



First Amended Order Prohibiting Outdoor Burning for Smith County, Texas

WHEREAS, on the 12th day of July, 2011, the County Judge of Smith County issued a declaration declaring a disaster for Smith County resulting from current drought conditions that exist in all of Smith County; and

WHEREAS, the conditions necessitating declaration of a state of disaster continue to exist;

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

1) Actions Prohibited:

- a) All outdoor burning of any combustible material is prohibited, including, but not limited to, fireworks, discarded cigars/cigarettes, or other flammable material used in activities such as welding and any other activity that could result in a wildfire. A person violates this order if he/she burns any combustible material or orders such burning by others. This order does not prohibit outdoor cooking grills with a fully contained cover that are fueled by propane or natural gas. Furthermore, this order does not prohibit the use of vessels specifically designed for preparation of food that have fully contained combustion chambers which contain all open flames and flammable material and are continuously monitored. Still further, this order does not prohibit outdoor cooking or community events that are continuously monitored and overseen by fire department personnel and equipment capable of extinguishing any fire that may result from such activities.
- b) The use of all fireworks.
- c) Welding activities that are not in compliance with the following:
 1. A spotter is required for each welder, each cutter, 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 of vegetation, if possible, and kept wet. The welding perimeter must be three times the heights of the actual welding. Example: if the welding is occurring ten feet above the ground, a perimeter of thirty (30) feet must be protected.
 3. A minimum of 10 gallons of water must be available on site.
 4. 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.

5. Each welding rig must have a Class B Chemical Fire Extinguisher, minimum 10lbs.
 6. If the work area cannot be cleared of vegetation proper precautionary measures must be taken. Example: protecting brush, etc., by utilizing fire resistant tarps.
 7. Welding in an enclosed area is acceptable.
- d) No welding is permitted if winds are 20 mph or greater.
 - e) Prior to ANY outdoor welding activity a phone call shall be placed by the welder, or company conducting welding operations, to the Smith County Fire Marshal's Office (903-566-6600) relaying the location of the project, cell phone number for the contact person, name of party responsible, and name of welder.

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 Marshal the goals of this 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 and/or Fire Marshal, violations of this order may be prosecuted in accordance with the Smith County Emergency Management Plan or other applicable laws.

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 generally be the Justice of the Peace Court, Smith County, Texas, or as otherwise provided by law.

This Order shall take effect immediately from and after its issuance and continue for a period of seven (7) days unless extended by the Smith County Commissioners' Court under Section 418.108 of the Government Code and unless ratified and extended by the Governor of the State of Texas.

FIRST AMENDED ORDER DECLARED AND ORDERED THIS THE 15th day of July, 2011.



County Judge