

STATE OF TEXAS

COUNTY OF MILLS

**ORDER PROHIBITING OUTDOOR BURNING
AND CERTAIN FIREWORKS**

WHEREAS, the Commissioners' Court finds that circumstances present in all of the unincorporated area of the county create a public safety hazard that would be exacerbated by outdoor burning.

IT IS HEREBY ORDERED by the Commissioners' Court of Mills County that all outdoor burning is prohibited in the unincorporated area of the county for 90 days from the date of adoption of this Order, unless the restrictions are terminated based on a determination made by the Texas Forest Service or this Court. This Order is adopted pursuant to Local Government Code §352.081, and other applicable statutes. This Order does not prohibit outdoor burning activities related to public health and safety that are authorized by the Texas Natural Resources Commission 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. Further, this order does not prohibit burning in a burn barrel provided said barrel is equipped with a screen cover with spacings no larger than (1) square inch.

Because of the extreme conditions, it is further ORDERED by the Commissioners' Court of Mills County that:

- A. Welding and other hot work will be only allowed under the following conditions:
1. A spotter is required for each welder;
 2. The perimeter, defined as all sides of the welding are, shall be clear of vegetation if possible and continued to be kept wet. The perimeter shall be at least 25 feet in all directions;
 3. A minimum of 100 gallons of water must be available on site;
 4. A minimum of one water pressure fire extinguisher per spotter is required;
 5. Wind speeds must be no greater than 15 M.P.H. to weld;
 6. Welding in an enclosed area is acceptable; and
 7. Each site will have cellular telephone communications for emergency response.

Under existing conditions, the Commissioners' Court of Mills County, Texas adopts this Order prohibiting the sale or use of restricted fireworks in the unincorporated areas of Mills County.

Accordingly, no person may sell, detonate, ignite, or in any way use fireworks classified under 49 C.F.R. part 73.100(r)(2) , as "skyrockets with sticks" and "missiles with fins" in any portion of the unincorporated areas of Mills County, Texas.

This Order does not prohibit:

1. common fireworks, small in size classified as Class C explosives;
2. large fireworks devices designed primarily to produce visible or audible effects by the combustion, deflagration, or detonation and classified as Class B explosives by the U.S. Dept. of Transportation (Tex. Occ. Code, Ch. 2154).

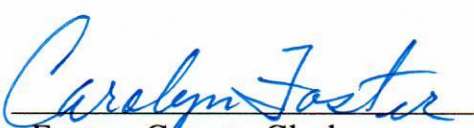
In accordance with Local Government Code # 352.081(h), a violation of this Order is a Class C misdemeanor, punishable by a fine not to exceed \$500.00.

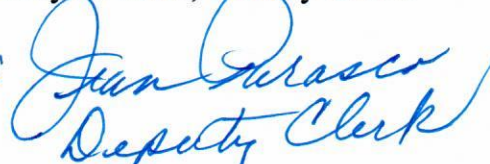
Finally, it is ORDERED by the Commissioners' Court of Mills County that should circumstances warrant, as determined by the County Judge, a Fire Chief and one other Commissioner, this order may be rescinded, either temporarily or permanently, without a vote of the full Commissioners' Court.

ADOPTED this 10th day of December, 2018, by unanimous vote of the Commissioners' Court of Mills County. To be effective at 8:00 a.m., December 11, 2018.



Kirkland A. Fulk, County Judge

Attest: 
Carolyn Foster, County Clerk

by: 
Deputy Clerk

