

**ORDER PROHIBITING OUTDOOR BURNING
(4/20/2018)**

WHEREAS, Section 352.081 of the Local Government Code provides that the commissioners court of a county by order may prohibit outdoor burning in the unincorporated area of the county if the commissioners court makes a finding that circumstances present in the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning; and

WHEREAS, the Lubbock County Commissioners Court does hereby find that circumstances present in all of the unincorporated area of Lubbock County create a public safety hazard that would be exacerbated by outdoor burning;

NOW, THEREFORE, IT IS ORDERED that outdoor burning is prohibited in all of the unincorporated areas of Lubbock County as follows and shall take effect immediately upon issuance of this order:

- (1) Actions prohibited:
 - (a) A person violates this order if he/she burns any combustible material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning by others.
 - (b) A person violates this order if he/she engages in any activity outdoors which would allow flames or sparks that could result in a fire unless done in an enclosure designed to protect the spread of fire, or orders such activities by others.
- (2) This order does not apply to outdoor burning activities:
 - (a) Related to public health and safety that are authorized by the Texas Commission on Environmental Quality for:
 - (i) Firefighter training;
 - (ii) Public utility, natural gas pipeline, or mining operations; or
 - (iii) Planting or harvesting of agriculture crops.
 - (b) 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
 - (c) That are conducted by the members of a prescribed burning organization under the conditions provided by Section 153.049, Natural Resources Code, and meet the standards of Section 153.047, Natural Resources Code; or

- (d) That involve the performance of **outdoor** combustible operations, including, but not limited to, outdoor welding, outdoor cutting or grinding operations, or outdoor hot works operations, by any person if the operations are performed in compliance with the following requirements creating a controlled environment and safeguards on each day when operations are performed:
- (i) Areas where welding, cutting or grinding operations, or hot works operations are being performed are free of vegetation for at least twenty-five feet in all directions;
 - (ii) Surfaces around welding or hot works area are wetted down;
 - (iii) Each location where welding, cutting or grinding operations, or hot works operations are being performed must have cellular telephone communications for emergency response;
 - (iv) Before beginning any operations, the person performing the welding, cutting or grinding operations, or hot works operations must notify the local fire department or Emergency Services District which serves the location where the welding, cutting or grinding operations, or hot works operations are being planned;
 - (v) A dedicated fire-watch person attends each welder, cutter, grinder, or worker performing hot works operations or any activity that causes a spark;
 - (vi) At least one (1) water pressure fire extinguisher per fire-watch person is located within ten (10) feet of the location where welding, cutting or grinding operations, or hot works operations are being performed;
 - (vii) No welding, cutting or grinding operations, or hot works operations are allowed on days designated as “red flag” warning days by the National Weather Service;
 - (viii) If all welding, cutting or grinding operations, or hot works operations are performed only in a total welding or hot works enclosure, or “welding box” or “hot works box”, that is sufficiently high to control sparks, including a fire retardant cover over the top, the operations must comply with requirements (v), (vi) and (vii) in this list and are encouraged to comply with the requirements (i) through (iv) inclusive, if feasible and appropriate, and
 - (ix) If all welding, cutting or grinding operations, or hot works operations are performed only in sub-surface, or “bell hole”, welding and grinding operations or hot works operations within approved excavations, the operations must comply with requirements (v), (vi) and (vii) in this list and are encouraged to comply with requirements (i) through (iv) inclusive, if

feasible and appropriate.

(3) Enforcement:

- (a) In accordance with Section 352.081 of the Local Government Code, a person commits an offense if the person knowingly or intentionally violates a prohibition established by this order. An offense under this subsection is a Class C misdemeanor, punishable by a fine of up to \$500.00.

BE IT FURTHER ORDERED that this order shall expire after 90 days following the adoption of this order or upon such date as a determination is made by the Lubbock County Commissioners Court that the circumstances present in the unincorporated areas of Lubbock County no longer create a public safety hazard that would be exacerbated by outdoor burning, or as otherwise specified by Section 352.081 of the Local Government Code, whichever occurs earlier.

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 CURTAILING THE USE OF COMBUSTIBLE MATERIALS IN THE UNINCORPORATED AREAS OF LUBBOCK COUNTY, TEXAS.


SO ORDERED THIS 20TH DAY OF APRIL, 2018.


(Not Present)

Tom Head
Lubbock County Judge

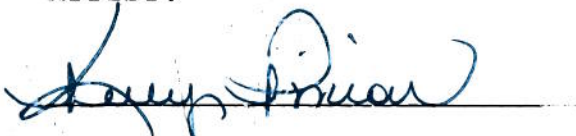

Bill McCay
Commissioner Precinct 1


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Commissioner Precinct 2


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Commissioner Precinct 4
Presiding Officer

ATTEST:


Kelly Pinion

Lubbock County Clerk