

Outdoor Burning Rules, Regulations and Guidance

A person's right to burn outdoors is not absolute

Outdoor Burning

Outdoor burning in Texas is subject to many possible limitations. Local ordinances, governmental entities, and air quality control regulations may restrict when, where, how and if individuals and organizations can conduct outdoor burning.

In addition, Texas criminal statutes specify penalties that pertain to escaped control fires and deliberately set wildland fires. Persons responsible for escaped control or arson wildfires may also be faced with civil suits for damages caused by these fires.

Numerous entities, including the National Weather Service and the Texas Forest Service, may issue advisories, watches or warnings, when weather and fuel conditions increase the risk of escaped fires and/or the severity of wildfires. Public cooperation during the dangerous wildfire conditions is essential to prevent needless wildfires and the losses they may cause.

Local Ordinances

Some municipalities have enacted local ordinances that prohibit or restrict outdoor fires within their corporate limits. Residents should always check with municipal officials about possible limitations on outdoor burning, so they do not unintentionally violate an existing ordinance.

Governmental Entities

Under conditions of extreme fire danger, governmental units may issue a ban on outdoor burning to help prevent possibly disastrous wildfires from occurring.

A county judge and county commissioners court may issue a ban on outdoor burning that is applicable to unincorporated portions of the county. (The Texas Forest Service does not issue burn bans).

County officials may cite the Texas Disaster Act of 1975 (Chapter 418 Emergency Management) or HB 2620 Outdoor Burning (Chapter 352, Subchapter D, Local Government Code) as the basis for the county's ban.



Prior to 1999, most burning bans were based on the Disaster Act, which required a disaster declaration noting a present or imminent threat of natural disaster. In the case of a county, the county judge may issue a burning ban (or other emergency measures) for a period of seven days. Continuation of the burning ban longer than seven days is contingent on a vote of the county commissioners court to extend the ban. Violators of a burn ban under this legislation would be cited for failure

to comply with the Emergency Management Plan. The plan may prescribe a punishment for the offense of a fine up to \$1,000 or confinement in jail for a term up to 180 days.

In 1999 the Texas Legislature enacted HB 2620, which specifically addressed outdoor burning. This act authorizes counties to prohibit or restrict outdoor burning and provides a criminal penalty for noncompliance. Under this act, the commissioners court of a county by order may prohibit or restrict outdoor burning in general or in all or part of an unincorporated area of the county. An order must specify the period during which outdoor burning is prohibited or restricted, up to a maximum of 90 days. To continue the ban, the commissioners court may adopt an order that takes effect on the expiration of the previous order.

A person commits an offense if the person knowingly or intentionally violates the outdoor burning prohibition or restriction. An offense is a Class C misdemeanor, which is punishable by a fine up to \$500.

HB 2620 does not apply to outdoor burning activities (1) related to public health and safety that are authorized by the Texas Natural Resource Conservation Commission (Texas Commission on Environmental Quality) for: (A) firefighter training; (B) public utility, natural gas pipeline, or mining operations; or (C) planting or harvesting of agriculture crops; or (2) 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.