

2022-68

FILED FOR RECORD  
AT 11:30 O'CLOCK A.M.

JUL 01 2022

SHERRY DOWD, County Clerk  
NAVARRO COUNTY, TEXAS  
DEPUTY

**ORDER OF THE NAVARRO COUNTY JUDGE**

**ENACTING A DISASTER DECLARATION and PROHIBITING THE USE OF ALL  
FIREWORKS IN NAVARRO COUNTY DUE TO EXTREMELY DRY AND  
HAZARDOUS CONDITIONS**

**WHEREAS**, Navarro County has not had significant rainfall for an extended period of time, creating hot and dry conditions which 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 National Drought Mitigation Center, the United States Department of Agriculture, and the National Oceanic Atmosphere Association have formed the United States Drought Monitor ("USDM"); and

**WHEREAS** the National Drought Mitigation Center monitors drought conditions across the United States and as of June 28, 2022, has classified 61% of Navarro County as being in severe drought, and with approximately 30% of Navarro County additionally classified as being in extreme drought; and

**WHEREAS**, the Keetch-Byram Drought Index (KDBI), maintained by Texas A&M Agrilife Research and Texas A&M Forest Service, is an index that is used to determine fire potential and the current KDBI indicates a KDBI value of 610 for Navarro County as of July 1, 2022, with a maximum value of 660; and

**WHEREAS**, the KDBI value for Navarro County is now within the highest range of the index, indicating a severe drought and increased wildfire occurrence; and

**WHEREAS**, the 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 such controls, once implemented, have the potential of protecting lives and property by mitigating the threat of dangerous fires; and

**WHEREAS**, an Outdoor Burning Ban has already been enacted; 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 restricted fireworks within the county; which are only those items classified under 49 C.F.R. Sec. 173.100(r) {2} {10-1-86 edition), as "skyrockets with sticks" and "missiles with fins"; and

**WHEREAS**, a declaration issued under Section 418.108 of the Texas Government Code may include a prohibition or restriction on the 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 provision related to fireworks, any portion of the provision that exceeds the restrictions authorized by Local Government Code 352.051 is effective only for 60 hours, unless the county judge requests, and the governor authorizes an extension of the broader fireworks restriction.

**BE IT THEREFORE PROCLAIMED** that I, H.M. Davenport, County Judge of Navarro County do hereby declare a local state of disaster based on the threat of large wildfires in Navarro County, Texas, and hereby ban the sale of restricted fireworks (as described above) and ban the use of all fireworks in Navarro County (with the exception of commercially done displays by a bonded professional company); and

**BE IT ALSO PROCLAIMED** this order prohibits in ALL burning in the unincorporated areas of Navarro County, Texas, in accordance with the provisions of the Local Government Code 352.081.

For purposes of this Order, the term "Outdoor Burning" means:

1. All outdoor fires, including fires contained in a container or semi-enclosure, such as a barrel or hopper. (It does not include grills, barbeques, or smokers which are used to cook food and are fully covered and attended). Open grills, barbeques or smokers are prohibited; AND

2. The use of welders or cutting torches is prohibited unless the user has on hand adequate fire suppression equipment & personnel, specifically, this must include, as a minimum:

a) a 2A-20BC fire extinguisher, kept within 30 feet of any outdoor welding activity;

AND

b) an individual to serve as a "fire monitor" during all welding activities with the monitor remaining on the scene for a minimum of 30 minutes after cessation of any outdoor welding activity.

This Order does not prohibit 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; (3) planting or harvesting of agricultural crops; or (4) burns 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.

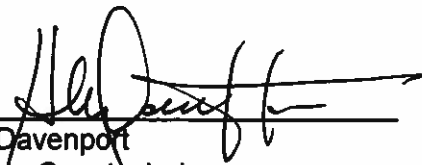
**BE IT ALSO PROCLAIMED** that this state of disaster will continue until rescinded in accordance with the above cited statute, but in no instance will this declaration continue for more than seven days without being authorized by the County Commissioners Court, or in the event the declaration pertains to fireworks, no more than 60 hours unless an extension of the restriction on fireworks has been received from the governor.

**BE IT ALSO PROCLAIMED** that the purpose of this order is the mitigation of the hazard posed by wildfires by curtailing the practice of outdoor burning, and the use of all fireworks, which purpose is to be considered in any enforcement action based upon this order.

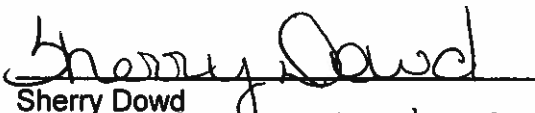
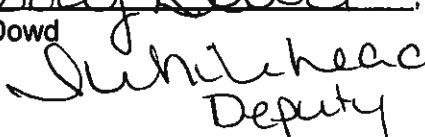
**BE IT ALSO PROCLAIMED** that a violation of this Disaster Declaration is punishable as a Class C misdemeanor by a fine not to exceed \$500.00 or as authorized by Government Code Section 418.173 and adopted in the county's emergency plan by a fine not to exceed \$1,000.00.

This declaration shall be promptly publicized and filed with the County Clerk.

**IN WITNESS WHEREOF**, I affix my signature this 1<sup>st</sup> day of July 2022.

  
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H.M. Davenport  
Navarro County Judge

Filed with the Clerk of Navarro County on this 1<sup>st</sup> day of July 2022.

  
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Sherry Dowd  
County Clerk  
by   
Deputy Clerk

