



## DECLARATION OF LOCAL STATE OF DISASTER

AND

## ORDER PROHIBITING THE SALE AND USE OF FIREWORKS

Hays County, Texas is in a drought condition as documented by the national Weather Service. The U.S. Weather Monitor currently indicates that Hays County is experiencing exceptional or extreme drought and no precipitation is anticipated before the 4<sup>th</sup> of July. Moreover, high temperatures and low humidity are predicted to continue through the 4<sup>th</sup> of July fireworks season.

Section 352.081 of the Texas Local Government Code authorizes the Commissioners Court to restrict outdoor burning when drought conditions exist and, pursuant to that authority, Hays County has been under a burn ban for months.

On June 14<sup>th</sup>, 2011, the Commissioners Court agenda has a item posted to enact a ban on the sale or use of sky rockets with sticks and missiles with fins pursuant to Local Government Code Section 352.051.

Section 418.108 of the Texas Government Code authorizes the County Judge to declare a state of local disaster for "the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire..." and specifically includes authority to impose prohibitions on fireworks that exceed the restrictions authorized by Local Government Code Section 352.051.

**Pursuant to the authority granted in Section 418.108 of the Texas Government Code; the Commissioners Court Order; and the Emergency Management Plan adopted pursuant to that Order,**

**Judge Bert Cobb, M.D., the County Judge of Hays County, Texas:**

- 1. Declares a state of disaster in Hays County** due to the imminent threat of fire caused by the drought conditions, high temperatures and wind that could cause severe damage, injury or loss of life or property; and
- 2. Orders that:**
  - a. Pursuant to §418.108(b) of the Texas Government Code, this Proclamation shall remain in force and effect for not more than seven (7) days from the date inscribed below, unless the Hays County Commissioners Court consents its extension.
  - b. Pursuant to §418.108(c) of the Texas Government Code, this Proclamation shall be given prompt and general publicity, and shall be filed promptly with the Hay County Clerk;
  - c. Pursuant to §418.108(d) of the Texas Government Code, this Proclamation of a local state of disaster activates the Hays County Emergency Management Plan.

- d. Pursuant to §418.108(i) of the Texas Government Code, the sale and/or use of fireworks within Hays County is hereby prohibited.
- e. Pursuant to §418.108(i) of the Texas Government Code, unless extended by the Governor of the State of Texas, which shall be requested forthwith, the prohibited sale and/or use of fireworks shall expire within sixty (60) hours.

**Exception: This Order will not apply to municipal or governmental sponsored firework displays and will not apply to an entity holding a permit from the Hays County Fire Marshal to conduct an organized commercial fireworks display in unincorporated Hays County.**

**A violation of this Order is punishable by a fine not to exceed \$1,000.00**

This Declaration and Order is issued this 15<sup>th</sup> day of June, and is effective beginning at 1:00 P.M. on that date. It shall expire within sixty (60) hours unless extended by the Governor, who will be requested to extend this Declaration and Order until such time as the drought conditions no longer exist.



Judge Bert Cobb, M.D.  
COUNTY JUDGE

**THE STATE OF TEXAS     □**

**COUNTY OF HAYS         □**

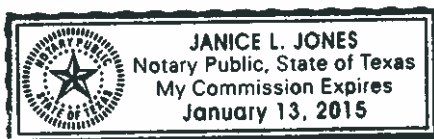
BEFORE ME, the undersigned authority, on this day personally appeared Judge Bert Cobb, M.D., Hays County Judge, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 15<sup>th</sup> day of June, 2011.

(SEAL)



Notary Public-State of Texas



OFFICE OF THE HAYS COUNTY JUDGE



**BERT COBB, M.D.**

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June 15, 2011

The Honorable Rick Perry  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711-2428

Re: Request for Extension of Hays County Disaster Declaration of June 15, 2011.

Dear Governor Perry,

In order to protect life and property during this period of extreme fire hazard due to the ongoing drought categorized as "exceptional" by the U.S. Drought Monitor report issued by the National Weather Service, Hays County has made the attached Declaration of Local State of Disaster. To provide advanced notice to the fireworks industry in order that it might minimize the negative financial impact to that industry, I issued the order on June 15, 2011 to take effect at 10:00 A.M. on June 15, 2011.

Due to the exceptional danger of fire posed by the dry conditions and high temperatures, the Order bans the sale and use of fireworks in the unincorporated areas of Hays County. The Order takes effect on June 15<sup>th</sup>, nine days prior to June 24<sup>th</sup>, the start date for July 4<sup>th</sup> fireworks sale season, because:

- a. Use of fireworks previously purchased poses an unacceptable immediate threat to life and property; and
- b. I wished to give advanced notice of the sale ban to the fireworks industry to mitigate the potential negative impact to that industry.

The restrictions imposed by this order are in excess of those allowed under the Local Government Code Section 352.051. Thus, the Order is only enforceable for 60 hours. Therefore, I ask that you extend the restrictions imposed by Hays County until such time as the drought conditions within Hays County no longer exist. This request is justified based on both current and forecasted weather conditions.

Sincerely yours,

A handwritten signature in blue ink that reads "Bert Cobb".

Bert Cobb, M.D.  
Hays County Judge

Attachment