

By: Van de Putte

S.B. No. 1738

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of local permits in certain counties.

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. (a) 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;

- 1 (4) regulations for sexually oriented businesses;
- 2 (5) municipal or county ordinances, rules,
3 regulations, or other requirements affecting colonias;
- 4 (6) fees imposed in conjunction with development
5 permits;
- 6 (7) regulations for annexation;
- 7 (8) regulations for utility connections;
- 8 (9) regulations to prevent imminent destruction of
9 property or injury to persons, including regulations effective only
10 within a flood plain established by a federal flood control program
11 and enacted to prevent the flooding of buildings intended for
12 public occupancy; or
- 13 (10) construction standards for public works located
14 on public lands or easements.

15 (b) This chapter does not apply to permits of a regulatory
16 agency for property that is located in a county with a population of
17 more than one million for which the primary source of drinking water
18 is an underground aquifer.

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

24 (b) The change in law made by this Act applies only to a
25 permit that is issued on or after the effective date of this Act. A
26 permit issued before the effective date of this Act is governed by
27 the law in effect when the permit was issued, and the former law is

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1 continued in effect for that purpose.