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County Judge Declares State of Disaster

Just over a week after a grass fire consumed over 230 acres in two counties (Ellis and Dallas), destroying one home and five vehicles as well as damaging 12 other structures, County Judge Carol Bush has issued a declaration of disaster including the prohibition of the use of fireworks.

“The Commissioners’ Court has already instituted a ban on outdoor burning, which prohibits the discharge of any fireworks within the unincorporated areas of Ellis County; and, they have prohibited the sale of restricted fireworks, specifically skyrockets with sticks and missiles with fins,” said Bush. “But because the drought conditions are so severe at this time, in the interest of public safety, I felt that this declaration of disaster was necessary to ensure that the provisions of the Court’s burn ban are fully enforceable.”

Bush cited last Saturday’s blaze as evidence of the danger.

“It took almost 180 people approximately two days to stop that fire,” she said. “How fortunate we were that no one was killed; but, a great deal of property was lost.”

Fire Marshal’s Investigator Jim Pharr spoke with the fire chiefs in Avalon, Bardwell, Ennis, Ferris, Italy, Maypearl, Midlothian, Ovilla, Red Oak, Waxahachie, and Emergency Service District #6. “All are in favor of declaring a disaster due to high fire danger and continuing a burn ban until we have relief due to a change in the weather pattern,” he said.

Under the Keetch Byram Drought Index, high fire danger is measured as 400 to 600, with extreme fire danger at 600 to 800 on the scale. Parts of Ellis County already exceed 600, while the aggregate number for the entire county is over 500 and rising rapidly. Strong, arid winds only contribute to the problem.

As Smokey the Bear used to say – “It only takes a spark” under these conditions.

According to the Governor’s Office, drought conditions exist throughout the State of Texas, with some 236 of Texas’ 254 counties currently banning outdoor burning; at least 176 of those have prohibited discharge of fireworks as well. Many have declared a state of disaster.

The situation prompted Governor Rick Perry to support Bush's declaration of disaster, authorizing the extension of restrictions that may exceed the restrictions authorized in the Local Government Code.

"The Texas Division of Emergency Management has reviewed your request for an extension and recommends that it be granted," stated Governor Rick Perry.

The Declaration of Disaster Including the Prohibition of the Use of Fireworks issued by Bush on June 28 is therefore extended through 7 a.m. on Tuesday, July 5, 2011.

Specifically, as in the order approved by the Commissioners' Court on June 13, the use of any fireworks – including firecrackers, sparklers and other common fireworks – is prohibited in the unincorporated areas of Ellis County. In addition, no one may sell "skyrockets with sticks" or "missiles with fins."

The County's authority does not supersede the authority of cities within the county to host professional fireworks displays if city officials decide to go ahead with planned events.

"We all enjoy the beauty, the fun, and the tradition of fireworks displays on the Fourth," Bush said. "But it can turn devastating in an instant. This is about protecting life and property. That's it, plain and simple."

STATE OF TEXAS

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COUNTY OF ELLIS

DECLARATION OF DISASTER
INCLUDING THE PROHIBITION OF THE USE OF FIREWORKS

WHEREAS, the Commissioners Court of Ellis County issued a prohibition of all outdoor burning, including the use of common fireworks, on June 13, 2011 pursuant to Section 352.081 of the Local Government Code and Minute Order No. 225.11, which remains in effect; and

WHEREAS, the Commissioners Court of Ellis County issued a prohibition of the sale or use of all restricted fireworks including “skyrockets with sticks” and “missiles with fins” on June 13, 2011 pursuant to Section 352.051 of the Local Government Code and Minute Order No. 225.11, which remains in effect; and

WHEREAS, Ellis County remains under imminent threat of severe damage or loss of property due to extreme wildfire hazards; and

WHEREAS, Chapter 418 of the Government Code grants to county judges the authority to declare a local disaster within a county when the threat of imminent danger exists; and

WHEREAS, because of worsening drought conditions in Ellis County, the Ellis County Judge has determined that imminent danger to life and property exists:

THEREFORE, BE IT PROCLAIMED AND ORDERED BY THE COUNTY JUDGE OF ELLIS COUNTY, TEXAS:

1. That a local state of disaster is hereby declared for the County of Ellis pursuant to 418.004(1) and 418.108(a) of the Government Code.
2. Pursuant to 418.108(b) of the Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the Commissioners Court of Ellis County.
3. Pursuant to 418.108(c) of the Government Code, this declaration of a local disaster shall be given prompt and general publicity and shall be promptly filed with the Ellis County Clerk.
4. Pursuant to 418.108(d) of the Government Code, this declaration of a local state of disaster activates the Ellis County emergency management plan.
5. Pursuant to 418.108(i) of the Government Code, Ellis County seeks to enforce restrictions which may exceed the restrictions authorized within Section 352.051 of the Local Government Code.

6. The portions of this order which grant Ellis County the authority to exceed the restrictions within Section 352.051 of the Local Government Code will continue for a period of 60 hours, unless extended by the Governor.
7. Pursuant to 418.108(i) of the Government Code, the Ellis County Judge will request the Governor to grant an extension of the restrictions which may exceed the restrictions authorized within Section 352.051 of the Local Government Code.

IN ACCORDANCE WITH THE TEXAS DISASTER ACT WITHIN THE GOVERNMENT CODE, THE FOLLOWING EMERGENCY REGULATIONS ARE HEREBY ORDERED TO PROTECT LIFE AND PROPERTY WITHIN THE UNINCORPORATED AREA OF ELLIS COUNTY DURING THE DURATION OF THIS DECLARATION:

The sale of all “skyrockets with sticks” and “missiles with fins” referenced within Minute Order No. 225.11, “ORDER PROHIBITING CERTAIN FIREWORKS IN UNINCORPORATED AREAS OF ELLIS COUNTY, TEXAS,” is hereby prohibited in the unincorporated area of Ellis County.

All outdoor burning activities referenced within Section 3 of Minute Order 225.11, “AN ORDER PROHIBITING OUTDOOR BURNING THEREBY PROVIDING FOR FINDINGS, RESTRICTIONS AND ENFORCEMENT,” including specifically the detonation, ignition or other use of all fireworks, is hereby prohibited in the unincorporated area of Ellis County.

Enforcement actions under this Order shall be conducted according to statutes and procedures set forth in law. This declaration and all provisions stated herein are in effect immediately upon issuance and shall remain in effect for seven days unless extended by the Commissioners Court.

HON. CAROL BUSH
ELLIS COUNTY JUDGE