

NOV 13 2023



JOHNSON COUNTY COMMISSIONERS COURT

No Action

Christopher Boedeker
County Judge

Rick Bailey
Commissioner
Precinct 1

Kenny Howell
Commissioner
Precinct 2

Mike White
Commissioner
Precinct 3

Larry Woolley
Commissioner
Precinct 4

THE STATE OF TEXAS

§

ORDER 2023-88

COUNTY OF JOHNSON

§

§

PROHIBITION OF OUTDOOR BURNING

WHEREAS, in accordance with the provisions of Chapter 352 of the Local Government Code, Vernon's Texas Codes Annotated, drought conditions have been determined to exist in Johnson County, Texas, and;

WHEREAS, the Commissioners Court of Johnson County, Texas has found that circumstances present in all of the unincorporated area create a public safety hazard and would be exacerbated by outdoor burning.

IT IS THEREFORE ORDERED that outdoor burning is prohibited for all unincorporated areas in Johnson County, Texas.

1. **Actions Prohibited:**

- (a) A person violates this Order if he/she burns or otherwise dispenses, emits, explodes, detonates, throws off or otherwise delivers any spark or fire to, or in the area of any combustible material, including but not limited to trash, debris, agriculture products, leaves, paper, unless such material is wholly enclosed in a receptacle adequate to contain all such flames and/or sparks.

2. **Exceptions:**

- (a) This Order does not apply to outdoor burn activities:
- (1) related to public health and safety that are authorized by the Texas Commission on Environmental Quality for:
 - (a) firefighter training;
 - (b) public utility, natural gas pipeline, or mining operations; or
 - (c) planting or harvesting of agriculture crops;

- (2) that are conducted by a certified and insured prescribed burn manager certified under Section 153.048, Natural Resources Code, and meet the standards of Section 153.047, Natural Resources Code; or
 - (3) that are conducted by the members of a prescribed burning organization under the conditions provided by Section 153.049, Natural Resources Code, and met the standards of Section 153.047, Natural Resources Code.
- (b) This Order does not apply to the sale or detonation of fireworks.

3. **Enforcement:**

- (a) A person commits an offense if the person knowingly or intentionally violates a prohibition or restriction established by this Order. An offense under this Order is a Class C misdemeanor.
- (b) 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.
- (c) As soon as possible, a duly commissioned peace officer shall be sent to the scene to investigate the nature of the outdoor burning.
- (d) If, in the opinion of the peace officer at the scene and of the Fire Chief, the goal of the order can be attained by informing the person responsible for the outdoor burning about the prohibition of this Order, the peace officer may at his discretion, notify the person about the provisions of this Order and request compliance. In such instances, an entry of this notification shall be made onto the dispatcher log containing the time, date, and place of the warning, and the name of the person receiving the warning.
- (e) At the discretion of a peace officer, violations of this Order may be prosecuted in accordance with the statutes and procedures governing misdemeanors.

4. **Time Period for Prohibition of Outdoor Burning:**

- (a) This Order prohibiting outdoor burning effective immediately and is in effect from November 13, 2023 until February 11, 2024 which does not extend beyond the 90th day after the date this Order was adopted, or until this Order is rescinded by the Commissioners Court. The Commissioners Court has also designated the County Judge the authority to make a determination that this Order may be rescinded.

**GIVEN UNDER OUR HAND AND THE SEAL OF JOHNSON COUNTY THIS
13TH DAY OF NOVEMBER, 2023.**

Christopher Boedeker, Johnson County Judge

Voted: ___ yes, ___ no, ___ abstained

Rick Bailey, Comm. Pct. 1

Voted: ___ yes, ___ no, ___ abstained

Kenny Howell, Comm. Pct. 2

Voted: ___ yes, ___ no, ___ abstained

Mike White, Comm. Pct. 3

Voted: ___ yes, ___ no, ___ abstained

Larry Woolley, Comm. Pct. 4

Voted: ___ yes, ___ no, ___ abstained

ATTEST: April Long, County Clerk