

By: Kuempel (Senate Sponsor - Wentworth) H.B. No. 2130
(In the Senate - Received from the House May 2, 2003;
May 7, 2003, read first time and referred to Committee on
Intergovernmental Relations; May 16, 2003, reported favorably by
the following vote: Yeas 4, Nays 0; May 16, 2003, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to the exemptions from requirements applicable to local
permits.

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

SECTION 1. Section 245.004, Local Government Code, is
amended to read as follows:

Sec. 245.004. EXEMPTIONS. This chapter does not apply to:

(1) a permit that is at least two years old, is issued
for the construction of a building or structure intended for human
occupancy or habitation, and is issued under laws, ordinances,
procedures, rules, or regulations adopting only:

(A) uniform building, fire, electrical,
plumbing, or mechanical codes adopted by a recognized national code
organization; or

(B) local amendments to those codes enacted
solely to address imminent threats of destruction of property or
injury to persons;

(2) municipal zoning regulations that do not affect
lot size, lot dimensions, lot coverage, or building size or that do
not change development permitted by a restrictive covenant required
by a municipality;

(3) regulations that specifically control only the use
of land in a municipality that does not have zoning and that do not
affect lot size, lot dimensions, lot coverage, or building size;

(4) regulations for sexually oriented businesses;

(5) municipal or county ordinances, rules,
regulations, or other requirements affecting colonias;

(6) fees imposed in conjunction with development
permits;

(7) regulations for annexation;

(8) regulations for utility connections;

(9) regulations to prevent imminent destruction of
property or injury to persons from flooding that are [including
regulations] effective only within a flood plain established by a
federal flood control program and enacted to prevent the flooding
of buildings intended for public occupancy; ~~or~~

(10) construction standards for public works located
on public lands or easements; or

(11) regulations to prevent the imminent destruction
of property or injury to persons if the regulations do not:

(A) affect lot size, lot dimensions, lot
coverage, building size, residential or commercial density, or the
timing of a project; or

(B) change development permitted by a
restrictive covenant required by a municipality.

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, 2003.

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