



FILED FOR RECORD  
DATE 6-23-11  
AT 3:32 O'CLOCK 1 M  
KAREN MCQUEEN  
BRAZOS COUNTY CLERK  
By Karen McQueen

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DECLARATION OF LOCAL DISASTER  
FOR BRAZOS COUNTY, TEXAS

WHEREAS, Brazos County, due to drought, dry vegetation, wind, and/or other weather related conditions, is experiencing the occurrence and imminent threat of widespread and severe damage, injury, and/or loss of life and property resulting from high or extreme fire hazards and windy conditions across the State of Texas and in Brazos County; and

WHEREAS, Brazos County has not had significant 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 (7) days after its issuance, unless the commissioners court consents to its renewal or continuance; and

WHEREAS, to the extent that a declaration includes a provision related to fireworks, any portion of the provision that exceeds the restrictions authorized by Local Government Code § 352.051 is effective only for sixty (60) hours, unless the county judge requests and the Governor of the State of Texas authorizes an extension of the broader fireworks restriction.

BE IT THEREFORE PROCLAIMED that I, Duane Peters, County Judge of Brazos County, pursuant to Texas Government Code § 418.108(a), do hereby declare a local state of disaster based on the threat of large wildfires in Brazos County, Texas, to take effect immediately upon its execution, as is evidenced by the authorized signature below.

BE IT ALSO PROCLAIMED, pursuant to Texas Government Code § 418.108(b) 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 (7) days without authorization by the Brazos County Commissioners Court.

BE IT ALSO PROCLAIMED that the sale and use of fireworks shall be prohibited in Brazos County, Texas.

BE IT ALSO PROCLAIMED, pursuant to Texas Government Code § 418.108(i), that the prohibitions set forth herein that exceed the restrictions authorized by Texas Local Government Code § 352.051, namely restricting the sale or use of fireworks, shall continue for a period of not more than sixty (60) hours, unless an extension of the restriction on fireworks has been extended by the Governor of the State of Texas.

BE IT ALSO PROCLAIMED that the purpose of this order is the mitigation of the hazard posed by wildfires by curtailing 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, in accordance with Texas Government Code § 418.108 (i) and § 418.173, a person who knowingly or intentionally violates this order commits

an offense punishable by a fine that does not exceed \$1,000.00 and confinement in jail for a term not to exceed 180 days.

BE IT ALSO PROCLAIMED that, in accordance with Texas Government Code § 418.108(i) and Texas Local Government Code § 352.051, an affected party is entitled to injunctive relief to prevent the violation or threatened violation of a requirement or prohibition established by this order.

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

IN WITNESS WHEREOF, I affix my signature this 23<sup>rd</sup> day of June, 2011.

A handwritten signature in black ink, appearing to read "Duane Peters", written over a horizontal line.

Duane Peters, County Judge

Filed with the Clerk of Brazos County on June 23<sup>rd</sup>, 2011.