

ORDER-BURNING BAN

WHEREAS, the Texas Forest Service has determined that extreme drought conditions exist in Presidio County, and

WHEREAS, the Commissioners' Court finds that circumstances present in the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning.

IT IS HEREBY ORDERED by the Commissioners' Court of Presidio County that all outdoor burning is prohibited in the unincorporated area of the county for 90 days from the date of adoption of this Order. This Order is adopted pursuant to Local Government Code §352.081 and other applicable statutes. This Order does not prohibit outdoor burning activities related to public health and safety that are (1) preceded by permit in writing by the County Judge or the County Emergency Management Coordinator, or the County Fire Marshall, or (2) authorized by the Texas Commission on Environmental Quality for: (a) firefighter training, (b) public utility, natural gas pipeline or mining operations; (c) planting or harvesting of agricultural crops; or (d) burns that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resources Code and meet the standards of Section 153.047 Natural Resources Code, or (3) any agricultural burn in the Presidio Valley. **HOWEVER, EVEN EXEMPTED BURNS ARE PROHIBITED IF THERE IS A FIRE WEATHER WATCH RED FLAG WARNING ISSUED ON THE NATIONAL WEATHER SERVICE HOTLINE AT <http://www.srh.noaa.gov> FOR WEATHER CONDITIONS IN THE MARFA PLATEAU AND BIG BEND AREAS; AND ALL EXEMPTED BURNS MUST BE PRECEDED BY NOTIFICATION TO THE COUNTY JUDGE OR THE COUNTY EMERGENCY MANAGEMENT COORDINATOR, OR THE COUNTY FIRE MARSHALL WITH SUCH NOTICE TO INCLUDE A DETAILED BURN PLAN.**

(3) Actions Prohibited:

- (a) No person may burn combustible material outside of an enclosure which serves to contain all flames and/or sparks, or order such burning by others.
- (b) No person may drive or park in tall, dead grass.
- (c) No person may smoke without using an ashtray.
- (d) No person may light campfires.
- (e) No person may weld in grassy areas.
- (f) No person may light cooking fires outside of a container elevated from the ground (barbecue pits).

(4) Sale or Use of restricted fireworks in the unincorporated areas of Presidio County:

- (a) No person may sell, detonate, ignite, or in any way use fireworks classified under 49 C.F.R. part 173.100R(2)(10-1-86 edition) as "skyrockets with sticks" and "missiles with fins."
- (b) This order does not prohibit: (1) common fireworks, small in size classified as Class C explosives; (2) large fireworks devices designed primarily to produce visible or audible effects by combustion, deflagration, or detonation and classified as Class B explosives by the U.S. Dept. of Transportation Texas Occupational Code Chapter 2154.
- (c) Added by Commissioners' Court 06/13/2005: Exceptions to 4(b) allows the use of all fireworks at Vizcaino Park near Marfa and a designated Economic Development Area as approved near the City of Presidio.



(5) 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 or extinguish the fire.
- (b) Upon notification of burning or the use of prohibited fireworks, a duly-commissioned peace officer shall be sent to the scene to investigate the nature of the incident.
- (c) If in the opinion of the officer at the scene and/or Fire Chief, the goal of the 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 the notification shall be made into the dispatcher's log containing the time, date, a place of the warning and the name of the person receiving the warning.
- (d) VIOLATION OF THIS ORDER IS A CLASS C MISDEMEANOR, PUNISHABLE BY A FINE NOT TO EXCEED \$500.00.
- (e) THE LAW ALLOWS ANY PERSON TO OBTAIN AN INJUNCTION TO PREVENT THE VIOLATION OF THIS ORDER.

BE IT ALSO ORDERED that this Order may be enforced by any duly-commissioned peace officer and that the venue for prosecution of this Order will be in Presidio County Court and will be in effect until the Texas Forest Service makes a determination that drought conditions no longer exist, the Commissioners' Court finds that a public safety hazard no longer exists, or 90 days from the date of adoption of this Order, whichever comes first.

ORDERED AND ENTERED OF RECORD on this, the 9th day of February, 2016.

Cinderela Guevara
Presidio County Judge Guevara

ATTEST: Virgie Pallares
Virgie Pallares, Presidio County Clerk

Jim White
Jim White, Commissioner Pct.1

Eloy Aranda
Eloy Aranda, Commissioner Pct.2

Lorenzo Hernandez
Lorenzo Hernandez, Commissioner Pct.3



Lorenzo Vasquez
Lorenzo Vasquez, Commissioner Pct.4

Motion to pass this burn ban includes J.W.
requirement that individuals from the JW
Presidio Valley wanting to burn EA
must notify Presidio Fire Chief via EA
phone or email at least one week
ahead of time. Cinderela Guevara