



RESOLUTION CONTINUING THE DISASTER DECLARATION ISSUED BY COUNTY JUDGE TY PRAUSE ON JULY 21, 2022 DUE TO SEVERE DROUGHT CONDITIONS IN THE UNINCORPORATED AREAS OF COLORADO COUNTY, TEXAS.

**WHEREAS**, on July 21, 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 state of disaster shall continue for a period of not more than seven days from the date of the declaration unless continued or renewed by the Commissioners Court of Colorado County; and

**WHEREAS**, the Colorado County Commissioners Court finds that the drought conditions continue to exist and the continuation of the disaster declaration is necessary; and

**WHEREAS**, the Declaration of Local Disaster supersedes prior declarations of disaster and amends the Order Restricting Outdoor Burning approved and ordered by the Colorado County Commissioners Court on June 13, 2022, and the following are now specifically PROHIBITED:

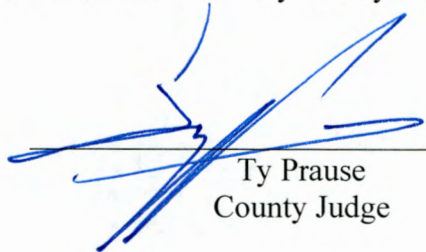
- **Controlled burns** in any way related to planting and harvesting agricultural crops.
- **Burns Authorized by TCEQ** for: (1) firefighting training; (2) public utility, natural gas pipeline or mining operations; (3) planting or harvesting of agriculture crops; or (4) burns that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resource Code, and meet the standards of Section 153.047, Natural Resource Code.
- **Attwater Prairie Chicken Refuge** maintenance activities.

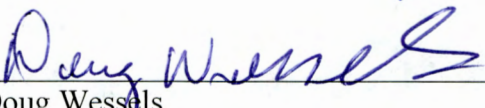
**NOW, THEREFORE, BE IT RESOLVED**, by the Colorado County Commissioners Court, that:


1. The local state of disaster declared by County Judge Ty Prause on July 21, 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.
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. That any person who violates the Declaration of Local Disaster and the county emergency management plan may be punished by a fine that does not exceed \$1,000 or confinement in the Colorado County Jail for up to 180 days.
5. This resolution shall become effective immediately upon adoption.

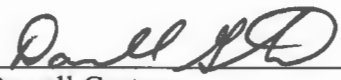
APPROVED AND ADOPTED this the 25<sup>th</sup> day of July 2022.

  
\_\_\_\_\_  
Ty Prause  
County Judge

  
\_\_\_\_\_  
Doug Wessels  
Commissioner Precinct 1

  
\_\_\_\_\_  
Darrell Kubesch  
Commissioner Precinct 2

  
\_\_\_\_\_  
Keith Neuendorff  
Commissioner Precinct 3

  
\_\_\_\_\_  
Darrell Gertson  
Commissioner Precinct 4

ATTEST:

  
\_\_\_\_\_  
Kimberly Menke, County Clerk





FILED FOR RECORD  
COLORADO COUNTY, TX

2022 JUL 21 AM 8:10

KIMBERLY MENKE MK  
COUNTY CLERK

## DECLARATION OF LOCAL DISASTER FOR COLORADO COUNTY, TEXAS

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**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 local disaster declaration expires seven (7) days after its issuance, unless the commissioners court consents to its renewal or continuance; and

**WHEREAS**, this Declaration of Local Disaster supersedes prior declarations of disaster and amends the Order Restricting Outdoor Burning approved and ordered by the Colorado County Commissioners Court on June 13, 2022, and the following are now specifically PROHIBITED:

- **Controlled burns** in any way related to planting and harvesting agricultural crops.
- **Burns Authorized by TCEQ** for: (1) firefighting training; (2) public utility, natural gas pipeline or mining operations; (3) planting or harvesting of agriculture crops; or (4) burns that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resource Code, and meet the standards of Section 153.047, Natural Resource Code.
- **Attwater Prairie Chicken Refuge** maintenance activities.



**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,

**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, which purpose is to be taken into account in any enforcement action based upon this order.

That any person who violates this declaration and the county emergency management plan 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 21<sup>st</sup> day of July, 2022.

  
Ty Prause  
County Judge

Filed with the Clerk of Colorado County on July 21, 2022.

**ORDER RESTRICTING OUTDOOR BURNING**

(Drought)

FILED FOR RECORD  
COLORADO COUNTY, TX.

2022 JUN 15 AM 10:07

KIMBERLY MENEFEE  
COUNTY CLERK

ML

WHEREAS, the Colorado County Commissioners Court finds that drought conditions exist in the unincorporated areas of the county:

IT IS HEREBY ORDERED that outdoor burning is restricted in all unincorporated areas of the county for 90 days from the date of this Order, unless the restrictions are terminated earlier based on a determination made by the Texas Forest Service, this Court, or the County Judge. This Order is adopted pursuant to local Government Code §352.081(c)(1), and other applicable statutes. This Order restricts outdoor burning as follows:

1. **Outdoor burning banned.** Unless an exception appears below, the use of combustible materials in an outdoor environment by any person is prohibited. Combustible materials include, but are not limited to the burning of trash, brush and open campfires and materials used outdoors in activities that could result in a fire.
2. **Exceptions.** The following outdoor activities shall be allowed provided they are attended at all times and all following precautionary rules and measures are strictly followed:
  - **Household Trash.** Burning of household trash in a receptacle that is enclosed and covered with a mesh material with no more than ¼ inch openings and supervised in a safe area clear of debris.
  - **Barbecues** using above-ground grills, with enclosed fireboxes, in a safe area clear of debris or other combustible materials and attended at all times.
  - **Controlled burns** necessary for planting and harvesting agricultural crops with a defensible space around the burn area, presence of fire suppression tools, and personal presence during the entire controlled burn.
  - **Authorized by TCEQ.** This order does not prohibit outdoor burning activities related to public health and safety that are authorized by the Texas Commission on Environmental Quality for: (1) firefighting training; (2) public utility, natural gas pipeline or mining operations; (3) planting or harvesting of agriculture crops; or (4) burns that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resource Code, and meet the standards of Section 153.047, Natural Resource Code.
  - **Attwater Prairie Chicken Refuge** maintenance activities.
  - **Non-Profit & Religious Organizations** shall be allowed to prepare barbecue provided they contact their local fire department in advance for a site visit by a member of the department and follow all precautionary measures directed by such department.
  - **Outdoor Welding** shall only be allowed under the following circumstances:
    - (i) welding, cutting and grinding associated with welding activities shall not take place when the wind is over 15 miles per hour;
    - (ii) the welder must notify the Colorado County Sheriff’s Department before any welding, cutting or grinding begins;
    - (iii) all grass, leaves, brush and other easily combustible materials must be cleared with a twenty (20) foot radius surrounding the area where activity is to take place before any welding, cutting or grinding begins; and,

- (iv) a spotter with water and a ready pressurized delivery system must be on hand before any welding, cutting or grinding begins and remain on hand until the activity is completed.

In accordance with the Local Government Code §352.081(h), a violation of this order is a Class C Misdemeanor, punishable by a fine of up to \$500.00.

The purpose of this Order is the mitigation of the public safety hazard posed by wildfires due to severe weather conditions by restricting use of combustible materials.

Approved and so ordered by Commissioners Court on this the 13<sup>th</sup> day of June, 2022.



Colorado County Judge