



ORDER NO. O-20260218-1

**AN ORDER OF THE COMMISSIONERS COURT OF KENDALL COUNTY, TEXAS,
PROHIBITING OUTDOOR BURNING FOR A PERIOD OF UP TO NINETY (90) DAYS**

On this 18th day of February, 2026, the Kendall County Commissioners Court convened in a Special Called Meeting at 201 East San Antonio, Boerne, Texas, 78006, and considered the matter of issuing an Order Prohibiting Outdoor Burning.

WITNESSETH:

WHEREAS, Section 352.081 (d) of the Texas Local Government Code provides that the Commissioners Court may, by order, prohibit or restrict outdoor burning in the unincorporated areas of the County for up to Ninety (90) days if drought conditions have been determined to exist or if conditions are present in all or part of the unincorporated parts of the County create a public safety hazard that would be exacerbated by outdoor burning¹; and,

WHEREAS, the Commissioners Court heard information regarding current conditions in the County, including the elevated Keetch-Byram index; and,

WHEREAS, the Commissioners Court of Kendall County, Texas, finds that unsafe conditions exist within the unincorporated areas of the County that constitute a public safety hazard, that the prohibition on outdoor burning will help reduce the risk of wildfire, and the adoption of this Order is necessary.

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF
KENDALL COUNTY, TEXAS:**

Section 1: Prohibited Activities. Except as otherwise specifically set forth herein, a person violates this Order if he burns or otherwise dispenses, emits, explodes, detonates, throws off, or otherwise delivers a spark or fire to, or in the area of, any combustible material, including but not limited to burning trash, debris, yard waste, trees, brush, and paper.

Section 2: Exception: Outdoor Burning for Cooking or Heating. Outdoor burning is allowed when used solely for recreational or ceremonial purposes, or for the noncommercial preparation of food, or exclusively as a means of generating warmth in cold weather. The following restrictions shall apply:

- a. All cooking and heating fires must be clear of vegetation and combustible materials and debris within a ten-foot (10') radius; and,

¹ Tex. Loc. Gov't Code §352.081 (c) (West 2026).

- b. Adequate fire suppression equipment in the form of a fire extinguisher or water house attached to a constant water supply must be immediately available; and,
- c. All cooking devices must be propane, natural gas, wood, or charcoal powered and must have a complete and full enclosure that is utilized at all times; and,
- d. Fires built under this exception may not contain electrical insulation, treated lumber, plastics, construction or demolition materials not made of wood, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, or items containing natural or synthetic rubber; and,
- e. Campfires must be contained within a fire pit or fire ring that are at least thirty-one inches (31") in diameter and at least seven inches (7") high. Wood cannot be piled over the rim of the fire ring. The fire ring must also have a metal screen cover; and,
- f. All cooking fires/heating fires shall not be unattended and shall be completely extinguished before responsible parties leave the site; and,
- e. Outdoor burning for cooking or heating must not cause a nuisance or a traffic hazard.

Section 3: Exception: Household Garbage. In areas where trash pickup is not available, burning household trash is allowed, with the following restrictions:

- a. Household trash from the personal use of one household may be burned and no commercial burning is allowed; and,
- b. The surface around the burn area shall be wetted down; and,
- c. The wind speed must be no more than fifteen (15) miles per hour; and,
- d. The fire must not be left unattended and shall be completely extinguished before responsible parties leave the area; and,
- e. Outdoor burning of household garbage must not cause a nuisance or a traffic hazard.

Section 4: Additional Exceptions: Activities Authorized by TCEQ. This Order shall not apply to outdoor burning activities that are authorized by the Texas Commission on Environmental Quality ("TCEQ") for firefighter training; public utility, natural gas pipeline, or mining operations; planting or harvesting of agricultural crops; or burns that are conducted by a certified and insured prescribed burn manager under the Natural Resources Code.²

² Tex. Loc. Gov't Code §352.081 (f) (West 2026).

Section 5: Area of Jurisdiction. This Order shall apply to the lands within the territorial limits of Kendall County that are outside of the limits of an incorporated city or town, or other political subdivision of the state.

Section 6: Violations. A person commits a Class C misdemeanor offense if he knowingly or intentionally violates a prohibition or restriction established by this Order.³ Such offenses are punishable by a fine up to Five Hundred Dollars (\$500.00).

Section 7: Effective Date and Duration of Order. This Order Prohibiting Outdoor Burning shall be in effect immediately as of 4:30 a.m./p.m. on the 18th day of February, 2026. This Order may be ended by Order of the Commissioners Court, or by Order of the County Judge, if it is determined that a public safety hazard no longer exists. In no event shall this Order be in effect for more than Ninety (90) days, ending at 11:59 a.m./p.m. on the 19th day of May, 2026.⁴

Section 8: Enforcement of this Order. Fire Departments responding to fires within the jurisdiction covered by this Order shall respond to the scene of the fire and take immediate measures to contain and/or extinguish the fire. The Fire Department shall complete all necessary documentation, including reports of illegal burning, and provide it to the Fire Marshal for review and enforcement. In addition, this Order may be enforced by a fire chief or any duly-commissioned peace officer.

Section 9: Injunctive Relief. Any person is entitled to injunctive relief to prevent the violation or threatened violation of a prohibition or restriction established by this Order.⁵

Section 10: Publication of Order. County staff is directed to share this Order on the County's website at www.kendallcountytexas.gov and to the news media. Further, this Order shall be reported to the Texas A&M Forest Service at burnban@tfs.tamu.edu to ensure inclusion on the Texas Counties Burn Ban map.

Section 11: Severability. If any section, article, paragraph, sentence, phrase, or word in this Order is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remaining portions of this Order and the Commissioners Court hereby declares that it would have adopted this Order even without such invalid portions.

AND IT IS SO ORDERED.

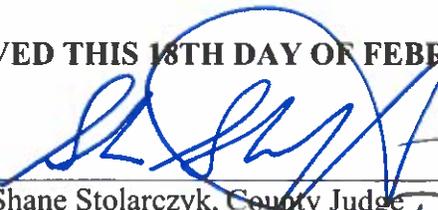
SIGNATURE PAGE FOLLOWS

³ Tex. Loc. Gov't Code §352.081 (h) (West 2026).

⁴ Tex. Loc. Gov't Code §352.081 (d), (e) (West 2026).

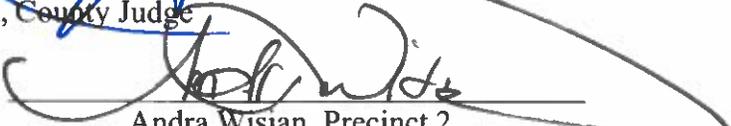
⁵ Tex. Loc. Gov't Code §352.081 (g) (West 2026).

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY, 2026.



Shane Stolarczyk, County Judge

Jennifer McCall, Precinct 1



Andra Wisian, Precinct 2

Richard Chapman, Precinct 3



Chad Carpenter, Precinct 4

ATTEST:



Denise Maxwell, County Clerk