

## DICKENS COUNTY COMMISSIONERS' COURT ORDER

State of Texas

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County of Dickens

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### ORDER RESTRICTING OUTDOOR BURNING

**WHEREAS**, the Commissioners Court finds that circumstances present in all or part of the unincorporated area of the county create a public safety hazard that would be exacerbated by outdoor burning:

**IT IS HEREBY ORDERED** by the Commissioners Court of Dickens County that outdoor burning is restricted in the unincorporated area of the county for 90 days from the date of adoption of this Order, unless the restrictions are terminated earlier based on a determination made by the Texas Forest Service or this Court. This Order is adopted pursuant to local Government Code §352.081, and other applicable statutes. This Order restricts outdoor burning as follows:

1. The use of combustible materials in an outdoor environment by any person is prohibited. Combustible materials include, but are not limited to the use of all fireworks, brush and open campfires and materials used outdoors in activities such as welding and any other activity that could result in a fire.
2. Notwithstanding No. 1 above, outdoor welding shall be allowed under the following circumstances:
  - A. Welding, cutting and grinding associated with welding activities shall not take place when the wind is over 15 miles per hour, water must be readily available at all times.
  - B. All grass, leaves, brush and other easily combustible materials must be cleared within a fifty (50) foot radius surrounding the area where the activity is to take place before any welding, cutting or grinding begins.
  - C. A spotter is required for each welder, each cutter, each grinder, and for any activity that causes or may cause a spark.
  - D. A minimum of 20 gallons of water must be available on site.
3. Outdoor use of above ground cooking grills will be allowed in a safe area clear of debris.
4. Burning of household trash will be allowed if burned in metal barrels and barrels are placed in an area clear of grass and debris. No burning will be allowed if winds are in excess of 15 miles per hour.

The following Tier System will be utilized based on the severity of the drought. If in doubt, please confirm status with your Fire Chief, Emergency Management Coordinator, Dickens County Sheriff's Office or the County Judge's Office. This information can also be found at Dickens County's website: [www.co.dickens.tx.us](http://www.co.dickens.tx.us)

**Tier 1.** This Order does not prohibit outdoor burning activities related to public health and safety that are authorized by the Texas commission on Environmental Quality for: (1) firefighting training; (2) public utility, natural gas pipeline or mining operations; (3) managing fuel loads at the county roll off sight. (4) planting or harvesting of agriculture crops; (5) burns that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resource Code, and meet the standards of Section 153.047, Natural Resource Code. In accordance with the Local Government Code §352.081(h). No prescribed burns will be allowed if sustained winds are forecasted to exceed 15 miles per hour and/or forecasted wind gust over 25 miles per hour the day of the burn.

**Tier 2.** This Order does not prohibit outdoor burning activities related to public health and safety that are authorized by the Texas commission on Environmental Quality for: (1) firefighting training; (2) public utility, natural gas pipeline or mining operations; (3) managing fuel loads at the county roll off site.

The following burns will not be permitted while under tier 2.

1. Burns related to planting or harvesting of agriculture crops.
2. Burns that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resource Code, and meet the standards of Section 153.047, Natural Resource Code. In accordance with the Local Government Code §352.081(h)

This Order does not prohibit outdoor burning activities related to public health and safety that are authorized by the Texas commission on Environmental Quality for: (1) firefighting training; (2) public utility, natural gas pipeline or mining operations; (3) planting or harvesting of agriculture crops; (4) burns that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resource Code, and meet the standards of Section 153.047, Natural Resource Code.

In accordance with the Local Government Code §352.081(h), a violation of this order is a Class C Misdemeanor, punishable by a fine of up to \$500.00.

The County Judge may rescind this order upon a determination that the circumstances that required the Order no longer exist.

**The purpose of this order is the mitigation of the public safety hazard posed by wildfires during the current drought and severe weather conditions by restricting use of combustible materials.**

Approved and so ordered this the 5<sup>th</sup> day of July, 2022.



Kevin Brendle  
Dickens County Judge

**FILED FOR RECORD**  
THIS 5<sup>th</sup> DAY OF July 2022  
AT 8:23 O'CLOCK A M  
**DANAY CARNES**  
COUNTY CLERK, DICKENS CO., TEXAS  
BY [Signature] DEPUTY