

ORDINANCE 98-2

AN ORDINANCE OF THE CITY OF BEACH CITY, TEXAS, FINDING THAT AN EMERGENCY AND STATE OF DISASTER EXISTS DUE TO THE IMMINENT THREAT OF DISASTER FROM FIRE, AND PROHIBITING OUTDOOR BURNING AND THE USE OF AERIAL FIREWORKS

WHEREAS the Honorable County Judge and County Commissioners of Chambers County have declared a state of disaster to exist throughout the County based on the imminent threat of disaster from wildfire; and


WHEREAS the County Judge and Commissioners Court have issued orders prohibiting outdoor burning (No. 187-B-98, June 1, 1998) and the use of aerial fireworks (June 12, 1998) within the unincorporated areas of the County; and

WHEREAS THE City Council judges these steps to be reasonable and prudent;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH CITY:

1. Council finds that a state of disaster exists within the City based on the imminent threat of disaster from wildfire; and
2. Council adopts the Orders of the County prohibiting outdoor burning and the use of aerial fireworks, which orders are incorporated herein by reference, as its own, and as applicable within the corporate limits of Beach City; and
3. Council requests and authorizes the officers of Chambers County and the Fire Chiefs of responding fire departments to enforce this Ordinance and said Orders within the City in the same manner and degree as they would within the unincorporated areas of the County; and
4. This ordinance shall be effective from the time of its passage; and
5. This ordinance shall expire and be null and void from and after the time that the Mayor shall declare the state of disaster to be ended within the City, or the County Judge shall declare the state of disaster to be ended within the County, provided however that in no event shall this ordinance remain in effect for more than sixty (60) days without the further action of Council.

PASSED AND APPROVED ON THIS THE 23 DAY OF June, 1998.



J.E. Standridge, Mayor

ATTEST:



M. Gainer, City Secretary



THE COUNTY OF CHAMBERS

ANAHUAC, TEXAS 77514

the office of
THE COUNTY JUDGE
JIMMY SYLVIA

POST OFFICE BOX 939
TELEPHONE:
409/267-8295
1-800-682-0183

DECLARATION OF DISASTER THREAT OF WILDFIRES

WHEREAS, Chambers County has not had rainfall for an extended period;
and

WHEREAS, weather forecasters offer little promise of a change in the hot,
dry conditions in the near future; and

WHEREAS, these hot, dry conditions 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 Texas Disaster Act of 1975 authorized declaration of a state
of disaster "if the threat of disaster is imminent" and

WHEREAS, the magnitude of the potential damage and the rapidity at which
such a fire could escalate to major proportions constitute an imminent threat
of disaster; and

WHEREAS, declaration of such disaster authorized the imposition of
controls 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;

BE IT THEREFORE PROCLAIMED that I, Jimmy Sylvia, County Judge


of Chambers County, do hereby declare a state of disaster based on the threat of large wildfires in Chambers County, Texas and

BE IT ALSO PROCLAIMED that this state of disaster will continue until rescinded in accordance with the above statute and order, but in no instance will this declaration continue for more than seven days without authorization by the Chambers County Commissioners Court;

BE IT ALSO PROCLAIMED that this state of disaster is being declared solely for the purpose of implementing controls aimed at mitigating the hazard posed by wildfires during the current hot, dry weather.


BE IT ALSO ORDERED THAT the purpose of this order is the mitigation of the hazard posed by wildfires by curtailing the practice of outdoor burning, which purpose is to be taken into account in any enforcement action based upon this order.

IN WITNESS WHEREOF, I affix my signature this 1st day of June 1998.

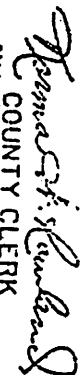


Jimmy Sylvia, County Judge
Chambers County

Attest:



Norma W. Rowland, County Clerk
Chambers County


COUNTY CLERK
CHAMBERS COUNTY, TEXAS

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PROHIBITION OF OUTDOOR BURNING

WHEREAS, in accordance with provisions of the Texas Disaster Act of 1975, a state of disaster has been declared based on the imminent threat of disaster from wildfire; and

WHEREAS, a declaration of such disaster authorized the imposition of controls on activities which tend to increase the likelihood of such fires;

BE IT THEREFORE ORDERED that the following emergency regulations are hereby established for all unincorporated areas of Chambers County, Texas for the duration of the above mentioned declaration;

(1) **Actions Prohibited:**

A person violates this order if he burns any combustible material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning by others.

