

By: Chavez

H.B. No. 4530

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the location in which fireworks may be sold in certain counties located along the Texas-Mexico border.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 352, Local Government Code, is amended by adding a new Section 352.052 to read as follows:

Sec. 352.052. APPLICABILITY. (a) This section applies only to the unincorporated area of a county that:

(1) has a population greater than 750,000;

(2) is located along the Texas-Mexico border;

(3) has average annual rainfall of less than 20 inches according to the United States Geological Survey; and

(4) has no professional fire service provided in the area.

(b) In this section, "resident" means a person who is 18 years of age or older and resides in an area designated under Subsection (c).

(c) The commissioners court of a county to which this section applies may designate an area composed of:

(1) one or more locations at which fireworks have historically been sold at retail to consumers; and

(2) the area defined by a radius that is not greater than 2 miles in every direction from a location or locations described by Subsection (c)(1).

1 (d) If a petition requesting the prohibition of the sale of
2 fireworks that is signed by at least 500 residents of an area
3 designated by the commissioners court under Subsection (c) is filed
4 with a county commissioners court prior to the 90th day preceding
5 the date of the beginning of the sale of fireworks as provided in
6 this code, the court may restrict or prohibit the sale of fireworks
7 within the area designated in Subsection (c).

8 (e) The signatures on a petition filed under Subsection (d)
9 shall be reviewed by the county commissioners court, or its
10 designee, which shall determine whether at least 500 of the
11 signer's of the petition reside within the area designated in
12 Section (c).

13 (f) If this section conflicts with the provisions of any
14 other law, this section shall prevail.

15 SECTION 2. EFFECTIVE DATE. This Act takes effect
16 immediately if it receives a vote of two-thirds of all members
17 elected to each house, as provided by Section 39, Article III, Texas
18 Constitution. If this Act does not receive the vote necessary for
19 immediate effect, the Act takes effect on the ninety-first day
20 after the last day of the legislative session in which it is
21 enacted.