



# Houston Fire Department Life Safety Bureau (LSB)



## LSB Standard No. 12, Rev. 07

### ***Fireworks Display***

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**Effective Date: xx/xx/xx**

**NOT FINAL – 8/18/2023 – PENDING CITY COUNCIL ADOPTION**



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LSB Standards are established in accordance with provisions of the City of Houston *Fire Code*. They are subject to the administrative sections covering alternative materials and methods, modifications, and the Board of Appeals.

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# Fireworks Display

## Section 12.1 – General

### 12.1.1 Scope.

Fireworks displays within the City of Houston shall be in accordance with the City of Houston *Fire Code* and this standard.

### 12.1.2 Purpose.

This standard shall provide guidelines for Pyrotechnic Operators and Inspectors in the use and setup of indoor and outdoor fireworks displays. Displays may be either aerial or non-aerial displays.

## Section 12.2 – Definitions

### 12.2.1 Fireworks.

Fireworks are a combustible or explosive composition, or any substance, combination of substances, or device prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. Fireworks include, but are not limited to, blank cartridges, toy pistols, toy cannons, toy canes, or toy guns, in which explosives are used; firecrackers, torpedoes, sky-rockets, Roman candles, sparklers, or other devices of like construction; any devices containing an explosive or flammable compound; or any tablet or other device containing an explosive substance. Fireworks do not include auto flares; paper caps containing an average of 0.25 grains of explosive content per cap or less; and toy pistols, toy canes, toy guns, or other devices for use of such caps.

### 12.2.2 Fireworks, 1.3G.

“Fireworks 1.3G” means a large fireworks device:

- A. Primarily designed to produce visible or audible effects by combustion, deflagration, or detonation; and
- B. Classified as a 1.3G explosive in accordance with 49 C.F.R. Part 173 (1996).

### 12.2.3 Fireworks, 1.4G.

“Fireworks 1.4G” means a small fireworks device:

- A. Primarily designed to produce visible or audible effects by combustion, deflagration, or detonation; and
- B. That complies with the construction, labeling, and chemical composition requirements of the United States Consumer Product Safety Commission.

### 12.2.4 Low Explosive.

“Low Explosive” is explosive material that will burn or deflagrate when ignited. It is characterized by a reaction rate that is less than the speed of sound. Examples of low explosives are black powder, safety fuse, igniters, igniter cord; fuse lighters; 1.3G

fireworks; 1.3G composite solid propellants and fireworks defined as 1.4G explosives, as defined by the United States Department of Transportation.

#### **12.2.5 Pyrotechnic and Flame Effects Operator; Pyrotechnics Special Effects Operator.**

A Pyrotechnic Operator, Pyrotechnics Special Effects Operator, or a Flame Effects Operator, respectively, are individual(s) approved by the Fire Marshal to be responsible for pyrotechnics, pyrotechnic special effects material, flame effects or any combination thereof, and holds an appropriate and current State of Texas License, issued by the Texas Department of Insurance, in that respective discipline(s).

#### **12.2.6 Pyrotechnic Special Effects Material.**

Pyrotechnic special effects material is a low explosive material, other than detonating cord, commonly used in motion picture, television, theatrical, or group entertainment productions for which a permit from the Fire Marshal is required for use or storage.

#### **12.2.7 Standby Personnel.**

Standby personnel shall be fire inspectors, as certified by the Texas Commission on Fire Protection, who are current members of the Life Safety Bureau of the Houston Fire Department and required by the Fire Marshal to perform standby duties at all fireworks events, as provided for in this standard.

### **Section 12.3 – General Information**

#### **12.3.1 Hours of Operation.**

No aerial display authorized by this standard shall be commenced prior to the hour of 1:00pm or later than 10:00pm. (**Exception:** An authorized aerial display may commence at 1:00pm through 12:00am on December 31<sup>st</sup> and from 12:00am through 1:00am on January 1<sup>st</sup> of any year.) Any display authorized by this standard shall be completed within one hour after the time of display is commenced, and no permit shall authorize more than two displays in each twenty-four hour period.

#### **12.3.2 Permit Extension.**

When a permit for fireworks display is issued, it shall be valid for the period of time designated on the permit, which shall not exceed 14 days. The fire code official may separately authorize the permit to exceed 14 days, but not more than 180 days. The permit shall not be transferable.

#### **12.3.3 Materials Used for Fireworks.**

The material to be used for a fireworks display shall not be stored within the City of Houston but shall be brought in on the day of the display and on that day shall be taken immediately to the place of display for further handling and storage.

#### **12.3.4 Persons Handling the Display.**

The person handling the display of fireworks shall meet all the requirements of the Texas Department of Insurance, *Texas Occupations Code* Chapter 2154; the *Texas*

*Administrative Code* Title 28, and any other requirements as specified by the Fire Marshal.

### **12.3.5 Theatrical Pyrotechnic Displays.**

Theatrical Pyrotechnic Displays shall require a permit and the presence of standby personnel. A copy of the plans indicating the exact placement of the pyrotechnics displays, and the distances from audience, stage props, scenery, curtains, performers, and other items incidental to the theatrical performance, shall accompany each permit application. Exact type of pyrotechnic devices to be used shall be noted. This diagram shall indicate the specific locations at which the pyrotechnic devices are to be discharged, the fallout radius for each pyrotechnic device used in the performance and the location and type of lines behind which the audience shall be restrained. The determination of the necessity of standby personnel will be made by the Fire Marshal's Office. See Section 12.4.3.

