo Pinto County, Texas by a voice vote without opposition.

  
DAVID C. NICKLAS, County Judge

  
CURTIS HENDERSON  
Commissioner, Precinct 1

  
LOUIS RAGLE  
Commissioner, Precinct 2

  
MIKE PIERCE  
Commissioner, Precinct 3

  
JEFF FRYER  
Commissioner, Precinct 4

ATTEST:



  
JANETTE K. GREEN, County Clerk