

By: Wohlgemuth

H.B. No. 547

A BILL TO BE ENTITLED

AN ACT

relating to the distance between certain pits that are part of quarrying operations and adjacent property.

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

SECTION 1. Section 133.901, Natural Resources Code, is amended to read as follows:

Sec. 133.901. DISTANCE BETWEEN PIT AND PROPERTY LINE. (a) Except as provided by Subsection (b), at ~~[This section applies only to a county with a population of more than 400,000 and less than 475,000.~~

~~[(b) At]~~ the time quarrying is completed, the distance from the edge of the consolidated material of a pit that does not have lateral support to the property line of the nearest property that is not owned or leased by the operator may not be less than 50 feet.

(b) This section does not apply:

(1) to a pit if the operator and the adjacent property owner agree that the pit may be located closer to the property line; or

(2) to an excavation constructed by a political subdivision to provide drainage or stormwater retention.

SECTION 2. The change in law made by this Act applies only to a pit that is active on or after the effective date of this Act. A pit that is inactive on the effective date of this Act and that continuously remains inactive after that date is governed by the

1 law in effect immediately before the effective date of this Act, and  
2 that law is continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2003.