

Playing with Fireworks: Be Aware of Legal Issues for July 4th Fun

By Scott Callahan

Fireworks are all about expectations. We expect fun. We expect beauty. We expect surprise. And because there is an element of danger to fireworks, we also expect and need them to work correctly.



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Last year, 11,400 people were treated in U.S. emergency rooms for fireworks injuries, according to the Consumer Product Safety Commission, with most of those injuries occurring in the 30 days surrounding July 4. The injuries were mostly burns, and 40 percent involved children under age 15.

Many people these days prefer to attend large organized fireworks shows, avoiding the handling of fireworks themselves. But plenty of Americans still want the thrill of old-fashioned firecrackers. Consumer fireworks, formerly known as “class C fireworks,” include Roman candles, bottle rockets, sparklers, shells and mortars, multiple tube devices, firecrackers with no more than 50 milligrams of powder, and novelty items such as the so-called snakes, airplanes, spinners, and helicopters.

Manufacturers, distributors, and sellers of fireworks are responsible if they sell us a defective product. For example, possible flaws include too much accelerant, a fuse burn time that’s too fast, or a faulty lifting charge that causes a ground explosion. The defect may be a result of design, or it may occur during the manufacturing process. Regardless, if the product is defective, consumers can hold the makers and sellers responsible. However, with the influx of many cheap, foreign-made fireworks, additional hurdles may be raised in making a claim against a foreign manufacturer.

Sometimes injury or property damage – setting fire to someone’s roof, for instance – is due to negligence by the user. If the user is an individual, then a homeowner’s policy claim may afford coverage for the injury or damage. If the user is an entity putting on an organized display, for instance, then a claim against the general liability policy of the host, sponsor, and organizer may be appropriate.

There are other legal concerns regarding fireworks, too, and the law can be confusing. If you’re planning to set off some Roman candles or cherry bombs, you must be mindful of state and local laws, as well as neighborhood or homeowner association rules, and even drought restrictions imposing burn bans.

For example, Katy involves two informal sections – “Old Katy” (or Katy proper) and “the greater Katy area.” Old Katy is located within the actual city limits of Katy (mostly north of I-10). Greater Katy is made up of large unincorporated areas of Harris and Fort Bend counties, including Cinco Ranch, Seven Meadows, Grayson Lakes, Green Trails and Grand Lakes. These unincorporated sections sit mostly east and southeast of Katy city limits.

While the use of consumer fireworks within the city limits of Old Katy is not permitted, it is legal to buy, possess and use such fireworks in the unincorporated areas of Harris and Fort Bend counties. At the same time though, there are some places even there where you cannot use fireworks, such as near a school, church, hospital or licensed child care center. Also, certain neighborhoods within unincorporated areas also may ban the use of consumer fireworks.

So before buying those fireworks, you might want to check with your local fire marshal, fire department, police department, and neighborhood representative for any restrictions. And stop and think about the risk. There are plenty of ways to enjoy Independence Day and still stay safe.

The information in this column is not intended as legal advice, but to provide a general understanding of the law. Readers with legal issues, including those whose questions are addressed here, should consult attorneys for advice on their particular circumstances.

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