



FILED FOR RECORD
COLORADO COUNTY, TX

JUN 27 2022

KIMBERLY MENKE
COLORADO CO. CLERK

MK

RESOLUTION CONTINUING DISASTER DECLARATION OF JUNE 24, 2022 DUE TO SEVERE DROUGHT CONDITIONS AND PROHIBITING THE SALE, USE AND DISCHARGE OF ALL FIREWORKS IN THE UNINCORPORATED AREAS OF COLORADO COUNTY, TEXAS.

WHEREAS, on June 24, 2022, Colorado County Judge Ty Prause, issued a Declaration of Local Disaster for the unincorporated areas of Colorado County due to the severe drought conditions and the threat of dangerous and fast moving wildfires; and

WHEREAS, pursuant to Section 418.108(b) of the Texas Government Code, the Disaster Declaration expired seven days after its implementation or prior thereto if renewed or continued by the Colorado County Commissioners Court; and

WHEREAS, the Colorado County Commissioners Court finds that the drought conditions continue to exist and the continuation of the Disaster Declaration is necessary.

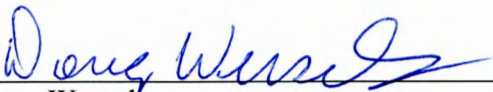
NOW, THEREFORE, BE IT RESOLVED, by the Colorado County Commissioners Court, that:

1. The local state of disaster declared by County Judge Ty Prause on June 24, 2022 is hereby continued for Colorado County pursuant to Section 418.108(b) of the Texas Government Code until such state of disaster is lifted by the County Judge or Commissioners Court.
2. Pursuant to Section 418.108(c) of the Texas 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.
3. Pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the county emergency management plan.
4. Pursuant to the authority granted under Section 418.108(i) of the Texas Government Code, the sale, use and discharge of all fireworks in the unincorporated areas of Colorado County is expressly prohibited. This prohibition exceeds the restriction authorized by Section 352.051 Local Government Code; therefore, as required by Section 418.108 of the Texas Government Code, a request was made and has been approved by the Governor to extend the period prohibiting the sale and use of fireworks beyond the 60-hour period.
5. That any person who violates the county emergency management plan and prohibition on the sale, use and discharge of fireworks in the unincorporated areas of Colorado County may be punished by a fine that does not exceed \$1,000 or confinement in the Colorado County Jail for up to 180 days.

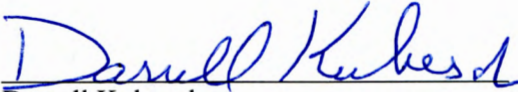
6. This resolution is effective as of the date of its passage on the 27th day of June 2022.



Ty Prause
County Judge



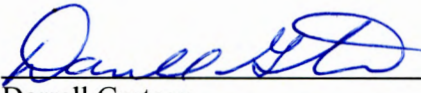
Doug Wessels
Commissioner Precinct 1



Darrell Kubesch
Commissioner Precinct 2

Not Present

Keith Neuendorff
Commissioner Precinct 3



Darrell Gertson
Commissioner Precinct 4

ATTEST:



Kimberly Menke, County Clerk





FILED FOR RECORD
COLORADO COUNTY, TX

2022 JUN 24 AM 8:09

KIMBERLY MENKE
COUNTY CLERK

MK

DECLARATION OF LOCAL DISASTER FOR COLORADO COUNTY, TEXAS

WHEREAS, Colorado County is currently in a severe drought and experiencing record high temperatures; and

WHEREAS, the extreme 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 provides the county judge may 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 has been experienced in this county in the past decade; and

WHEREAS, declaration of such disaster authorizes the imposition of controls on activities which increase the likelihood of fires during extremely high temperatures and droughts; and

WHEREAS, such controls, once implemented, have the potential of protecting lives and property by mitigating the threat of dangerous fires and saving lives and property; 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 unincorporated areas of 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 disaster declaration includes a provision related to the restriction of the sale and use of fireworks, any portion of the declaration 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, Ty Prause, County, Judge of Colorado County, do hereby declare a local state of disaster in the unincorporated areas of Colorado County due to the severe drought conditions and the threat of dangerous and fast moving wildfires.

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 (7) 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 this declaration of a local state of disaster activates the Colorado County Emergency Management Plan.

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 in the unincorporated areas of the county, which purpose is to be taken into account in any enforcement action based upon this order.

Pursuant to the authority granted under section 418.108(i) of the Texas Government Code, the sale, use and discharge of all fireworks in the unincorporated area of Colorado County is expressly prohibited. This prohibition exceeds the restriction authorized by Section 352.051 Local Government Code; therefore, as required by 418.108 of the Texas Government Code, a request will be sent to the Governor to extend the period prohibiting the sale and use of fireworks beyond the 60-hour period.

The prohibition on the use and discharge of fireworks contained in this Order shall not include an authorized public display that meets the requirements of Section 2154.204 of the Texas Occupations Code or for the "safe area(s)" designated by a governing body.

That any person who violates the prohibition on the sale, use and discharge of fireworks in the unincorporated areas of Colorado County may be punished by a fine that does not exceed \$1,000 or confinement in the Colorado County Jail for up to 180 days.

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

IN WITNESS WHEREOF, I affix my signature this 24th day of June, 2022.


Ty Prause
Colorado County Judge

Filed with the Clerk of Colorado County on June 24, 2022.