



Subject: Fireworks violations

Many common fireworks violations are described in Texas Occupations Code §2154.251, or in the “Fireworks Rules” (28 TAC 34.800). This chart identifies the most common violations, the exact code violation, and the offense type to help you prepare charges for these common offenses. If you have any questions, please call 281-436-8030 and ask for the on-duty inspector during normal business hours. On-duty inspectors and inspection supervisors can also be reached on FM-1, 7:30A-10:00P daily.

(a)A person commits an offense if the person violates Section 2154.101(b), (c)(2), or (d), 2154.151(e), or 2154.201(a), (b)(2), or (c) or Subchapter F. (b) Except as provided by Subsection (c), an offense under this section is a Class B Misdemeanor	2154.303 (a) 2154.303 (b)	
A fire marshal, their deputies, or a peace officer may seize illegal fireworks. IF YOU DECIDE TO SEIZE FIREWORKS, CALL US FOR ASSISTANCE.	2154.304(a)	
Texas Occupations Code, Chapter 2154: PROHIBITED USE OF FIREWORKS (Subchapter F)		
Violation	Code	Offense
A person may not manufacture, distribute, sell, or use fireworks in a public fireworks display or for agricultural, industrial or wildlife control purposes without an appropriate license or permit. Fireworks manufactured, distributed, sold, or used without an appropriate license or permit are illegal fireworks.	2154.251 (b)	Class “B”
Fireworks may not be sold or offered for sale to children under 16 years of age, or to an intoxicated or incompetent person. A person selling fireworks at retail shall make a reasonable effort to determine that potential purchasers of fireworks are of the minimum age required by this subsection	2154.252 (c)	
Only Fireworks 1.4G may be sold to the general public, and only at authorized retail locations. (must have a valid permit for that specific location)	2154.252 (b)	
Sell, store, manufacture, distribute, or display fireworks except as provided by this chapter or rules adopted by the commissioner under this chapter. THIS SECTION TIES THE FOLLOWING FIREWORKS RULES TO A VIOLATION OF LAW.	2154.251(a)(8)	The following are Class “C”
Fireworks may be sold to the public (1) beginning June 24 and ending at midnight on July 4; and (2) beginning December 20 and ending at midnight on January 1 of the following year. (Fireworks may be used year-round.)	2154.202 (g)	Unless the violation results in \$200 or more in property damage, OR 2) bodily injury or death. If so, it is a Class “B”
Sell at retail, explode, or ignite fireworks within 100 feet of a place where flammable liquids or flammable compressed gasses are stored and dispensed;	2154.251 (a)(2)	
Explode or ignite fireworks within 100 feet of a place where fireworks are stored or sold;	2154.251 (a)(3)	
Ignite or discharge fireworks in or from a motor vehicle;	2154.251 (a)(4)	
Explode or ignite fireworks within 600 feet of any church, a hospital other than a veterinary hospital, an asylum, a licensed child care center, or a public or private primary or secondary school or institution of higher education unless the person receives authorization in writing from that organization;	2154.251 (a)(1)	
Place ignited fireworks in, or throw ignited fireworks at, a motor vehicle;	2154.251 (a)(5)	
The display or sales of fireworks from tents and motor vehicles is prohibited.	TAC 34.817(f)	
Smoking shall not be permitted. The presence of lighted cigars, cigarettes, or pipes within 10 feet of any site where fireworks are sold or stored is prohibited.	TAC 34.817(g)	
The consumption or possession of alcoholic beverages is prohibited. No employee shall be under the influence of or consume alcoholic beverages while on duty.	TAC 34.817(h)	
The display or offer for sale or sales of fireworks from single or multifamily residential structures is prohibited.	TAC 34.817(k)	2154.303 (c)

After hours, please call 281-999-2200 (the complaint line) and the on-duty inspector will be paged.