



STATE OF TEXAS

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IN THE COMMISSIONERS COURT

COUNTY OF ARANSAS

OF ARANSAS COUNTY

**ORDER PROHIBITING OUTDOOR BURNING IN THE UNINCORPORATED AREAS  
OF ARANSAS COUNTY FOR A PERIOD OF UP TO NINETY (90) DAYS**

On this 26th day of June, 2023, 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.

**W I T N E S S E T H :**

**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 information regarding current conditions in the County, including the current Keetch-Byram Drought Index maximum of 485 and mean of 393 in Aransas County as of June 22, 2023<sup>2</sup>; and,

**WHEREAS**, the Commissioners Court of Aransas County, Texas, finds that unsafe conditions 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 limited to burning trash, debris, yard waste, trees, brush, and paper.

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

<sup>2</sup> <https://twcgis.tamu.edu/KBDI/>

**Section 2: Exception: Outdoor Burning for Cooking or Heating.** Outdoor burning is allowed when used solely for recreational or ceremonial purposes, or for the noncommercial preparation of food, or exclusively as a means of generating warmth in cold weather. The following restrictions shall apply:

- a. All cooking and heating fires must be clear of vegetation and combustible materials and debris within a ten foot (10') radius; and,
- b. Adequate fire suppression equipment in the form of a fire extinguisher or water house attached to a constant water supply must be immediately available; and,
- c. All cooking devices must be propane, natural gas, wood, or charcoal powered and must have a complete and full enclosure that is utilized at all times; and,
- d. Fires built under this exception may not contain electrical insulation, treated lumber, plastics, construction or demolition materials not made of wood, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, or items containing natural or synthetic rubber; and,
- e. Campfires must be contained within a fire pit or fire ring that are at least thirty-one inches (31") in diameter and at least seven inches (7") high. Wood cannot be piled over the rim of the fire ring. The fire ring must also have a metal screen cover; and,
- f. All cooking fires/heating fires shall not be unattended and shall be completely extinguished before responsible parties leave the site; and,
- e. Outdoor burning for cooking or heating must not cause a nuisance or a traffic hazard.

**Section 3: Exception: Welding and/or Hot Work.** Welding and/or hot work activities are allowed, with the following restrictions:

- a. All areas where welding, cutting, or grinding operations are being performed will be clear of vegetation and combustible materials or debris within a twenty-five foot (25') radius; and,
- b. The surface around the welding/hot work area shall be wetted down; and,
- c. The wind speed must be no more than fifteen (15) miles per hour while welding/hot work is taking place; and,
- d. A dedicated fire watch person will attend and monitor each welder, cutter, grinder, or other activity which causes sparks; and,
- e. A minimum of one hundred (100) gallons of water with a capability to be sprayed is required at any site where welding/hot work activities are taking place; and,



- f. Equipment capable of providing emergency notifications must be on site; and,
- g. At least one (1) member of the work crew will remain on site with water for at least thirty (30) minutes after welding/hot work operations end; and,
- h. Businesses with welding/hot work operations must have current liability insurance; and,
- i. If there is an emergency need for welding/hot work operations and any of the listed restrictions cannot be met, the person conducting the work shall notify the local fire department for the area of the site to request stand-by at the site until thirty (30) minutes after operations end.

**Section 4: Additional 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>3</sup>

**Section 5: 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 6: Violations.** A person commits a Class C misdemeanor offense if he knowingly or intentionally violates a prohibition or restriction established by this Order.<sup>4</sup> Such offenses are punishable by a fine up to **Five Hundred Dollars (\$500.00)**.

**Section 7: Effective Date and Duration of Order.** This Order Prohibiting Outdoor Burning shall be in effect immediately as of **12:01 a.m. on the 27th day of June, 2023**. 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 Ninety (90) days, ending at **11:59 p.m. on the 24th day of September, 2023**.<sup>5</sup>

**Section 8: 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 9: 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>6</sup>

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

<sup>4</sup> Tex. Loc. Gov't Code §352.081 (h) (West 2022).

<sup>5</sup> Tex. Loc. Gov't Code §352.081 (d), (e) (West 2022).


<sup>6</sup> Tex. Loc. Gov't Code §352.081 (g) (West 2022).


**Section 10: 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 11: 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.

**AND IT IS SO ORDERED ON THIS 26th DAY OF JUNE, 2023.**

  
Ray A. Garza, County Judge

  
Jack Chaney, Precinct 1-1A

  
Leslie Casterline, Precinct 2

  
Pat Rousseau, Precinct 3

  
Bob Dupnik, Precinct 4



  
Misty Kimbrough, County Clerk

