



STATE OF TEXAS §

COUNTY OF COMAL §

Order No. 279

ORDER REGARDING RESTRICTED USE OF COMBUSTIBLE MATERIALS

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 688 as of September 22nd, 2011.

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

- (1) The exercise and use of outdoor welding and/or other activities utilizing explosives or combustible materials is prohibited unless prior approval of a fire safety plan for the said welding or other activities is obtained from the Comal County Fire Marshal prior to engaging in such activity. Said fire safety plan may include, but is not limited to the following fire safety measures: saturation of the surrounding ground area with adequate moisture; utilization of adequate personnel to observe and handle the resulting effects from the use of explosive or combustible material; preparation of the ground area to prevent and remove large amounts of cured grass; and fire suppression devices. The Fire Marshall shall have the final determination as to the necessary fire safety measures for the said welding or other activities.
- (2) The exercise of outdoor cooking with open flame is prohibited unless using a barbeque pit or similar device, which is manufactured with a lid that when closed will contain all open flame. Said barbeque pit or similar device must be used only for cooking purposes. Any other similar outdoor cooking device with an open flame requires a safety plan issued by the County Fire Marshal’s Office. The following fire safety measure should be implemented for outdoor cooking with

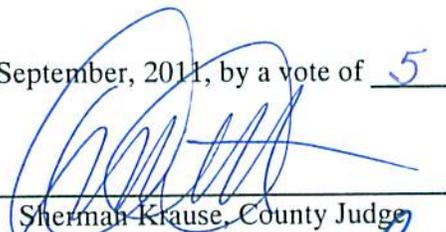
open flame, including, but not limited to: saturation of the surrounding ground area with adequate moisture; constant supervision and observation of the barbeque pit or similar device; and fire suppression devices.

- (3) This order does not prohibit outdoor burning activities related to public health and safety that are authorized by the Texas Commission on Environmental Quality for: (1) firefighter training; (2) public utility, natural gas pipeline or mining operations; (3) planting or harvesting of agricultural crops; or (4) 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.
- (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 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 restricting the use of combustible materials 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 THURSDAY, SEPT. 22, 2011 at 9:15 a.m.

ADOPTED this 22nd day of September, 2011, by a vote of 5 ayes and 0 nays.


Sherman Krause, County Judge


Donna Eccleston, Commissioner Pct 1


Scott Haag, Commissioner Pct 2


Gregory Parker, Commissioner Pct 3


Jan Kennedy, Commissioner Pct 4



Attest:


Joy Streater, County Clerk


Cynthia Jozua,
Deputy