

---

**ORDER PROHIBITING OUTDOOR BURNING**

---

**WHEREAS**, the Commissioners Court finds that circumstances present in all or part of the unincorporated area of the county create a public safety hazard that would be exacerbated by outdoor burning; and according to the Texas Forest Service, 90% of all wildfires are human-caused;

**IT IS HEREBY ORDERED** that outdoor burning is prohibited Monday through Friday in the unincorporated areas of the county for ninety (90) days beginning August 31<sup>st</sup>, 2010 unless the restrictions are terminated earlier, based on a determination made by this Court. This Order is adopted pursuant to Local Government Code §352.081, and other applicable statutes. This Order does not prohibit prescribed fires conducted in compliance with guidelines set forth by federal or state natural resource agencies and burned under a burn plan approved by such agencies, or outdoor burning activities related to public health and safety that are authorized by the Texas Commission on Environmental Quality for:

1. Firefighter training;
2. Public utility, natural gas pipeline or mining operations; or
3. Planting or harvesting of agricultural crops; or
4. That are conducted by a prescribed burn manager certified under Section 153.048 Natural Resources Code, and meets the standards of Section 153.047, Natural Resources Code.

**IT IS FURTHER ORDERED** that an exemption be hereby granted for a bona fide commercial land clearing business, allowing said business to burn as long as all other provisions of the Order and applicable laws and ordinances are adhered to as set forth herein.

**IT IS FURTHER ORDERED** that an exemption be hereby granted to those businesses where welding and cutting are an essential function of the business, allowing welding and cutting operations to proceed as long as the area of welding and cutting operations has been cleared of vegetation for a distance of no less than 10 feet in all directions, that there be a second capable person acting as a fire spotter with a sufficient water source available to extinguish fires which may be ignited from stray sparks, and only when all other provisions of the Order and applicable laws and ordinances are adhered to as set forth herein.

**IT IS FURTHER ORDERED** that the burning of kitchen garbage, untreated lumber, cardboard, packaging, clothing, grass, leaves, and branch trimmings may be conducted at a property used exclusively as a private residence, when items to be burned are permitted by regulations of the Texas Commission on Environmental Quality and when items have been generated on the property where

the burning occurs and when said burning is contained inside a metal container specifically constructed for refuse burning which has metal screening with holes not larger than 5/8" placed over the top and all other openings, and the area around the burn container has been cleared of vegetation for a distance of no less than 10 feet in all directions, and only when there is a capable person of legal age, with a sufficient water source, present and available to extinguish any fires which may be started from stray embers, and only when all other provisions of the Order and applicable laws and ordinances are adhered to as set forth herein.

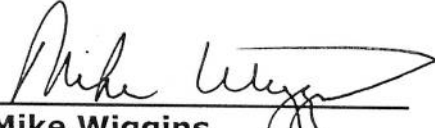
**IT IS FURTHER ORDERED** that burning is allowed only from one hour after sunrise until one hour before sunset, when winds are predicted to be between 6 and 23 miles per hour and only after proper preparations have taken place and adequate equipment is on site to contain and control the burn.

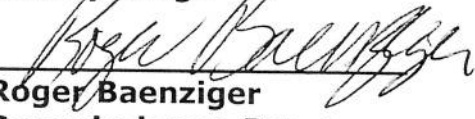
**IT IS FURTHER ORDERED** that burning of tires, construction debris, any and all types of furniture, carpet, appliances, electrical insulation, treated lumber, items containing natural or synthetic rubber, any type of explosive or hazardous materials, chemical wastes, and any item not generated on the burn site are specifically prohibited at all times without exceptions.


**NOW, THEREFORE,** it is in accordance with Local Government Code §352.081 (h), a violation of this Order is a Class C Misdemeanor, punishable by a fine not to exceed \$500.00.

This Order Prohibiting Outdoor Burning shall expire on, November 29<sup>th</sup>, 2010 or upon such date as the Guadalupe County Commissioners Court by Order determines that the circumstances present in the unincorporated areas of Guadalupe County no longer create a public safety hazard that would be exacerbated by outdoor burning, whichever occurs earlier.

**ADOPTED** this 31<sup>st</sup> day of **August 2010**, by a vote of 5 ayes and 0 nays.

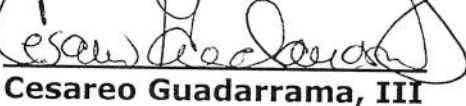
  
**Mike Wiggins**  
County Judge


  
**Roger Baenziger**  
Commissioner, Pct. 1

  
**Jim Wolverton**  
Commissioner, Pct. 3

**ATTEST:**

  
**Teresa Kiel**  
County Clerk

  
**Cesareo Guadarrama, III**  
Commissioner, Pct. 2

  
**Judy Cope**  
Commissioner, Pct. 4

