

By: Puente

H.B. No. 1151

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the protection by a municipality of a lake that is a
3 source of water supply.

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

5 SECTION 1. Section 54.012, Local Government Code, is
6 amended to read as follows:

7 Sec. 54.012. CIVIL ACTION. A municipality may bring a civil
8 action for the enforcement of an ordinance:

9 (1) for the preservation of public safety, relating to
10 the materials or methods used to construct a building or other
11 structure or improvement, including the foundation, structural
12 elements, electrical wiring or apparatus, plumbing and fixtures,
13 entrances, or exits;

14 (2) relating to the preservation of public health or
15 to the fire safety of a building or other structure or improvement,
16 including provisions relating to materials, types of construction
17 or design, interior configuration, illumination, warning devices,
18 sprinklers or other fire suppression devices, availability of water
19 supply for extinguishing fires, or location, design, or width of
20 entrances or exits;

21 (3) for zoning that provides for the use of land or
22 classifies a parcel of land according to the municipality's
23 district classification scheme;

24 (4) establishing criteria for land subdivision or

1 construction of buildings, including provisions relating to street
2 width and design, lot size, building width or elevation, setback
3 requirements, or utility service specifications or requirements;

4 (5) implementing civil penalties under this
5 subchapter for conduct classified by statute as a Class C
6 misdemeanor;

7 (6) relating to dangerously damaged or deteriorated
8 structures or improvements;

9 (7) relating to conditions caused by accumulations of
10 refuse, vegetation, or other matter that creates breeding and
11 living places for insects and rodents;

12 (8) relating to the interior configuration, design,
13 illumination, or visibility of business premises exhibiting for
14 viewing by customers while on the premises live or mechanically or
15 electronically displayed entertainment intended to provide sexual
16 stimulation or sexual gratification; ~~[or]~~

17 (9) relating to point source effluent limitations or
18 the discharge of a pollutant, other than from a non-point source,
19 into a sewer system, including a sanitary or storm water sewer
20 system, owned or controlled by the municipality; or

21 (10) relating to the regulation of municipal easements
22 in the area contiguous to a lake owned by the municipality that is a
23 source of water supply and to the authority to assess reasonable
24 fees for recreational use of that lake.

25 SECTION 2. Section 54.017(b), Local Government Code, is
26 amended to read as follows:

27 (b) A civil penalty under this section may not exceed \$1,000

1 a day for a violation of an ordinance, except that a civil penalty
2 under this section may not exceed \$5,000 a day for a violation of an
3 ordinance:

4 (1) relating to point source effluent limitations or the
5 discharge of a pollutant, other than from a non-point source, into a
6 sewer system, including a sanitary or storm water sewer system,
7 owned or controlled by the municipality; or

8 (2) regulating septic systems.

9 SECTION 3. Section 401.002, Local Government Code, is
10 amended by amending Subsection (c) and adding Subsection (d) to
11 read as follows:

12 (c) The authority granted by this section may be exercised
13 inside the municipality's boundaries or inside the municipality's
14 extraterritorial jurisdiction or outside the municipality's
15 extraterritorial jurisdiction only if required to meet other state
16 or federal requirements or if the source of water supply is a lake
17 owned by the municipality.

18 (d) The authority granted by this section for the protection
19 of recharge, recharge areas, or recharge features of groundwater
20 aquifers may be exercised outside the municipality's boundaries and
21 within the extraterritorial jurisdiction provided the municipality
22 exercising such authority has a population greater than 750,000 and
23 the groundwater constitutes more than 75 percent of the
24 municipality's source of water supply.

25 SECTION 4. (a) This Act takes effect September 1, 2003.

26 (b) The changes in law made by this Act to Sections 54.012
27 and 54.017, Local Government Code, as amended by this Act, apply

1 only to a violation of a municipal ordinance that occurs on or after
2 the effective date of this Act. A violation that occurs before that
3 date is governed by the law as it existed on the date the violation
4 occurred, and the former law is continued in effect for that
5 purpose.