



# NEWS RELEASE

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Aransas County Courthouse • 2840 Hwy. 35 N. • Rockport, TX 78382

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CONTACT: [pio@aransascounty.org](mailto:pio@aransascounty.org)

## **Aransas County Commissioners Court Order Prohibits the Sale and Use of Restricted Fireworks during Drought Conditions**

*Monday, June 13, 2022* – The Aransas County Commissioners Court held its regular meeting today and, among other business, issued an order **Prohibiting Certain Fireworks in the Unincorporated Areas of Aransas County for the Fourth of July Fireworks Period from June 24 through July 4**, or until Aransas County is no longer experiencing drought conditions. A new general burn ban Order for up to 30 more days was also issued due to the elevated risk of danger to life and property.

The Fireworks Order states that “No one shall sell, detonate, ignite, or in any way use restricted fireworks for the duration of this Order.” Restricted fireworks are those often described as “aerial fireworks” and include, but are not necessarily limited to “skyrockets with sticks,” “missiles with fins,” and “bottle rockets.” Other types of fireworks that are not aerial fireworks are permissible.

The Commissioners Court asks that citizens be diligent if any fireworks are in use by keeping an adequate supply of water and/or fire extinguishers nearby, and calling for emergency assistance quickly in case of fire. Be safe this Fourth of July.



**ORDER NO. O-14-2022**

**AN ORDER OF THE ARANSAS COUNTY COMMISSIONERS COURT PROHIBITING  
CERTAIN FIREWORKS IN UNINCORPORATED AREAS OF ARANSAS COUNTY  
FOR THE FOURTH OF JULY FIREWORKS PERIOD**

On this 13th day of June, 2022, the Aransas County Commissioners Court convened in a Regular Meeting at 2840 HWY 35 N, Rockport, Texas, 78382, and considered the matter of issuing an Order Prohibiting Certain Fireworks in Unincorporated Areas of Aransas County for the Fourth of July Fireworks Period.

**WITNESSETH:**

**WHEREAS**, Section 352.051 of the Texas Local Government Code provides that in certain circumstances, the Commissioners Court may adopt an order regulating the use of certain fireworks in the unincorporated areas of the County under drought conditions; and,

**WHEREAS**, an order restricting the use of fireworks over the Fourth of July fireworks season must be adopted no later than June 14th; and,

**WHEREAS**, Aransas County has a Keetch-Byram Drought Index of 610 as of June 7, 2022; and,

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

**WHEREAS**, the Commissioners Court of Aransas County, Texas, now finds that unsafe conditions continue to exist within the unincorporated areas of the County that constitute a public safety hazard and the adoption of this Order is necessary.

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF ARANSAS COUNTY, TEXAS:**

**Section 1: Prohibited Activities.**

No one shall **sell, detonate, ignite, or in any way use restricted fireworks** for the duration of this Order.

a. **Restricted Fireworks.** This Order applies to fireworks classified under *49 C.F.R. part. 173.100(r) (2) (10-1-86 edition)* as “skyrocket with sticks” or “missiles with fins.”

b. **Additional Descriptions of Restricted Fireworks.** The Texas Occupations Code, Section 2154.003 (b) further describes restricted fireworks as:

1. Sky rockets or “bottle rockets” with:
  - A total propellant charge of less than four (4) grams;
  - A casing size of less than five-eighths of an inch (5/8) for the outside diameter and less than three and a half inches (3 1/2”) in length; and,
  - An overall length, including stick, of less than fifteen inches (15”); and,
2. Other fireworks determined not acceptable by the United States Consumer Product Safety Commission.

c. **Permissible Fireworks.** This Order does not prohibit “permissible fireworks” as authorized in *Occupations Code, Section 2154.003*. Fireworks not listed in *49 C.F.R. part. 173.100(r) (2) (10-1-86 edition)* or described in Section 2154.003 are not restricted and may be described as “Permissible Fireworks.”

**Section 2: Effective Date and Duration of Order.** This Order shall be in effect immediately as of 12:01 a.m. on the 24th day of June, 2022.<sup>1</sup> This Order may be ended by Order of the Commissioners Court, or by Order of the County Judge, if it is determined that a public safety hazard no longer exists. In no event shall this Order be in effect after 12:00 a.m. on the 5th day of July, 2022, or whenever the Texas Forest Service determines that Aransas County is no longer experiencing drought conditions,<sup>2</sup> whichever occurs first. Tex. Loc. Gov’t Code §352.051 (d), (e) (West 2022).

