

DECLARATION OF DISASTER AND ORDER PROHIBITING OUTDOOR BURNING FOR TOM GREEN COUNTY, TEXAS

WHEREAS, the Commissioners' Court of Tom Green County, on this the 22th day of August, 2011, has determined that Tom Green County, has been affected by recent wildland fires and continues to be threatened by high or extreme wildland fire hazard. This threat is caused by abundant fuel and extreme dry and windy conditions across the State of Texas and in Tom Green County, and;

WHEREAS, the Commissioners Court of Tom Green County have determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property,

NOW THEREFORE, IN ACCORDANCE WITH THE AUTHORITY VESTED IN THE TOM GREEN COUNTY COMMISSIONERS' COURT BY SECTION 418.108 AND 418.014 OF THE TEXAS GOVERNMENT CODE, THE COURT DOES HEREBY PROCLAIM THE EXISTENCE OF SUCH DISASTER AND DIRECT THAT ALL NECESSARY MEASURES BOTH PUBLIC AND PRIVATE AS AUTHORIZED BY THE LAWS OF THE STATE OF TEXAS BE IMPLEMENTED TO MEET THAT DISASTER:

1. That a local state of disaster is hereby proclaimed for Tom Green County pursuant to Section 418.108 (a) of the Texas Government Code.
2. Pursuant to Section 418.108 (b) of the Government Code, this Declaration of a local state of disaster shall continue for so long as such conditions exist with the exception granted to fireworks under Section 418.108 (i) of the Government Code unless ratified and extended by the Governor of the State of Texas.
3. Pursuant to Section 418.108 (c) of the Government Code, this Declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Tom Green County.
4. Pursuant to Section 418.108 (d) of the Government Code, this Declaration of a local state of disaster activates the Tom Green County Emergency Management Plan.
5. The purpose of this order is the mitigation of the hazard posed by wildfires by curtailing the practice of outdoor burning, which purpose is to be taken into account in any enforcement action based upon this order.

BE IT THEREFORE ORDERED that the following emergency regulations are hereby established for all unincorporated areas of Tom Green County, Texas for the duration of the declaration;

(1) Actions Prohibited:

(a) All outdoor burning of any combustible material is prohibited. A person violates this order if he burns any combustible material or orders such burning by others. This Order does not prohibit cooking stoves fueled by "white gasoline" or outdoor cooking grills fueled by

propane or natural gas. This Order does not prohibit outdoor cooking events that are continuously monitored and overseen by fire department personnel and equipment capable of extinguishing any fire that may result from such activities

(b) The use of all fireworks.

(c) Welding activities that are not in compliance with Tom Green County Welding regulations.

(2) Enforcement:

(a) Upon notification of suspected outdoor burning, the fire department assigned to the location of the fire shall respond to the scene and take immediate measures to contain and/or extinguish the fire.

(b) As soon as possible, a duly-commissioned peace officer shall be sent to the scene to investigate the nature of the fire.

(c) If in the opinion of the officer at the scene and/or the Fire Chief, the goal of the order can be attained by informing the responsible party about the prohibitions established by this order, the officer may, at his discretion, notify the party about the provisions of this order and request compliance with it. In such instances, an entry of the notification shall be made into the dispatchers log containing the time, date, and place of the warning, and the name of the person receiving the warning.

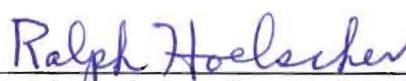
(3) At the discretion of the peace officer and/or Fire Chief, subsequent or flagrant violations of this order may be prosecuted in accordance with the statues and procedures governing misdemeanors.

BE IT ALSO ORDERED that this order may be enforced by any duly-commissioned peace officer and that the venue for prosecution of this order will be the Justice of the Peace Court, Tom Green County, Texas.

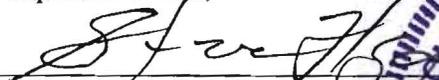
This Declaration and Order shall take effect immediately from and after its issuance and continue until the conditions requiring this declaration and order are over, with the exception granted to fireworks under Section 418.108 (i) of the Government Code unless ratified and extended by the Governor of the State of Texas.

DECLARED AND ORDERED THIS THE 22th DAY OF AUGUST 2011, EFFECTIVE THE 23RD DAY OF AUGUST 2011 AT 8:00 P.M.


Hon. Mike Brown, County Judge


Ralph Hoelscher, Commissioner Precinct #1


Aurey de Cordova, Commissioner Precinct #2


Steve Floyd, Commissioner Precinct #3


Travis Green, Commissioner Precinct #4

