



ORDER NO. O-20251209-1

**AN ORDER OF THE COMMISSIONERS COURT OF KENDALL COUNTY, TEXAS,
PROHIBITING CERTAIN FIREWORKS IN UNINCORPORATED AREAS OF
KENDALL COUNTY FOR THE DECEMBER FIREWORKS SEASON FROM
DECEMBER 20, 2025 THROUGH JANUARY 1, 2026**

WITNESSETH:

WHEREAS, Section 352.051 of the Texas Local Government Code authorizes counties to restrict the use of certain fireworks in unincorporated areas of the county when the county is experiencing drought conditions; and,

WHEREAS, the Commissioners Court must adopt an order restricting the use of certain fireworks for the December Fireworks Season no later than December 15th¹; and,

WHEREAS, Kendall County has a Keetch-Byram Drought index of 629.95² as of December 3, 2025; and,

WHEREAS, the Commissioners Court of Kendall County, Texas, now finds that unsafe conditions continue to exist within the unincorporated areas of Kendall County that constitute a public safety hazard and the adoption of this Order is necessary.

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF
KENDALL COUNTY, TEXAS:**

Section 1: Prohibited Activities.

No one shall sell, detonate, ignite, or any way use restricted fireworks in the unincorporated areas of Kendall County for the duration of this Order.

- a. Restricted Fireworks.** This Order applies to fireworks classified under 49 CFR Part 173.100(r)(2) (10-1-1986 edition) as “skyrockets with sticks” or “missiles with fins.”
- b. Additional Descriptions of Restricted Fireworks.** The Texas Occupations Code, Section 2154.003(b) further describes restricted fireworks as:

¹ Tex. Loc. Gov't Code §352.051 (d) (West 2026).

² Tex. Loc. Gov't Code §352.051 (a)(2) (West 2026) (“Drought conditions” means the existence immediately preceding or during the fireworks season of a Keetch-Byram Drought Index of 575 or greater.)

1. Sky rockets or “bottle rockets” with a total propellant charge of less than four (4) grams, a casing size of less than five-eighths of an inch (5/8”) for the outside diameter and less than three and a half inches (3 1/2”) in length, and an overall length, including stick, of less than fifteen inches (15”).
2. “Pop rockets” with a propellant casing length of less than five inches (5”), an exterior diameter of less than three-fourths of an inch (3/4”), and an overall total rocket length of less than twenty-six inches (26”), are not permissible fireworks.
3. Other fireworks determined not acceptable by the United States Consumer Product Safety Commission.

Section 2: Permissible Fireworks. This Order does not prohibit “permissible fireworks” as authorized in the Texas Occupations Code, Section 2154.003. Therefore, fireworks not listed in Section 2154.003 of the Texas Occupations Code or in 49 CFR Part 173.100 (r) (2) (10-1-86 edition) are not restricted and may be described as “Permissible Fireworks.”

Section 3: Effective Date and Duration of Order. This Order shall be in effect beginning at **12:01 a.m. on the 20th day of December, 2025**, and shall expire on **12:00 a.m. on January 2, 2026**, or whenever the Texas Forest Service determines that Kendall County is no longer experiencing drought conditions, whichever occurs first.³ The Order may be terminated prior to the expiration date by further order of the Commissioners Court or Order of the County Judge if it is determined that a public safety hazard no longer exists.

Section 4: Area of Jurisdiction. This Order shall apply to the lands within the territorial limits of Kendall County that are outside of the limits of an incorporated city or town, or other political subdivision of the State of Texas.⁴

Section 5: Violations. A person commits a Class C misdemeanor offense if he knowingly or intentionally violates a prohibition or restriction established by this Order.⁵ Such offenses are punishable by a fine not to exceed Five Hundred Dollars (\$500.00) and court costs. A person violating this Order may also be charged with other criminal offenses that have similar or more serious penalties. Other criminal offenses include, but are not limited to, arson⁶, criminal mischief⁷, and reckless damage or destruction⁸.

Section 6: Enforcement of this Order. Fire Departments responding to fires within the jurisdiction covered by this Order shall respond to the scene of the fire and take immediate measures to contain and/or extinguish the fire. The Fire Department shall complete all necessary documentation, including reports of illegal burning or use of prohibited fireworks, and provide it

³ Tex. Loc. Gov't Code §352.051 (d), (e) (West 2026).

⁴ Tex. Loc. Gov't Code §352.051 (c) (West 2026).

⁵ Tex. Loc. Gov't Code §352.051 (i) (West 2026).

⁶ Tex. Penal Code §28.02 (West 2026).

⁷ Tex. Penal Code §28.03 (West 2026).

⁸ Tex. Penal Code §28.04 (West 2026).

to the Kendall County Fire Marshal. This Order may also be enforced by a fire chief or any duly-commissioned peace officer from a law enforcement agency with jurisdiction.

Section 7: Injunctive Relief. Any person is entitled to injunctive relief to prevent the violation or threatened violation of a prohibition or restriction established by this Order.⁹

Section 8: Publication of Order. County staff is directed to share this Order on the County's website and with the news media. Further, this Order shall be provided to the Texas A&M Forest Service at burbban@tfs.tamu.edu to ensure its inclusion on the Texas Counties Burn Ban map.

Section 9: Severability. If any section, article, paragraph, sentence, phrase, or word in this Order is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remaining portions of this Order and the Commissioners Court hereby declares that it would have adopted this Order even without such invalid portions.

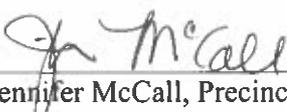
Section 10: Repealer and Savings Clause for Conflicting Orders or Other Regulations. All provisions of any County regulation in conflict with this Order are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, order, or other regulation, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance, order, or regulation. Any portions of an ordinance, order, or other regulation that is not in conflict with this Order shall remain in full force and effect.

AND IT IS SO ORDERED.

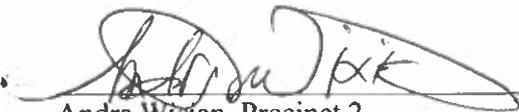
PASSED AND APPROVED THIS 9TH DAY OF DECEMBER, 2025.



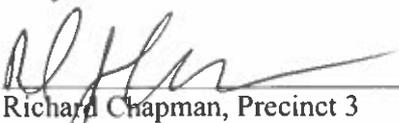
Shane Stolarczyk, County Judge



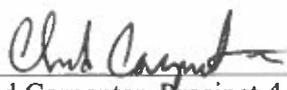
Jennifer McCall, Precinct 1



Andra Wistan, Precinct 2



Richard Chapman, Precinct 3



Chad Carpenter, Precinct 4

ATTEST:



Denise Maxwell, County Clerk

⁹ Tex. Loc. Gov't Code §352.051 (j) (West 2026).