



Offense against Declaration of Disaster for Fireworks

To assist law enforcement agencies with the issues of violations against the current Declaration of Disaster issued June 21st 2011 by Harris County Commissioners Court; HCFMO has prepared an offense reference for officers.

- As recommended by Harris County District Attorney's Office offenses are a "Class B" and "To Be" warrants can be issued at a later date. This option does not remove the ability to affect an immediate arrest.
- In lieu of collecting the fireworks as evidence document the "fireworks" with photographs ensuring the labels and/or packages are visible including the labels that show "UN 0336" and/or "1.4G".

The Harris County Fire Marshal's Office has personnel on duty 24/7 to answer any questions that arise. They can be reached:

- By radio FM-1 talkgroup
- By phone 281-440-0079 (this is the non-emergency line for FMO dispatch at the 1960 Comm Center)

ORDER DECLARING A DISASTER AND RESTRICTING THE SALE, DISPENSING, OR USE OF FIREWORKS IN THE UNINCORPORATED AREAS OF HARRIS COUNTY.

Section 3.

This declaration includes the following restrictions upon the sale, dispensing, or use of fireworks throughout the duration of the local state of disaster declared by this order, except as provided in Section 4: The sale, dispensing, or use in the unincorporated area of Harris County of fireworks that are classified as Fireworks 1.4G, as that term is defined by Texas Occupations Code§ 2154.001(7), is prohibited and shall remain prohibited thereafter through the duration of the local disaster declared by this order.

Section 5.

As provided in the Harris County Emergency 'Plan, a person who voluntarily fails to comply with the Harris County emergency management plan or with a rule, regulation, or Order adopted under the Harris County emergency management plan commits an offense and, upon conviction, is punishable by a fine of not more than \$1,000 or confinement in jail for a term of not more than 180 days or such fine or confinement in jail as is the maximum set by section 418.173 of the Texas Government Code as it may be amended from time to time. A rule, regulation, or Order adopted under the Harris County emergency management plan may set a lesser punishment for its violation, which lesser punishment shall then apply. TEX. GOV'T CODE ANN. § 418.173 (Vernon 1998). A person who violates the restrictions set forth in this order is subject to the maximum penalties provided.

Definition of "Fireworks 1.4G" Texas Occupations Code 2154.001(7)

(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).