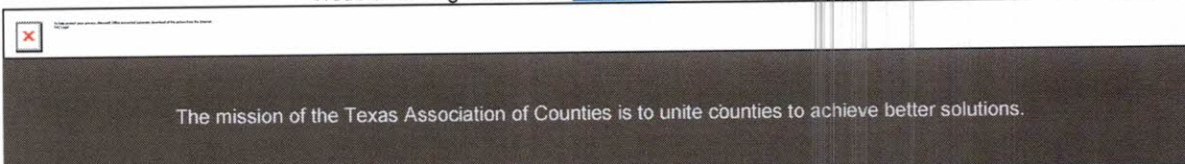


Jacques L. Blanchette

From: TAC Legal <tacannounce@county.org>
Sent: Tuesday, May 07, 2019 8:47 AM
To: judge@co.tyler.tx.us
Subject: Fourth of July Fireworks Period

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May 7, 2019

Fourth of July Fireworks Period

(June 24 - Midnight, July 4)
Deadline to adopt order: June 14, 2019

Local Government Code, §352.051 authorizes the commissioners court to adopt an order regulating certain fireworks in the unincorporated areas of the county under drought conditions. **The statute provides that the order must be adopted before June 15 of each year for the Fourth of July period.**

If your county is designated a drought area, and your court wishes to adopt such an order, action must be taken before the deadline. To determine whether your county is designated a drought area, please visit the Texas Interagency Coordination Center website at tamu.edu/ticc/ or call the Texas Forest Service at (979) 458-7331. The Texas Forest Service has developed drought [weblinks](#) to assist your county in monitoring drought conditions more closely.

If the court decides to adopt an order, the order may prohibit or restrict the sale or use of "restricted fireworks", which are defined as "skyrockets with sticks" as classified in 49 Code of Federal Regulations, §173.100(r)(2) in effect on October 1, 1986 and as missiles with fins. A violation of the order is a Class C misdemeanor. Also, a citizen can file suit for an injunction to prevent a violation or threatened violation of the order. An order issued by your court based on a Texas Forest Service determination will expire when the Texas Forest Service finds that your county is no longer in a drought condition.

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 sample order, a copy of Local Government Code §352.051, the portions of the

Occupation Code that define and explain permitted and prohibited fireworks, and copies of the Federal regulations referenced in the state law are available online at county.org/fireworks. If your court decides to designate "safe" areas, the order will need to be modified to include appropriate language. If you have any questions, please contact the Legal Department toll-free at (888) 275-8224.



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