

STATE OF TEXAS

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COUNTY OF FORT BEND

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**DECLARATION AND ORDER PROHIBITING
OUTDOOR BURNING IN FORT BEND COUNTY, TEXAS**

WHEREAS, specific climate and environmental conditions now exist in Fort Bend County due to an extreme deficit in precipitation levels; and,

WHEREAS, drought conditions exist, which means the existence of a long-term deficit of moisture creating atypically severe conditions with increased wildfire occurrence as defined by the Texas Forest Service;

WHEREAS, the Section 352.081 of the TEXAS LOCAL GOVERNMENT CODE provides that the Commissioners Court of a county by order may prohibit or restrict outdoor burning in general or of a particular substance in all or part of the unincorporated area of the county if drought conditions have been determined to exist by the Texas Forest Service; and,

WHEREAS, the Texas Forest Service has determined that that drought conditions exist in all of Fort Bend County.

**NOW THEREFORE, BE IT DECLARED BY THE COMMISSIONERS COURT
OF FORT BEND COUNTY:**

Section I.

That pursuant to TEXAS LOCAL GOVERNMENT CODE, §352.081, a prohibition of outdoor burning is declared in and for the unincorporated areas of the County of Fort Bend, Texas.

Section II.

That this local prohibition of outdoor burning shall continue until rescinded or until a determination is made by the Texas Forest Service that drought conditions no longer exist, but in no instance shall it continue for a period of more than ninety (90) days, except with the consent of the Fort Bend County Commissioners Court.

Section III.

That this prohibition does not apply to 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

11-2-10 Orig. ret. to Donna at Co. Judge

TEXAS NATURAL RESOURCES CODE, and meet the standards of Section 153.047 of the TEXAS NATURAL RESOURCES CODE.

Section IV.

IT IS HEREBY ORDERED:

- A. That no person burn or order another to burn any material outside of an enclosure designed to contain and capable of containing all flames, sparks, embers, cinders, and ash produced by said burning. For the purposes of this Order "Person" means any individual, corporation, association or any other organized group of persons, or legal successors or representatives of the foregoing, or any other entity of any kind.
- B. That this Declaration and Order apply to all unincorporated areas of Fort Bend County.
- C. That this Declaration and Order be enforced by a person elected, employed, or appointed as a peace officer under Art. 2.12 TEXAS CODE OF CRIMINAL PROCEDURE.
- D. That violation of this Declaration and/or Order is a Class C misdemeanor punishable by a fine up to \$500.
- E. That this Declaration and Order remain in effect until rescinded, but shall not extend beyond ninety (90) days from the date this Order, unless so ordered by the Commissioners Court of Fort Bend County, Texas.
- F. That this Declaration and Order take effect and be in full force from and after its issuance.
- G. That this Declaration and Order be given prompt and general publicity and be filed promptly with the County Clerk.

IN WITNESS WHEREOF, I affix my signature this 2 day of November, 2010.

FORT BEND COUNTY COMMISSIONERS COURT

By: _____

Robert E. Hebert, County Judge

ATTEST:

Dianne Wilson

Dianne Wilson, County Clerk

