

RESOLUTION NO. 111424-01

RELATING TO FIRE PREVENTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS
EXTENDING A DECLARATION OF LOCAL DISASTER; ESTABLISHING RULES AND
REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN
ACTIVITIES.**

WHEREAS, pursuant to Texas Government Code Section 418.108, the mayor of a municipality may declare a local state of disaster; and,

WHEREAS, La Vernia, Texas has not had an extensive amount of rainfall for an extended period of time; and

WHEREAS, these hot, dry conditions pose the threat of large, dangerous, and fast-moving wildfires: and,

WHEREAS, such fires have the potential of endangering lives and damaging property on a large scale; and

WHEREAS, the magnitude of the potential damage and the rapidity at which such a fire could escalate to major proportions constitute an imminent threat of disaster; and

WHEREAS, declaration of such disaster authorized the imposition of controls on activities that tend to increase the likelihood of fires;

WHEREAS, such controls, once implemented, have the potential to protect lives and property by mitigating the threat of dangerous fires; and

WHEREAS, on October 14th, 2024, the Governor of the state of Texas Greg Abbott approved a Burn Ban asserting that while the burn ban is in effect, all outdoor burning, except for agricultural purposes, is prohibited in all areas of Wilson County, Texas, which remains in effect and is incorporated by reference herein; and

WHEREAS, The state of Texas has indicated that when a Declaration of Disaster regarding fire danger is in effect, no burning, for any reason may be conducted outdoors; and

WHEREAS, the City Council of the City of La Vernia feels that it is in the best interest of the city and its residents to declare this local Declaration of Disaster;

WHEREAS, on November 1st, 2024, the Mayor of the City of La Vernia signed and published the initial Disaster Declaration; and,

WHEREAS, the original disaster declaration signed by the mayor was valid for only 7 days, and the city council now determines that the declaration should be extended; and

WHEREAS, on November 14th, 2024, a resolution was presented to the City Council and signed by the Mayor, which extended the referenced disaster declaration to _____; and

WHEREAS, the City Council feels that it may be in the best interest of the city to renew the disaster declaration once more by Resolution

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA:

- Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.
- Section 2. That the local state of disaster declaration enacted by Mayor Marin Poore of the City of La Vernia pursuant to §418.108(a) of the Texas Government Code is hereby renewed and extended until _____ with the consent of the La Vernia City Council pursuant to §418.108(b) of the Government Code, **including all rules and regulation attached hereto as Exhibit A and Exhibit B.**
- Section 3. Pursuant to §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 City Secretary.
- Section 4. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters herein.
- Section 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.
- Section 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.
- Section 8. This Resolution shall be in force and effect from and after its final passage.

PASSED, ADOPTED, and APPROVED the 14th day of November 2024.

Martin Poore, Mayor

ATTEST:

Madison Farrow, City Secretary

Exhibit A

1. The exercise and use of outdoor welding and/or other activities utilizing explosives or combustible materials is prohibited unless prior approval of a fire safety plan for the said welding or other activities is obtained from the city of la Vernia and its designated fire inspector prior to engaging in such activity. Said fire safety plan may include but is not limited to the following fire safety measures: saturation of the surrounding ground area with adequate moisture, utilization of adequate personnel to observe and handle the resulting effects from the use of explosive or combustible material, preparation of the ground area to prevent and remove large amounts of cured grass, and fire suppression devices. The fire marshal shall have the final determination as to the necessary fire safety measures for the said welding or other activities. The exercise of outdoor cooking with open flame is prohibited unless using a barbeque pit or similar device, which is manufactured with a lid that when closed will contain all open flame and with legs to keep it off the ground. Said barbeque pit or similar device must be used only for cooking purposes. The following fire safety measures should be implemented for outdoor cooking with open flame, including, but not limited to: saturation of the surrounding ground area with adequate moisture, constant supervision and observation of the barbeque pit or similar device, and fire suppression devices.

