

Item 2



Travis County Commissioners Court Agenda Request

Meeting Date: 12/11/2012

Prepared By/Phone Number: Debbie Ties/854-6472

Elected/Appointed Official/Dept. Head: Hershel Lee, Fire Marshal

Commissioners Court Sponsor: Judge Samuel T. Biscoe

AGENDA LANGUAGE: CONSIDER AND TAKE APPROPRIATE ACTION ON THE REGULATION OF FIREWORKS IN UNINCORPORATED TRAVIS COUNTY.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

STAFF RECOMMENDATIONS:

ISSUES AND OPPORTUNITIES:

FISCAL IMPACT AND SOURCE OF FUNDING:

REQUIRED AUTHORIZATIONS:

Hershel Lee

Danny Hobby

Jim Connolly

Commissioners Court

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials should be submitted as a pdf to the County Judge's office, agenda@co.travis.tx.us by **Tuesdays at 5:00 p.m.** for the next week's meeting.

TRAVIS COUNTY FIRE MARSHAL'S OFFICE

HERSHEL LEE, FIRE MARSHAL
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(512) 854-4621, FAX (512) 854-6471



MEMORANDUM

To: Travis County Commissioners Court

From: Hershel Lee, Travis County Fire Marshal

Date: December 4, 2012

Subject: **Consider and Take Appropriate Action on the Regulation of Fireworks in Unincorporated Travis County.**

The December retail fireworks season begins December 20 and runs through midnight January 1.

The sale of "restricted fireworks" can be limited by Commissioners Court if certain conditions exist. Restricted fireworks are defined as rockets with sticks and missiles with fins.

Per Local Government Code 352.051, the KBDI (Keech Byrum Drought Index) must be at least 575 on average in the county and Court must take action to prohibit the sale of "restricted fireworks" before December 15 for the December retail season.

At the time of the writing of this memo, the KBDI is 531 on average in Travis County.

If public fireworks displays are available, we encourage people to attend public displays rather than using consumer fireworks.

Hershel Lee
Fire Marshal

COUNTY OF TRAVIS §

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STATE OF TEXAS §

**ORDER PROHIBITING
SALE AND USE OF RESTRICTED FIREWORKS**

WHEREAS, Section 352.051 of the Local Government Code provides that the commissioners court of a county by order may prohibit the sale or use of restricted fireworks in the unincorporated area of the county if the Texas Forest Service has determined that drought conditions exist on average in the county; and,

WHEREAS, the Texas Forest Service has determined that drought conditions exist on average in Travis County;

NOW, THEREFORE, it is ORDERED that the sale and the use of "restricted fireworks", as defined in Section 352.051(a)(1) of the Local Government Code, are prohibited in all of the unincorporated areas of Travis County. Pursuant to Section 352.051(a)(1) of the Local Government Code, "Restricted fireworks" means those items classified under 49 C.F.R. Sec. 173.100(r)(2) (10-1-86 edition) as "skyrockets with sticks" and "missiles with fins."

A person commits an offense if he knowingly or intentionally sells or uses restricted fireworks in the unincorporated area of Travis County. In accordance with Section 352.051 of the Local Government Code, a person who knowingly or intentionally sells or uses restricted fireworks in violation of this order commits a Class C Misdemeanor, punishable by a fine up to \$500.

Be it also ORDERED that the purpose of this order is the mitigation of the public safety hazard posed by wild fires during the current drought conditions by curtailing the sale and use of restricted fireworks, which purpose is to be taken into account in any enforcement action based upon this order.

This Order Prohibiting the Sale and Use of Restricted Fireworks shall expire upon the earlier of (1) an order by the Travis County Commissioners Court lifting this Order Prohibiting the Sale and Use of Restricted Fireworks, or (2) a determination by the Texas Forest Service that drought conditions no longer exist on average in Travis County.

ORDERED THIS 11th DAY OF December, 2012.

TRAVIS COUNTY COMMISSIONERS COURT

By: _____
Samuel T. Biscoe, County Judge