

STATE OF TEXAS       §  
                                  §  
COUNTY OF ARANSAS §

**COMMISSIONERS' COURT ORDER #0-03-2011**

**AN ORDER BY THE COMMISSIONERS' COURT OF THE COUNTY OF ARANSAS, TEXAS, PURSUANT TO SECTION 418.004 OF THE TEXAS LOCAL GOVERNMENT CODE, DECLARING A LOCAL DISASTER WITHIN THE COUNTY AND PROHIBITING THE POSSESSION, SALE OR USE OF RESTRICTED FIREWORKS IN ARANSAS COUNTY**

**WHEREAS**, *Section 418.004 of the Texas Local Government Code* defines a Disaster as “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**, on the 29<sup>th</sup> day of June, 2011, the Commissioners' Court of Aransas County has determined that the normal danger of fire in the unincorporated areas of Aransas County is greatly enhanced by the extremely dry conditions now existing wherein there exists a Keetch-Byram Drought Index of 575 or greater within the County; and

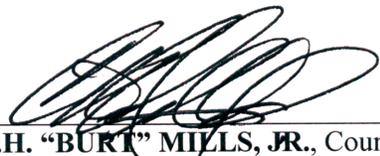
**WHEREAS**, the Commissioners' Court recognizes the need to protect the citizens and property located in Aransas County from the risk of fire damage to persons and property; and,

**WHEREAS**, *Section 418 of the Texas Local Government Code* authorizes the County Judge to declare a local disaster within the county, and he so declares the same with this Order.

**NOW, THEREFORE, THE COMMISSIONERS' COURT OF ARANSAS COUNTY, TEXAS**, in response to the declaration from the County Judge of said local disaster, hereby prohibits the possession, sale or use of restricted fireworks in the unincorporated areas of Aransas County, effective immediately and expiring in seven(7) days or July 6, 2011.

- A. No person may sell, detonate, ignite or in any way use restricted fireworks classified under *49 C.F.R. par. 173.100(r)(2)(10-1-86 edition)* also known as “skyrocket with sticks” and “missiles with fins” in any portion of the unincorporated areas of Aransas County.
- B. This Order does not prohibit:
  - 1. common fireworks, small in size classified as Class C explosives;
  - 2. large fireworks devices designed primarily to produce visible or audible effects by combustion, deflagration, or detonation and classified as Class B explosive by the U.S. Dept. of Trans. [TEX.OCC.CODE, Chapter 2154].
- C. A person commits an offense if the person knowingly or intentionally violates a prohibition established by this Order. An offense under this Order is a Class C misdemeanor.

**APPROVED THIS THE 29<sup>TH</sup> DAY OF JUNE, 2011, BY THE COMMISSIONERS' COURT OF ARANSAS COUNTY, TEXAS.**

  
C.H. "BURT" MILLS, JR., County Judge

ATTEST:  
  
  
PEGGY L. FRIEBELE, County Clerk