



# JOHNSON COUNTY COMMISSIONERS COURT

**Christopher Boedeker**  
County Judge

**Rick Bailey**  
Commissioner  
Precinct 1

**Kenny Howell**  
Commissioner  
Precinct 2

**Mike White**  
Commissioner  
Precinct 3

**Larry Woolley**  
Commissioner  
Precinct 4

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**THE STATE OF TEXAS**

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**COUNTY OF JOHNSON**

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**ORDER 2025-37**

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## **ORDER AUTHORIZING THE SALE OF FIREWORKS ON MEMORIAL DAY**

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**WHEREAS**, the Commissioners Court of Johnson County is authorized under Occupations Code Section 2154.202(h), to issue an Order allowing retail fireworks permit holders to sell fireworks to the public in celebration on certain holidays; and

**WHEREAS**, on the 12<sup>th</sup> day of May, 2025, the Commissioners Court of Johnson County has determined that conditions are favorable to issue such an Order.

**NOW, THEREFORE**, the Commissioners Court of Johnson County adopts this Order authorizing the sale of fireworks to the public by retail fireworks permit holders during the Memorial Day period beginning May 21, 2025 and ending at midnight on May 26, 2025.

**APPROVED THIS THE 12<sup>TH</sup> DAY OF MAY, 2025,  
BY THE JOHNSON COUNTY COMMISSIONERS COURT.**

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**Christopher Boedeker, Johnson County Judge**

Voted: \_\_\_ yes, \_\_\_ no, \_\_\_ abstained

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**Rick Bailey, Comm. Pct. 1**

Voted: \_\_\_ yes, \_\_\_ no, \_\_\_ abstained

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**Kenny Howell, Comm. Pct. 2**

Voted: \_\_\_ yes, \_\_\_ no, \_\_\_ abstained

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**Mike White, Comm. Pct. 3**

Voted: \_\_\_ yes, \_\_\_ no, \_\_\_ abstained

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**Larry Woolley, Comm. Pct. 4**

Voted: \_\_\_ yes, \_\_\_ no, \_\_\_ abstained

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**ATTEST: April Long, County Clerk**



## MEMORIAL DAY FIREWORKS PERIOD

(MAY 21-MIDNIGHT, MAY 26)

DEADLINE TO ORDER: MAY 14, 2025

Occupations Code, §2154.202(h), permits the commissioners court to adopt an order authorizing the sale of fireworks for Memorial Day (May 26).

**If the court decides to permit the sale of fireworks during the Memorial Day period, the order must be adopted before May 15. If the court does not wish to permit the sale of fireworks during this period, no action is required.**

Please note the distinction between this law (Occupations Code, §2154.202(h)), which **allows** the commissioners court at its **discretion** to **permit** fireworks sales for the holiday period and the other law (Local Government Code, §352.051) which **requires** the court to take action to **restrict or prohibit** sales during certain times of the year if drought conditions are present.

To assist the court in determining whether conditions are suitable for authorizing the sale of fireworks, the Texas A&M Forest Service is required to make its services available each day during the Memorial Day period to respond to the request of a county as to whether or not drought conditions exist. To obtain a determination from the Texas A&M Forest Service, call (979) 458-7331.

If the court decides to adopt such an order for Memorial Day, it may **restrict or prohibit** the sale of "restricted fireworks," which are defined as "skyrockets with sticks" and as "missiles with fins." A violation of the order is a Class C misdemeanor. Also, a citizen may file suit for an injunction to prevent a violation or threatened violation of the order.

Under Local Government Code §352.051(f), the county may also designate one or more "safe" areas where the use of restricted fireworks is not prohibited. In determining if an area may be considered "safe" the court should take into account whether adequate public safety and fire protection services are provided to the area.

A sample order authorizing the sale of fireworks during this period is provided on the following page. If your court decides to designate "safe" areas, the sample order will need to be modified to include appropriate language. A copy of Local Government Code §352.051, and the portions of the Occupations Code that define and explain permitted and prohibited fireworks are available online at [county.org/fireworks](http://county.org/fireworks). If you have any questions, please contact the TAC Legal Department at (888) 275-8224.

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

**SAMPLE ORDER AUTHORIZING MEMORIAL DAY FIREWORKS SALES**

WHEREAS, the Commissioners Court of \_\_\_\_\_ County is authorized under Occupations Code Section 2154.202(h), to issue an order allowing retail fireworks permit holders to sell fireworks to the public in celebration of Memorial Day; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_, 2025, the Commissioners Court of \_\_\_\_\_ County has determined that conditions are favorable to issue such an Order;

NOW, THEREFORE, the Commissioners Court of \_\_\_\_\_ County adopts this Order authorizing the sale of fireworks to the public by retail fireworks permit holders during the Memorial Day period beginning May 21, 2025 and ending at midnight May 26, 2025, subject to the following restrictions:

- a. This order expires on the date the Texas A&M Forest Service determines drought conditions exist in the county or midnight, May 26, 2025, whichever is earlier.
- b. [Describe specific restrictions, if applicable]

Approved this the \_\_\_\_ day of \_\_\_\_\_, 2025, by the \_\_\_\_\_ County Commissioners Court.

\_\_\_\_\_  
County Judge

## AGENDA PLACEMENT FORM

(Submission Deadline – Monday, 5:00 PM before Regular Court Meetings)


**Date:** 4/30/25

**Meeting Date:** 5/12/25

**Submitted By:** Linda Ownbey

**Department:** PCT 3

**Signature of Elected Official/Department Head:**



<b>Court Decision:</b> <small>This section to be completed by County Judge's Office</small>	
	<b>5-12-25</b>

**Description:**

Consideration of authorizing the sale of fireworks for memorial Day beginning  
Wednesday May 21, 2025 until midnight Monday May 26, 2025

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(May attach additional sheets if necessary)

**Person to Present:** Mike White

(Presenter must be present for the item unless the item is on the Consent Agenda)

**Supporting Documentation:** (check one)     ☒ PUBLIC     ☐ CONFIDENTIAL

(PUBLIC documentation may be made available to the public prior to the Meeting)

**Estimated Length of Presentation:** 2 minutes

**Session Requested:** (check one)

☒ Action Item   ☐ Consent   ☐ Workshop   ☐ Executive   ☐ Other \_\_\_\_\_

**Check All Departments That Have Been Notified:**

☐ County Attorney     ☐ IT     ☐ Purchasing     ☐ Auditor  
☐ Personnel     ☐ Public Works     ☐ Facilities Management

**Other Department/Official (list)** \_\_\_\_\_

**Please List All External Persons Who Need a Copy of Signed Documents  
In Your Submission Email**

Approved in CC on 9/11/2023