



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

WHEREAS, Llano County, is currently threatened by high or extreme wildland fire hazard. This threat is caused by abundant fuel and extreme drought and windy conditions across the State of Texas and in Llano County, and ;

WHEREAS, Llano County has recently experienced several wildfires that have consumed hundreds of acres, threatened the safety and welfare of residents, homes, wildlife, and livestock, and

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 LLANO 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 BY THE LAWS OF THE STATE OF TEXAS BE IMPLEMENTED TO MEET THAT DISASTER :

1. That a local state of disaster is hereby proclaimed for Llano 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 seven (7) days unless extended by the Llano County Commissioners' Court and then 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.
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 Llano County.
4. Pursuant to Section 418.108 (d) of the Government Code, this Declaration of a local state of disaster activates the Llano 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 Llano 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.

(2) **Exceptions:**

(a) A fixed Bar-B-Que pit designed for commercial use may be utilized with wood or charcoal.

(b) Any industrial project underway prior to January 1, 2018 may be continued until completion.

(c) Any situations not specifically detailed in this order may be reviewed on a case by case basis by the Llano County Commissioner's Court.

(d) This order does **not allow** outdoor activities which may cause the emission of sparks or fire such as welding, cutting, grinders, outdoor cooking which utilizes wood or charcoal and the burning of prickly pear for livestock consumption except under the following conditions:

1. Welding and other hot work will be allowed for outdoor "professional/commercial welders" to perform their jobs under certain conditions. Those conditions are:
 - a. A spotter is required for each welder
 - b. The perimeter, defined as all sides of the welding, shall be clear of vegetation if possible and continued to be kept wet. The perimeter shall be at least 25 feet in all directions.
 - c. A minimum of 100 gallons of water must be available on site.
 - d. A minimum of one water pressure fire extinguisher per spotter is required.
 - e. Wind speeds must be no greater than 15 MPH to weld.
 - f. Welding in an enclosed area is acceptable.
 - g. Each site will have cellular telephone communications for emergency response.
2. Agricultural burning of prickly pear will be allowed under certain conditions. Those conditions are:
 - a. Prior to beginning a burn in Llano County a sheriff's dispatcher must be notified each time a burn is needed (each day, and or/ each occurrence). Call (325) 247-5767.
 - b. The requester must identify the area to be burned by describing the pasture or range address, by location of County Road, State Highway, and the name of the person requesting the burn.
 - c. A water sprayer apparatus or water containers and other fire fighting tools must be available on site.
 - d. Fireguards are to be used wherever possible whether a man made or natural, i.e. road beds, canyons, cattle trails, or wind breaks OR a spotter with a minimum of 100 gallons of available water on site and a water pressure fire extinguisher required.
3. Commercial Bar B Que establishments from a fixed location which maintain a State sales tax permit, and/ or personal Bar B Que fueled by propane are allowed.
4. A Precinct Commissioner may exempt a weekend "Benefit" Bar B Que after a request for permission and the organization shows evidence that all necessary safety measures have been considered to insure the safety of the public.

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.

(4) 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, Llano County, Texas.

NOW, THEREFORE THE COUNTY JUDGE HEREBY ORDERS THAT:

1. **A local state of disaster is hereby extended for Llano County pursuant to Chapter 418.108 (a) of the Texas Government Code,**
2. **This Declaration and Order shall take effect immediately from and after its issuance and continue for a period of seven (7) days unless extended by the Llano County Commissioners' Court.**
- 3.

DECLARED AND ORDERED THIS THE 28th DAY OF August, 2018, effective immediately.


Hon. Mary Cunningham
Llano County Judge