

**IN THE
POTTER COUNTY COMMISSIONERS COURT
POTTER COUNTY, TEXAS**

ORDER PROHIBITING OUTDOOR FIRES IN POTTER COUNTY, TEXAS

On 01/09/2023, the Potter County Commissioners Court, in open session, made the following findings and approved the following order:

The Court finds that persistent dry and windy weather conditions in Potter County are such that outdoor burning in unincorporated areas of the County would present a public hazard.

IT IS THEREFORE ORDERED pursuant to Texas Local Government Code Section 352.081 that all outdoor burning is prohibited in the unincorporated areas of Potter County for **Ninety (90) days** from and including **01/09/2023 through 04/18/2023**.

The County Judge may rescind this Order upon a finding that the circumstances that required the Order no longer exist.

This Order does not prohibit:

1. Outdoor burning activities 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; or
- (d) Prescribed burns certified under Section 153.048, Texas Natural Resources Code, and meeting the standards of Section 153.047, Texas Natural Resources Code;

2. The burning of domestic waste at a property designed for and used exclusively as a private residence, housing not more than three families, when the waste is generated only from that property; PROVIDED, that such burning shall be conducted in a metal barrier or other approved metal container and covered by a metal screen capable of preventing flames or sparks from escaping from the container; or,

3. A fire used exclusively to provide warmth in cold weather, or a fire used for cooking; PROVIDED, that such burning shall be conducted in a metal barrier or other approved metal container and covered by a metal screen capable of preventing flames or sparks from escaping from the container.

The authority to conduct outdoor burning under this regulation does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this regulation

IT IS FURTHER ORDERED that as provided by Section 352.081 (h), Texas Local Government Code, a person commits an offense if the person knowingly or intentionally violates this order. An offense under this subsection is a Class C misdemeanor.

ATTEST:


Nancy Tanner, Potter County Judge


Julie Smith, Potter County Clerk

