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TIME 8:15am
BY: Michelle Mealy
SANDRA K. DUCKWORTH, COUNTY CLERK



**DECLARATION OF DISASTER AND ORDER PROHIBITING OUTDOOR BURNING FOR
NEWTON COUNTY**

WHEREAS, Newton County is currently threatened by high or extreme wildland fire hazard. This threat is caused by abundant fuel and extreme dry conditions across the State and in Newton County, and;

WHEREAS, the Keetch-Byram Drought index for Newton County is greater than 600, and;

WHEREAS, extraordinary measures must be taken to protect life and/or property;

NOW THEREFORE, IN ACCORDANCE WITH THE AUTHORITY VESTED IN THE NEWTON COUNTY JUDGE BY SECTION 418.108 OF THE TEXAS GOVERNMENT CODE, I DO HEREBY PROCLAIM THE EXISTENCE OF SUCH DISASTER 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:

1. That a local state of disaster is hereby proclaimed for Newton County pursuant to Section 418.108(a) of the Texas Government Code.
2. Pursuant to section 418.108(b) of the Government Code, this Declaration of a local state of disaster shall continue for seven (7) days unless extended by the Newton County Commissioner's Court and then for so long as such conditions exists with the exception granted to fireworks under Section 108.108 (i) of the Government Code.
3. Pursuant to Section 418.108 (c) of the Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Newton County.
4. Pursuant to Section 418.108 (d) of the Government Code, this Declaration of a local state of disaster activates the Newton County Emergency Management Plan.
5. The purpose of this order is that 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 therefore ordered that the following emergency regulations are hereby established for all unincorporated areas of Newton County, Texas in accordance with Section 418.108 (h) (1) of the Government Code.

1. Action Prohibited:
 - (a) A person violates this Order if they burn any combustible material outside or orders such burning.
 - (b) A person violates this Order if they engage in any activity outdoors, which could allow flames or sparks that could result in a fire or orders such activities by others.
2. This Order does not prohibit outdoor burning activities related to public health and safety that are authorized by the Texas Commission on Environmental Quality.
3. In accordance with Local Government Code Section 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 this order may be enforced by any duly-commissioned peace officer and that the venue for prosecution of this order will be Justice of the Peace Court, Newton County, Texas

This Declaration and Order shall take effect immediately from and after it's issuance and continue for a period of seven (7) days unless extended by the Newton County Commissioner's Court.

DECLARATION AND ORDERED THIS 11 **DAY OF** Oct. **2022.**



KENNETH WEEKS

NEWTON COUNTY JUDGE

Attest:

Sandra K. Duckworth by Michelle Medley-deputy

Sandra K. Duckworth, Newton County Clerk