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## ORDER PROHIBITING OUTDOOR BURNING

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**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; and according to the Texas Forest Service, 90% of all wildfires are human-caused;

**IT IS HEREBY ORDERED** that outdoor **burning is prohibited** in the unincorporated areas of the county for ninety (90) days **beginning July 21, 2020**, unless the restrictions are terminated earlier, based on a determination made by this court, the County Judge or County Judge ProTem who may rescind this order upon a determination that the circumstances that require the order no longer exist. This Order is adopted pursuant to Local Government Code §352.081, and other applicable statutes. This Order does not prohibit prescribed fires conducted in compliance with guidelines set forth by federal or state natural resource agencies and burned under a burn plan approved by such agencies, or 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; or
3. Planting or harvesting of agricultural crops; or
4. That are conducted by a prescribed burn manager certified under §153.048 Natural Resources Code, and meets the standards of §153.047, Natural Resources Code.

**IT IS FURTHER ORDERED** that an exemption be hereby granted for a bona fide agricultural land clearing business, allowing said business to burn as long as all other provisions of the Order and applicable laws and ordinances are adhered to as set forth herein, and contact is made and the burning is approved by the Guadalupe County Fire Marshal, at the Guadalupe County Fire Marshal's Office, by telephoning 830-303-8856, and receiving permission, **prior to any outdoor burning**.

**IT IS FURTHER ORDERED** that an exemption, in accordance with items A thru I below, be hereby granted to those businesses where welding is an essential function of the business. Operations that are permitted involve the performance of outdoor combustible operations, including but not limited to, outdoor welding, cutting or grinding operations and outdoor hot works operations, by any person (i) if the Guadalupe County Fire Marshal has issued a permit for the welding or hot works operations in compliance with the Fire Code or (ii) if the operations are performed in compliance with the following requirements creating a controlled environment and safeguards on each day when operations are performed:

- A. Areas where welding, cutting or grinding operations or hot works operations are being performed are free of vegetation for at least twenty-five feet in all directions;
- B. Surfaces around welding or hot works area are wetted down;
- C. Each location where welding, cutting or grinding operations or hot works operations are being performed must have cellular telephone communications for emergency response;
- D. Before beginning any operations, the person performing the welding, cutting or grinding operations or hot works operations must notify the Guadalupe County Fire Marshal.
- E. A dedicated fire watch person attends each welder, cutter, grinder, or worker performing hot works operations or any activity that causes a spark;
- F. At least one (1) water pressure fire extinguisher per fire watch person is located within 10 feet of the location where welding, cutting or grinding operations or hot works operations are being performed;
- G. No welding, cutting or grinding operations or hot works operations is allowed on days designated as red flag warning days by the National Weather Service;
- H. If all welding, cutting and grinding operations or hot works operations are performed only in a total welding or hot works enclosure, or "welding box" or "hot works box", that is sufficiently high to control sparks, including a fire retardant cover over the top, the operations must comply with requirements E, F, and G in this list and is encouraged to comply with requirements A-D inclusive, if feasible and appropriate, and;
- I. If all welding, cutting and grinding operations or hot works operations are performed only in sub-surface, or "bell hole", welding and grinding operations or hot works operations within approved excavations, the operations must comply with requirements E, F, and G in this list and is encouraged to comply with requirements A-D inclusive, if feasible and appropriate.

**IT IS FURTHER ORDERED** that household trash and domestic waste may be burned in an above ground enclosure, such as a burn barrel, if the burning operations are performed in compliance with the following requirements creating a controlled environment and safeguards on each day when burning is performed:

- A. The enclosure must have a metal mesh screen on top that prevents any sparks or embers from exiting the enclosure;
- B. An individual 18 years of age, or older, must be present during all phases of the burning;
- C. Before beginning any burning, the person performing the burn must notify the Guadalupe County Fire Marshal or Guadalupe County Sheriff's Office Dispatch;
- D. A water source for extinguishing the fire must be within 10 feet of the location of the enclosure being burned in;
- E. Surfaces around the enclosure area are wetted down;
- F. No burning is allowed on days designated as red flag warning days by the National Weather Service.

**IT IS FURTHER ORDERED** that the burning of untreated lumber, cardboard, packaging, clothing, grass, leaves and branch trimmings, or other items prohibited by State and Federal law may **not** be conducted at any property.

**IT IS FURTHER ORDERED** that if **any** exemption is provided by the Guadalupe County Fire Marshal, said burning is allowed only from one hour after sunrise until one hour before sunset, when winds are predicted to be between 6 and 23 miles per hour and only after proper preparations have taken place and adequate equipment is on site to contain and control the burn.

**NOW, THEREFORE**, it is 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.

This Order Prohibiting Outdoor Burning shall expire on October 19, 2020, or upon such date as the Guadalupe County Judge or County Judge ProTem rescinds this Order upon a determination that the circumstances that required the order no longer exist, or the Guadalupe County Commissioners Court by Order determines that the circumstances present in the unincorporated areas of Guadalupe County no longer create a public safety hazard that would be exacerbated by outdoor burning, whichever occurs earlier.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, **2020**.

**ATTEST:**

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**Kyle Kutscher**  
**County Judge**

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**Teresa Kiel**  
**County Clerk**