

FILED  
7/6/22 10:30a  
Stephanie M. Sanders, County Clerk  
Robertson County, Texas  
By: S. Sad

## LEGAL REVIEW COVERSHEET

June 24, 2022

Attached, please review the information regarding the Disaster Declaration Related to Risk of Wildfires Including Additional Authority regarding Regulation of Fireworks.

Sign for approval and recommendation of signature.

Approval: Robert Yezak  
Robert Yezak  
Assistant District Attorney

Date: 7-6-22

Comments:

STATE OF TEXAS

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COUNTY OF ROBERTSON

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### **DISASTER DECLARATION RELATED TO RISK OF WILDFIRES**

WHEREAS, Robertson County has not had rainfall for an extended period of time, creating hot and dry conditions; and

WHEREAS, the hot and dry conditions pose the threat of large, dangerous and fast moving wildfires; and

WHEREAS, such fires have the potential of endangering lives and damaging property on a large scale; and

WHEREAS, the Texas Government Code Chapter 418 gives the county judge the power to declare a local disaster within the county “if the threat of disaster is imminent”; and

WHEREAS, the magnitude of the potential damage and the rapidity with which such a fire could escalate to major proportions constitute an imminent threat of disaster; and

WHEREAS, declaration of such disaster authorizes the imposition of controls on activities which tend to increase the likelihood of fires; and

WHEREAS, such controls, once implemented, have the potential of protecting lives and property by mitigating the threat of dangerous fires; and

WHEREAS, a declaration issued under Section 418.108 of the Texas Government Code may include a prohibition or restriction on the sale or use of all fireworks within the county; and

WHEREAS, a local disaster declaration expires seven days after its issuance, unless the commissioners court consents to its renewal or continuance; and

WHEREAS, to the extent that a declaration includes a restriction on fireworks, any part that exceeds the restrictions authorized by Local Government Code §352.051 is only effective for 60 hours, unless the county judge requests and the governor authorizes an extension of the broader fireworks restriction.

BE IT THEREFORE PROCLAIMED that I, Charles Ellison, County Judge of Robertson County, declare a local state of disaster based on the threat of large wildfires in Robertson County, Texas.

STATE OF TEXAS

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COUNTY OF ROBERTSON

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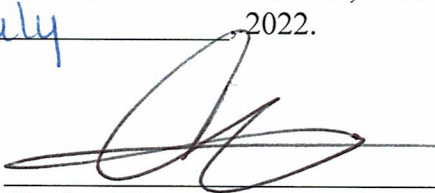
BE IT ALSO PROCLAIMED that this state of disaster will continue until rescinded in accordance with the above cited statute, but in no instance will this declaration continue for more than seven days without being authorized by the County Commissioners Court, or in the event the declaration pertains to fireworks, no more than 60 hours unless an extension of the restriction on fireworks has been received from the governor.

BE IT ALSO PROCLAIMED that the purpose of this order is the mitigation of the hazard posed by wildfires by curtailing the practice of outdoor burning, and the sale and use of all fireworks, which purpose is to be taken into account in any enforcement action based upon this order.

BE IT ALSO PROCLAIMED that a violation of this Disaster Declaration is punishable as a Class C misdemeanor by a fine not to exceed \$500.00 or as authorized by Government Code §418.173 and adopted in the county's emergency plan by a fine not to exceed \$1000.00 or confinement in jail for a term not to exceed 180 days, whichever is greater.

This declaration shall be promptly publicized and filed with the County Clerk.

IN WITNESS WHEREOF, I affix my signature this 5<sup>th</sup> day of July, 2022.

A handwritten signature in dark ink, appearing to be 'Charles Ellison', written over a horizontal line.

Charles Ellison, County Judge

Filed with the Clerk of Robertson County on July 6<sup>th</sup>, 2022.