



DECLARATION OF LOCAL DISASTER FOR PALO PINTO COUNTY, TEXAS

WHEREAS, Palo Pinto 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 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 has been experienced in this county in the past decade; and

WHEREAS, declaration of such disaster authorizes the imposition of controls on activities which tend to 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 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 effective only for 60 hours, unless the county judge requests, and the governor authorizes an extension of the broader fireworks restriction; and

WHEREAS, on June 23, 2022, a wildland fire started the Dempsey Fire east of Palo Pinto along the Brazos River. The fire has grown to over 11,500 acres and threatened the community of Grafard and areas of the Brazos River; and

WHEREAS, on June 24, 2022, fire progression prompted local community and fire officials to recommend voluntary evacuation of the City of Grafard as well as approximately 50 residents in the unincorporated area of the county; and

WHEREAS, the following condition exist as a result of this disaster: emergency response and management operations with personnel, equipment, and logistical support costs to combat the fire and protect community structures and infrastructure; and mass care support for over 750 residents; and

WHEREAS, the County Judge and Commissioners Court have determined that extraordinary measures must be taken to mitigate the effects of wildfire and to facilitate the efficient, rapid, and cooperative response to the emergency; and

WHEREAS, a declaration of local disaster includes the ability to reduce the possibility of future wildfires. These measures include banning the sale and use of fireworks not to exceed a 60-hour period. A declaration allows the request of assistance from the Governor for extending this ban; and

WHEREAS, the County Judge issued an Emergency Declaration of Local Disaster due to wildfire on June 25, 2022. Now, the County Judge and Commissioners Court hereby issue this First Amended Declaration of Local Disaster due to wildfire to implement additional measures to ensure the protection of the residents of Palo Pinto County; and

WHEREAS, by majority vote, the Commissioners Court by this resolution has consented to such an extension of the declaration of local disaster until rescinded or amended by the Commissioners Court;

THEREFORE, Be It Proclaimed by The County Judge and Commissioners Court of Palo Pinto County that:

1. A local disaster is hereby declared for Palo Pinto County, pursuant to §418.108(a) of the Texas Government Code.
2. This declaration of a local disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk, pursuant to §418.108(c) of the Government Code.
3. This declaration of a local disaster activates the Palo Pinto County Emergency Plan, pursuant to §418.108(d) of the Government Code.
4. This Declaration authorizes the County to commandeer or use any private property as provided by law.

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

The prohibition of the sale, use and discharge of fireworks contained in this Order shall not include an authorized public display that meets the requirement of 2154.204 of the Texas Occupation 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 Palo Pinto County may be punished by a fine that does not exceed \$500.

BE IT ALSO PROCLAIMED that this declaration shall supersede any previous declaration.

ORDERED this the 1 day of July 2022, at 4:37 ~~AM~~ PM.



Shane Long
Palo Pinto County Judge

Gary Glover
County Commissioner Pct 1

Mike Reed
County Commissioner Pct 2

Mike Pierce
County Commissioner Pct 3

Jeff Fryer
County Commissioner Pct 4

Dated this the 1st day of July, 2022

Janette K. Green
County Clerk
Palo Pinto County, Texas

By: _____, Deputy

FILED
At 4:50 O'Clock P M.

JUL - 1 2022

Janette K. Green
Clerk of the County Court
Palo Pinto County, Texas
By _____ Deputy