2. Pursuant to §418.108(b) of the Government Code, the state of disaster Declaration shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council.

3. Pursuant to §418.108(c) of the Government Code, this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

4. The City Secretary is directed to give prompt and general publicity of the issuance of this DECLARATION and place same before the City Council for consideration for continuation at its next regular meeting.

5. This proclamation shall take effect immediately from and after its issuance.

6. As Mayor, I further reserve all other authority and powers conferred by state law to respond as necessary to this situation.

Exhibit B

CITY OF LA VERNIA
DECLARATION OF LOCAL DISASTER:
RELATING TO FIRE PREVENTION

WHEREAS, pursuant to Texas Government Code Section 418.108, the mayor of a municipality may declare a local state of disaster; and

WHEREAS, La Vernia, Texas has not had an extensive amount of rainfall for an extended period of time; and

WHEREAS, these hot, dry conditions pose the threat of large, dangerous, and fast-moving wildfires; and

WHEREAS, such fires have the potential of endangering lives and damaging property on a large scale; and

WHEREAS, the magnitude of the potential damage and the rapidity at which such a fire could escalate to major proportions constitute an imminent threat of disaster; and

WHEREAS, declaration of such disaster authorized the imposition of controls on activities that tend to increase the likelihood of fires; and

WHEREAS, such controls, once implemented, have the potential to protect lives and property by mitigating the threat of dangerous fires; and

WHEREAS, on October 14, 2024, the Governor of the state of Texas Greg Abbott approved a Burn Ban asserting that while the burn ban is in effect, all outdoor burning, except for agricultural purposes, is prohibited in all areas of Wilson County, Texas, which remains in effect and is incorporated by reference herein; and

WHEREAS, The state of Texas has indicated that when a Declaration of Disaster regarding fire danger is in effect, no burning, for any reason may be conducted outdoors; and

WHEREAS, the City Council of the City of La Vernia feels that it is in the best interest of the city and its residents to declare this local Declaration of Disaster;

NOW, THEREFORE, A LOCAL DISASTER DECLARATION IS HEREBY DECLARED BY THE MAYOR OF THE CITY OF LA VERNIA: pursuant to the authority granted in the Texas Disaster Act of Chapter 418 Texas Government Code, the following regulations shall take effect immediately upon issuance of this Order and shall remain in effect until the state of disaster is terminated or extended:

1. The exercise and use of outdoor welding and/or other activities utilizing explosives or combustible materials is prohibited unless prior approval of a fire safety plan for the said welding or other activities is obtained from the city of la Vernia and its designated fire inspector prior to engaging in such activity. Said fire safety plan may include but is not limited to the following fire safety measures: saturation of the surrounding ground area with adequate moisture, utilization of adequate personnel to observe and handle the resulting effects from the use of explosive or combustible material, preparation of the ground area to prevent and remove large amounts of cured grass, and fire suppression devices. The fire marshal shall have the final determination as to the necessary fire safety measures for the said welding or other activities. The exercise of outdoor cooking with open flame is prohibited unless using a barbeque pit or similar device, which is manufactured with a lid that when closed will contain all open flame and with legs to keep it off the ground. Said barbeque pit or similar device must be used only for cooking purposes. The following fire safety measures should be implemented for outdoor cooking with open flame, including, but not limited to: saturation of the surrounding ground area with adequate moisture, constant supervision and observation of the barbeque pit or similar device, and fire suppression devices.

2. Pursuant to §418.108(b) of the Government Code, the state of disaster Declaration shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council.

3. Pursuant to §418.108(c) of the Government Code, this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. The City Secretary is directed to give prompt and general publicity of the issuance of this DECLARATION and place same before the City Council for consideration for continuation at its next regular meeting.
5. This proclamation shall take effect immediately from and after its issuance.
6. As Mayor, I further reserve all other authority and powers conferred by state law to respond as necessary to this situation.

ORDERED this 1st day of November 2024.

MAYOR MARTIN POORE
City of La Vernia, Texas