

By: Cortez

H.B. No. 318

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county to require a person to obtain a building permit for certain portable structures.

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

SECTION 1. Subchapter Z, Chapter 233, Local Government Code, is amended by adding Section 233.902 to read as follows:

Sec. 233.902. PORTABLE STRUCTURE FOR PERIODIC SALE OF RETAIL GOODS. (a) Notwithstanding any other law and except as provided by Subsection (b), a county may not require a person to obtain a building permit to construct, improve, or occupy a structure used for the retail sale of goods not more than 60 days in a calendar year if the structure is:

(1) portable; and

(2) smaller than 500 square feet.

(b) This section does not prevent a county from enforcing a fire code adopted by the county or inspecting a structure for a fire or life safety hazard as authorized by other law.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.