

2020 JUN 30 PM 1:50

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

DELIA BRIONES
COUNTY CLERK
EL PASO COUNTY, TEXAS

**DISASTER DECLARATION RELATED TO RISK OF WILDFIRES AND
BANNING THE SALE AND USE OF FIREWORKS**

WHEREAS, under Texas Government Code Section 418.004(1), “Disaster” means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire and drought; and

WHEREAS, El Paso County is experiencing increasingly hot and dry conditions; and

WHEREAS, Texas Local Government Code § 352.051 defines “drought conditions” as the existence immediately preceding or during the fireworks season of a Keetch-Byram Drought Index (“KBDI”) of 575 or greater; and

WHEREAS, the KBDI on June 30, 2020 was 583; and

WHEREAS, the 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, 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

WHEREAS, 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 restriction on fireworks, any part that exceeds the restrictions authorized by Texas 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; and

WHEREAS, pursuant to Texas Government Code Section 418.108, the El Paso County Judge issued a Declaration of Local Disaster for Public Health Emergency on March 13, 2020, due to a novel corona virus now designated SARS-CoV-2 which causes the disease COVID-19; and

WHEREAS, on March 19, 2020, the El Paso County Commissioners Court issued an Emergency Order of the County of El Paso, Texas Extending A Disaster Declaration Due to A Public Health Emergency that affirmed the activation of the El Paso County Emergency Management Plan and extends the Declaration of Local Disaster until such time that it is rescinded by order of the Commissioners Court; and

WHEREAS, if the County of El Paso were required to respond fires or other emergency situations created by the use of fireworks, it would add additional strain on the County of El Paso's emergency response resources.

NOW, THEREFORE, BE IT THEREFORE PROCLAIMED BY THE COUNTY JUDGE OF EL PASO:

1. That a local state of disaster is hereby declared for the County of El Paso, Texas pursuant to Texas Government Code § 418.108(a) based on the threat of large wildfires.
2. 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.
3. That effective on July 3, 2020 at 12:00 p.m. and expiring on July 5, 2020 at 12:59 p.m., for a total of sixty (60) hours, pursuant to Texas Government Code § 418.108(i), the sale and use of all fireworks is banned in order to mitigate the hazard posed by wildfires, which purpose is to be taken into account in any enforcement action based upon this order.
4. That a violation of this Disaster Declaration is punishable as a Class C misdemeanor by a fine not to exceed \$500.00 as authorized by Texas Government Code § 418.173 and adopted in the County's emergency plan.
5. This Declaration shall be promptly publicized and filed with the County Clerk.
6. This Declaration shall take effect immediately from and after its issuance.

ORDERED this the 30th day of June, 2020.

COUNTY OF EL PASO, TEXAS

A handwritten signature in blue ink that reads "Ricardo A. Samaniego". The signature is written in a cursive style and is positioned above a horizontal line.

Ricardo A. Samaniego
El Paso County Judge

Date: 6/30/2020