

Clay County Burn Ban Exemptions and Restrictions

Attorney General of Texas **Opinion No. GA-0930** issued May 14, 2012:

Summary: Pursuant to Local Government Code subsection #352.081, the legislature has generally authorized commissioners court to adopt a burn ban, including restrictions, limitations, or exemptions on a burn ban issued under that section.

Local government code 352.081 authorizes:

- A) Fire Fighter Training
- B) Public utility, natural gas pipeline, or mining operations
- C) Planting or harvesting of agriculture crops
- D) Burning conducted by a prescribed burn manager Certified under Section 153.048 of the Natural Resources Code

Burn Ban Exemptions, limitations and guidelines:

- A) Agriculture burning of brush, brush piles, or fields is authorized if:
 - i) There is at least a sixty (60') foot perimeter plowed, or cleared where burning is not possible, and wind speed less than twenty (20) mph.
 - ii) The land owner has notified the Sheriff department of their intention to have a controlled burn.
 - iii) A fire department has at least one fire truck on the location of the intended burn area.
- B) Welding, if there is a spotter on location with a water sprayer with at least one hundred (100) gallons of water.
- C) Outdoor cooking if the grill or cooker has a covered top and the grill is located on a vegetation free area.