

BILL ANALYSIS

Senate Research Center
84R5032 SCL-D

S.B. 1593
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, under Section 217.042 (Nuisance), Local Government Code, a municipality may define and prohibit any nuisance within the limits of the municipality and within 5,000 feet (one mile) outside those limits. This allows the municipality to enforce all ordinances necessary to prevent, summarily abate, and remove such nuisance. Many municipalities ban the sale or use of fireworks under this authority, and fireworks stands have accordingly sprung up outside this regulatory boundary. However, as counties and cities continue to annex properties and extend their boundaries, many fireworks purveyors are being forced to forfeit the substantial investment they have put into their businesses as they come within the one-mile radius around such municipalities.

S.B. 1593 allows municipalities to define and prohibit a firework, or similar material, as a nuisance only within the municipal boundary. Under this bill, fireworks and similar materials are exempt from being defined and prohibited as nuisance within the 5,000 feet (one mile) outside the municipality. S.B. 1593 allows businesses in the fireworks industry located outside the municipal boundaries to conduct business as usual, and provides them greater protection from falling within a municipality's regulatory zone.

As proposed, S.B. 1593 amends current law relating to regulation of fireworks by certain municipalities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 217.042, Local Government Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Authorizes the municipality to define and prohibit any nuisance within the limits of the municipality and within 5,000 feet outside the limits, except as provided by Subsection (c). Makes a nonsubstantive change.

(c) Authorizes the municipality to define and prohibit as a nuisance the sale or use of a firework or similar material only within the limits of the municipality.

SECTION 2. Effective date: September 1, 2015.