



**ORDER NO. O-07-2022**

**AN ORDER OF THE COUNTY OF ARANSAS, TEXAS, PROHIBITING OUTDOOR BURNING FOR A PERIOD OF UP TO AN ADDITIONAL THIRTY (30) DAYS**

On this 25th day of April, 2022, the Aransas County Commissioners Court convened in a Regular Meeting at 2840 HWY 35 N, Rockport, Texas, 78382, and considered the matter of issuing an Order Prohibiting Outdoor Burning.

**WITNESSETH:**

**WHEREAS**, Section 352.081 (d) of the Texas Local Government Code provides that the Commissioners Court may, by order, prohibit or restrict outdoor burning in the unincorporated areas of the County for up to Ninety (90) days if drought conditions have been determined to exist or if conditions are present in all or part of the unincorporated parts of the County create a public safety hazard that would be exacerbated by outdoor burning<sup>1</sup>; and,

**WHEREAS**, the Commissioners Court heard updated information regarding current conditions in the County; and,

**WHEREAS**, on February 28th, 2022, the Commissioners Court issued Order O-05-2022 Prohibiting Outdoor Burning for a Period of Up to Thirty (30) days; and,

**WHEREAS**, on March 28th, 2022, the Commissioners Court issued Order O-06-2022 Prohibiting Outdoor Burning for An Additional Period of Up to Thirty (30) days; and,

**WHEREAS**, the Commissioners Court of Aransas County, Texas, now finds that unsafe conditions continue to exist within the unincorporated areas of the County that constitute a public safety hazard and the adoption of this Order is necessary.

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF ARANSAS COUNTY, TEXAS:**

**Section 1: Prohibited Activities.** Except as otherwise specifically set forth herein, a person violates this Order if he burns or otherwise dispenses, emits, explodes, detonates, throws off, or otherwise delivers a spark or fire to, or in the area of, any combustible material, including but not

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<sup>1</sup> Tex. Loc. Gov't Code §352.081 (c) (West 2022).

limited to burning trash, debris, yard waste, trees, brush, and paper. **Outdoor cooking and campfires are also prohibited.**

**Section 2: Exceptions: Activities Authorized by TCEQ.** This Order shall not apply to outdoor burning activities that are authorized by the Texas Commission on Environmental Quality (“TCEQ”) for firefighter training; public utility, natural gas pipeline, or mining operations; planting or harvesting of agricultural crops; or burns that are conducted by a certified and insured prescribed burn manager under the Natural Resources Code.<sup>2</sup>

**Section 3: Area of Jurisdiction.** This Order shall apply to the lands within the territorial limits of Aransas County that are outside of the limits of an incorporated city or town, or other political subdivision of the state.

**Section 4: Violations.** A person commits a Class C misdemeanor offense if he knowingly or intentionally violates a prohibition or restriction established by this Order.<sup>3</sup> Such offenses are punishable by a fine up to Five Hundred Dollars (\$500.00).

**Section 5: Effective Date and Duration of Order.** This Order Prohibiting Outdoor Burning shall be in effect immediately as of **12:01 a.m. on the 26th day of April, 2022.** This Order may be ended by Order of the Commissioners Court, or by Order of the County Judge, if it is determined that a public safety hazard no longer exists. In no event shall this Order be in effect for more than thirty (30) days, ending at **12:01 a.m. on the 25th day of May, 2022.**<sup>4</sup>

**Section 6: Enforcement of this Order.** Fire Departments responding to fires within the jurisdiction covered by this Order shall respond to the scene of the fire and take immediate measures to contain and/or extinguish the fire. The Fire Department shall complete all necessary documentation, including reports of illegal burning, and provide it to the Fire Marshal. In addition, this Order may be enforced by a fire chief or any duly-commissioned peace officer.

**Section 7: Injunctive Relief.** Any person is entitled to injunctive relief to prevent the violation or threatened violation of a prohibition or restriction established by this Order.<sup>5</sup>

**Section 8: Publication of Order.** County staff is directed to share this Order on the County’s website at [www.aransascounty.org](http://www.aransascounty.org) and to the news media. Further, this Order shall be reported to the Texas A&M Forest Service at [burnban@tfs.tamu.edu](mailto:burnban@tfs.tamu.edu) to ensure inclusion on the Texas Counties Burn Ban map.

**Section 9: Severability.** If any section, article, paragraph, sentence, phrase, or word in this Order is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remaining portions of this Order and the Commissioners Court hereby declares that it would have adopted this Order even without such invalid portions.

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<sup>2</sup> Tex. Loc. Gov’t Code §352.081 (f) (West 2022).


<sup>3</sup> Tex. Loc. Gov’t Code §352.081 (h) (West 2022).

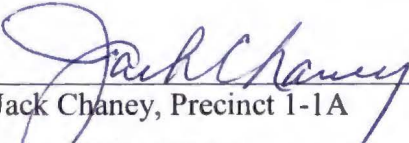
<sup>4</sup> Tex. Loc. Gov’t Code §352.081 (d), (e) (West 2022).

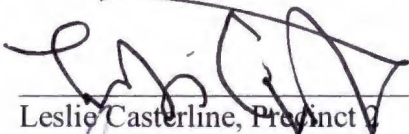
<sup>5</sup> Tex. Loc. Gov’t Code §352.081 (g) (West 2022).

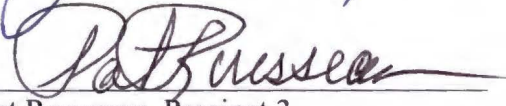
AND IT IS SO ORDERED.


PASSED AND APPROVED THIS 25TH DAY OF APRIL, 2022.

  
C.H. "Burt" Mills, Jr., County Judge


  
Jack Chaney, Precinct 1-1A

  
Leslie Casterline, Precinct 2

  
Pat Rousseau, Precinct 3

  
Wendy Laubach, Precinct 4

ATTEST:

  
Carrie Arrington, County Clerk

