

COUNTY OF KIMBLE §
STATE OF TEXAS §

**ORDER PROHIBITING
OUTDOOR BURNING**

WHEREAS, Section 352.081 of the Texas 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, the Kimble County Commissioners Court does hereby find that circumstances present in the unincorporated areas of Kimble County create a public safety hazard that would be exacerbated by certain outdoor burning; and,

WHEREAS, Section 352.081 of the Texas Local Government Code provides for exemptions from county burn bans for certified prescribed burn managers meeting the requirements of Chapter 153 of the Texas Natural Resources Code, and the Kimble County Commissioners Court believes that additional exceptions are warranted to reduce the likelihood of dangerous and uncontrolled wildfire.

BE IT THEREFORE ORDERED that the following emergency regulations are hereby established for portions of the unincorporated areas of Kimble County, Texas not subject to public ownership or stewardship for the duration of the above-mentioned declaration:

(1) Actions Prohibited:

Except as described hereinafter, a person violates this order if he or she ignites, or causes ignition of 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.

(2) Enforcement:

- (a)** Under 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 to extinguish the fire.
- (b)** If requested by a fire official, a duly-commissioned peace officer, when available, shall be sent to the scene to investigate the nature of the fire.
- (c)** In accordance with Section 352.081 of the Texas Local Government Code, a person who knowingly or intentionally violates this order commits a Class C Misdemeanor, punishable by a fine up to \$500.

(d) If the responding peace officer finds that the person responsible for the fire is in violation of (1) above, a citation may be issued for: Violation of Burn Ban Order.

(3) Exceptions:

- (a) This order shall not apply to the outdoor burning of vegetative material caused by welding or by other causes relating to the act of welding, if such burning is not malicious or intentional.
- (b) This order shall not apply to a prescribed burn conducted by burn personnel of a federal or state agency, or an institution of higher education for prescribed burns on agency owned or managed properties, or for purposes of training local fire department personnel or prescribed burn managers.
- (c) This order shall not apply to a prescribed burn conducted for the purposes of research or demonstration by burn personnel of a federal or state agency, or institution of higher education.
- (d) This order shall not apply to burning of vegetative material when such burning is performed by an individual with appropriate training and experience in conducting burns and in accordance with a prescribed burn plan which:
 - i. Addresses the useful nature of such activity as a land and natural resource management tool;
 - ii. Includes appropriate safety and protective measures; and
 - iii. Is submitted to the Kimble County Judge and/or the Kimble County Emergency Management Coordinator (EMC). The Kimble County Judge and/or the Kimble County EMC may promulgate rules and procedures for the submission of such activities, including advance notice requirements.
- (e) This order shall not prohibit other lawful burning as may be permissible by rules established by the Texas Commission on Environmental Quality.
- (f) This order shall not prohibit prescribed burning by a commercial or private prescribed burn manager certified by the Texas Department of Agriculture, or by other individual or entities exempted by Section 352.081 of the Texas Local Government Code.
- (g) This order shall not prohibit the burning of household trash/waste in metal barrels covered with metal screens (1 inch or smaller diameter openings) so long as the barrels are located in an area clear of grass and debris and burning takes place during appropriate weather conditions.

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 without appropriate licensing from the state.

This order prohibiting outdoor burning shall remain in effect for a period of ninety (90) days, and shall expire at the end of said period or upon the date a determination is made by the County Judge, as formally designated by the Kimble County Commissioners Court, that the

circumstances present in the unincorporated areas of Kimble County no longer create a public safety hazard that would be exacerbated by outdoor burning, whichever occurs earlier.

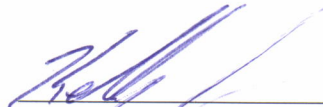
ORDERED this the 12th day of March, 2024.



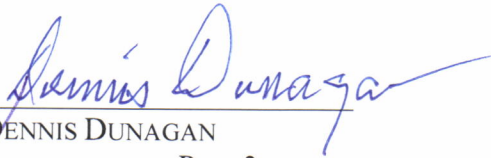
HAL A. ROSE
COUNTY JUDGE



BRAYDEN SCHULZE
COMMISSIONER PCT. 1



KELLY SIMON
COMMISSIONER PCT. 2

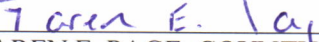


DENNIS DUNAGAN
COMMISSIONER PCT. 3



KENNETH HOFFMAN
COMMISSIONER PCT. 4

ATTEST:



KAREN E. PAGE, COUNTY CLERK

