



GUADALUPE COUNTY, TEXAS

COUNTY JUDGE'S OFFICE

Guadalupe County Administration Building
307 West Court Street, 2nd Floor Courtroom
Seguin, Texas 78155 • (830) 303-4188 Ext. 312

Mike Wiggins
COUNTY JUDGE
EXT. 312

Roger Baenziger
COMMISSIONER, PRECINCT 1
EXT. 314

Cesareo Guadarrama, III
COMMISSIONER, PRECINCT 2
EXT. 362

Jim Wolverton
COMMISSIONER, PRECINCT 3
EXT. 313

Judy Cope
COMMISSIONER, PRECINCT 4
EXT. 329

DECLARATION OF LOCAL STATE OF DISASTER ORDER RESTRICTING THE SALE, USE, OR IGNITION OF SOME INCENDIARY DEVICES INCLUDING ALL AERIAL FIREWORKS AND PYROTECHNICAL MATERIAL

WHEREAS, the National Weather Service has documented that Guadalupe County, Texas, and the surrounding region is in a category D4 "Exceptional Drought"; and

WHEREAS, Guadalupe County has experienced daytime high temperatures at or over 100 degrees since June 8th, causing our KBDI to rise 112 points in just two weeks and the National Weather Service predicts the temperatures in Guadalupe County to be at or over 100 degrees every day through July 4th, 2009 and further states there is no precipitation in the forecast; and

WHEREAS, the Texas Forest Service has determined our mean Keetch-Byram Drought Index reading is already at 576, given the bleak forecast we can expect our KBDI to continue a dramatic climb and could easily be in the 670's on or before July 4th, 2009; and

WHEREAS, during a normal 24 hour period the fire departments serving the unincorporated areas of Guadalupe County receive less than two (2) fire calls, but during a 24 hour period beginning on December 31st 2007 and ending on January 1st, 2008 when the mean Keetch-Byram Drought Index reading for Guadalupe County was 612, there were approximately ninety (90) fire calls in the unincorporated areas of the County, all or most of which can be directly attributed to fireworks; and

WHEREAS, fighting fires in temperatures such as we are experiencing presents an extreme health hazard to our emergency responders; and

WHEREAS, conditions such as those currently present indicate an imminent threat of widespread and severe damage, injury, and/or loss of life and property resulting from wildfires, due to drought, dry vegetation, wind, and/or other weather related conditions; and

WHEREAS, §418.004 of the *Texas Government Code* defines disaster to be 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 *Texas Government Code* §352.051 specifically includes the authority of the County Judge to impose prohibitions on fireworks that exceed the restrictions authorized by *Local Government Code* §352.051;

NOW THEREFORE, pursuant to the authority granted in §418.108 of the *Texas Government Code*, §§352.051 and 352.081 of the *Local Government Code*, and the most recent revision of the Guadalupe County Emergency Management Plan;

BE IT DECLARED BY THE COUNTY JUDGE OF GUADALUPE COUNTY:

1. That a local state of disaster is hereby declared for Guadalupe County due to the threat of fire caused by the combination of drought conditions, low humidity, and wind that could cause severe damage, injury or loss of life or property; and
2. Orders that the sale, use, or ignition of non-ground based incendiary devices, including all flying or aerial types of fireworks and pyrotechnical materials is prohibited in Guadalupe County except in public displays performed by a municipality and displays performed by an appropriately licensed individual or company approved by the County Judge; and
3. Further orders that the sale, use, or ignition of ground based incendiary devices, including all ground-based fireworks and pyrotechnical materials is prohibited in Guadalupe County except on July 1st through July 4th, 2009.

This declaration and order is adopted this 23rd day of June, 2009 and is effective beginning at 12:01 AM on June 24th, 2009 through noon on June 27th, 2009 at which time the Governor will be requested to extend the restrictions through 12:01 AM July 5th, 2009, or until the Guadalupe County Commissioners Court by Order, determines that the circumstances present in the unincorporated areas of Guadalupe County no longer create a public safety hazard that would be exacerbated by the use of items prohibited by this order.

Mike Wiggins
Guadalupe County Judge
307 West Court Street
Seguin, Texas 78155

ATTEST:

By: _____
Teresa Kiel
Guadalupe County Clerk

**TO OBTAIN A CERTIFIED COPY, PLEASE CONTACT
THE COUNTY CLERK'S OFFICE AT: 830-303-8863**



OFFICE OF THE GOVERNOR

RICK PERRY

GOVERNOR

June 25, 2009

The Honorable Mike Wiggins
County Judge
Guadalupe County
307 West Court Street
Seguin, Texas 78155

Dear Judge Wiggins:

We have received your Declaration of Local State of Disaster and your letter requesting an extension of the restrictions that exceed the restrictions authorized to counties in Section 352.051 of the Local Government Code. The Governor's Division of Emergency Management (GDEM) has reviewed the request for an extension and recommends that it be granted.

