

By: Springer

H.B. No. 1837

A BILL TO BE ENTITLED

AN ACT

relating to the authority of counties to require a person to notify a local governmental entity before starting an outdoor fire; creating a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 352, Local Government Code, is amended by adding Section 352.083 to read as follows:

Sec. 352.083. NOTIFICATION OF OUTDOOR BURNING. (a) This section does not apply to a person who obtains a permit for outdoor burning before starting an outdoor fire in the county from a local governmental entity with authority to provide fire protection services in the area. A local governmental entity that issues a permit described by this subsection must notify the local governmental entity described by Subsection (b) that the permit was issued.

(b) The commissioners court of a county by order may require a person to notify a local governmental entity, as specified by the commissioners court, before starting an outdoor fire in the county. This subsection does not authorize a commissioners court to require a person to take any action other than to provide a single notice to the appropriate local governmental entity. In this section, "outdoor fire" does not include:

(1) a campfire started at a campsite;

(2) a fire used to cook food on a grill or in a pit;

1           (3) a fire started in an enclosed outdoor fireplace or  
2 oven, including a chimenea; or

3           (4) a fire used to burn trash in an enclosed container.

4           (c) A person commits an offense if the person knowingly or  
5 intentionally violates an order adopted under Subsection (a). An  
6 offense under this subsection is a Class C misdemeanor.

7           SECTION 2. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2017.