WILLIAMSON COUNTY, TEXAS

COUNTY JUDGE

WILLIAMSON COUNTY COURTHOUSE
710 MAIN STREET, SUITE 101
GEORGETOWN, TEXAS 78626
(512) 943-1550

BILL GRAVELL, JR. — COUNTY JUDGE
TERRY COOK — COMMISSIONER, PRECINCT 1
CYNTHIA LONG — COMMISSIONER, PRECINCT 2
VALERIE COVEY — COMMISSIONER, PRECINCT 3
RUSS BOLES — COMMISSIONER, PRECINCT 4

ORDER DECLARING A LOCAL STATE OF DISASTER FOR WILLIAMSON COUNTY, TEXAS PROHIBITING OUTDOOR BURNING

WHEREAS, the **County of Williamson, Texas,** due to drought, dry vegetation, wind, and/or other weather-related conditions, is experiencing the occurrence and imminent threat of widespread and severe damage, injury, and/or loss of life and property resulting from:

> Wildfires, and in particular, wildfires caused the burning of any type of incendiary device, combustible material and/or any pyrotechnical material, and outdoor burning including controlled or prescribed burns of grass and/or brush for any purpose; and

WHEREAS, Section 418.004(1) 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, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, other public calamity requiring emergency action, or energy emergency;" and

WHEREAS, the County Judge of Williamson County has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property; and

WHEREAS, Texas Counties, including Williamson County, are threatened by extreme fire hazards due to current weather conditions posing significant fire danger; and

WHEREAS, there has been no significant amount of precipitation in Williamson County for an extended period of time; and

WHEREAS, based on recommendations of the Williamson County Fire Marshall, Williamson County Emergency Management and due to the disaster conditions as cited herein, the County Judge of Williamson County **must protect the health, safety and welfare** of the County's citizens; and

NOW THEREFORE, BE IT DECLARED and ORDERED pursuant to the authority granted in the Texas Disaster Act of Chapter 418 Texas Government Code, as follows:

1. That a local state of disaster is hereby declared for Williamson County pursuant to Section 418.108(a) of the *Texas Government Code* (the "Declaration and Order");

2. Pursuant to Section 418.108(b) of the *Texas Government Code*, this Declaration and Order shall continue for a period of seven (7) days from the date hereof unless extended by the consent of the Williamson County Commissioners Court;

3. Pursuant to Section 418.108(d) of the *Texas Government Code*, this Declaration and Order activates the recovery and rehabilitation aspects of the Williamson County Emergency Management Plan and authorizes the furnishing of aid and assistance under this Declaration and Order. The preparedness and response aspects of the Williamson County Emergency Management Plan are hereby activated and shall take effect immediately upon this Declaration and Order;

4. Pursuant to Section 418.108(c) of the *Texas Government Code*, this Declaration and Order shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Williamson County;

5. This Declaration and Order **SHALL PROHIBIT** outdoor burning in all of the unincorporated areas of Williamson County and smoking in and/or on Williamson County Parks, Preserves and Trails is prohibited, as follows:

   (A) Actions prohibited:
      (1) A person violates this Declaration and Order if he/she burns any combustible material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning by others.
      (2) A person violates this Declaration and Order if he/she engages in any activity outdoors which could allow flames or sparks that could result in a fire unless done in an enclosure designed to protect the spread of fire, or orders such activities by others.
      (3) A person violates this Declaration and Order if he/she smokes any tobacco or non-tobacco substances, by any method, in and/or on Williamson County Parks, Preserves and Trails, which include the unincorporated areas of the Southwest Regional Park, Berry Springs Park and Preserve, Eastern Williamson County Regional Park, Twin Lakes Park, Champion Park, Brushy Creek Regional Trail and Lake Creek Trail.

   (B) Enforcement:
      (1) Upon notification of a suspected violation of this Declaration and Order, the fire department with jurisdiction for the location of the fire shall respond to the scene and take immediate measures to contain and/or extinguish the fire.
      (2) As soon as possible, a duly commissioned peace officer shall be sent to the scene to investigate the nature of the fire.
      (3) If, in the opinion of the officer on the scene, the goal of this Declaration and Order can be attained by informing the responsible party about the prohibitions established by this Declaration and Order, the officer may, at his or her discretion, request compliance with it. In such instances, an entry of this notification containing the date, time and place of the warning, along

with the name of the party receiving the warning, shall be forwarded to the office of County Judge.

