

ORDER NO. 2021-13
OF THE JEFF DAVIS COUNTY COMMISSIONERS COURT FINDING THAT A THREAT TO PUBLIC SAFETY EXISTS,
BANNING OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF JEFF DAVIS COUNTY, CREATING AN
OFFENSE AND PROVIDING A PENALTY.

FINDINGS OF THE COURT:

1. The Court finds that extreme conditions exist throughout Jeff Davis County which create a clear and present danger to public safety, and such conditions will be exacerbated by outdoor burning.
2. The Court finds that all forms of outdoor burning create a hazard and should be banned to the fullest extent allowed by law.

ORDER BANNING OUTDOOR BURNING:

1. IT IS HEREBY ORDERED BY THE COMMISSIONERS COURT that pursuant to Section 352.081, Texas Local Government Code, all outdoor burning is prohibited in the unincorporated areas of Jeff Davis County.
2. The County Judge or the Fire Marshal may grant exceptions to this ban on a case-by-case basis for good cause.

OFFENSE:

1. A person commits an offense if the person intentionally or knowingly violates the provisions of this order.
2. A person commits an offense if the person knowingly permits an employee or contractor under the person's supervision or control to violate the provisions of this order.
3. It is an affirmative defense to prosecution under this Order that the outdoor burning:
 - a. was authorized by state or federal law to be conducted during a burn ban and all provisions of the authorizing act have been strictly complied with;
 - b. was pursuant to an exception granted by the County Judge or the Fire Marshal, and all provisions of the exception have been complied with;
 - c. was conducted in the due course of fighting a fire or fire training by a member of a duly constituted volunteer fire department of this county, a state agency authorized to fight fires, a federal agency authorized to fight fires, or a person acting under the immediate direction and control of such a volunteer fire department, state agency, or federal agency, provided the burning is pursuant to a plan duly approved by the incident commander or his designee;
 - d. was conducted for the purpose of cooking and the fire was contained in an enclosure or other approved container, such as a barbecue pit or grill, and a means of extinguishment was immediately available. This paragraph shall not be construed to allow a fire to be built directly on the ground;
 - e. consisted of welding, cutting, pipefitting, or branding livestock that a designated spotter with a means of extinguishment immediately available was present at all times during the activity, and such activity was not conducted during a red flag warning or critical fire danger alert issued by the National Weather Service; or
 - f. consisted of a campfire, provided that such a fire was built in a rock, earth, concrete, or steel enclosure of sufficient depth to contain the fire, with all flammable material removed from at least a ten (10) foot radius from the campfire, that a means of extinguishment is immediately available at all times, that the campfire is not left unattended at any time until and unless it has been completely extinguished, and that no campfire be built during a red flag warning, high wind watch, high wind warning, or critical fire danger alert issued by the National Weather Service.
4. An offense under this Order is a Class C misdemeanor.