

By: Wentworth

S.B. No. 1631

A BILL TO BE ENTITLED

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AN ACT

relating to the authority of a county to regulate land development after a local option election.

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

SECTION 1. Chapter 232, Local Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. REGULATION OF LAND DEVELOPMENT

Sec. 232.151. SCOPE OF REGULATORY AUTHORITY. The commissioners court of a county that is granted authority in accordance with this subchapter may regulate, by order, land development in the unincorporated area of the county by:

(1) requiring a subdivision to use a central water or wastewater system under standards adopted by the county;

(2) requiring that a subdivision have a minimum fire suppression system, including the use of fire hydrants, storage tanks, or ponds;

(3) requiring improvements to roadways serving a subdivision;

(4) requiring a minimum amount of open space or imposing a limit on the amount of impervious cover for recharge and runoff purposes;

(5) imposing impact fees under Chapter 395; or

(6) adopting any other regulation necessary to regulate or manage land development.

1       Sec. 232.152. COMPLIANCE WITH CERTAIN LAWS. A county  
2 adopting a regulation under this subchapter relating to the  
3 location, design, construction, installation, size, or extension  
4 of an on-site sewage disposal system:

5           (1) must be an authorized agent as defined by Section  
6 366.002, Health and Safety Code; and

7           (2) must adopt regulations in accordance with Chapter  
8 366, Health and Safety Code.

9       Sec. 232.153. ELECTION TO GRANT REGULATORY AUTHORITY. The  
10 commissioners court of a county may order and hold an election in  
11 the unincorporated area of the county on the question of granting  
12 the commissioners court the authority to regulate land development  
13 in the unincorporated area of the county. Only voters who reside in  
14 the unincorporated area of the county are eligible to vote in an  
15 election held under this subchapter.

16       Sec. 232.154. BALLOT PROPOSITION. For an election under  
17 this subchapter, the ballot shall be prepared to permit voting for  
18 or against the proposition: "Granting (name of county) the  
19 authority to regulate land development in the unincorporated area  
20 of the county."

21       Sec. 232.155. EFFECT OF ELECTION. If a majority of the  
22 votes received on the question at the election approve the grant of  
23 authority, the commissioners court of the county may adopt a  
24 regulation under this subchapter.

25       SECTION 2. Subdivision (7), Section 395.001, Local  
26 Government Code, is amended to read as follows:

27           (7) "Political subdivision" means:

- 1                    (A) a municipality;
- 2                    (B) [~~r~~] a district or authority created under
- 3 Article III, Section 52, or Article XVI, Section 59, of the Texas
- 4 Constitution;
- 5                    (C) [~~or~~] for the purposes set forth by Section
- 6 395.079, certain counties described by that section; or
- 7                    (D) a county authorized to regulate land
- 8 development under Subchapter F, Chapter 232.

9                    SECTION 3. Subsection (b), Section 395.011, Local  
 10 Government Code, is amended to read as follows:

11                    (b) Political subdivisions may enact or impose impact fees  
 12 on land within their [~~corporate~~] boundaries or extraterritorial  
 13 jurisdictions only by complying with this chapter, except that  
 14 impact fees may not be enacted or imposed in the extraterritorial  
 15 jurisdiction for roadway facilities.

16                    SECTION 4. Subsections (c) and (d), Section 395.016, Local  
 17 Government Code, are amended to read as follows:

18                    (c) This subsection applies only to impact fees adopted  
 19 after June 20, 1987. For new development which is platted in  
 20 accordance with Subchapter A, Chapter 212, or Subchapter A or B,  
 21 Chapter 232, or the subdivision or platting procedures of any other  
 22 [~~a~~] political subdivision before the adoption of an impact fee, an  
 23 impact fee may not be collected on any service unit for which a  
 24 valid building permit is issued within one year after the date of  
 25 adoption of the impact fee.

26                    (d) This subsection applies only to land platted in  
 27 accordance with Subchapter A, Chapter 212, or Subchapter A or B,

1 Chapter 232, or the subdivision or platting procedures of any other  
2 ~~[a]~~ political subdivision after adoption of an impact fee adopted  
3 after June 20, 1987. The political subdivision shall assess the  
4 impact fees before or at the time of recordation of a subdivision  
5 plat or other plat under Subchapter A, Chapter 212, or Subchapter A  
6 or B, Chapter 232, or the subdivision or platting ordinance or  
7 procedures of any other political subdivision in the official  
8 records of the county clerk of the county in which the tract is  
9 located. Except as provided by Section 395.019, if the political  
10 subdivision has water and wastewater capacity available:

11 (1) the political subdivision shall collect the fees  
12 at the time the political subdivision issues a building permit;

13 (2) for land platted outside the corporate boundaries  
14 of a municipality, the municipality shall collect the fees at the  
15 time an application for an individual meter connection to the  
16 municipality's water or wastewater system is filed; or

17 (3) a political subdivision that lacks authority to  
18 issue building permits in the area where the impact fee applies  
19 shall collect the fees at the time an application is filed for an  
20 individual meter connection to the political subdivision's water or  
21 wastewater system.

22 SECTION 5. The heading for Chapter 232, Local Government  
23 Code, is amended to read as follows:

24 CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY  
25 DEVELOPMENT

26 SECTION 6. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2003.