



JOY STREAIER
COMAL COUNTY CLERK

2009 JUN 30 PM 2:30

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DECLARATION OF LOCAL DISASTER FOR COMAL COUNTY, TEXAS

WHEREAS, on the 30th day of June, 2009, at 2:00 a.m./p.m. the County of Comal, Texas, is experiencing the occurrence and imminent threat of widespread and severe damage, injury, and/or loss of life and property resulting from:

WILDFIRES DUE TO DROUGHT, DRY VEGETATION, WIND, AND OTHER WEATHER RELATED CONDITIONS; and

WHEREAS, Section 418.004(1) of the Texas Government Code defines **disaster** to be 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;” and

WHEREAS, the County Judge of Comal County has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property by evidence of affidavit provided by the Comal County Fire Marshal, attached to the Executive Order 227 and incorporated herein by reference;

NOW THEREFORE, BE IT DECLARED BY THE COUNTY JUDGE OF COMAL COUNTY:

1. That a local state of disaster is hereby declared for Comal County pursuant to Section 418.108(a) of the Texas Government Code;
2. Pursuant to Section 418.108(b) an Executive Order, by means of a Declaration of a Local Disaster, restricting the sale, dispensing, use, and transportation of “Restricted Fireworks” as defined by Section 352.051(a)(1) of the Local Government Code;

3. Section 418.108(i) of the Texas Government Code authorizes the County Judge to include in its Declaration of Local Disaster prohibitions that exceed the restrictions authorized by Section 352.051 of the Texas Local Government Code, namely restricting the sale, dispensing, use, and transportation of fireworks;
4. Pursuant to Section 418.108(i) of the Texas Government Code, an Executive Order, pursuant to a Declaration of Local Disaster, prohibiting the sale, use, and transportation of fireworks shall continue for a period of not more than sixty (60) hours from the date of this declaration unless extended by the Governor for the State of Texas;
5. Pursuant to Section 418.108(d) of the Texas Government Code, this Declaration of Local Disaster activates the recovery and rehabilitation aspects of the Comal County Emergency Management Plan and authorizes the furnishing of aid and assistance under this Declaration. The preparedness and response aspects of the Comal County Emergency Management Plan are hereby activated and shall take effect immediately upon this Declaration of Local Disaster;
6. Pursuant to this Declaration and the statutory authority stated above, the Executive Order Prohibiting the Sale, Dispensing, Use, and Transportation of "Restricted Fireworks" attached as **Exhibit A** hereto and incorporated herein by reference, is hereby activated and shall take effect immediately; and
7. Pursuant to Section 418.108(c) of the Texas Government Code, this Declaration of Local Disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Comal County.

This Declaration shall take effect immediately from and after its issuance, ORDERED AND SIGNED at 2:00 a.m./p.m. THIS 30th DAY OF JUNE, 2009.



Danhy Scheel
Comal County Judge