



COUNTY OF VICTORIA

DONALD R. POZZI
COUNTY JUDGE

THE STATE OF TEXAS §

COUNTY OF VICTORIA §

ORDER DECLARING A DISASTER AND PROHIBITING THE SALE, DISPENSING, USE, OR TRANSPORTATION OF RESTRICTED FIREWORKS IN VICTORIA COUNTY

RECITALS

WHEREAS, Victoria County has not had rainfall for an extended period, and weather forecasters offer little promise of a change in the hot, dry conditions in the near future, posing the imminent threat to all of Victoria County of widespread or severe damage, injury, or loss of life or property resulting from fire; and

WHEREAS, Section 418.004(1) of the Texas Government Code states that “disaster means 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 contaminations, volcanic activity, epidemic, air contamination, blight, drought, infestations, explosion, riot, hostile military or paramilitary action, other public calamity requiring emergency actions, or energy emergency; and

WHEREAS; Section 418.108 of the Texas Government Code authorizes the County Judge, as presiding officer of the Commissioners’ Court, the governing body of Victoria County, to declare a local state of disaster; and

WHEREAS, Section 418.108(i) provides that a local disaster declaration may include a restriction in regard to fireworks that may exceed a restriction authorized by Section 352.051, Local Government Code; and

WHEREAS, the sale, dispensing, use, or transportation of fireworks that are classified under Section 352.051 of the Texas Local Government Code as “skyrockets with sticks” and “missiles with fins” increases the risk of damage, injury, and loss of life under the conditions creating this disaster.

THEREFORE, it is hereby ordered that, pursuant to the authority granted under state law and acting under the Emergency Plan for Victoria County, this Order is effective beginning 5:00 p.m. July 2nd, 2009 until 5:00 a.m. July 5th, 2009:

Section 1. A local state of disaster is declared in accordance with the above recitals.

Section 2. The sale, dispensing, transportation and use of fireworks that are classified under Section 352.051 of the Texas Local Government Code as “skyrockets with sticks” and “missiles with fins” is prohibited in Victoria County, Texas, excepted as provided in Section 3.

Section 3. This order shall not apply to the conduct of a public display of fireworks by a person holding a valid pyrotechnic operator’s license or a valid pyrotechnics special effects operator’s license issued in accordance with chapter 2154 of the Texas Occupations Code, provided that such display is a display that the license authorizes the person to conduct and is conducted in accordance with Chapter 2154 of the Texas Occupations Code and applicable regulations.

ORDERED this the 2nd day of July 2009.



COUNTY JUDGE