

By: Farabee

H.B. No. 757

A BILL TO BE ENTITLED

AN ACT

relating to authorizing counties to enact ordinances to protect the public health, safety, or welfare; providing a penalty.

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

SECTION 1. Subtitle B, Title 7, Local Government Code, is amended by adding Chapter 230 to read as follows:

CHAPTER 230. GENERAL REGULATORY AUTHORITY OF COUNTIES

Sec. 230.001. ORDINANCE-MAKING POWER. (a) The commissioners court of a county may enact ordinances to protect the public health, safety, or welfare.

(b) An ordinance adopted under this chapter applies only to the unincorporated area of the county.

Sec. 230.002. FEES. The commissioners court of a county may impose reasonable fees on persons who are subject to an ordinance as necessary to produce sufficient revenue to pay the costs of administering the ordinance.

Sec. 230.003. PENALTY. (a) A person commits an offense if the person violates an ordinance adopted under this chapter.

(b) An offense under this section is a Class C misdemeanor. If it is shown on the trial of an offense under this section that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.

Sec. 230.004. INJUNCTION. The county is entitled to injunctive relief to prevent a violation or threatened violation of

1 an ordinance adopted under this chapter. The county attorney or
2 another prosecuting attorney authorized to represent the county in
3 the district court may represent the county in a suit filed under
4 this section.

5 Sec. 230.005. MUNICIPAL ORDINANCE PREVAILS OVER COUNTY
6 ORDINANCE. If an ordinance adopted under this chapter conflicts
7 with a municipal ordinance, the municipal ordinance prevails within
8 the municipality's jurisdiction to the extent of the conflict.

9 Sec. 230.006. OTHER COUNTY ORDINANCE-MAKING AUTHORITY
10 REPLACED. (a) The ordinance-making authority granted by this
11 chapter replaces the authority of a commissioners court to adopt
12 under other law orders or ordinances that apply in the
13 unincorporated area of the county and that relate to the public
14 health, safety, or welfare.

15 (b) An order or ordinance adopted under the other law before
16 the effective date of this chapter is not affected by this chapter
17 and is continued in effect as if it were adopted under this chapter.

18 SECTION 2. This Act takes effect September 1, 2005.