

By: Zaffirini

S.B. No. 1636

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of wildland-urban interface areas and
3 the adoption and enforcement of the wildland-urban interface code;
4 providing a civil penalty.

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

6 SECTION 1. Chapter 12, Agriculture Code, is amended by
7 adding Section 12.052 to read as follows:

8 Sec. 12.052. WILDLAND-URBAN INTERFACE CODE AND AREAS. (a)

9 In this section, "wildland-urban interface area" means the
10 geographic area where structures and other human development meets
11 or intermingles with wildland or vegetative fuels.

12 (b) The department by rule shall:

13 (1) adopt the Wildland-Urban Interface Code as it
14 existed on January 1, 2023, as the wildland-urban interface code
15 for this state; and

16 (2) designate the wildland-urban interface areas of
17 this state for which a municipality or county must under other law
18 enforce the wildland-urban interface code.

19 (c) In designating the wildland-urban interface areas of
20 this state under Subsection (b)(2), the department:

21 (1) shall consult:

22 (A) the Parks and Wildlife Department; and

23 (B) the Texas A&M AgriLife Extension Service; and

24 (2) may consult any other relevant state or federal

1 agency, political subdivision, or nongovernmental organization.

2 SECTION 2. Subchapter G, Chapter 214, Local Government
3 Code, is amended by adding Section 214.2165 to read as follows:

4 Sec. 214.2165. WILDLAND-URBAN INTERFACE CODE. (a) Each
5 municipality shall establish procedures for the administration and
6 enforcement of the wildland-urban interface code adopted under
7 Section 12.052, Agriculture Code, in a wildland-urban interface
8 area designated under that section that is located in the
9 municipality.

10 (b) To the extent of a conflict between the wildland-urban
11 interface code enforced under this section and an applicable fire
12 or building code, the more stringent provision prevails.

13 SECTION 3. The heading to Subchapter C, Chapter 233, Local
14 Government Code, is amended to read as follows:

15 SUBCHAPTER C. FIRE AND WILDLAND-URBAN INTERFACE CODES [~~CODE IN~~
16 ~~UNINCORPORATED AREA~~]

17 SECTION 4. Subchapter C, Chapter 233, Local Government
18 Code, is amended by adding Section 233.0611 to read as follows:

19 Sec. 233.0611. ENFORCEMENT OF WILDLAND-URBAN INTERFACE
20 CODE. (a) The commissioners court of each county shall adopt rules
21 necessary to administer and enforce the wildland-urban interface
22 code adopted under Section 12.052, Agriculture Code.

23 (b) A wildland-urban interface code enforced under this
24 section applies only in the wildland-urban interface area
25 designated under Section 12.052, Agriculture Code, that is located
26 in the unincorporated area of the county.

27 (c) To the extent of any conflict between the wildland-urban

1 interface code enforced under this section and an applicable fire
2 or building code, the more stringent provision prevails.

3 SECTION 5. Sections 233.063(a) and (c), Local Government
4 Code, are amended to read as follows:

5 (a) A person may not construct or substantially improve a
6 building subject to a code adopted or enforced under this
7 subchapter [~~described by Section 233.062(a)~~] in an unincorporated
8 area of the county unless the person obtains a building permit
9 issued in accordance with this subchapter.

10 (c) Within 30 days after the date the commissioners court
11 receives an application and fee in accordance with Subsection (b),
12 the commissioners court shall:

13 (1) issue the permit if the plan complies with the
14 applicable codes adopted or enforced under this subchapter [~~fire~~
15 ~~code~~]; or

16 (2) deny the permit if the plan does not comply with
17 the applicable codes adopted or enforced under this subchapter
18 [~~fire code~~].

19 SECTION 6. Sections 233.064(a), (d), (f), (g), and (h),
20 Local Government Code, are amended to read as follows:

21 (a) The county shall inspect a building subject to this
22 subchapter to determine whether the building complies with the
23 applicable codes adopted or enforced under this subchapter [~~fire~~
24 ~~code~~].

25 (d) On or before the date that construction or substantial
26 improvement of a building subject to this subchapter is completed,
27 the owner of the building shall request in writing that the county

1 inspect the building for compliance with the applicable codes [~~fire~~
2 ~~code~~].

3 (f) The county shall issue a final certificate of compliance
4 to the owner of a building inspected under this section if the
5 inspector determines, after an inspection of the completed
6 building, that the building complies with the applicable codes
7 [~~fire code~~]. For a building or complex of buildings involving
8 phased completion or build-out, the county may issue a partial
9 certificate of compliance for any portion of the building or
10 complex the inspector determines is in substantial compliance with
11 the applicable codes [~~fire code~~].

12 (g) If the inspector determines, after an inspection of the
13 completed building, that the building does not comply with the
14 applicable codes [~~fire code~~], the county may:

- 15 (1) deny the certificate of compliance; or
16 (2) issue a conditional or partial certificate of
17 compliance and allow the building to be occupied.

18 (h) A county that issues a conditional certificate of
19 compliance under Subsection (g) shall notify the owner of the
20 building of the violations of the applicable codes [~~fire code~~] and
21 establish a reasonable time to remedy the violations. A county may
22 revoke a conditional certificate of compliance if the owner does
23 not remedy the violations within the time specified on the
24 conditional certificate of compliance.

25 SECTION 7. Sections 233.065(c) and (d), Local Government
26 Code, are amended to read as follows:

27 (c) The county shall deposit fees received under this

1 subchapter in a special fund in the county treasury, and money in
2 that fund may be used only for the administration and enforcement of
3 a [~~the fire~~] code adopted or enforced under this subchapter.

4 (d) The fee for an [~~a fire code~~] inspection under this
5 subchapter must be reasonable and reflect the approximate cost of
6 the inspection personnel, materials, and administrative overhead.

7 SECTION 8. Section 233.066, Local Government Code, is
8 amended to read as follows:

9 Sec. 233.066. INJUNCTION. The appropriate attorney
10 representing the county in the district court may seek injunctive
11 relief to prevent the violation or threatened violation of a [~~the~~
12 ~~fire~~] code adopted or enforced under this subchapter.

13 SECTION 9. Section 233.067(a), Local Government Code, is
14 amended to read as follows:

15 (a) The appropriate attorney representing the county in
16 civil cases may file a civil action in a court of competent
17 jurisdiction to recover from a person who violates a [~~the fire~~]
18 adopted or enforced under this subchapter a civil penalty in an
19 amount not to exceed \$200 for each day on which the violation
20 exists. In determining the amount of the penalty, the court shall
21 consider the seriousness of the violation.

22 SECTION 10. (a) Not later than November 1, 2023, the
23 Department of Agriculture by rule shall adopt a wildland-urban
24 interface code and designate the wildland-urban interface areas of
25 this state, as required by Section 12.052, Agriculture Code, as
26 added by this Act.

27 (b) Not later than December 1, 2023, the governing body of

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1 each municipality and county shall adopt procedures or rules
2 necessary to administer and enforce the wildland-urban interface
3 code, as required by Sections 214.2165 and 233.0611, Local
4 Government Code, as added by this Act.

5 SECTION 11. This Act takes effect September 1, 2023.