

By: Mowery

H.B. No. 1408

A BILL TO BE ENTITLED

AN ACT

relating to land use provisions restricting the sale, manufacture,  
distribution, or use of fireworks in certain counties.

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

SECTION 1. Section 203.002, Property Code, is amended to  
read as follows:

Sec. 203.002. DEFINITION. In this chapter, "restriction"  
means a limitation that:

(1) affects:

(A) the use to which real property may be put,  
including restricting the sale, manufacture, distribution, or use  
of fireworks as defined by Section 2154.001, Occupations Code, on  
the property;

(B) the size of lots; or

(C) the size, type, or number of buildings or  
other structures that may be built on the property; or

(2) fixes the distance at which buildings or other  
structures must be set back from property, street, or lot lines [~~7  
affects the size of lots, or affects the size, type, or number of  
buildings or other structures that may be built on the property~~].

SECTION 2. Section 203.002, Property Code, as amended by  
this Act, applies to a restriction contained or incorporated by  
reference in a plan, plat, replat, or other instrument affecting a  
real property subdivision that is or has been properly recorded on

1 or after the effective date of this Act, regardless of the date on  
2 which the instrument was executed.

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