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Item 22

COUNTY BURN BAN ORDER

COUNTY OF WISE
STATE OF TEXAS

ORDER PROHIBITING OUTDOOR BURNING

WHEREAS, Section 352.081 of the 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 Wise County Commissioners Court does hereby find that circumstances present in the unincorporated areas of Wise County create a public safety hazard that would be exacerbated by certain outdoor burning during periods in which the National Weather Service has issued a Red Flag Warning for Wise County and,

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

(1) Actions Prohibited:
A person violates this order if he/she burns, ignites, or causes ignition of any combustible, vegetative, or metal material outdoors, or orders such burning or ignition by others, during periods in which the National Weather Service has issued a Red Flag Warning for Wise County.

(2) Enforcement:

(A) Under notification of suspected outdoor burning, a duly-commissioned peace officer, when available, shall be sent to the scene to investigate the nature of the fire.

(B) In accordance with Section 352.081 of the Local Government Code, a person who knowingly or intentionally violates this order commits a Class C Misdemeanor, punishable by a fine up to $500.

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

(D) If requested by a peace officer, 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.

This order shall not apply to outdoor burning activities specified in Section 352.081(f) of the Local Government Code

Be it also **ORDERED** that the purpose of this order is the mitigation of the public safety hazard posed by wildfires during periods in which the National Weather Service has issued a Red Flag Warning for Wise County, by curtailing the practice of outdoor burning.

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 an earlier date, if there is a determination made by the commissioners court, the county judge, or fire marshal that the circumstances present in the unincorporated areas of Wise County no longer create a public safety hazard that would be exacerbated by outdoor burning.

ORDERED THIS 15 DAY OF September, 2014

WISE COUNTY COMMISSIONERS COURT

County Judge

Commissioner, Pct 1

Commissioner, Pct. 2

Commissioner, Pct. 3

Commissioner, Pct. 4

Sherry Lemon
Ex-Officio Clerk of Commissioners Court
County Clerk, Wise County