

County of Jim Wells

Margie H. Gonzalez
Commissioner
Precinct 1



Renee Kirchoff Chapa
Commissioner
Precinct 3

Ventura Garcia, Jr.
Commissioner
Precinct 2

Hon. Judge Pedro "Pete" Trevino Jr.
Jim Wells County Courthouse, Ste. 101
200 N. Almond Street
Alice, Texas 78332

Wicho Gonzalez
Commissioner
Precinct 4

ORDER PROHIBITING OUTDOOR BURNING TO INCLUDE PRESCRIBED BURN CRITERIA

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 worsened by outdoor burning; and,

WHEREAS, the Jim Wells County Commissioners Court does hereby find that circumstances present in the unincorporated areas of Jim Wells County create a public safety hazard that would be worsened by certain outdoor burning; and,

WHEREAS, , Section 352.081 of the Local Government Code provides for exemptions from county burn bans for certified and insured prescribed burn managers meeting the requirements of Natural Resources Code, Ch. 153, and the County Commissioners Court believes that additional exceptions are warranted to reduce the likelihood of dangerous and uncontrolled wildfire.

NOW THEREFORE, BE IT ORDERED that the following emergency regulations are hereby established for portions of the unincorporated areas of Jim Wells County, Texas not subject to public ownership for stewardship for the duration of the above mentioned declaration:

(1) Actions Prohibited:

Except as described hereinafter, a person violates this order if he/she ignites, or causes ignition of any combustible or vegetative material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning or ignition by others.

(2) Enforcement:

- (a) Under notification of suspected outdoor burning, the fire department assigned to the location of the fire shall respond to the scene and take immediate measures to contain and to extinguish the fire.
- (b) If requested by the fire official, a duly-commissioned peace officer, when available, shall be sent to the scene to investigate the nature of the fire.

- (c) 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.
- (d) If the responding peace officer finds that the person responsible for the fire is in violation of (1) above, a citation shall be issued for: Violation of Bum Ban Order.

(3) Exceptions:

- (a) This order shall not apply to the outdoor burning of vegetative material caused by welding or by other causes relating to the act of welding, if such burning is not malicious or intentional.
- (b) This order shall not apply to a prescribed bum conducted by bum personnel of a federal or state agency, or an institution of higher education for prescribed bums on agency owned or managed properties, or for purposes of training local fire department personnel or prescribed bum managers.
- (c) This order shall not apply to a prescribed bum conducted for the purpose of research or demonstration by bum personnel of a federal or state agency, or institution of higher education.
- (d) *This order shall allow for agricultural land clearing, and burning of brush and root piles on bare ground with strict attention given to weather conditions before and after the burn. Notice shall be given in advance to the Jim Wells County Sheriff 's Department dispatch and the closest fire department*
- (e) This order shall not apply to burning of vegetative material when such burning is performed by a certified and insured Prescribed Burn Manager with the appropriate training and experience in conducting burns and in accordance with a prescribed burn plan which:
 - i. addresses the useful nature of such activity as a land and natural resource management tool;
 - ii. Includes appropriate safety and protective measures; and
 - iii. Is submitted and approved by the Jim Wells County office of Emergency Management (OEM). The Jim Wells County OEM shall promulgate rules and procedures for the submission and approvals of such activities.

Current Certification and Insurance information as well as the complete burn plan may be emailed to: pedro.trevino@co.jim-wells.tx.us

Or mailed to:

Lance Brown
Jim Wells County OEM
200 N. Almond B-109
Alice, TX 78332

Or hand delivered to:

Lance Brown
Jim Wells County OEM
Jim Wells County Courthouse
Room B-109 (Basement)
Alice, TX 78332
Phone: 361/668-1018-or-Faxed: 361/668-1653

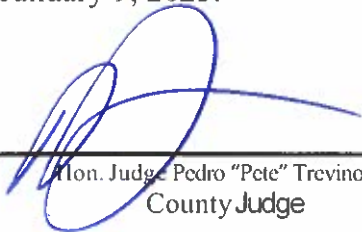
- (f) This order shall not prohibit other lawful burning as may be permissible by rules established by the Texas Commission on Environmental Quality.
- (g) This order shall not prohibit prescribed burning by an insured, commercial or private prescribed burn manager certified by the Texas Department of Agriculture, or by other individual or entities exempted by Section 352.081 of the Local Government Code.

Be it also ORDERED that the purpose of this order is the mitigation of the public safety hazard posed by wildfires during the current dry weather period, by curtailing the practice of outdoor burning without specific approval of the commissioners' court or without appropriate licensing from the state.

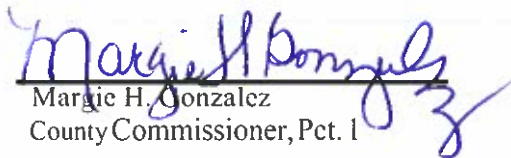
This order prohibiting outdoor burning shall remain in effect for a period of ninety days and shall expire at the end of said period or upon the date the Jim Wells County Commissioners Court, by order, determines that circumstances present in the unincorporated areas of Jim Wells County no longer create a public safety hazard that would be worsened by outdoor burning, whichever occurs earlier.

The County Judge may rescind this order upon recommendation by the Jim Wells County EMC based on a determination that the circumstances that required the Order no longer exist.

ORDERED on this the 9th day of January 9, 2023.



Hon. Judge Pedro "Pete" Trevino, Jr.
County Judge



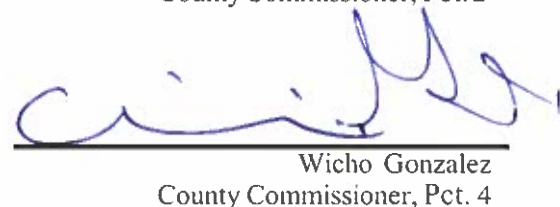
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County Commissioner, Pct. 1



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ATTEST:



J. C. Perez, County Clerk