

ORDER#494



STATE OF TEXAS §

COUNTY OF COMAL §

**CONTINUATION OF DECLARATION OF LOCAL DISASTER FOR COMAL
COUNTY, TEXAS**

WHEREAS, Comal County has not had rainfall for an extended period and weather forecasters offer little promise of a change in the hot, dry conditions in the near future; and

WHEREAS, these hot, 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 Disaster Act of 1975 authorized declaration of a state of disaster "if the threat of disaster is imminent" and

WHEREAS, the magnitude of the potential damage and the rapidity at which such a fire could escalate to major proportions constitute an imminent threat of disaster; and

WHEREAS, declaration of such disaster authorized 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, on July 6, 2023, the Comal County Commissioners Court approved Order #491-Burn Ban prohibiting all outdoor burning in the unincorporated areas of Comal County, Texas, which remains in effect and is incorporated by reference herein; and

WHEREAS, on August 11, 2023, the County Judge issued a Declaration of Local Disaster for Comal County, Texas, due to these conditions; and

WHEREAS, the ongoing hot, dry conditions and threat of large, dangerous, and fast-moving wildfires, necessitating the declaration of local disaster continue to exist; and

WHEREAS, Section 418.108(b) of the Texas Government code provides that a declaration of local disaster may not be continued or renewed for a period of more than seven days without the consent of the governing body of the political subdivision.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF COMAL COUNTY, TEXAS:

Section 1. **Continuation of Local State of Disaster.** The local state of disaster proclaimed for this threat of drought and wildfires by the County Judge shall continue until terminated by order of the Commissioners Court:

NOW THEREFORE IT IS HEREBY ORDERED, pursuant to the authority granted in the Texas Disaster Act of Chapter 418 Texas Government Code, the following regulations shall take effect immediately upon issuance of this Order and shall remain in effect until the state of disaster is terminated or extended:

THE EXERCISE AND USE OF OUTDOOR WELDING AND/OR OTHER ACTIVITIES UTILIZING EXPLOSIVES OR COMBUSTIBLE MATERIALS IS PROHIBITED UNLESS PRIOR APPROVAL OF A FIRE SAFETY PLAN FOR THE SAID WELDING OR OTHER ACTIVITIES IS OBTAINED FROM THE COMAL COUNTY FIRE MARSHAL PRIOR TO ENGAGING IN SUCH ACTIVITY. SAID FIRE SAFETY PLAN MAY INCLUDE BUT IS NOT LIMITED TO THE FOLLOWING FIRE SAFETY MEASURES: SATURATION OF THE SURROUNDING GROUND AREA WITH ADEQUATE MOISTURE, UTILIZATION OF ADEQUATE PERSONNEL TO OBSERVE AND HANDLE THE RESULTING EFFECTS FROM THE USE OF EXPLOSIVE OR COMBUSTIBLE MATERIAL, PREPARATION OF THE GROUND AREA TO PREVENT AND REMOVE LARGE AMOUNTS OF CURED GRASS, AND FIRE SUPPRESSION DEVICES. THE FIRE MARSHAL SHALL HAVE THE

FINAL DETERMINATION AS TO THE NECESSARY FIRE SAFETY MEASURES FOR THE SAID WELDING OR OTHER ACTIVITIES.

THE EXERCISE OF OUTDOOR COOKING WITH OPEN FLAME IS PROHIBITED UNLESS USING A BARBEQUE PIT OR SIMILAR DEVICE, WHICH IS MANUFACTURED WITH A LID THAT WHEN CLOSED WILL CONTAIN ALL OPEN FLAME AND WITH LEGS TO KEEP IT OFF THE GROUND. SAID BARBEQUE PIT OR SIMILAR DEVICE MUST BE USED ONLY FOR COOKING PURPOSES. THE FOLLOWING FIRE SAFETY MEASURES SHOULD BE IMPLEMENTED FOR OUTDOOR COOKING WITH OPEN FLAME, INCLUDING, BUT NOT LIMITED TO: SATURATION OF THE SURROUNDING GROUND AREA WITH ADEQUATE MOISTURE, CONSTANT SUPERVISION AND OBSERVATION OF THE BARBEQUE PIT OR SIMILAR DEVICE, AND FIRE SUPPRESSION DEVICES.

BE IT THEREFORE PROCLAIMED, that I, Sherman Krause, County Judge of Comal County, do hereby declare a state of local disaster pursuant to section 418.108 of the Texas Government Code based on the threat of large wildfires in Comal County, Texas; and

BE IT ALSO PROCLAIMED that this state of local disaster will continue until rescinded in accordance with the above statute and order, but in no instance will this declaration continue for more than seven days without authorization by the Comal County Commissioners Court;

BE IT ALSO PROCLAIMED that this state of local disaster is being declared solely for the purpose of implementing controls aimed at mitigating the hazard posed by wildfires during the current hot, dry weather.

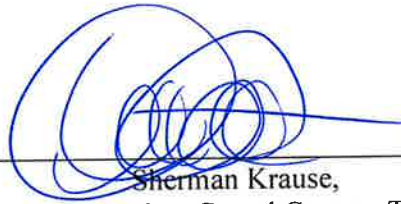
BE IT ALSO ORDERED THAT the purpose of this order is the mitigation of the hazard posed by wildfires by curtailing the practice of outdoor burning, which purpose is to be taken into account in any enforcement action based upon this order.

Section 2. **Authority of County Judge.** The Comal County Judge is hereby authorized to take such actions as are necessary in order to protect the health, safety, and welfare of the citizens of Comal County, Texas.

Section 3. **Publicity and Filing.** Pursuant to Section 418.108(c) of the Texas Disaster Act, this continuation of the declaration of a local state of disaster due to these extremely dry weather conditions and threat of wildfires, shall be given prompt and general publicity and shall be filed promptly with the County Clerk.

Section 4. **Effective Date.** This Declaration shall take effect immediately upon its approval by the Commissioners Court of Comal County, Texas.

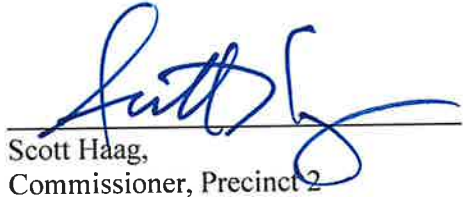
ORDERED this the 17th day of August, 2023, in the County of Comal, Texas.



Sherman Krause,
County Judge, Comal County, Texas



Donna Eccleston,
Commissioner, Precinct 1



Scott Haag,
Commissioner, Precinct 2



Kevin Webb,
Commissioner, Precinct 3



Jen Crownover,
Commissioner, Precinct 4

ATTEST:



Bobbie Koepf, Comal County Clerk

