



STATE OF TEXAS §

COUNTY OF COMAL §

RESOLUTION #2009-07

**LEGISLATION REPEALING THE 60-HOUR LIMITATION ON COUNTY DISASTER
DECLARATIONS ON FIREWORKS**

WHEREAS, Comal County has experienced disastrous drought conditions throughout the year causing the County Judge to declare Local States of Disasters and make Executive Orders in order to protect the health, safety, and welfare of Comal County, Texas; and

WHEREAS, the 80th Texas Legislature amended Section 418.108 of the Texas Government Code by adding subsection (i) which authorizes a County Judge to include in his declaration of disaster prohibitions that exceed the restrictions authorized by Section 352.051 of the Texas Local Government Code; and

WHEREAS, said amendment imposes a 60 hour limit on the time for restrictions exceeding Section 352.051, namely the ban on the sale, use, dispense, or transportation of general fireworks unless extended by the Governor; and

WHEREAS, Section 418.108(b) of the Texas Government Code states that all other orders pursuant to a Local State of Disaster are effective for seven days unless extended by the governing body of the political subdivision; and

WHEREAS, current law creates confusion among our citizens concerning the use of certain fireworks; and

WHEREAS, the determination of local conditions for the sale and use of fireworks should be a local decision; and

WHEREAS, under certain conditions, the use of any of fireworks constitutes an extreme hazard during disastrous drought conditions; and

WHEREAS, Section 121.003(a) of the Texas Health and Safety Code authorizes a Commissioners Court to enforce any law that is reasonably necessary to protect the public health; and

WHEREAS, the determination of whether to continue or renew a County Judge's Declaration of a Local State of Disaster with regards to fireworks should be a local decision made by the governing body of the political subdivision.

NOW THEREFORE BE IT RESOLVED THAT the Commissioners Court of Comal County, Texas, request that the Legislature repeal the 60 hour limitation on county disaster declarations on fireworks thereby authorizing a County Judge to issue a ban effective for up to seven days unless extended by the Commissioners Court.

Danny Scheel, County Judge

Donna Eccleston
Commissioner, Pct. #1

Jay Millikin
Commissioner, Pct. #2

Gregory Parker
Commissioner, Pct. #3

Jan Kennady
Commissioner, Pct. #4

ATTEST: _____
Hon. Joy Streater, County Clerk