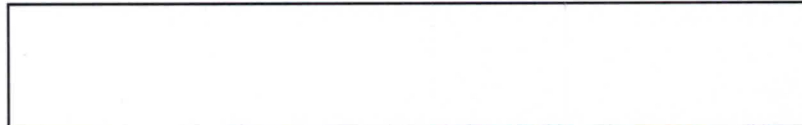
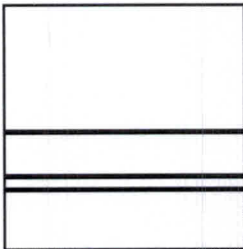


May 9
Comm. Court

To:
Subject:

From: TAC Legal Department [mailto:tacannounce@county.org]
Sent: Monday, April 04, 2016 3:03 PM
To: judge@co.tyler.tx.us
Subject: Memorial Day Fireworks

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April 4, 2016

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MEMORIAL DAY FIREWORKS PERIOD
(MAY 25-MIDNIGHT, MAY 30)
DEADLINE TO ORDER: MAY 13, 2016

Occupations Code, §2154.202(g)(3), permits the commissioners court to adopt an order authorizing the sale of fireworks for Memorial Day (May 30).

If the court decides to permit sale of fireworks during this period, the order must be adopted before May 15 for the Memorial Day period. If the court does not wish to permit the sale of fireworks during this period, no action is required.

Please note the distinction between Occupations Code, §2154.202(g)(3), which allows the commissioners court at its discretion to permit fireworks sales for the holiday period and the prior law which requires the court to take action to restrict or prohibit sales during certain times of the year if drought conditions are present.

To assist the court in determining whether conditions are suitable for authorizing the sale of fireworks, the Texas Forest Service is required to make its services available each day during the Memorial Day period to respond to the request of a county as to whether or not drought conditions exist. To obtain a determination from the Texas Forest Service, call (979) 458-7331.

If the court decides to adopt such an order for Memorial Day, it may restrict or prohibit the sale of "restricted fireworks," which are defined as "skyrockets with sticks" and as "missiles with fins." A violation of the order is a Class C misdemeanor. Also, a citizen may file suit for an injunction to prevent a violation or threatened violation of the order.

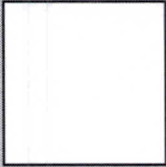
Under Local Government Code §352.051(f), the county may also designate one or more "safe" areas

where the use of restricted fireworks is not prohibited. In determining if an area may be considered “safe” the court should take into account whether adequate public safety and fire protection services are provided to the area.

A copy of Local Government Code §352.051, the portions of the Occupations Code that define and explain permitted and prohibited fireworks and a sample order authorizing sale of fireworks during this period are available [online](#). You will also receive a mailing with this information. If your court decides to designate “safe” areas, the sample order will need to be modified to include appropriate language. If you have any questions, please contact the TAC Legal Department at (888) 275-8224.

Sincerely,

Karen C. Gladney
General Counsel



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