THE STATE OF TEXAS §
§
COUNTY OF FORT BEND §

ORDER PROHIBITING
SALE AND USE OF RESTRICTED FIREWORKS
IN FORT BEND COUNTY, TEXAS

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 Fort Bend 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 Fort Bend 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 Fort Bend 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. It is FURTHER ORDERED that no location is designated as a safe area for the use of restricted fireworks.

This Order Prohibiting the Sale and Use of Restricted Fireworks shall expire upon the earlier of (1) an order by the Fort Bend 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 Fort Bend County.

ORDERED THIS 11 th DAY OF December 2012.

FORT BEND COUNTY COMMISSIONERS COURT

APPROVED:

Robert E. Hebert, County Judge

ATTEST/SEAL:

Dianne Wilson, County Clerk

COMMISSIONERS COURT
TEXAS
FORT BEND COUNTY, TEXAS

I/MTR/Co Judge/fireworks/12.6.2012