

**ORDER OF THE MCLENNAN COUNTY JUDGE ENACTING a DISASTER
DECLARATION and PROHIBITING THE SALE OR USE OF ALL FIREWORKS IN
MCLENNAN COUNTY DUE TO EXTREMELY DRY AND HAZARDOUS CONDITIONS**

WHEREAS, McLennan County has not had significant rainfall for an extended period of time, creating hot and dry conditions which 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 Keetch-Byram Drought Index (KDBI), maintained by Texas A&M Agrilife Research and Texas A&M Forest Service, is an index that is used to determine fire potential and the current KDBI indicates a KDBI value of 645 for McLennan County as of June 27, 2022, with a maximum value of 682; and

WHEREAS, the KDBI value for McLennan County is now within the highest range of the index, indicating a severe drought and increased wildfire occurrence; 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

WHEREAS, declaration of such disaster authorizes the imposition of controls on activities which tend to increase the likelihood of fires and such controls, once implemented, have the potential of protecting lives and property by mitigating the threat of dangerous fires; 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 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 provision related to fireworks, any portion of the provision 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.

BE IT THEREFORE PROCLAIMED that I, Scott M. Felton, County Judge McLennan County do hereby declare a local state of disaster based on the threat of large wildfires in McLennan County, Texas, and hereby ban the sale and use of all fireworks in McLennan County (with the exception of commercially done displays by a bonded professional company); and

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 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 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.

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 or as authorized by Government Code Section 418.173 and adopted in the county's emergency plan by a fine not to exceed \$1,000.00 or confinement in jail for a term not to exceed 180 days, whichever is greater.

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

IN WITNESS WHEREOF, I affix my signature this 28 day of June, 2022.



Scott M. Felton
McLennan County Judge

Filed with the Clerk of McLennan County on this 28th day of June, 2022


J.A. 'Andy' Harwell

County Clerk deputy