

Dancing Bear Property Owners' Association, Inc.

Outdoor Burning Protocol and Policy

STATE OF TEXAS

COUNTIES OF MEDINA AND BANDERA

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, Dancing Bear Property Owners' Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in that certain the Amended and Restated Declaration of Covenants, Conditions and Restrictions Dancing Bear Subdivision, recorded on or about February 7, 2005 in Volume 567 Page 566 of the Official Public Records of Medina County, Texas (as amended, supplemented, or preceded, including as supplemented by certain documents recorded in Bandera County, Texas, referred to collectively as "Declarations");

WHEREAS, pursuant to Section 8.10 of the Declarations, the Board may implement rules regarding the operation of the Association; and

WHEREAS, the Board of Directors of the Association ("Board") desires to establish a policy for Outdoor Burning.

NOW, THEREFORE, the Board has duly adopted the following Minimum Requirements for Outdoor Burning;

- 1. All burning within Dancing Bear Subdivision must comply with the Outdoor Burning Rule which provides general requirements for anyone authorized to burn outdoors.** In accordance with the Texas Commission on Environmental Quality, the Texas Outdoor Burning Rule, which can be found in Title 30 of the Texas Administrative Code (TAC), Sections 111.201 to 111.221, prohibits most outdoor burning, but allows exceptions for specific situations in which burning is necessary or does not pose a threat to the environment or public health. The rule also establishes certain requirements in order to protect the environment and avoid adverse environmental impacts when burning is allowed. This document includes some portions of the Texas Outdoor Burning Rule, and more information can be found in Outdoor Burning in Texas (RG-049), which can be ordered from TCEQ's Publications section at (512) 239-0028. These publications are not a substitute for the actual rule. The most current, official copy of the rule can be obtained from the Secretary of State's office by calling (512) 305- 9623. Copies of the rule are available on the TCEQ's Web site (www.tceq.state.tx.us). This document does not supersede any law or rule
- 2. Contact the Medina County Sheriff Office (830) 741-6153 (or any subsequent number) to acquire approval to burn on your land. Provide the location where the burning will take place, the phone number where you may be reached during the burn, your full name, and any other information requested. Call to notify the Sherriff's office once the fire has been 100% extinguished.**
- 3. WATER ON-SITE. You must have a viable water source to contain & extinguish the fire readily available. To tap water to your lot contact: Texas Aqua: Merna: (512) 990-4400 Ext: 56107 (or any subsequent number).**

4. You may begin or continue burning only when the wind direction and other weather conditions are such that the smoke and other pollutants will not present a hazard to any public road, landing strip, or navigable water (such as a lake, river, stream, or bay), or have an adverse effect on any off-site structure containing "sensitive receptors." (A sensitive receptor is any living thing that might possibly be affected by an air pollutant, such as people, animals, or plants.)
5. You must post someone to flag traffic if at any time the burning causes, or may tend to cause, smoke to blow onto or across a road or highway.
6. You must keep fires downwind of, or at least 300 feet away from, any neighboring structure (such as a residence, business, farm building, school, or greenhouse) that contains sensitive receptors. This requirement may be waived only with the prior written approval of whomever owns or rents the adjacent property and either resides or conducts business there.
7. You may begin burning no earlier than one hour after sunrise, and end it the same day, no later than one hour before sunset. You must also ensure that it is conducted in a responsible manner. Example • If sunrise is at 6:48 a.m., you can start burning no earlier than 7:18 a.m. • If sunset is at 5:32 p.m., you must finish no later than by 4:32 p.m.
 - a. You must make sure that a responsible party is present while the burn is active and the fire is progressing.
 - b. At the end of the burn, you must extinguish isolated residual fires or smoldering embers if the smoke they produce can be a nuisance or a traffic hazard.
 - c. You may not start burning unless weather conditions are appropriate for smoke to dissipate (winds of at least six miles per hour; no temperature inversions) and for you to be able to control the fire (winds no faster than 23 miles per hour).
8. You may not burn any electrical insulation, treated lumber, plastic, heavy oil, asphaltic material, potentially explosive material, chemical waste, construction or demolition material not made of wood, or items that contain natural or synthetic rubber. Additionally, outdoor burning must not cause a nuisance condition or traffic hazard according to 30 TAC, Sections 101.4 and 101.5. The Outdoor Burning Rule does not exempt or excuse any person responsible for the consequences, damages, or injuries resulting from the burning, nor does it exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction.

This Policy is effective upon recordation in the Public Records of Medina and Bandera Counties, and supersedes any Association policy regarding outdoor burning which may have previously been in effect. All other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this: 14 day of December, 2015.

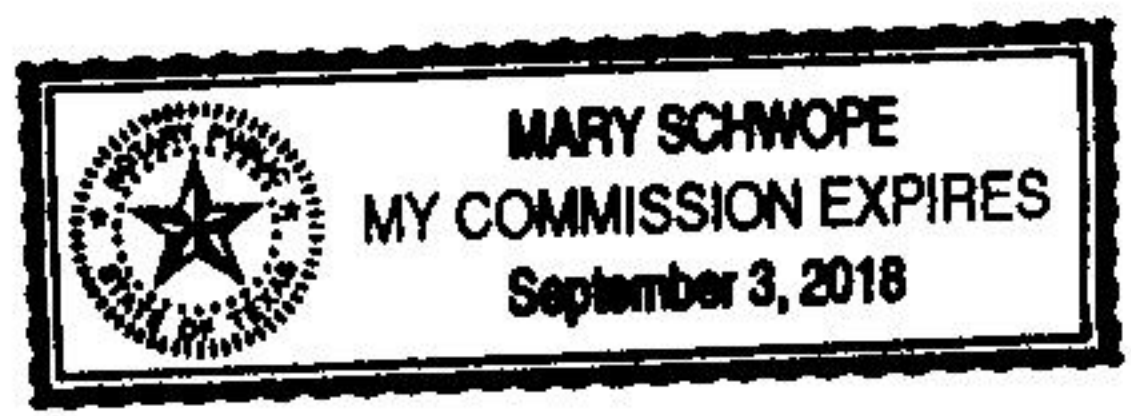
Dancing Bear Property Owners Association, Inc.

By: 
 Jacqueline Johnson, President

STATE OF TEXAS §
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COUNTY OF Bexar §

On this 14 day of December, 2015, before me, the undersigned notary public, personally appeared Jacqueline Johanning, President of Dancing Bear Property Owners' Association, Inc., a Texas nonprofit corporation, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes and consideration set forth therein.

Mary Schwope
Notary Public, in and for the State of Texas



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FILED AND RECORDED

Instrument Number: 2016000948

Filing and Recording Date: 02/08/2016 11:30:42 AM Pages: 4 Recording Fee: \$34.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the PUBLIC RECORDS of Medina County, Texas.



J. Wernette

J. Wernette, County Clerk
Medina County, Texas

Filed By Leeann Quintanilla Deputy

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