

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.

IT IS HEREBY ORDERED by the Commissioners Court of Lamb County that the outdoor burning of any combustible material is prohibited for 90 days from the date of adoption of this Order, unless the restrictions are terminated earlier based on a determination made by the Texas Forest Service or this Court. This Order is adopted pursuant to Local Government Code §352.081, and other applicable statutes. This Order does not prohibit 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; (3) planting or harvesting of agricultural crops; or, (4) burns that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resources Code, and meet the standards of Section 153.047, Natural Resources Code.

Actions Prohibited:

a person violates this order if he/she burns any combustible material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning by others.

a person violates this order if he/she fails to do the following:

The land owner or land operator shall notify, the 9-1-1 Dispatch Center at the Lamb County Sheriff's Office, and the nearest fire department that a control burn is going to take place and the date, time and location of the proposed burn.

The land owner or land operator shall initiate a control burn only between the hours of 8:00 a.m. and 5:00 p.m.

If a County maintainer is on standby to assist, the landowner/land operator will be charged the customary rate per hour while it is on scene.

If the fire gets out of control, the landowner/land operator will be charged by the County for all fire departments called to the scene and any ancillary costs incurred by the fire department(s) to extinguish the fire.

Any control burn within ½ mile of any city limit must have approval of that city's Fire Chief.

The public cannot use fireworks within 1 mile of any grassland.

Enforcement

Upon notification of unreported, non-domestic 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.

As soon as possible, a duly commissioned peace officer shall be sent to the scene to investigate the nature of the fire.

If in the opinion of the officer at the scene and/or the fire chief, the goal of the order can be attained by informing the responsible party about the prohibitions established by this order, the officer may, at his/her discretion, notify the party about the provisions of this order and request compliance with it. In such instances, an entry of the notification shall be made into the dispatcher's log containing the time, date, and place of the warning, and the name of the person receiving the warning.

At the discretion of the peace officer and/or fire chief, second or flagrant violations of this order may be prosecuted in accordance with the statutes and procedures governing misdemeanors.


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.

The County Judge may rescind this Order permanently or temporarily upon a determination that the circumstances that required the Order no longer exist.

ADOPTED this 9th day of July, 2018, by a vote of 5 ayes and 0 nays.


COUNTY JUDGE

Attest:


COUNTY CLERK

