Item 30

LEE COUNTY, TEXAS
ORDER NUMBER _____
PROHIBITION OF OUTDOOR BURNING

WHEREAS, in accordance with the provisions of the Texas Disaster Act of 1975, and the Order of the Lee County Commissioners' Court of Lee County, Texas, dated January 28, 1991, a state of disaster has been declared based on the imminent threat of disaster from wild fires; and,

WHEREAS, declaration of such a disaster authorizes the imposition of controls on activities which tend to increase the likelihood of such fires;

BE IT, THEREFORE, ORDERED that the following emergency regulations are hereby established for all unincorporated areas of LEE COUNTY, TEXAS, for the duration of the above-mentioned declaration:

(1) ACTIONS PROHIBITED
A person violates this order if he/she burns any combustible material outside of an enclosure (hereby defined as a container no larger than a 55-gallon barrel that incorporates the use of a screen or wire lid) which serves to contain all flames and/or sparks, or orders such burning by others, or if said enclosed fire is unattended.

(2) ENFORCEMENT
(a) 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.

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

(c) If, in the opinion of the officer on the scene and/or the fire chief, the goal of this order can be attained by informing the responsible party about the prohibitions established by this order, the officer may, at his/her discretion, notify the party about the provisions of this order and request compliance with it. In such instances, an entry of this notification shall be made in the dispatcher's log and a notice containing the date, time, and place of the warning, along with the name of the party receiving the warning, shall be forwarded to the Office of the County Judge of Lee County, Texas.

(d) At the discretion of the officer and/or fire chief, second or flagrant violations of this order may be prosecuted in accordance with the statues and procedures governing misdemeanors.

(3) BURN BAN LIFTED

Lee County Commissioners authorize the County Judge to determine that circumstances present in the unincorporated areas of Lee County no longer create a public safety hazard that would be exacerbated by outdoor burning.

BE IT ALSO ORDERED that this order may be enforced by any duly-commissioned peace officer and that the venue for prosecution of violations of this order will be the County Court of Lee County, Texas.

BE IT ALSO ORDERED that the purpose of this order is the mitigation of the hazard posed by wild fires during the current hot, dry weather by curtailing the practice of the outdoor burning, which purpose is to be taken into account in any enforcement action based upon this order. 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. This Order also does not prohibit burning in fire rings at Nails Creek State Park at the discretion of the Park Rangers.

IN WITNESS WHEREOF, we affix our signatures this 27th day of August A. D. 2018.

Maurice Pitts, Jr.
MAURICE PITTS, JR.
Commissioner, Precinct 1

Charles W. Murray
CHARLES MURRAY
Commissioner, Precinct 2

PAUL E FISCHER
COUNTY JUDGE, LEE COUNTY, TEXAS

ALAN TURNER
Commissioner, Precinct 3

Sharon Blasig
SHARON BLASIG
COUNTY CLERK, LEE COUNTY, TEXAS

STEVEN KNOBLOCH
Commissioner, Precinct 4