



COUNTY OF KENDALL
SHANE STOLARCZYK
COUNTY JUDGE

DECLARATION OF LOCAL DISASTER

WHEREAS, significantly low rainfall and prolonged dry conditions have caused exceptional drought conditions that pose a threat of imminent disaster in Kendall County, Texas; and

WHEREAS, the exceptional drought conditions continue to increase the threat of wildfire across Kendall County, Texas, which pose an imminent threat of widespread or severe damage, injury, or loss of life or property; and

WHEREAS, The Keetch-Byram Drought Index ("KBDI"), used by the Texas A&M Forest Service, is an index used to determine fire potential and the current KBDI indicates a KBDI average of 703 as of July 7, 2023 with a maximum value of 732; and

WHEREAS, KBDI values between 600 – 800, the highest range, indicate that wildfires will show extreme intensity, and deep burning, intense wildfires with significant spotting can be expected; and

WHEREAS, extraordinary measures must be taken to prevent the threat of wildfire from causing widespread damage, injury, and/or loss of life or property in Kendall County, Texas; and

WHEREAS, the Kendall County Commissioners Court reinstated an outdoor burning ban on July 10, 2023 that prohibits outdoor burning and use of hot-working materials unless a permit is obtained; and

WHEREAS, the Texas Government Code, Chapter 418 gives the County Judge the authority to declare a local disaster within the county "if the threat of disaster is imminent"; and

WHEREAS, a declaration issued under Tex. Gov't Code Ann. § 418.108 may include a prohibition or restriction on the sale or use of fireworks within the county; and

WHEREAS, pursuant to Tex. Gov't Code Ann. § 418.108(f) the County Judge may order the evacuation of all or part of the population from a threatened area if the County Judge considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery; and

WHEREAS, pursuant to Tex. Gov't Code Ann. § 418.108(g) the County Judge may control ingress to and egress from a disaster area under the jurisdiction and authority of the county judge and control the movement of persons and the occupancy of premises in that area.

BE IT THEREFORE PROCLAIMED that I, Shane Stolarczyk, Kendall County Judge do hereby declare a local state of disaster based on the threat of extremely intense wildfires in Kendall County, Texas, and hereby ban the sale and use of all fireworks in Kendall County (with the exception of commercially done displays by a bonded professional company); and

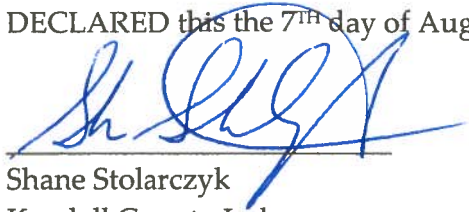
BE IT ALSO PROCLAIMED that this state of disaster will continue until rescinded in accordance with the above cited statutes, but in no instance will this declaration continue for more than seven days without being authorized by the Kendall County Commissioners Court, or as it pertains to fireworks, no more than 60 hours unless an extension has been received from the Governor.

BE IT ALSO PROCLAIMED that the purpose of this Order is the mitigation of the hazard posed by wildfires by curtailing the practice of outdoor burning, and the sale and use of all fireworks, which purpose is to be taken into account in any enforcement action based upon this Order.

BE IT ALSO PROCLAIMED that a violation of this Disaster Declaration is punishable as a Class C misdemeanor by a fine not exceed \$500.00 or as authorized by Tex. Gov't Code Ann. § 418.173 and adopted in the County's emergency plan.

BE IT ALSO PROCLAIMED that this proclamation shall take effect immediately from and after its issuance.

DECLARED this the 7TH day of August, 2023.



Shane Stolarczyk
Kendall County Judge