

By: Mowery

H.B. No. 2212

A BILL TO BE ENTITLED

AN ACT

relating to the continuation of legal land use in newly incorporated areas.

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

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.016 to read as follows:

Sec. 211.016. CONTINUATION OF LAND USE IN NEWLY INCORPORATED AREAS. (a) A municipality incorporated after January 1, 2003, may not prohibit a person from:

(1) continuing to use land in the area in the manner in which the land was being used on the date of incorporation if the land use was legal at that time; or

(2) beginning to use land in the area in the manner that was planned for the land before the 90th day before the effective date of the incorporation if:

(A) one or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and

(B) a completed application for the initial authorization was filed with the governmental entity before the date of incorporation.

(b) For purposes of this section, a completed application is filed if the application includes all documents and other information designated as required by the governmental entity in a

1 written notice to the applicant.

2 (c) This section does not prohibit a municipality from
3 imposing:

4 (1) a regulation relating to the location of sexually
5 oriented businesses, as that term is defined by Section 243.002;

6 (2) a municipal ordinance, regulation, or other
7 requirement affecting colonias, as that term is defined by Section
8 2306.581, Government Code;

9 (3) a regulation relating to preventing imminent
10 destruction of property or injury to persons;

11 (4) a regulation relating to public nuisances;

12 (5) a regulation relating to flood control;

13 (6) a regulation relating to the storage and use of
14 hazardous substances;

15 (7) a regulation relating to the sale and use of
16 fireworks; or

17 (8) a regulation relating to the discharge of
18 firearms.

19 (d) A municipal ordinance or rule in conflict with this
20 section is void.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2003.