**Section 4: Area of Jurisdiction.** This Order shall apply to the lands within the territorial limits of Aransas County that are outside of the limits of an incorporated city or town, or other political subdivision of the state.<sup>3</sup>

**Section 5: Violations.** A person commits a Class C misdemeanor offense if he knowingly or intentionally violates a prohibition or restriction established by this Order.<sup>4</sup> Such offenses are punishable by being sentenced to serve up to One Hundred and Eighty (180) days in jail, pay a fine up to Two Thousand Dollars (\$2,000.00), and be ordered up to Two (2) years of community supervision. A person violating this Order may also be charged with other criminal offenses that

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<sup>1</sup> Generally, fireworks may only be sold during the period specified in this section and this Order will be in effect during the entire period.

<sup>2</sup> Tex. Loc. Gov’t Code §352.051 (d), (e) (West 2022).

<sup>3</sup> Tex. Loc. Gov’t Code §352.081 (c) (West 2022).

<sup>4</sup> Tex. Loc. Gov’t Code §352.081 (i) (West 2022).

have similar or more serious penalties. Other criminal offenses include, but are not limited to, arson,<sup>5</sup> criminal mischief,<sup>6</sup> reckless damage or destruction.<sup>7</sup>

**Section 6: Enforcement of this Order.** Fire Departments responding to fires within the jurisdiction covered by this Order shall respond to the scene of the fire and take immediate measures to contain and/or extinguish the fire. The Fire Department shall complete all necessary documentation, including reports of illegal burning, and provide it to the Fire Marshal. In addition, this Order may be enforced by a fire chief or any duly-commissioned peace officer from a law enforcement agency with jurisdiction.

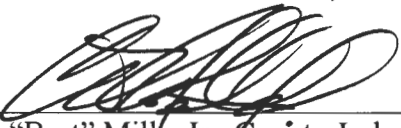
**Section 9: Injunctive Relief.** Any person is entitled to injunctive relief to prevent the violation or threatened violation of a prohibition or restriction established by this Order.<sup>8</sup>

**Section 10: Publication of Order.** County staff is directed to share this Order on the County’s website at [www.aransascounty.org](http://www.aransascounty.org) and to the news media. Further, this Order shall be reported to the Texas A&M Forest Service at [burnban@tfs.tamu.edu](mailto:burnban@tfs.tamu.edu) to ensure inclusion on the Texas Counties Burn Ban map.

**Section 11: Severability.** If any section, article, paragraph, sentence, phrase, or word in this Order is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remaining portions of this Order and the Commissioners Court hereby declares that it would have adopted this Order even without such invalid portions.

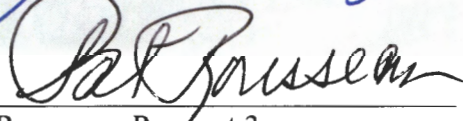
**AND IT IS SO ORDERED.**

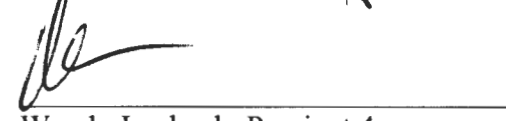
**PASSED AND APPROVED THIS 13TH DAY OF JUNE, 2022.**

  
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C.H. "Burt" Mills, Jr., County Judge

  
\_\_\_\_\_  
Jack Chaney, Precinct 1-1A

  
\_\_\_\_\_  
Leslie Casterline, Precinct 2

  
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Pat Rousseau, Precinct 3

  
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Wendy Laubach, Precinct 4

<sup>5</sup> Tex. Penal Code §28.02 (West 2022).  
<sup>6</sup> Tex. Penal Code §28.03 (West 2022).  
<sup>7</sup> Tex. Penal Code §28.04 (West 2022).  
<sup>8</sup> Tex. Loc. Gov’t Code §352.081 (j) (West 2022).

ATTEST:

*Carrie Arrington*  
Carrie Arrington, County Clerk

