



2023-071

**DECLARATION OF DISASTER AND
ORDER PROHIBITING OUTDOOR BURNING
IN POLK COUNTY, TEXAS**

FILED FOR RECORD
2023 JUL 19 PM 4:52

Schelana Hock
SCHELANA HOCK
POLK COUNTY CLERK

WHEREAS, Polk County has not had significant rainfall for an extended period and 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 to 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 fire;

NOW, THEREFORE, IN ACCORDANCE WITH THE AUTHORITY VESTED IN THE POLK COUNTY JUDGE BY SECTION 418.108 OF THE TEXAS GOVERNMENT CODE, I SYDNEY MURPHY, COUNTY JUDGE OF POLK COUNTY, TEXAS DO HEREBY DELCARE A STATE OF DISASTER BASED ON THE THREAT OF LARGE WILDFIRES IN POLK COUNTY, TEXAS; AND DIRECT THAT ALL NECESSARY MEASURES BOTH PUBLIC AND PRIVATE AS AUTHORIZED BY THE LAWS OF THE STATE OF TEXAS BE IMPLEMENTED TO MEET THAT DISASTER;

BE IT ALSO PROCLAIMED that this state of disaster will continue until rescinded in accordance with the above statute and order, but in no instance will this declaration continue for more than seven days without authorization by the Polk 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

WHEREAS, 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 Polk County, Texas for the duration of the above-mentioned declaration;

1. Actions Prohibited:

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

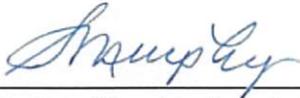
2. Enforcement:

- 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 dispatcher's 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 or the 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 the Justice of the Peace.

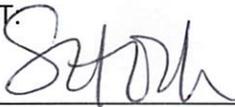
IN WITNESS WHEREOF, I affix my signature this 19th day of July, 2023.



Sydney Murphy, County Judge
Polk County, Texas.

Filed with the County Clerk of Polk County, Texas
On July 19, 2023

ATTEST:



Schelana Hock, Polk County Clerk

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