

COUNTY OF BASTROP

STATE OF TEXAS

FILED

JUL 18 2016

3:15 pm

Rose Pietsch
Bastrop County Clerk

**ORDER PROHIBITING
OUTDOOR BURNING**

WHEREAS, the Texas Local Government Code provides that the County Judge of a county, by order, may prohibit outdoor burning in the unincorporated area of the county if the County Judge makes a finding that circumstances present in the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning; and if the County Judge has declared a disaster in accordance with the Texas Disaster Act of 1975, as amended, and

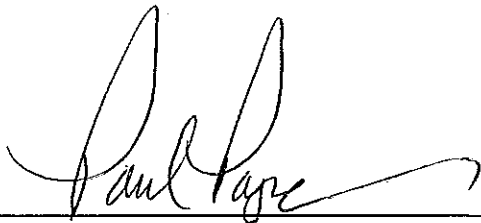
WHEREAS, the Bastrop County Judge does hereby find that circumstances present in the unincorporated areas of Bastrop County create a public safety hazard that would be exacerbated by certain outdoor burning; and,

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

- (1) **Actions Prohibited:**
Except as described hereinafter, a person violates this order if he ignites, or causes ignition of any combustible or vegetative material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning or ignition by others.
- (2) **Enforcement:**
 - (a) Under 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 to extinguish the fire.
 - (b) If requested by a fire official, a duly-commissioned peace officer, when available, shall be sent to the scene to investigate the nature of the fire.
 - (c) 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.
- (3) If the responding peace officer finds that the person responsible for the fire is in violation of (1) above, a citation shall be issued for: Violation of Burn Ban Order.
- (4) This order shall not apply to the outdoor burning of vegetative material caused by welding or by other causes relating to the act of welding, if such burning is not malicious or intentional.
- (5) This order shall not apply to burning of vegetative material when such burning is performed in accordance with a prescribed plan which addresses the useful nature of such activity such as natural resource management and includes appropriate safety and protective measures, and is submitted and approved by the Bastrop County Office of Emergency Management (OEM). The Bastrop County OEM shall promulgate rules and procedures for the submission and approvals of such activities.
- (6) This order shall not prohibit other lawful burning as may be permissible by rules established by the Texas Commission on Environmental Quality.

Be it also **ORDERED** that the purpose of this order is the mitigation of the public safety hazard posed by wildfires during the current dry weather period by curtailing the practice of outdoor burning, which purpose is to be taken into account in any enforcement action based upon this order.

ORDERED THIS 18th DAY OF JULY, 2016

A handwritten signature in cursive script that reads "Paul Pape". The signature is written in black ink and is positioned above a horizontal line.

3:00 p.m.

Paul Pape, Judge of Bastrop County

**Declaration of Disaster
Threat of Wildfires**

WHEREAS, Bastrop County has not had rainfall for an extended period; and

WHEREAS, weather forecasters offer little promise of a change in the dry conditions in the near future; and

WHEREAS, these dry conditions pose the threat of large, dangerous and fast-moving wildfires; and

WHEREAS, such fires have the potential of endangering lives and damaging property on a large scale; and

WHEREAS, the Texas Disaster Act of 1975 authorizes declaration of a state of disaster "if the threat of disaster is imminent"; and

WHEREAS, the magnitude of the potential damage and the rapidity at which such a fire could escalate to major proportions constitute an imminent threat of disaster; and

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

WHEREAS, such controls, once implemented, have the potential of protecting lives and property by mitigating the threat of dangerous fires;

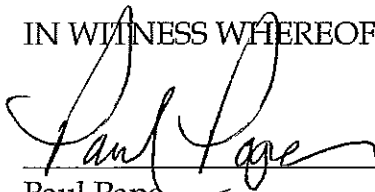
BE IT THEREFORE PROCLAIMED that I, Paul Pape, the County Judge of Bastrop County, do hereby declare a state of disaster based on the threat of large wildfires in Bastrop County, Texas; and

BE IT ALSO PROCLAIMED that this state of disaster will continue until rescinded in accordance with the above statute and order, but in no instance will this declaration continue for more than seven days without authorization by the Bastrop County Commissioners Court; and

BE IT ALSO PROCLAIMED that this state of disaster is being declared solely for the purpose of implementing controls aimed at mitigating the hazard posed by wildfires during the current dry weather; and

BE IT ALSO ORDERED THAT the purpose of this order is the mitigation of the hazard posed by wildfires by curtailing the practice of outdoor burning, which purpose is to be taken into account in any enforcement action based upon this order.

IN WITNESS WHEREOF, I affix my signature this 18th day of July, 2016.


Paul Pape
County Judge

7-18-16 3:00pm