

STATE OF TEXAS §
COUNTY OF ARCHER §

**ADDENDUM TO ORDER RESTRICTING OUTDOOR BURNING
ENTERED JUNE 10, 2014**

WHEREAS, the Commissioners Court has determined that circumstances present in all of the unincorporated area of the county create a public safety hazard that would be exacerbated by outdoor burning resulting from the unrestricted use of fireworks and;

WHEREAS, The following Order is adopted pursuant to V.T.C.A. Local Government Code §352.081 (c), which states: The commissioners court of a county by order may prohibit or restrict outdoor burning in general or outdoor burning of a particular substance in all or part of the unincorporated area of the county if:

- (1) drought conditions have been determined to exist as provided by Subsection (b); or
- (2) the commissioners court makes a finding that circumstances present in all or part of the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning.

IT IS HEREBY ORDERED by the Commissioners' Court of Archer County that the use of fireworks by any person in the unincorporated area of the County is restricted effective upon passage of this Order and for the duration of time which remains on the County Wide Burn Ban effected June 10, 2014 and until which said Order expires, unless the restrictions are terminated earlier based on a determination made by the Texas Forest Service or this Court. "Fireworks," as individually and collectively referenced hereinafter include any commercial fireworks product sold for personal use, other flammable materials or substances used in activities associated with recreational pyrotechnics, or any other unrestricted activity resulting from the use of such products and substances which could result in a wildfire.

In order to prevent uncontrolled burning or wildfires from the unrestricted use of such "Fireworks," this Order restricts their use in the unincorporated parts of Archer County, Texas in following manner:

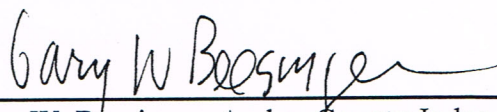
- (1) In the unincorporated parts of Archer County, fireworks may only be used at:
 - a) a user's personal and private property, for the sole and personal benefit of the user, the user's immediate family, and/or the personal guests provided that all such users remain in compliance with the rest of this Order.
 - b) a location in which the user or users are not the landowner, but in which the landowner has registered with and provided prior written notice of use authorizations to the Archer County Sheriff's Department.

Any business owner or individual allowing other individuals to ignite fireworks on their premise with or without charge, shall register no less than six hours before the activity begins on any given day of use. Contents of said Registration Notice shall include: the landowner's or authorizing party's name, phone number, and address, as well as the event location and the hours of activity set aside for fireworks use. This notification must designate the specific dates and times authorized for use of 'firework' activity.

- (2) A spotter over the age of 18 years must be present to observe for possible fires.
- (3) A minimum of 5 gallons of water available on site and, a minimum of one (1) pressurized fire extinguisher or one (1) gallon pump sprayer must be on site with other fire suppression tools such as shovels or wet burlap bags.
- (4) Fireworks may not be discharged in brushy areas, but may only be used on cleared or plowed land.
- (5) Fireworks shall not be discharged less than 50 feet away from any property line or right of way.
- (6) Allowable aerial fireworks must not be ignited or activated outside the designated area of use.
- (7) No fireworks may be activated or discharged if winds are 20 mph or greater.
- (8) Fireworks may not be used within the right-of-way of a public road or highway or any other public lands at any times unless specifically allowed by designated legal authority.
- (9) Under penalty of illegal littering for improper disposal of fireworks refuse, persons using fireworks must have trash bags or other collecting containers to remove fireworks refuse from the site and all fireworks refuse must be properly disposed of.

In accordance with V.T.C.A. Local Government Code §352.081(h), a violation of this Order is a Class C misdemeanor, punishable by a fine not to exceed \$500.00

ADOPTED this 23rd day of June, 2014 by the Commissioners Court.



Gary W. Beesinger Archer County Judge