Pursuant to the authority granted in Section 418.108(i) of the Government Code and based upon GDEM's recommendation, the request for an extension is granted as follows:

Those restrictions that exceed the restrictions authorized to counties in Section 352.051 of the Local Government Code, which are contained in the Declaration of Local State of Disaster, adopted by Mike Wiggins, County Judge of Guadalupe County, Texas, on June 23, 2009, and which became effective at 12:01 a.m. on June 24, 2009, are extended through 7 a.m. on July 6, 2009.

Sincerely,

A large, stylized handwritten signature in black ink that reads "Rick Perry".

Rick Perry
Governor

RP:dzp

ORDER PROHIBITING OUTDOOR BURNING

WHEREAS, the Commissioners Court finds that circumstances present in all or part of the unincorporated area of the county create a public safety hazard that would be exacerbated by outdoor burning; and according to the Texas Forest Service, 90% of all wildfires are human-caused;

IT IS HEREBY ORDERED by the Commissioners Court of Guadalupe County that all outdoor burning is prohibited the weekend of July 4th and 5th, 2009; and

IT IS FURTHER ORDERED that outdoor burning is prohibited Monday through Friday in the unincorporated areas of the county for ninety (90) days beginning June 30th, 2009 unless the restrictions are terminated earlier, based on a determination made by this Court. This Order is adopted pursuant to Local Government Code §352.081, and other applicable statutes. This Order does not prohibit prescribed fires conducted in compliance with guidelines set forth by federal or state natural resource agencies and burned under a burn plan approved by such agencies, or outdoor burning activities related to public health and safety that are authorized by the Texas Commission on Environmental Quality for:

1. Firefighter training;
2. Public utility, natural gas pipeline or mining operations; or
3. Planting or harvesting of agricultural crops; or
4. That are conducted by a prescribed burn manager certified under Section 153.048 Natural Resources Code, and meets the standards of Section 153.047, Natural Resources Code.

IT IS FURTHER ORDERED that an exemption be hereby granted for a bona fide commercial land clearing business, allowing said business to burn as long as all other provisions of the Order and applicable laws and ordinances are adhered to as set forth herein.

IT IS FURTHER ORDERED that an exemption be hereby granted to those businesses where welding is an essential function of the business, allowing welding operations to proceed as long as the area of welding operations has been cleared of vegetation for a distance of no less than 10 feet in all directions, that there be a second capable person acting as a fire spotter with a sufficient water source available to extinguish fires which may be ignited from stray sparks, and only when all other provisions of the Order and applicable laws and ordinances are adhered to as set forth herein.

IT IS FURTHER ORDERED that the burning of kitchen garbage, untreated lumber, cardboard, packaging, clothing, grass, leaves, and branch trimmings may be conducted at a property used exclusively as a private residence, when items to be burned are permitted by regulations of the Texas

Commission on Environmental Quality and when items have been generated on the property where the burning occurs and when said burning is contained inside a metal container specifically constructed for refuse burning which has metal screening with holes not larger than 5/8" placed over the top and all other openings, and the area around the burn container has been cleared of vegetation for a distance of no less than 10 feet in all directions, and only when there is a capable person of legal age, with a sufficient water source, present and available to extinguish any fires which may be started from stray embers, and only when all other provisions of the Order and applicable laws and ordinances are adhered to as set forth herein.

IT IS FURTHER ORDERED that burning is allowed only from one hour after sunrise until one hour before sunset, when winds are predicted to be between 6 and 23 miles per hour and only after proper preparations have taken place and adequate equipment is on site to contain and control the burn.

IT IS FURTHER ORDERED that burning of tires, construction debris, any and all types of furniture, carpet, appliances, electrical insulation, treated lumber, items containing natural or synthetic rubber, any type of explosive or hazardous materials, chemical wastes, and any item not generated on the burn site are specifically prohibited at all times without exceptions.

NOW, THEREFORE, it is in accordance with Local Government Code §352.081 (h), a violation of this Order is a Class C Misdemeanor, punishable by a fine not to exceed \$500.00.

This Order Prohibiting Outdoor Burning shall expire on, September 28th, 2009 or upon such date as the Guadalupe County Commissioners Court by Order determines that the circumstances present in the unincorporated areas of Guadalupe County no longer create a public safety hazard that would be exacerbated by outdoor burning, whichever occurs earlier.

ADOPTED this 30th day of **June 2009**, by a vote of ____ ayes and ____ nays.

ATTEST:

Mike Wiggins
County Judge

Teresa Kiel
County Clerk

Roger Baenziger
Commissioner, Pct. 1

Cesareo Guadarrama, III
Commissioner, Pct. 2

Jim Wolverton
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