

**ORDER OF NAVARRO COUNTY JUDGE
BANNING BURNING IN NAVARRO COUNTY DUE TO IMMINENT THREAT OF WILDFIRES**

January 14, 2022

WHEREAS, Section 352.081 of the Texas Local Government Code provides that the commissioners court of a county by order may prohibit or restrict outdoor burning in the unincorporated area of the county if drought conditions have been determined to exist in all of Navarro County, Texas by the Texas Forest Service; or 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 Navarro County Judge does hereby find that circumstances present in all of the unincorporated area of Navarro 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 Navarro County as follows:

(A) ACTIONS PROHIBITED:

Except as is specifically set out herein, a person violates this order if he 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 all, trash, debris, leaves, trees, paper.

(B) This order does not apply to outdoor burning activities:

1. Domestic wastes that normally result from the function of life within a residence—for example, kitchen garbage, untreated lumber, cardboard boxes, packaging, clothing, grass, leaves, and branch trimmings, may be burned in an enclosure which serves to contain all flames and/or sparks with the following requirements creating a controlled environment and safeguards on each day performed:

(a) Such enclosure is wholly enclosed in a single receptacle adequate to completely contain all such flames and/or sparks.

(b) Begin burning no earlier than one hour after sunrise, end it the same day and no later than one hour before sunset.

(c) A responsible party is present while the burn is active.

(d) Area near burn must be clear of vegetation and/or combustible materials or debris.

(e) Adequate fire suppression equipment in the form of either a properly operating fire extinguisher or water hose attached to a constant supply will suffice for this requirement.

No domestic waste burning is allowed on days designated as Red Flag Warning Days by the National Weather Service. Such things as tires, construction debris, furniture, carpet, electrical wire, and appliances are not considered to be domestic waste and cannot be burned.

2. Outdoor Cooking allowed with the restrictions listed below:

2022 - 8

FILED FOR RECORD
AT 12:43 O'CLOCK P.M.
JAN 14 2022
SHERRY DOWD, County Clerk
NAVARRO COUNTY, TEXAS
BY DS DEPUTY

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(a) The cooking device is propane, natural gas, wood or charcoal and has a complete and full enclosure that is utilized at all times.

(b) The cooking device shall be clear of vegetation and/or combustible materials or debris.

(c) Adequate fire suppression equipment in the form of either a properly operating fire extinguisher or water hose attached to a constant supply will suffice for this requirement.

3. These prohibitions do not apply to the sale or detonation of fireworks.

4. That involves the performance of outdoor combustible operations, including but not limited to, outdoor welding, cutting or grinding 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:

(a) An additional responsible person designated as a fire watcher who remains at all times within 100 feet of any welding, grinding, cutting, or any other activity that emits a spark and who remains on the scene of any such activity for a minimum of 30 minutes after cessation of any outdoor welding, grinding, cutting, or other activity that emits a spark;

(b) Each location where outdoor welding, cutting or grinding operations are being performed must have cellular telephone communications for emergency response;

(c) Adequate fire suppression equipment which must include, at a minimum, either a properly operating 2A-20BC fire extinguisher, kept within 30 feet of any outdoor welding, grinding, cutting, or other activity that emits a spark or a water hose connected to a continuous water source under pressure with sufficient length of hose to reach at least 100 feet beyond any welding, grinding, cutting or activity that emits a spark.

(d) Areas where welding, cutting, grinding operations, or hot work operations are being performed are free of vegetation for at least twenty (20) feet in all directions.

(e) No outdoor welding, cutting or grinding operations is allowed on days designated as Red Flag Warning Days by the National Weather Service.

5. 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;

(c) planting or harvesting of agriculture crops.

6. 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.

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7. Burns authorized by both the Navarro County Office of Emergency Management and the local fire department assigned to provide service to the area in which the burn would take place, then conducted under the direct supervision of that same department.

(C) ENFORCEMENT:

1. Upon notification of suspected outdoor burning, the fire department with jurisdiction for the location of the fire may respond to the scene and may take immediate measures to contain and/or extinguish the fire.

2. As soon as possible, a duly commissioned peace officer may be dispatched to the scene to investigate the nature of the fire.

3. If, in the opinion of the officer on scene, the goal of this order can be obtained by informing the responsible party about the prohibitions established by this order, the officer may, at his or her discretion, request immediate compliance with this order. In such instances, an entry of this notification containing the date, time, and location of the warning shall be logged for review by the County Judge or OEM.

3. 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.

4. This order may be enforced by any duly-commissioned peace officer.

(D) EFFECTIVE DATE:

This order shall take effect immediately.

(E) DURATION:

This order shall remain in effect for 7 days from effective date of this order, or prior to such expiration date if the Navarro County Commissioners' Court by order determines that circumstances present in the unincorporated areas of Navarro County no longer create a public safety hazard that would be exacerbated by outdoor burning, whichever occurs earlier. The Navarro County Commissioners' Court may adopt an additional order that takes effect on the expiration of this order if the Navarro County Commissioners' Court finds at such time that circumstances then present in the unincorporated areas of Navarro County continue to create a public safety hazard that would be exacerbated by outdoor burning.

(F) SEVERABILITY:

If any section, article, paragraph, sentence, clause, phrase or word in this order, or application thereto, or any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this order; and the Commissioners' Court hereby declares it would have passed such remaining portions of the order despite such invalidity, which remaining portions shall remain in force and effect.

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This order is set as of January 14, 2022 by the Navarro County Judge in agreement with the Navarro County Emergency Management Coordinator as the prolonged drought situation has greatly increased the potential for wildfires at this time and thus the risk to public safety. The purpose of this order is to mitigate the public safety hazard posed by wildfires and extreme fire conditions during the current dry weather by curtailing the practices of outdoor activities that may result in a wildfire which purpose is to be taken into account in any enforcement actions based upon this order.

Signed this 14th Day of January, 2022.

A handwritten signature in black ink, appearing to read 'H.M. Davenport, Jr.', with a horizontal line extending to the right across the end of the signature.

H.M. Davenport, Jr.
Navarro County Judge