

**DECLARATION OF DISASTER
THREAT OF WILDFIRES**

DATE: July 4, 2018

WHEREAS, Jack County has not had sufficient rainfall for an extended period creating hot and dry conditions; and

WHEREAS, these 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 state of local disaster “if the threat of disaster is imminent”; and

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

WHEREAS, declaration of such disaster authorized 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;

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 with 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 Section 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, Mitchell G. Davenport, County Judge of Jack County, do hereby declare a state of disaster based on the threat of large wildfires in Jack County, Texas; and

BE IT ALSO PROCLAIMED that this state of disaster will continue until rescinded in accordance with the above statute(s) and order, but in no instance will this declaration continue for more than seven days without authorization by the Jack 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 a violation of this Disaster Declaration is punishable as a Class C misdemeanor by a fine not to exceed \$500.00.

BE IT ALSO PROCLAIMED that this state of disaster is being declared solely for the purpose of implementing controls aimed at mitigating the hazard posed by wildfires during the current hot, dry weather.

BE IT ALSO ORDERED 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.

IN WITNESS WHEREOF, I affix my signature this 4th day of July, 2018.


Mitchell G. Davenport, County Judge

STATE OF TEXAS §
COUNTY OF JACK §

**ORDER RESTRICTING OUTDOOR BURNING AND
FIREWORKS**

WHEREAS, the County Judge has determined that circumstances present in all or part of the unincorporated area of the county create a public safety hazard that would be exacerbated by outdoor burning;

IT IS HEREBY ORDERED by the County Judge of Jack County, in accordance with Texas law, has declared a natural disaster due to threat of wildfires and that all outdoor burning and the sale and use of fireworks in Jack County from the date of this order, is prohibited unless the restrictions are terminated earlier based on a determination made by the Texas Forest Service or the Jack County Commissioners Court.

In accordance with V.T.C.A. Local Government Code §352.081, a violation of this Order is a Class C misdemeanor, punishable by a fine not to exceed \$500.00.

The County Judge may rescind this Order upon a determination that the circumstances that required the Order no longer exist

ADOPTED this 4th day of July, 2018.

JACK COUNTY

By: 

Mitchell G. Davenport, County Judge