

## MCLENNAN COUNTY BURN BAN ORDER

**WHEREAS**, Section 352.081 of the Texas Local Government Code provides in relevant part:

- (b) On the request of the Commissioners Court of a county, the Texas Forest Service shall determine whether drought conditions exist in all or part of the county. The Texas Forest Service shall make available the measurement index guidelines that determine whether a particular area is in drought condition. Following a determination that drought conditions exist, the Texas Forest Service shall notify the county when drought conditions no longer exist. The Texas Forest Service may accept donations of equipment or funds as necessary to aid the Texas Forest Service in carrying out this section.
- (c) The Commissioners Court of a county by order may prohibit or restrict outdoor burning in general or outdoor burning of a particular substance in all or part of the unincorporated area of the county if:
  - (1) drought conditions have been determined to exist as provided by Subsection (b); or
  - (2) the Commissioners court makes a finding that circumstances present in all or part of the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning; and

**WHEREAS**, high winds create the threat of uncontrolled spread of fire weather of not drought conditions exist; and

**WHEREAS**, high winds create a danger of fast-moving fires and unpredictable changes in the direction of fires which make fighting such fires more difficult and dangerous, and provide less time for persons in the fire's path to get to safety; and

**WHEREAS**, high winds can carry embers significant distances creating the danger of fires in areas beyond where the fire starts.

**NOW, THEREFORE, the COMMISSIONERS COURT of McLENNAN COUNTY, TEXAS:**

- I. **FINDS** that during periods when unincorporated McLennan County or portions thereof are under a **Red Flag Warning** issued by the National Weather Service, there is created a public safety hazard that would be exacerbated by outdoor burning; and
- II. **ORDERS** that outdoor burning is **BANNED** in unincorporated areas of McLennan County during any period where McLennan County or any portion thereof is under a **RED FLAG WARNING** issued by the National Weather Service.
- III. This ban shall not apply to outdoor burning activities specified in Section 352.081(f) of the *Texas Local Government Code*.
- IV. This ban is effective for a period of 90 days from the date of this order. This ban may be extended or re-adopted by the Commissioners Court in the manner provided by law.
- V. If a burn ban is otherwise in effect based on drought or other conditions, the expiration of this order shall not affect that ban; nor shall the issuance of a Red Flag Warning be a pre-requisite for a burn ban based on drought or other conditions.
- VI. In accordance with *Texas Local Government Code* 352.081(h), violation of the burn ban under this Order is an offense (misdemeanor) punishable by a fine not to exceed \$500.00

**ADOPTED** upon motion duly made, seconded, and passed by unanimous vote this the 5<sup>th</sup> day of September, 2023, by the **MCLENNAN COUNTY COMMISSIONERS COURT**.

  
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Scott M. Felton, County Judge

**Attest:**

J.A. "Andy" Harwell, County Clerk  
McLennan County Texas

  
By: Deputy County Clerk