

FILED FOR RECORD
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COUNTY CLERK, VAN ZANDT CO., TX

**DECLARATION OF DISASTER AND ORDER PROHIBITING OUTDOOR
BURNING FOR VAN ZANDT COUNTY, TEXAS**

WHEREAS, Van Zandt County is currently threatened by high or extreme wildfire hazard. This threat is caused by abundant fuel and extreme dry and windy conditions across the State of Texas and in Van Zandt County, and ;

BY _____ DEP

WHEREAS, extraordinary measures must be taken to alleviate the suffering of people and to protect and/or rehabilitate property;

NOW THEREFORE, IN ACCORDANCE WITH THE AUTHORITY VESTED IN THE VAN ZANDT COUNTY JUDGE BY SECTION 418.108 OF THE TEXAS GOVERNMENT CODE, I DO HEREBY PROCLAIM THE EXISTENCE OF SUCH DISASTER AND DIRECT THAT ALL NECESSARY MEASURES BOTH PUBLIC AND PRIVATE AS AUTHORIZED THE LAWS OF THE STATE OF TEXAS BE IMPLEMENTED TO MEET THAT DISASTER :

1. That a local state of disaster is hereby proclaimed for Van Zandt County pursuant to Section 418.108 (a) of the Texas Government Code.
2. Pursuant to Section 418.108 (b) of the Government Code, this Declaration of a local state of disaster shall continue for so long as such conditions exist with the exception granted to fireworks under Section 418.108 (i) of the Government Code unless ratified and extended by the Governor of the State of Texas. On June 14, 2011, the Van Zandt County Commissioners Court entered an ORDER RESTRICTING THE USE OF FIREWORKS IN UNINCORPORATED AREAS OF VAN ZANDT COUNTY, TEXAS, which Order specifically provides that: No person shall sell, detonate, ignite, or in any way use certain restricted fireworks classified under 49 C.F.R. part. 173.100(r)(2) (10-1-86 edition), as "skyrockets with sticks" and "missiles with fins" in any portion of the unincorporated area of Van Zandt County.
3. Pursuant to Section 418.108 (c) of the 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 of Van Zandt County.
4. Pursuant to Section 418.108 (d) of the Government Code, this Declaration of a local state of disaster activates the Van Zandt County Emergency Management Plan.
5. 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.

BE IT THEREFORE ORDERED that the following emergency regulations are hereby established for all unincorporated areas of Van Zandt County, Texas for the duration of the declaration;

(1) Actions Prohibited:

(a) All outdoor burning of any combustible material is prohibited. A person violates this order if he burns any combustible material or orders such burning by others. This Order does not prohibit cooking stoves fueled by "white gasoline" or outdoor cooking grills fueled by propane or natural gas. This Order does not prohibit outdoor cooking events that are continuously monitored and overseen by fire department personnel and equipment capable of extinguishing any fire that may result from such activities

(b) Welding activities that are not in compliance with the following Van Zandt County Welding regulations.

Welding is allowed by commercial/professional welders under the following guidelines **ONLY**:

A spotter is required for each welder, each cutter, each grinder, and for any activity that causes or may cause a spark.

All grass, leaves, brush and other easily combustible materials must be cleared within a minimum twenty-five (25) foot radius surrounding the area where the activity is to take place before any welding, cutting or grinding begins. The welding perimeter must be three times the height of the actual welding. Example: if the welding is occurring ten feet off the ground, a perimeter of thirty (30) feet must be protected. If the perimeter cannot be cleared of vegetation, proper precautionary measures must be taken (Example: protecting brush, etc, by utilizing fire resistant tarps).

A minimum of 100 gallons of water must be available on site. A minimum of one (1) water pressure fire extinguisher per spotter is required.

Welding in an enclosed area or underground is acceptable.

No welding is permitted if winds are 10 mph or greater or relative humidity is less than 30%.

Any welder or company conducting welding operations must, prior to activities, file with the Van Zandt County Sheriff's Office proof of effective liability insurance or be bonded in an amount of at least \$300,000.

Prior to ANY welding activity, a phone call shall be placed by the welder or company conducting welding operations to the Van Zandt County Sheriff's department (903.567.4133) and the local fire department relaying the location of the project, cell phone for contact person, name of party responsible, and name of welder.

(2) Enforcement:

(a) Upon notification of suspected outdoor burning, the fire department assigned to the location of the fire shall respond to the scene and take immediate measures to contain and/or extinguish the fire.

(b) As soon as possible, a duly-commissioned peace officer shall be sent to the scene to investigate the nature of the fire.

(c) If in the opinion of the officer at the scene and/or the Fire Chief, the goal of the order can be attained by informing the responsible party about the prohibitions established by this order, the officer may, at his discretion, notify the party about the provisions of this order and request compliance with it. In such instances, an entry of the notification shall be made into the dispatchers log containing the time, date, and place of the warning, and the name of the person receiving the warning.

(3) At the discretion of the peace officer and/or Fire Chief, subsequent or flagrant violations of this order may be prosecuted in accordance with the statues and procedures governing misdemeanors.

BE IT ALSO ORDERED that this order may be enforced by any duly-commissioned peace officer and that the venue for prosecution of this order will be the Justice of the Peace Court, Van Zandt County, Texas.

This Declaration and Order shall take effect immediately from and after its issuance and continue until the conditions requiring this declaration and order are over, with the exception granted to fireworks under Section 418.108 (i) of the Government Code unless ratified and extended by the Governor of the State of Texas.

DECLARED AND ORDERED THIS THE 22nd DAY OF JUNE 2011


Hon. Rhita Koches, County Judge