

AN ACT

relating to county authority to regulate vehicular or pedestrian gates to gated communities.

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

SECTION 1. The heading to Subchapter E, Chapter 352, Local Government Code, is amended to read as follows:

SUBCHAPTER E. GATED COMMUNITIES AND MULTI-UNIT HOUSING PROJECTS

SECTION 2. Section 352.111, Local Government Code, is amended to read as follows:

Sec. 352.111. GATED COMMUNITY OR HOUSING PROJECT SUBJECT TO SUBCHAPTER. This subchapter applies only to a gated community, or to a multi-unit housing project that controls access to the project by a pedestrian or vehicular gate, located outside municipal boundaries in an area not already subject to municipal regulations regarding vehicular or pedestrian gates.

SECTION 3. Section 352.112, Local Government Code, is amended to read as follows:

Sec. 352.112. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Gated community" means a residential subdivision or housing development with a vehicular or pedestrian gate that contains two or more dwellings not under common ownership. The term does not include a multi-unit housing project.

(2) "Multi-unit[~~"multi-unit~~] housing project" means

1 an apartment, condominium, or townhome project that contains two or
2 more dwelling units.

3 SECTION 4. Section 352.113, Local Government Code, is
4 amended to read as follows:

5 Sec. 352.113. COUNTY AUTHORITY TO REGULATE VEHICULAR OR
6 PEDESTRIAN GATES TO GATED COMMUNITIES AND MULTI-UNIT HOUSING
7 PROJECTS. To assure reasonable access for fire-fighting vehicles
8 and equipment, emergency medical services vehicles, and law
9 enforcement officers, a county may require the owner or the owners
10 association of a gated community or multi-unit housing project to
11 comply with this subchapter.

12 SECTION 5. Subsections (a) and (b), Section 352.114, Local
13 Government Code, are amended to read as follows:

14 (a) Each vehicular gate to the gated community or multi-unit
15 housing project must have a lockbox within sight of the gate and in
16 close proximity outside the gate. The lockbox at all times must
17 contain a key, card, or code to open the gate or a key switch or
18 cable mechanism that overrides the key, card, or code that normally
19 opens the gate and allows the gate to be opened manually.

20 (b) If there are one or more pedestrian gates [~~to the~~
21 ~~multi-unit housing project and no vehicular gate~~], at least one
22 pedestrian gate must have a lockbox within sight of the gate and in
23 close proximity outside the gate. The lockbox at all times must
24 contain a key, card, code, key switch, or cable mechanism to open
25 the gate.

26 SECTION 6. Subsections (a) and (c), Section 352.115, Local
27 Government Code, are amended to read as follows:

1 (a) In a gated community or multi-unit housing project that
2 has one or more vehicular gates:

3 (1) at least one vehicular gate must be wide enough for
4 fire-fighting vehicles, fire-fighting equipment, emergency medical
5 services vehicles, or law enforcement vehicles to enter; and

6 (2) at least one driveway apron or entrance from the
7 public right-of-way must be free of permanent obstacles that might
8 impede entry by a vehicle or equipment listed in Subdivision (1).

9 (c) A pedestrian gate in a gated community or multi-unit
10 housing project must be located so as to provide firefighters, law
11 enforcement officers, and other emergency personnel reasonable
12 access to each building.

13 SECTION 7. Subsection (a), Section 352.117, Local
14 Government Code, is amended to read as follows:

15 (a) A county may require the owner or the owners association
16 of a gated community or multi-unit housing project to obtain a
17 permit from the county fire marshal or other authority with
18 fire-fighting jurisdiction in the county to ensure compliance with
19 this subchapter.

20 SECTION 8. Subsection (a), Section 352.119, Local
21 Government Code, is amended to read as follows:

22 (a) A county may not impose under this subchapter specific
23 standards relating to vehicular gate widths, obstacle-free
24 driveway aprons or entrances, pedestrian gate locations, or
25 building numbers that exceed the requirements for new gated
26 communities or new multi-unit housing projects contained in the
27 municipal ordinances of:

1 (1) the municipality within whose extraterritorial
2 jurisdiction the gated community or multi-unit housing project is
3 located; or

4 (2) the municipality nearest, on a straight line, to
5 the boundary of the gated community or multi-unit housing project,
6 if the community or project is not within the extraterritorial
7 jurisdiction of a municipality.

8 SECTION 9. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2005.

S.B. No. 200

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 200 passed the Senate on March 17, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 200 passed the House on May 20, 2005, by the following vote: Yeas 139, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor