



*McLennan County Courthouse*

**Jim Lewis**  
**McLENNAN COUNTY JUDGE**

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June 16, 2011

**TO: Mr. David Zimmerman**

**FROM: Jim Lewis, McLennan County Judge**

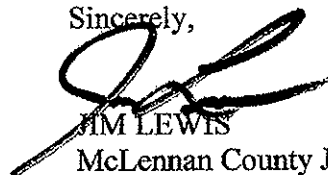
**Re: Request for the Governor to Extend the 60 hour ban on all fireworks**

Mr. Zimmerman:

Today, June 16, 2001, per the attached Order, I have enacted a Disaster Declaration pursuant to Section 418 of the Texas Government Code, with said Order including a Prohibition of the sale or use of all fireworks in the unincorporated areas of McLennan County, due to the extremely dry and hazardous conditions.

Please consider this letter as McLennan County's formal request to have the Governor extend McLennan County's Disaster Declaration relative to banning of all fireworks until July 5, 2011.

Sincerely,



**JIM LEWIS**  
McLennan County Judge

ORDER OF THE MCLENNAN COUNTY JUDGE  
ENACTING a DISASTER DECLARATION and  
PROHIBITING THE SALE OR USE OF ALL FIREWORKS  
IN THE UNINCORPORATED AREAS OF MCLENNAN COUNTY  
DUE TO EXTERMEELY DRY AND HAZARDOUS CONDITIONS

WHEREAS, McLennan County has not had 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 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, a declaration issued under Section 418.108 of the Texas Government Code may include a prohibition or restriction on the sale or 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, Jim Lewis, County Judge of McLennan County do hereby declare a local state of disaster based on the threat of large wildfires in McLennan County, Texas, and hereby ban the sale or use of all fireworks in McLennan County (with the exception of commercially done displays by a bonded professional company); and

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 sale and use of all fireworks, which purpose is to be taken into account in any enforcement action based upon this order.

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

IN WITNESS WHEREOF, I affix my signature this 16 day of June, 2011.

  
JIM LEWIS,  
McLennan County Judge

Filed with the Clerk of McLennan County on June 16, 2011.

  
J. F. "Andy" Harwell