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Precinct No. 1

COMMISSIONER  
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Precinct No. 2

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Precinct No. 3

COMMISSIONER  
*Canuto Mariscal*  
Precinct No. 4



**Joanna E. Mackenzie**  
Hudspeth County Judge  
STATE OF TEXAS

**ORDER PROHIBITING or RESTRICTING CERTAIN FIREWORKS IN  
UNINCORPORATED AREAS OF HUDSPETH COUNTY, TEXAS**

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

**WHEREAS**, on the 28th of May 2024, the Commissioners Court of Hudspeth County has determined that the normal danger of fire in the unincorporated areas of Hudspeth County is greatly enhanced by the extremely dry conditions now existing;

**NOW, THEREFORE**, the Commissioners Court of Hudspeth County adopts this Order prohibiting the sale or use of restricted fireworks in the unincorporated areas of Hudspeth 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 Hudspeth County.
- B. This Order does not apply to public fireworks displays sponsored or performed by the County or a Government/Political subdivision in celebration of Independence Day/4<sup>th</sup> of July that are overseen with public safety and fire protection services present.
- C. This Order does not prohibit "permissible fireworks" as authorized in Occupations Code Section 2154.003(a).
- D. 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.
- E. This order expires on the date the Texas Forest Service determines drought conditions no longer exist in the county.

**APPROVED this the 28th day of May 2024, by the Hudspeth County  
Commissioners Court.**

  
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**Joanna E. Mackenzie**  
Hudspeth County Judge

  
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**Brenda Sanchez**  
Hudspeth County Clerk



## **Local Government Code**

### **Sec.352.051. REGULATION OF RESTRICTED FIREWORKS**

(f) When a county issues an order restricting or prohibiting the sale or use of restricted fireworks under this section, the county may designate one or more areas of appropriate size and accessibility in the county as safe areas where the use of restricted fireworks is not prohibited, and the legislature encourages a county to designate such an area for that purpose. The safe area may be provided by the county, a municipality within the county, or an individual, business, or corporation. A safe area may be designated in and provided in the geographic area of the regulatory jurisdiction of a municipality if the activity conducted in the safe area is authorized by general law or a municipal regulation or ordinance. An area is considered safe if adequate public safety and fire protection services are provided to the area. A county, municipality, individual, business, or corporation is not liable for injuries or damages resulting from the designation, maintenance, or use of the safe area.

## **Occupations Code**

### **Sec. 2154.003. PERMISSIBLE FIREWORKS**

- (a) Except as provided by Subsection
- (b) Fireworks 1.4G are permissible fireworks

### **Sec. 2154.001. DEFINITIONS**

#### **(7) "Fireworks 1.4G" means a small fireworks device:**

- (A) primarily designed to produce visible or audible effects by combustion, deflagration, or detonation;
- (B) that complies with the construction, labeling, and chemical composition requirements of the United States Consumer Product Safety Commission in 16 C.F.R. Part 1507 (1996), or the most recently adopted version of that rule; and
- (C) that is classified by the department in 49 C.F.R. Part 173 (1996)

### **Section 2154.004 Effect of Chapter on Local Regulation**

- (a) A municipal or county ordinance, order, or rule in effect on January 2, 1986, is not invalidated by this chapter.
- (b) This chapter does not limit or restrict the authority of a county, where specifically authorized by law, or municipality to enact an ordinance or order prohibiting or further regulating fireworks.