

**CITY OF LINDSAY**



**DECLARATION OF EMERGENCY CITY BURN BAN**

**WHEREAS**, the North Texas area has experienced 23 days of 100 degree weather since June 1, 2023; and

**WHEREAS**, rainfall in the North Texas area has generally measured only 0.87” in June 2023 and 0.47” in July 2023; and

**WHEREAS**, these conditions have led to an increased risk of fire that threatens public and private property and threatens the public health safety and welfare in the City of Lindsay, Texas; and

**WHEREAS**, pursuant to Section 342,003(a)(13), Texas Local Government Code, the City has authorized the Mayor to issue an Emergency City Burn Ban when necessary to protect the public health, safety and welfare and to preserve public and private property; and

**NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF LINDSAY, TEXAS:**

1. That pursuant to Section 92.18 of the Code of Lindsay, an Emergency City Burn Ban (“Ban”) is hereby issued and effective as of the date of this Declaration of Emergency City Burn Ban (“Declaration”).
2. That all outdoor burning is banned in the City limits and the extraterritorial limits of the City commencing at 8:00 a.m. on August 2, 2023 until August 16, 2023, at 8:00 a.m.
3. That notwithstanding paragraph 2, the following outdoor burning activities are not prohibited by this Declaration:
  - Outdoor cooking with the following restrictions:
    - The cooking device is propane, natural gas, wood or charcoal and has a complete and full enclosure that is utilized at all times;
    - The cooking device shall be clear of vegetation and combustible materials or debris for a 10 foot radius; and
    - Adequate fire suppression equipment in the form of either a fire extinguisher or water hose attached to a constant water supply that is immediately available.
  - Activities related to public health and safety that are authorized by the Texas Natural Resources Commission for:
    - Firefighting training;
    - Public utility, natural gas pipeline or mining operations;
    - Planting or harvesting of agricultural crops; or

- Burns that are conducted by a prescribed manager certified under Section 153.048, Natural Resources Code, and meet the standards of Section 153.047, Texas Natural Resources Code.
- Welding and/or hot work when done in accordance with the following restrictions:
  - All areas where welding, cutting, or grinding operations are being performed will be free of vegetation and combustible materials or debris for at least twenty-five (25) feet in all directions;
  - Surface around welding area will be wetted down;
  - Wind speeds must be no more than 15 miles per hour while performing welding, cutting, or grinding operations;
  - A dedicated fire watch person will attend and monitor each welder, cutter, grinder or any activity which causes sparks;
  - A minimum of 100 gallons of water with a capability to be sprayed will be required at any site where above mentioned activities take place;
  - Each site will have communications capability on site to provide emergency notifications;
  - At least one member of the work crew will remain on scene, with water stand by, for 30 minutes after operations are completed to ensure no danger exists; and
  - If an emergency arises where these activities must be performed and above conditions cannot be met then the person conducting work shall notify the fire department for that area to request stand-by at the scene until actions are complete plus 30 minutes.
- 4. That it shall be unlawful for any person in the City limits or the extraterritorial limits of the City to perform any action in violation of the terms, conditions or restrictions of this declaration and such a violation shall be punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00).
- 5. That this Declaration may be enforced by any duly-commissioned peace officer or fire chief, and that the venue for prosecution of a violation of this Declaration shall be in the Municipal Court of the City of Lindsay, Texas.
- 6. That this Ban shall continue for a period of fourteen (14) days or until acted upon by the City Council to rescind or continue this Ban.
- 7. That if the City Council does not take action on this Ban, it will expire fourteen (14) days after it is effective.
- 8. That this Declaration shall take effect immediately from and after its issuance.

**Adopted this 2<sup>nd</sup> day of August, 2023**

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Date: 2023.08.02  
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Scott Neu  
Mayor