### **12.3.6 Type of Fireworks to be Used.**

Only "1.4G" and "1.3G" are allowed to be used.

## **Section 12.4 – Requirements**

### **12.4.1 Prohibition.**

Possession, assembly, sale, purchase, transportation, storage, use, discharge, detonation, and handling of fireworks, except for public display by a pyrotechnic operator licensed in the state of Texas and operating under an approved permit, are prohibited within the City of Houston.

### **12.4.2 Plans and Permits.**

Before the performance of any production, the permit applicant shall submit a plan and a list of proposed materials, for the use of pyrotechnics, to the Fire Marshal's Office. An application for a permit shall be submitted, along with the applicable permit fees, not less than 4 business days prior to event. A "Deed Restriction and Law Compliance Affidavit" shall be completed and submitted with the permit application. Permits shall be granted only to an approved pyrotechnic operator as defined in Section 12.2.5 of this standard.

#### **Permit Office contact information is as follows:**

The Houston Permitting Center

1002 Washington Avenue

Houston, Texas 77002

Hours of operation: 8:00am to 3:30pm (CST)

Monday through Friday

Office phone: (832) 394-8811

To E-mail Customer Service Questions: [hfd.permitoffice@houstontx.gov](mailto:hfd.permitoffice@houstontx.gov)

Link to City Wide Fee Schedule: [www.houstoncityfees.org](http://www.houstoncityfees.org)

### **12.4.3 Standby Personnel.**

General requirements for standby personnel are as follows:

1. There shall be a minimum of two standby personnel for all aerial displays.

2. There shall be a minimum of one standby personnel for non-aerial (theatrical) displays; additional standby personnel may be required by the code official.
3. A minimum 4-hour fee per inspector shall accompany each application for a standby inspector.

An additional per hour fee per standby inspector will be assessed for fire watches that extend beyond the minimum of 4 hours. See Section 12.4.2 for Permit Office contact information concerning standby personnel.

#### **12.4.4 Site Plan.**

A copy of the site plan showing the exact placement of launching site, distance to spectators, buildings, tents, fuel pumps, parking, and other objects in the vicinity shall accompany each permit application. Exact type of fireworks to be used shall be noted. The minimum distance required from each firework shell to any spectator shall be *70 feet per inch* of proposed shell size being launched.

#### **12.4.5 Bond.**

The permit holder shall furnish a bond or certificate of insurance for the payment of damages which could be caused either to a person or persons or to property by reason of the permitted display and arising from acts of the permit holder, agents, employees, or subcontractors.

#### **12.4.6 State Permit.**

Proof of State Permit application shall be provided for aerial displays.

**Note:** Chapter 2154 of the *Texas Occupations Code* establishes additional requirements for certain flame effects of pyrotechnics, including requirements for an operator's license and insurance. Applicant must comply with applicable provisions of state laws and regulations in addition to provisions of the *Fire Code* and this standard.

#### **12.4.7 Licenses Required.**

Proof of Pyrotechnic Operator License, a Pyrotechnic Special Effects License, or Flames Effects Operator License, shall consist of the appropriate and current State of Texas License, issued by the Texas Department of Insurance, in that respective discipline(s).

#### **12.4.8 Demonstration and Approval.**

A demonstration of pyrotechnic special effects to be used shall be provided for the Fire Code Official prior to approval of the fire department permit.

#### **12.4.9 Storage Magazines.**

Approved methods of storage for fireworks shall be provided as indicated below:

##### **12.4.9.1 Within Buildings.**

Explosives stored within a building shall not exceed 50 pounds. Low explosives stored within a building shall be stored in a Type 2 or Type 4 magazine. High explosives shall be stored in a Type 2 magazine.

#### **12.4.9.2 Outside of Buildings.**

Pyrotechnic special effects material that is to be stored outdoors shall be stored in a Type 2 or Type 4 magazine. Pyrotechnic special effects material that is classified as a high explosive, including detonating cord and detonators that will mass detonate, such as fuse caps, shall be stored in a Type 2 magazine. When a Type 4 magazine is used for outdoor storage, such storage shall be in a constantly attended location or, if unattended, shall have wheels removed or the magazine immobilized by kingpin locking devices or by other approved security measures. When a quantity in excess of 50 pounds of explosive materials is stored outside of a building, such storage shall be located in accordance with nationally recognized standards.

#### **12.4.10 Security and Barriers.**

The Fire Code Official is authorized to require security personnel and/or rope barriers, fences, signs, or other devices to be installed around the display area to aid in crowd control.

#### **12.4.11 Display Discontinued.**

If the Fire Code Official or the pyrotechnic operator determines that there is a lack of crowd control or that the crowd is in danger, the display shall be immediately discontinued. If at any time high winds, weather conditions, or the immediate surrounding environment creates a danger, the display shall be stopped, postponed, or cancelled until conditions are acceptable to the Fire Code Official.



## References

1. City of Houston *Fire Code*
2. City of Houston *Building Code*
3. National Fire Protection Association (NFPA) Standard 160, 1123, and 1126
4. *Texas Occupations Code*, Chapter 2154
5. *Texas Administrative Code*, Title 28

All reference materials used under this Life Safety Bureau standard shall be in accordance with the most current adopted City of Houston *Construction Code*.