(4) In accordance with Sections 418.173 of the *Texas Government Code*, a person who violates this Declaration and Order commits a criminal offense, which is punishable by a fine that does not exceed $1,000.00 or confinement in jail for a term not to exceed 180 days;

(C) This Declaration and Order **does not** apply to outdoor burning activities:

(1) related to public health and safety that are authorized by the Texas Commission on Environmental Quality for:

(a) firefighter training;
(b) public utility, natural gas pipeline, or mining operations; or
(c) planting or harvesting of agriculture crops.

(2) that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resources Code, and meet the standards of Section 153.047, Natural Resources Code.

(3) that involve the performance of outdoor combustible operations, including but not limited to, outdoor welding, cutting or grinding operations and outdoor hot works operations, by any person if the operations are performed in compliance with the following requirements creating a controlled environment and safeguards on each day when operations are performed:

(a) Areas where welding, cutting or grinding operations or hot works operations are being performed are free of vegetation for at least twenty-five feet in all directions;

(b) Surfaces around welding or hot works area are wetted down;

(c) Each location where welding, cutting or grinding operations or hot works operations are being performed must have cellular telephone communications for emergency response;

(d) Before beginning any operations, the person performing the welding, cutting or grinding operations or hot works operations must notify the local fire department or Emergency Services District which serves the location where the welding, cutting or grinding operations or hot works operations are planned;

(e) A dedicated fire watch person attends each welder, cutter, grinder, or worker performing hot works operations or any activity that causes a spark;

(f) At least one (1) water pressure fire extinguisher per fire watch person is located within 10 feet of the location where welding, cutting or grinding operations or hot works operations are being performed;

(g) No welding, cutting or grinding operations or hot works operations is allowed on days designated as red flag warning days by the National Weather Service;

(h) If all welding, cutting and grinding operations or hot works operations are performed only in a total welding or hot works enclosure, or "welding box" or "hot works box", that is sufficiently high to control sparks, including a fire retardant cover over the top, the operations must comply

with requirements (e), (f), and (g) in this list and is encouraged to comply with requirements (a)-(d) inclusive, if feasible and appropriate, and;
(i) If all welding, cutting and grinding operations or hot works operations are performed only in sub-surface, or "bell hole", welding and grinding operations or hot works operations within approved excavations, the operations must comply with requirements (e), (f), and (g) in this list and is encouraged to comply with requirements (a)-(d) inclusive, if feasible and appropriate.

Be it also ORDERED that the purpose of this order is the mitigation of the public safety hazard posed by wildfires during the current dry weather by curtailing the practice of outdoor burning, which purpose is to be taken into account in any enforcement action based upon this order.

6. In accordance with Sections 418.173 of the *Texas Government Code*, a person who violates this Declaration and Order commits a criminal offense, which is punishable by a fine that does not exceed $1,000.00 or confinement in jail for a term not to exceed 180 days;

7. In the event the current conditions and the threat of extreme fire hazards diminish between now and the end of the effective period of this Declaration and Order, the Williamson County Judge shall reevaluate this Declaration and Order at that time;

8. In the event the Commissioners Court of Williamson County implements a burn ban order during the effective period of this Declaration and Order, the Williamson County Judge hereby agrees that such burn ban ordered by the Commissioners Court of Williamson County shall supplant this Declaration and Order and control as to any outdoor burning in Williamson County; and

9. In the event this Declaration and Order is terminated prior to the end of its effective period, any burn ban orders that may have been issued and ordered by the Williamson County Commissioners Court during the effective period of this Declaration and Order shall continue to be effective until they expire pursuant to their terms or the Williamson County Commissioners Court takes action to terminate such burn ban orders.

This Declaration and Order is adopted this 14th day of June, 2022 at 12:00 p.m., to be effective immediately.

Bill Gravell, Jr.
Williamson County Judge
710 Main St., Suite 101
Georgetown, Texas 78626