(2) **Enforcement:**

(a) Upon notification of suspected outdoor burning, the fire department assigned to the location of the fire shall respond to the scene and take immediate measures to contain and/or extinguish the fire.


(b) As soon as possible, a duly-commissioned peace officer shall be sent to the scene to investigate the nature of the fire.

(c) If in the opinion of the officer at the scene and/or the Fire Chief, the goal of the order can be attained by informing the responsible party about the prohibitions established by this order, the officer may, at his discretion, notify the party about the provisions of this order and request compliance with it. In such instances, an entry of the notification shall be made into the dispatchers log containing the time, date, and place of the warning, and the name of the person receiving the warning.

(3) At the discretion of the peace officer and/or Fire Chief, second or flagrant violations of this order may be prosecuted in accordance with the statutes and procedures governing misdemeanors.

BE IT ALSO ORDERED that this order may be enforced by any duly-commissioned peace officer and that the venue for prosecution of this order will be Justice of the Peace Court, Chambers County Texas.

IN WITNESS WHEREOF, I affix my signature this 1st day of June 1998.

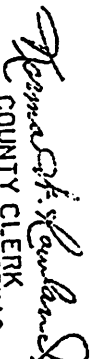


Jimmy Sylvia, County Judge
Chambers County

Attest:



Norma W. Rowland, County Clerk
Chambers County

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COUNTY CLERK
CHAMBERS COUNTY, TEXAS

STATE OF TEXAS

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COUNTY OF CHAMBERS

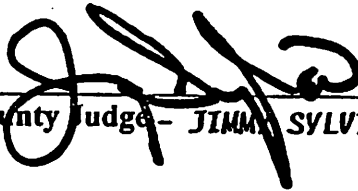
Order Prohibiting the Use of Aerial Fireworks

Whereas, the Texas Forest Service has determined that drought conditions exist within this county; and

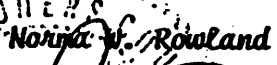
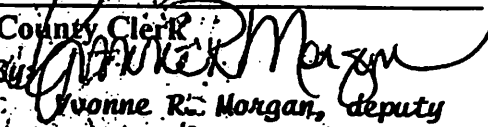
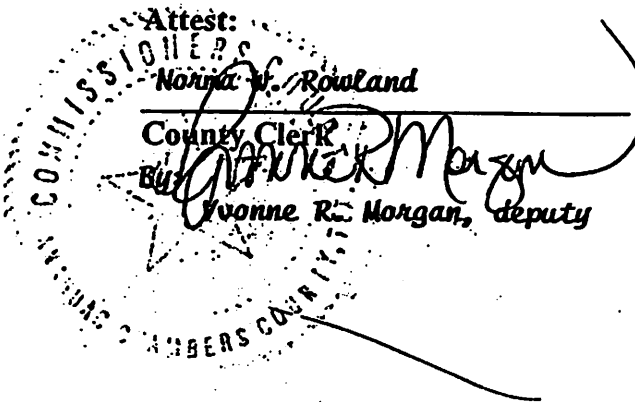
Whereas, the use of aerial fireworks during these drought conditions would constitute an unreasonable risk to life and property; Therefore

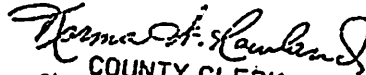
It is hereby Ordered by the Commissioners Court of CHAMBERS County that the use of aerial fireworks within the unincorporated areas of this county is prohibited. All persons selling fireworks within this county shall provide reasonable notice of this order. This order is adopted pursuant to Section 240.904, Local Government Code, and other applicable statutes. Violation of this order is a Class C misdemeanor, punishable by fine not to exceed \$500.00.

Adopted this 12 day of June, 1998 by a vote of 5 ayes and 0 nays.



County Judge - JIMMIE SYLVIA

Attest:

Norma W. Rowland
County Clerk

By Yvonne R. Morgan, deputy


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COUNTY CLERK
CHAMBERS COUNTY, TEXAS