

**EMERGENCY ORDER  
GONZALES COUNTY, TEXAS**

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

**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 Gonzales County, Texas, for the duration of the above mentioned declaration;

1. Actions prohibited: A person violates this order if he/she burns any combustible material outside of an enclosure which serves to contain all flames 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 to investigate the nature of 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;
3. Violation of this order: At the discretion of a peace officer and the Fire Chief or Fire Incident Commander, it shall be determined if a violation of this order has occurred. A citation may be issued and the cited party may be prosecuted in accordance with the statutes and procedures governing misdemeanors. (In accordance with Local Government Code 352.081(h), a violation of this Order is a Class C misdemeanor, punishable by a fine not to exceed \$500.00).

**BE IT ALSO ORDERED** that the non-commercial preparation of food and the burning of prickly pear for livestock feed are exempt from this order.

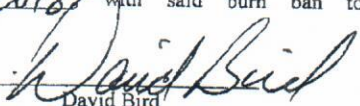
**BE IT ALSO ORDERED** that the purpose of this order is the mitigation of the hazard posed by wildfires by curtailing the practice of outdoor burning, which purpose is to be taken into account in any enforcement action based upon this order.

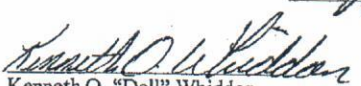
**BE IT ALSO ORDERED** that this order does not prohibit prescribed fires conducted in compliance with guidelines set forth by federal or state natural resource agencies and burned under a burn plan approved by such agencies. Prior to a burn, a plan shall be filed in the County Judge's office and notice given to the local Volunteer Fire Department and the Sheriff's Office.

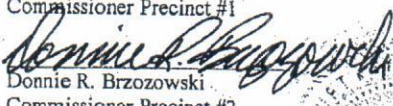
**BE IT ALSO ORDERED** that this order may be enforced by any duly commissioned peace officer and that this state of disaster will continue until rescinded in accordance with the above statute and order.

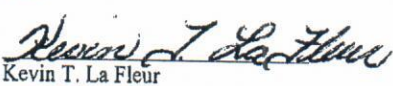
**THIS ORDER** shall remain in effect for 90 days or until such drought conditions no longer exist and this order is hereby lifted by authority of the County Judge.

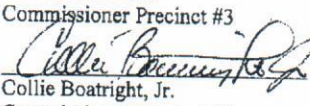
**NOW THEREFORE BE IT ORDERED** that this state of disaster is hereby declared this 27 day of Aug, 2018, with said burn ban to go into effect this date

  
David Bird  
County Judge

  
Kenneth O. "Dell" Whiddon  
Commissioner Precinct #1

  
Donnie R. Brzozowski  
Commissioner Precinct #2

  
Kevin T. La Fleur  
Commissioner Precinct #3

  
Collie Boatright, Jr.  
Commissioner Precinct #4

Attest:   
Sylvia Sheffield, County Clerk

