

STATE OF TEXAS

§

IN THE COMMISSIONERS COURT

§

OF

COUNTY OF FLOYD

§

FLOYD COUNTY, TEXAS

ORDER FOR THE PROHIBITION
OF OUTDOOR BURNING

WHEREAS, in accordance with provisions of Section 352.081 of the Texas Local Government Code, the Floyd County Commissioners Court has found that circumstances present in all or part of the unincorporated area of Floyd County create a public safety hazard that would be exacerbated by outdoor burning; and

WHEREAS, a finding of such public safety hazard authorizes the imposition of controls on activities which tend to increase the likelihood of such fires;

BE IT THEREFORE ORDERED, that the following regulations are hereby established for all unincorporated areas of Floyd County, Texas for the duration of this Order:

(1) Actions Prohibited:

- (a) A person violates this Order if he burns any combustible material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning by others. *Said enclosure to be enclosed on all sides having a cover. The cover is to be of a mesh construction having holes small enough to prevent most debris from escaping the enclosure during burning.*
- (b) *A person violates this order if while burning he does not possess means for extinguishing a fire, including an amount of water or fire extinguisher device that would be reasonable to extinguish a fire that is a foreseeable result of the intended burning.*

(2) Exceptions:

This Order does not apply to outdoor burning activities related to public health and safety that are authorized by the Texas Commission on Environmental Quality for (1) firefighter training, (2) public utility, natural gas pipeline, or mining operations, (3) planting or harvesting of agricultural crops, (4) 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 (5) with prior approval from the Floyd County Judge. The Order also does not apply to any burns that are conducted in accordance with a plan that has been approved by the Prescribed Burning Board, Texas Department of Agriculture.

(3) Enforcement:

- (a) Upon notification of suspected outdoor burning, the local fire department shall respond to the scene and take immediate measures to contain and/or extinguish the fire.
- (b) AS soon as possible, the local Fire Marshal and/or a duly commissioned peace officer shall be sent to the scene to investigate the nature of the fire.

(c) This Order may be enforced in accordance with Section 352.081 of the Texas Local Government Code. An offense based on a violation of this Order is a Class C Misdemeanor, punishable by a fine of up to \$500.00.


(4) **Duration:**

This Order shall expire either at the end of 90 days after the effective date shown on the Order, or upon a determination by the Commissioner Court, either by its own action or through the County Judge as its authorized agent, or that the circumstances referred to herein no longer exist, whichever is earlier.

PASSED AND APPROVED this 30th day of August, 2019.

EFFECTIVE on the 30th day of August, 2019.

EXPIRES without prior action on the 28th day of November, 2019.


Marty Lucke, Floyd County Judge

ATTEST:



Ginger Morgan, Floyd County Clerk

by  deputy

FILED
at 10:00 o'clock A.M.

AUG 30 2019

GINGER MORGAN, COUNTY CLERK
FLOYD COUNTY, TEXAS
BY  DEPUTY