

## **BILL ANALYSIS**

H.B. 2097  
By: Chisum  
Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, a municipality may define and prohibit any nuisance that is within the limits of the municipality and within 5,000 feet outside the city limits (extra territorial jurisdiction). This may include noise regulation of establishments that border public waterways. Since water is an excellent conductor of sound waves, allowing such waves to travel almost five times faster in water than in air, municipal noise ordinances can not be fairly applied to establishments that border waterways.

House Bill 2097 prohibits a municipality from defining or prohibiting a nuisance outside of its limits that is also within 50 feet of a public waterway.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 2097 amends the Local Government Code to establish that a municipality may not define or prohibit any nuisance that is within 5,000 feet outside the municipality's limits that is also within 50 feet of a public waterway.

### **EFFECTIVE DATE**

The effective date of this Act is September 1, 2005.