

RESOLUTION NO. 636
CITY OF COTTONWOOD SHORES,
DISASTER DECLARATION

Threat of Wildfires

WHEREAS, the City of Cottonwood Shores has not had rainfall for an extended period of time, creating hot and dry conditions; and

Whereas, the hot and dry conditions pose the treat of large, dangerous and fast moving wildfires; and

Whereas, such fires have potential of endangering lives and damaging property on a large scale; and

Whereas, the Texas Government Code Chapter 418 gives the Burnet 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 control on activities which tend to increase the likelihood of fires; and

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

Whereas, a declaration issued under Section 418.108 of the Texas Government Code may include a prohibition or restrictions on the sales or use of all fireworks within the county; and

Whereas, a local disaster declaration expires seven days after its issuances, unless the City of Cottonwood Shores City Council consents to its renewal or continuance; and

Whereas, to the extent that a declaration includes a provision related to fires works, any portion of the provision that exceeds the restrictions authorized by Local Government Code § 352.051 is effective only for 60 hours, unless the Burnet County judge and the governor authorizes an extension of the broader fireworks restriction.

BE IT THEREFORE PROCLAIMED that the City of Cottonwood Shores City Council do hereby declare a local state of disaster on the threat of large wildfires in the City of Cottonwood Shores.

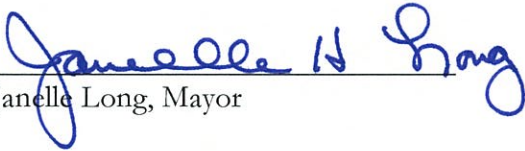
BE IT ALSO PROCLAIAIMED that this state of disaster will continue until rescinded in accordance with the above cited statute, but in no instance will this declaration continue for more than seven days without being authorized by the City Council, or for no more than 60 hours unless an extension of the 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 prohibiting in the City of Cottonwood Shores the sale and use of fireworks with a 1.3 G and a 1.4 G rating as defined in Section 2154.001(6) and (7) of the Texas Occupations Code, which purpose is to be taken into account in any enforcement action based upon this order. A person who knowingly or intentionally violates this order commits a misdemeanor, punishable by a fine up to \$2,000.

This declaration shall be promptly publicized.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF COTTONWOOD SHORES, TEXAS:

PASSED AND APPROVED THIS 22 DAY OF June, 2011.



Janelle Long, Mayor

ATTEST:



Jerral Wafer
City Administrator / City Secretary

