**State of Texas** *
*
**County of Comal** *

**ORDER NO. _____**

**WHEREAS**, the Commissioners Court of Comal County finds that "circumstances present in all or part of the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning," as more fully described in the minutes of Commissioners Court. TEX. LOC. GOV. CODE §352.081(c)(2); and
**WHEREAS**, the Comal County Fire Marshal and the Texas Forest Service has determined, through review of the Keetch-Byram Drought Index, that drought conditions currently exist and that the KBDI exceeds **_____** as of **_____, 2016.**

**IT IS HEREBY ORDERED** by Commissioners Court of Comal County the following:

(1). All outdoor burning is prohibited in the unincorporated area of Comal county for 90 days from the date of adoption of this Order, unless the restrictions are terminated earlier based upon a determination made by the Texas Forest Service or this Court.

(2) This Order is hereby adopted pursuant to the authority granted in Local Government Code §352.081 and other applicable statutes.

(3) This Order does not apply to outdoor burning activities:

(a)Related to public health and safety that are authorized by the Texas Commission on Environmental Quality for:

i. firefighter training;

ii public utility, natural gas pipeline, or mining operations; or

iii. planting or harvesting of agricultural crops; or

(b) Burns that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resources Code, and meet the standards of Section 153.047, Natural Resources Code." TEX. LOC. GOV. CODE §352.081(f); or

(c) If a person obtains a written permit by the County Fire Marshal.

(4) A person commits an offense if the person knowingly or intentionally violates a prohibition or restriction established by this order. An offense under this section is a Class C misdemeanor punishable by a fine of not to exceed $500.00.

**IT IS FURTHER ORDERED** that the Commissioners Court of Comal County hereby authorizes that Comal County Judge to lift this Order prohibiting outdoor burning in the unincorporated areas of Comal County after a determination has been made by the Texas Forest Service supported by the Comal County Fire Marshal that such drought conditions no longer exist in Comal County. This order shall expire on the 90th day after the date this order is adopted, unless lifted by the County Judge as hereby authorized by the Commissioner Court of Comal County.

**Effective _____, 2016 at _____.**

**ADOPTED** this **July 14th, 2016** by a vote of **____** ayes and **____** nays.

_____
Sherman Krause, County Judge

_____ _____
Donna Eccleston, Commissioner Pct 1 Scott Haag, Commissioner Pct 2

_____ _____
Kevin Webb, Commissioner Pct 3 Jen Crownover, Commissioner Pct 4

Attest: _____
Bobbie Koepp, County Clerk

DRAFT
COMAL COUNTY
TEXAS