

**ORDER PROHIBITING OUTDOOR BURNING
ON ALL UNINCORPORATED AREAS OF GALVESTON COUNTY ON
BOLIVAR PENINSULA**

Whereas, Hurricane Ike struck Galveston County on September 12, 2008 and on September 13, 2008 with catastrophic winds and storm surge, and has inflicted widespread, severe, and massive damage, injury, or loss of life or property;

Whereas, the storm surge on Bolivar Peninsula has led to extreme and massive damage and access to much of Bolivar Peninsula remains extremely limited due to damage to infrastructure, including without limitation, the Rollover Pass Bridge and lack of ferry transport;

Whereas, Bolivar Peninsula has suffered extreme and extensive damage from Hurricane Ike and is estimated to be 90% destroyed;

Whereas, Galveston County in accordance with the Texas Disaster Act of 1975, codified at Chapter 418 of the Texas Government Code, has declared a local state of disaster due to Hurricane Ike;

Whereas, the Governor of the State of Texas and the President of the United States of America have each declared disasters covering Galveston County, Texas, due to Hurricane Ike;

Whereas, there is extreme debris upon Bolivar Peninsula resulting from Hurricane Ike, including vegetative debris that has dried and other vegetation that has dried, which has and is creating a fire hazard;

Whereas, water services are limited to non-existent on portions of Bolivar Peninsula;

Whereas, the extreme amount of debris presents a public safety hazard that would be exacerbated by outdoor burning;

Whereas, Galveston County has conferred with the volunteer fire departments from Bolivar Peninsula, including the communities of Port Bolivar, Crystal Beach, and High Island, and the fire departments support the issuance of a burn ban upon Bolivar Peninsula;

Whereas, Galveston County is authorized to prohibit outdoor burning in accordance with Chapter 352 of the Texas Local Government Code;

Whereas, Galveston County is authorized to take action to protect and preserve the public health, safety, and welfare in accordance with constitutional, common, and/or statutory law;

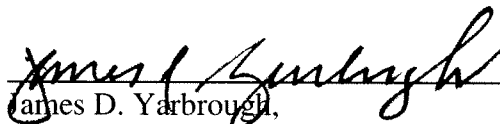
Whereas, the extreme amount of debris in conjunction with limited water supply, damage to roadways, and strain on fire response resources constitute circumstances that create a public safety hazard that would be exacerbated by outdoor burning; and

Whereas, immediate action is required to protect the public health, safety, and welfare of persons upon Bolivar Peninsula and to prevent further damage to property upon Bolivar Peninsula.

Now Therefore, it is hereby ORDERED by the County Judge of Galveston County, Texas, that:

- 1.) Outdoor Burn Ban:
 - a.) Beginning at 12:00 p.m. (noon) on Monday, October 6, 2008, outdoor burning on all unincorporated areas of Galveston County, Texas located on Bolivar Peninsula, extending to the county line between Galveston and Chambers Counties, is hereby **PROHIBITED**; and
 - b.) This Order shall remain in effect until subsequent order lifting this prohibition is issued, provided however, that the period of this **OUTDOOR BURN BAN** may not exceed ninety (90) days from the date of issuance of this Order.
- 2.) A violation of this Order shall be an offense and shall be punishable as provided by law.
- 3.) The sections, paragraphs, sentences, clauses and phrases of this Order are severable and if any phrase, clause, sentence, paragraph or section of this Order should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Order that may be given effect without the phrase, clause, sentence, paragraph, or section and to this end the provisions of this Order are severable.
- 4.) All orders or parts thereof in conflict herewith are repealed to the extent of such conflict only.
- 5.) This Order shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Galveston County.
- 6.) This Order shall take effect immediately from and after its issuance

IT IS HEREBY **ORDERED**, on this, the 6th day of October, 2008.



James D. Yarbrough,
County Judge
Galveston County, Texas