

STATE OF TEXAS
COUNTY OF POTTER

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FILED FOR RECORD
POTTER COUNTY, TEXAS
AT Bill M

MAY 16 2023

AN ORDER OF THE COUNTY JUDGE
OF POTTER COUNTY, TEXAS

ORDER RESCINDING BURN BAN

JULIE SMITH
COUNTY CLERK, POTTER CO.
BY JLS DEPUTY

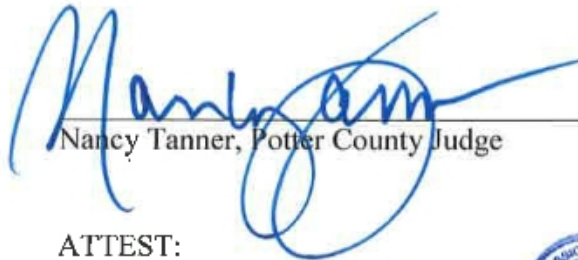
On March 27, 2023 the Potter County Commissioners Court in regular, open meeting acted to authorize the Potter County Judge to execute an order prohibiting outdoor fires in accordance with chapter 352 of the Texas Local Government Code. The Commissioners Court further authorized the Potter County Judge to rescind such order upon finding that conditions no longer exist to warrant such an order. The order was executed and will expire on June 25, 2023. A copy of such order is attached hereto as Exhibit A.

The Potter County Judge, having consulted with Potter County Fire Department Chief, finds that conditions no longer require a prohibition on outdoor burning.

Therefore, the Potter County Judge hereby rescinds the March 27, 2023 order of the Potter County Commissioners Court prohibiting outdoor burning.

IT IS SO ORDERED.

Signed and entered this day, May 16, 2023.



Nancy Tanner, Potter County Judge

ATTEST:



Julie Smith, Potter County Clerk



IN THE
POTTER COUNTY COMMISSIONERS COURT
POTTER COUNTY, TEXAS

ORDER PROHIBITING OUTDOOR FIRES IN POTTER COUNTY, TEXAS

On 03-27-2023, 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 **03-27-2023 through 06-25-2023**.

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