

**COMMISSIONERS COURT ORDER  
PROHIBITION OF OUTDOOR BURNING**

WHEREAS, in accordance with provisions of the Texas Disaster Act of 1975, a state disaster has been based on the imminent threat of disaster from wildfire; and

WHEREAS, declaration of such disaster authorized the imposition of controls on activities which tend to increase the likelihood of such fires:

BE IT THEREFORE ORDERED that the following emergency regulations are hereby established for all unincorporated areas of Polk County, Texas for the duration of the above mentioned declaration;

1. Actions Prohibited:

A person violates this order if he or she burns any combustible material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning by others.

2. Enforcement:

A. Upon notification of suspected outdoor burning, the fire department assigned to the location of the fire shall respond to the scene and take immediate measures to contain and/or extinguish the fire.

B. As soon as possible, a duly commissioned peace officer shall be sent to the scene to investigate the nature of the fire.

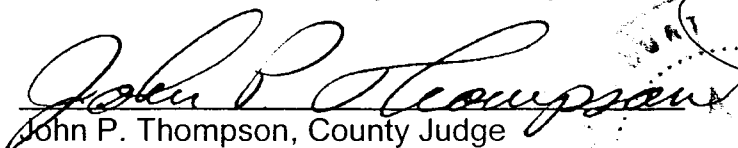
C. If in the opinion of the officer at the scene and/or the fire chief, the goal of the order can be attained by informing the responsible party about the prohibitions established by this order, the officer may, at his discretion, notify the party about the provisions of this order and request compliance with it. In such instances, an entry of the notification shall be made into the dispatchers log containing the time, date, and place of the warning, and the name of the person receiving the warning.


3. At the discretion of the peace officer or the fire chief, second or flagrant violations of this order may be prosecuted in accordance with the statutes and procedures governing misdemeanors.

BE IT ALSO ORDERED that this order may be enforced by any duly commissioned peace officer and that the venue for prosecution of this order will be the Justice of the Peace.

APPROVED, this 10<sup>th</sup> day of February, 2009.

ATTEST:

  
John P. Thompson, County Judge

  
Barbara Middleton, County Clerk

