



State Fire Marshal's Notice

October 2016

State Fire Marshal Reminder Related to use of Flame Effects

It has come to the attention of the State Fire Marshal's Office that the general public may be engaging in acts that place them in violation of the Fireworks Statute and Rules. This includes businesses, organizations, neighborhood associations, and individual citizens who use flame effects before an assembly of 50 or more people. The following is offered as clarification and as a reminder of the importance to remain in complete compliance with all provisions, rules, regulations and/or statutes enacted to govern flame effects in Texas.

Applicability

This notice applies to the use of flame effects for entertainment, exhibition, demonstration, or simulation before an assembly of 50 people or more.

§ 2154.253.(b) ~ Texas Occupations Code, Regulation of Fireworks

Flame Effects – defined

A stationary or hand-held device of solid, liquid, or gas, designed specifically to produce an open flame when ignited to display a thermal, physical, visual, or audible phenomenon as defined in NFPA Standard 160. Such devices include paraffin wax candles, LPG candles, torches, and LPG burners.

§ 2154.253(a)(2) ~ Texas Occupations Code, Regulation of Fireworks

Licensed Operator

A person must be a licensed flame effects operator if the person assembles, conducts, or supervises flame effects under this section. At least one Texas licensed flame effect operator must be present on-site at all times where flame effects are used, discharged, or ignited. The on-site licensee is responsible for complying with this section.

§ 2154.156.(a) and 253(b)(5) & (6) ~ Texas Occupations Code, Regulation of Fireworks

Permit

The licensee or the licensee's employer must obtain a permit from the local authority having jurisdiction before the use, discharge, or ignition of a flame effect. A plan required by NFPA 160 detailing the criteria for use and display of the flame effects must be provided to the local ahj.

§ 2154.253.(b) (3) and (7) ~ Texas Occupations Code, Regulation of Fireworks

Insurance

The applicant for the permit must provide evidence of insurance in the form of a general liability insurance policy in an amount of not less than \$1 million, conditioned to pay for damages caused by an occurrence involving a display of flame effects.

§ 2154.253.(b)(8) & 2154.207 ~ Texas Occupations Code, Regulation of Fireworks

Offense Committed

Violation of this section constitutes a Class A misdemeanor offense. Each day a violation occurs or continues constitutes a separate offense. Venue under this section is in the county in which the offense is committed or in Travis County.

§ 2154.253.(e) ~ Texas Occupations Code, Regulation of Fireworks