

# BURN BAN



## **DISASTER DECLARATION MADISON COUNTY ORDER RESTRICTING OUTDOOR BURNING**

**WHEREAS**, Madison County has not had significant rainfall for an extended period of time, creating hot, dry, and sometimes windy conditions, resulting in a Keetch-Byran Drought Index between 500-600; and

**WHEREAS**, these conditions pose a threat of large, dangerous and fast moving wild land fires;

**WHEREAS**, such fires have the potential of endangering lives and of large scale property damage; and

**WHEREAS**, the Texas Government Code Chapter 418 gives the County Judge the power to declare a local disaster within the county "if the threat of disaster is imminent",

**NOW THEREFORE, IN ACCORDANCE WITH THE AUTHORITY VESTED IN THE COUNTY JUDGE BY SECTION 418.108 AND 418.014 OF THE TEXAS GOVERNMENT CODE, I, CLARK OSBORNE, COUNTY JUDGE OF MADISON COUNTY, TEXAS, DO HEREBY PROCLAIM THE EXISTENCE OF SUCH DISASTER AND DIRECT THAT ALL NECESSARY MEASURES BOTH PUBLIC AND PRIVATE AS AUTHORIZED BY THE LAWS OF THE STATE OF TEXAS BE IMPLEMENTED TO MEET THAT DISASTER:**

1. Pursuant to Section 418.108 (b) of the Government Code, this Declaration of a local state of disaster shall continue for so long as such conditions exist with the exception granted to fireworks unless ratified and extended by the Governor of the State of Texas.
2. Pursuant to Section 418.108 (c) of the Government Code, this Declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Madison County.
3. Pursuant to Section 418.108(d) of the Government Code, this Declaration of a local state of disaster activates the Madison County Emergency Management Plan.
4. The purpose of this order is the mitigation of the hazard posed by wild land fires by curtailing the practice of outdoor burning, and prohibiting the sale or use of fireworks in the County.

**BE IT THEREFORE ORDERED** that the following emergency regulations are hereby established for all areas of Madison County, Texas, for the duration of the Declaration;

**(1) ACTIONS PROHIBITED:**

- (a) All outdoor burning of any combustible material is prohibited. A person violates this Order if he burns any combustible material or orders such burning by others. This Order does not prohibit cooking stoves fueled by "white gasoline" or outdoor cooking grills fueled by

propane or natural gas. This Order does not prohibit outdoor cooking events that are continuously monitored or overseen by fire department personnel and equipment capable of extinguishing any fire that may result from such activities.

(b) The sale and use of all fireworks.

(c) Outdoor welding is prohibited except under the following guidelines:

1. A spotter is required for each welder, each cutter, and each grinder and for any activity that causes or may cause a spark.
2. A diameter around the welding area shall be a minimum of 25 feet and clear vegetation, if possible and kept wet.
3. A minimum of one (1) water pressure fire extinguisher per spotter is required and one spare.

Each extinguisher should be at least 2 ½ gallons.

4. Each welding rig must have a Class B Chemical Fire Extinguisher, minimum 10 lbs.
5. If the work area cannot be cleared of vegetation proper precautionary measures must be taken.

Example: protecting brush, etc., by utilizing fire resistant tarps.

6. No welding is permitted if winds are 20 mph or greater.
7. Prior to ANY outdoor welding activity a phone call shall be placed by the welder or company conducting welding operations, to the Madison County Sheriff's Department (936-348-2755) relaying the location of the project, cell phone number for the contact person, name of party responsible, and name of welder.

**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 Court, Madison County, Texas.

This Declaration and Order shall take effect immediately from and after its issuance and continue for seven days unless extended by action of Commissioners Court or until the conditions requiring this Declaration and Order are over, with the exception granted to fireworks under Section 418.108 (i) of the Government Code unless ratified and extended by the Governor of the State of Texas.

DECLARED AND ORDERED THIS THE 14TH DAY OF JULY, 2023.



Honorable Clark Osborne,  
Madison County Judge

Attest:



Adrian Lawson  
Madison County Clerk

