



TYLER COUNTY COMMISSIONERS COURT

County Courthouse, Room 101 / Woodville, Texas

Martin Nash
Commissioner, Pct. 1

Stevan Sturrock
Commissioner, Pct. 2

Jacques L. Blanchette
County Judge

Mike Marshall
Commissioner, Pct. 3

Charles "Buck" Hudson
Commissioner, Pct. 4

2020 AGENDA REQUEST FORM

Item(s) for *Consideration, Information*

In accordance with the State Open Meetings Act Section 551.001(3)(B) supported by Attorney General Opinion DM-228, **consideration does not guarantee placement on the agenda.**

For Preparation and Posting

All Agenda Requests must be received by **10:00AM** the **Wednesday** prior to the meeting.

Items received after deadline may be placed on the next agenda.

Jan. 13 ___	May 11 ___	Sept. 14 ___
Jan. 27 ___	May 26 ___	Sept. 28 ___
Feb. 10 ___	Jun. 8 <input checked="" type="checkbox"/>	Oct. 13 ___
Feb. 24 ___	Jun. 22 ___	Oct. 26 ___
Mar. 9 ___	Jul. 13 ___	Nov. 9 ___
Mar. 23 ___	Jul. 27 ___	Nov. 23 ___
Apr. 13 ___	Aug. 10 ___	Dec. 14 ___
Apr. 27 ___	Aug. 24 ___	Dec. 29 ___

Request made by:	Jacques L. Blanchette	
Name	County Judge	
Office/Organization		
Contact Information		
Request Information:	Order to Restrict Fireworks for Fourth of July Fireworks Period (6/24-midnight, 7/4)	
Request Type: Consider/Approve or Informational Presentation (circle one)	Documentation Attached: yes no (circle one)	

The governmental body is responsible for the content of the agenda (Statute 551.041), therefore, **the SIGNATURE of a member of Commissioners Court is REQUIRED** for all items on the agenda.

Member of Commissioners Court: _____

Court Coordinator: Jill Davis
Office of the County Judge
Fax: 409-331-0028
Email: jdavis.cojudge@co.tyler.tx.us

jdavis.cojudge@co.tyler.tx.us

From: judge <judge@co.tyler.tx.us>
Sent: Tuesday, May 5, 2020 6:56 AM
To: tylercountyjudge@gmail.com; Jdavis.cojudge@co.tyler.tx.us
Subject: Fwd: Fourth of July Fireworks Period

Sent via the Samsung Galaxy S8, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: TAC Legal <tacannounce@county.org>
Date: 5/4/20 5:01 PM (GMT-06:00)
To: judge@co.tyler.tx.us
Subject: Fourth of July Fireworks Period

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The mission of the Texas Association of Counties is to unite counties to achieve better solutions.

May 4, 2020

Fourth of July Fireworks Period

(June 24 - Midnight, July 4)
Deadline to adopt order: June 14, 2020

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](#) or call the Texas A&M 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 A&M Forest Service determination will expire when the Texas A&M Forest Service finds that your county is no longer in a drought condition.

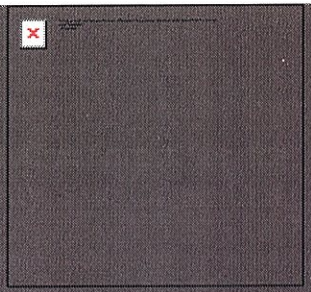
Under Local Government Code §352.051(f), the county may also designate one or more "safe" areas where the use of restricted fireworks is not prohibited. In determining if an area may be considered "safe", the court should take into account whether adequate public safety and fire protection services are 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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Order

BY THE

Commissioners Court of Tyler County

MARTIN NASH
Commissioner, Pct. 1

STEVAN STURROCK
Commissioner, Pct. 2

JACQUES L. BLANCHETTE
County Judge

MIKE MARSHALL
Commissioner, Pct. 3

CHARLES "BUCK" HUDSON
Commissioner, Pct. 4

STATE OF TEXAS
COUNTY OF TYLER

ORDER PROHIBITING CERTAIN FIREWORKS IN UNINCORPORATED AREAS OF TYLER COUNTY, TEXAS

WHEREAS, the Texas Forest Service has determined that drought conditions exist in Tyler County; and

WHEREAS, on the 8th of June, 2020; the Commissioners Court of Tyler County has determined that the normal danger of fire in the unincorporated areas of Tyler is greatly enhanced by the extremely dry conditions now existing;;

NOW, THEREFORE, the Commissioners Court of Tyler County adopts this Order prohibiting the sale or use of restricted fireworks in the unincorporated areas of Tyler County.

- a. A person may not sell, detonate, ignite, or in any way use fireworks classified as "skyrockets with sticks" under 49 C.F.R. part. 173.100(r)(2) (10-01-86 edition) or missiles with fins in any portion of the unincorporated areas of Tyler County.
- b. This Order does not prohibit "permissible fireworks" as authorized in Occupations Code Section 2154.003(a).
- c. A person commits an offense if the person knowingly or intentionally violates a prohibition established by this Order. An offense under this order is a Class C Misdemeanor.
- d. This Order expires on the date the Texas Forest Service determines drought conditions no longer exist in the county or Midnight, July 4.

ADOPTED this the ___ day of _____ 2020 by the Tyler County Commissioners Court by a vote of ___ ayes and ___ nays.

JACQUES L. BLANCHETTE
County Judge, Tyler County

Attested by:

DONECE GREGORY
County Clerk, Tyler County