BRAZOS COUNTY

BRYAN, TEXAS

ORDER 20-020

PROHIBITION OF OUTDOOR BURNING

WHEREAS, in accordance with provisions of the Texas Local Government Code, Chapter 352, a drought condition exists or has existed in Brazos County, Texas as determined by Texas Local Government Code Chapter 352; and,

WHEREAS, the Commissioners Court makes a finding that circumstances present in all or part of the unincorporated area of Brazos County create a public safety hazard that would be exacerbated by outdoor burning.

BE IT THEREFORE ORDERED that the following regulations are hereby established for all unincorporated areas of **Brazos County**, Texas for the duration of the above mentioned declaration;

1. **Action Prohibited**:

   A person violates this order if he or she burns any combustible material outside ofan enclosure serving to contain all flames and/or sparks, or orders such burning by others.

2. **Enforcement**:

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

   B. 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.

   C. 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 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 dispatchers log containing the time, date, and place of the warning, and the name of the person receiving the warning.

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

4. This Order prohibiting Outdoor Burning takes effect on August 18, 2020 and will expire on November 16, 2020 unless terminated earlier by the Commissioners Court or the County Judge. The Commissioners Court hereby designates to the County Judge the authority to terminate this Order in accordance with Local Government Code Section 352.081(c)(2).

5. This prohibition does not apply to prescribed outdoor burning activities related to public health and safety and/or trench-burning related to public health and safety that are authorized by the Texas Commission on Environmental Quality for: (1) firefighting training; (2) public utility; (3) natural gas pipeline or mining operations; (4) planting or harvesting of agriculture crops; or (5) burns that are conducted by a prescribed burn manager certified under Section 153.048 of the Texas Natural Resources Code, and meet the standards of Section 153.047 of the Texas Natural Resources Code.

6. **Exception(s):**

A. Welding

Welding may be allowed under the following guidelines only:

Provide a spotter for each welder, each cutter, each grinder, and for any activity that causes or may cause a spark.

- Maintain a minimum perimeter around the welding area of a radius of 25 feet or three times the height of the actual welding, whichever is greater. (Example: if the welding is occurring ten feet off the ground, a perimeter of thirty (30) feet radium must be protected). The perimeter must be clear of vegetation and kept wet. If the perimeter cannot be cleared of vegetation, proper precautionary measures must be taken (Example: protecting brush, etc, by utilizing fire resistant tarps).

- Maintain a minimum of 100 gallons of water at the site.

- Maintain a minimum of one (**1**) water pressure fire extinguisher per spotter.

- No weldingshall occur if winds are greater than 20 mph or relative humidity is less than 30%.

- Prior to conducting any welding activity, the welder shall give notice to the Brazos County Risk Manager and Brazos County Emergency Services (979-361-3888). The notice may be by phone but shall give the name of the welder conducting the welding operation, the location of the operation, cell phone number of other contact information, and the name of party responsible.

B. Outdoor Cooking

All outdoor cooking or open flame devices are prohibited.

- Unless the cooking device is propane or natural gas and has a complete and full enclosure that it utilizes at all times.

- Unless the cooking device is wood or charcoal and has a complete and full enclosure that is utilized, and all areas around cooking device shall be clear of vegetation and/or combustible materials or debris for a 5' radius.

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 the Justice of the Peace.

APPROVED, this 18 day of August, 2020

Duane Peters, County Judge

Steve Aldrich, Commissioner, Precinct 1

Chuck Konderla Commissioner, Precinct 2

Nancy Berry, Commissioner, Precinct 3

Irma Cauley, Commissioner, Precinct 4