

***ORDER DECLARING A DISASTER AND RESTRICTING THE SALE,
DISPENSING, OR USE OF FIREWORKS IN
THE UNINCORPORATED AREAS OF HARRIS COUNTY***

Recitals

1. Harris County has not had rainfall for an extended period, and weather forecasters offer little promise of a change in the hot, dry conditions in the near future, posing the imminent threat to all of Harris County of widespread or severe damage, injury, or loss of life or property resulting from fire.

2. On June 7, 2011, the Harris County Commissioners Court, finding that a Keetch-Byram Drought Index (KBDI) of 575 or greater existed on average in Harris County approved, pursuant to the provisions of Section 352.051 of the Local Government Code, an order prohibiting the sale or use of Restricted Fireworks, defined as 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,” in the unincorporated areas of Harris County during the June-July fireworks season, June 21 through July 4, to be effective until a determination is made under Section 352.051(b) of the Local Government Code that drought conditions no longer exist on average in Harris County.

3. Section 418.004(1) of the Texas Government Code states that “Disaster means 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.”

3. Section 418.108 of the Texas Government Code authorizes the County Judge, as presiding officer of the Commissioners Court, the governing body of Harris County, to declare a local state of disaster.

4. Section 418.108(i) provides that a local disaster declaration may include a restriction in regard to fireworks that may exceed a restriction authorized by Section 352.051, Local Government Code.

5. The risk of damage, injury, and loss of life under the conditions creating this disaster is increased unless the restrictions to the sale, dispensing, and use of fireworks set forth below go into effect..

Therefore, it is hereby ordered that, pursuant to the authority granted under state law and acting under the Harris County Emergency Management Plan, that:

Section 1. A local state of disaster is declared in accordance with the above recitals.

Section 2. Pursuant to Texas Government Code § 418.108(b), this declaration of local disaster shall become effective upon its being signed.

Section 3. This declaration includes the following restrictions upon the sale, dispensing, or use of fireworks throughout the duration of the local state of disaster declared by this order, except as provided in Section 4:

The sale, dispensing, or use in the unincorporated area of Harris County of fireworks that are classified as Fireworks 1.4G, as that term is defined by Texas Occupations Code § 2154

.001(7), is prohibited and shall remain prohibited thereafter through the duration of the local disaster declared by this order.

Section 4. The restrictions upon the sale, dispensing, or use of fireworks set forth above shall not apply:

- (a) for a period exceeding 60 hours following the signing, except to the extent the governor is requested to extend such restrictions beyond 60 hours, and the governor extends such restrictions beyond 60 hours, in accordance with Occupations Code § 418.108(i);
- (b) to the sale or use of items exempted from the application of Chapter 2154 of the Texas Occupations code by Section 2154.002 of that code;
- (c) to the conduct of a public display of Fireworks 1.3G, as that term is defined by Texas Occupations Code § 2154.001(7) conducted by a person holding a valid pyrotechnic operator's license or a valid pyrotechnics special effects operator's license issued in accordance with Chapter 2154 of the Texas Occupations Code, provided that such display is a display that the license authorizes the person to conduct and is conducted in accordance with Chapter 2154 of the Texas Occupations Code and applicable regulations and has been approved by the Harris County Fire Marshal.

Section 5. As provided in the Harris County Emergency Plan, a person who voluntarily fails to comply with the Harris County emergency management plan or with a rule, regulation, or Order adopted under the Harris County emergency management plan commits an offense and, upon conviction, is punishable by a fine of not more than \$1,000 or confinement in jail for a term of not more than 180 days or such fine or confinement in jail as is the maximum set by section 418.173 of the Texas Government Code as it may be amended from time to time. A rule, regulation, or Order adopted under the Harris County emergency management plan may set a lesser punishment for its violation, which lesser punishment shall then apply. TEX. GOV'T CODE ANN. § 418.173 (Vernon 1998). A person who violates the restrictions set forth in this order is subject to the maximum penalties provided.

Section 6 Pursuant to Texas Government Code § 418.108(c), this order shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Harris County.

Signed this 21ST day of June, 2011, at 9:00 o'clock, A .M.



ED EMMETT
Harris County Judge