

STATE OF TEXAS           §

COUNTY OF COMAL       §

## **ORDER NO. 269**

### **ORDER PROHIBITING CERTAIN FIREWORKS IN UNINCORPORATED AREAS OF COMAL COUNTY, TEXAS**

**WHEREAS**, the Commissioners Court of Comal County has the authority to regulate restricted fireworks, under §352.051 of the Texas Local Government Code; and

**WHEREAS**, the Comal County Fire Marshal and the Texas Forest Service has determined, through review of the Keetch-Byram Drought Index, that drought conditions currently exist and the KBDI exceeds 575 as of June 9, 2011; and

**WHEREAS**, on the 9<sup>th</sup> day of June 2011, the Commissioners Court of Comal County determined that the normal danger of fire in the unincorporated areas of Comal County may be greatly enhanced by the extremely dry conditions potentially existing during the period beginning June 9, 2011; and

**NOW THEREFORE, IT IS ORDERED** that the Commissioners Court of Comal County prohibits the sale or use of restricted fireworks in the unincorporated areas of Comal County.

- A. No person may sell, detonate, ignite, or in any way use fireworks classified under 49 C.F.R. part. 173.100(r)(2) (10-1-86 edition) as "skyrockets with sticks" and "missiles with fins" in any portion of the unincorporated area of Comal County.
- B. A person may not lawfully sell fireworks in Comal County during the period this order is in effect unless that person shall, at every location in which the person sells fireworks in the County, provides reasonable notice of this order. Photocopy and use the attached sign, which is identified in Exhibit A and incorporated herein the same as if copy verbatim, will suffice for the purpose of notification and shall be posted at every location at which a person sells fireworks in Comal County.
- C. This Order does not prohibit:
  - a. common fireworks, small in size classified as Class C explosives;

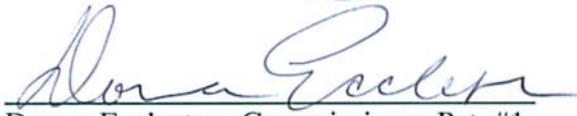
b. large fireworks devices designed primarily to produce visible or audible effects by combustion, deflagration, or detonation and classified as Class B explosive by the U.S. Dept. of Trans. [TEX.OCC.CODE, Chapter 2154].

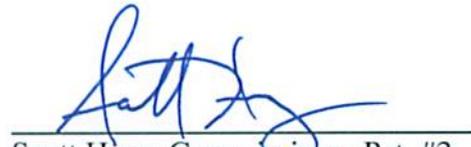
D. A person commits an offense if the person knowingly or intentionally violates a prohibition established by this Order. An offense under this order is a Class C Misdemeanor.

**IT IS FURTHER ORDERED** that the Commissioners Court of Comal County hereby authorizes the Comal County Judge to lift this Order prohibiting certain fireworks in the unincorporated areas of Comal County after a determination has been made by the Texas Forest Service that such drought conditions no longer exist in Comal County.

**Passed and approved** this 9<sup>th</sup> day of June 2011 by the Comal County Commissioners Court.

  
Sherman Krause, County Judge

  
Donna Eccleston, Commissioner Pct. #1

  
Scott Haag, Commissioner Pct. #2

  
Gregory Parker, Commissioner Pct. #3

  
Jan Kennedy, Commissioner Pct. #4



ATTEST:   
Joy Streater, County Clerk