

COUNTY OF BASTROP

STATE OF TEXAS

## ORDER PROHIBITING OUTDOOR BURNING

**WHEREAS**, Section 352.081 of the Local Government Code provides that the commissioners 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 Bastrop County Commissioners Court does hereby find that circumstances present in the unincorporated area of Bastrop County create a public safety hazard that would be exacerbated by certain outdoor burning; and,

**BE IT THEREFORE ORDERED** that the following emergency regulations are hereby established for portions of the unincorporated areas of Bastrop County, Texas that re 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 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 Local Government Code, a person who intentionally or knowingly 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 shall be issued for: Violation of Burn Ban Order.

**(3) Exceptions:**

This order does not prohibit the following outdoor activities:

- (a) Welding.  
This order shall not apply to the outdoor burning of vegetative material caused welding or by other causes relating to the act of welding, if such burning is not malicious or intentional.

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SEP 27 2021

Rose Pietsch  
Bastrop County Clerk

(b) **Authorized by Texas Commission on Environmental Equality (TCEQ)**

This order does not prohibit outdoor burning activities related to public health and safety that are authorized by the TCEQ for:

- (i) Firefighter training;
- (ii) Public utility, natural gas pipeline, or mining operations;
- (iii) Planting or harvesting of agriculture or crops; or,
- (iv) 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.
- (v) Burns that are conducted by the Texas Parks and Wildlife Department, under training and guidelines of the National Wildlife Coordinating Group (NWCG).

(c) **Food Preparation**

Barbeques using above-ground grills in a safe area clear of debris.

(d) **Air Curtain Incinerator**

The use of an Air Curtain Incinerator under the general operating permit from the TCEQ.

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, which purpose is to be taken into account in any enforcement action based upon this order.

This order prohibiting outdoor burning *shall remain in effect through October 25, 2021*, and shall expire at the end of said period or upon the date the Bastrop County Commissioners Court, by order, determines that the circumstances present in the unincorporated areas of Bastrop County no longer create a public safety hazard that would be exacerbated by outdoor burning, whichever occurs earlier.

Adopted and effective this the 27<sup>th</sup> day of September, 2021, *to take effect at 4:00 P.M., MONDAY, September 27, 2021.*

Absent

Paul Pape  
County Judge

Absent

Mel Hamner  
Commissioner Precinct 1

Mark Meuth

Mark Meuth  
Commissioner Precinct 3

Clara Beckett

Clara Beckett  
Commissioner Precinct 2

Donna Snowden

Donna Snowden  
Commissioner Precinct 4