

By: Villarreal

H.B. No. 1247

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the application of certain local permit requirements to
3 projects that threaten water availability or quality.

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

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

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

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

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

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

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

22 (3) regulations that specifically control only the use
23 of land in a municipality that does not have zoning and that do not
24 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 from flooding that are 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;

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

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

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

20 (B) change development permitted by a
21 restrictive covenant required by a municipality; or

22 (12) regulations adopted by a political subdivision
23 that protect the quality or quantity of the political subdivision's
24 water supply, if the regulations were adopted following a
25 declaration by the governing body of the political subdivision or a
26 state or federal regulatory agency that the quality or quantity of
27 the water supply for the political subdivision is threatened.

1 SECTION 2. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2005.