

By: Hinojosa

S.B. No. 1442

A BILL TO BE ENTITLED

AN ACT

relating to platting requirements for certain residential subdivisions in the unincorporated area of a county.

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

SECTION 1. The heading to Subchapter B, Chapter 232, Local Government Code, is amended to read as follows:

SUBCHAPTER B. ~~[SUBDIVISION]~~ PLATTING REQUIREMENTS FOR CERTAIN RESIDENTIAL SUBDIVISIONS ~~[IN COUNTY NEAR INTERNATIONAL BORDER]~~

SECTION 2. Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.0225 to read as follows:

Sec. 232.0225. CONFLICT WITH SUBCHAPTER. To the extent of a conflict between this subchapter and Subchapter A, this subchapter controls.

SECTION 3. Section 212.012(c), Local Government Code, is amended to read as follows:

(c) An entity described by Subsection (b) may serve or connect land with water, sewer, electricity, gas, or other utility service regardless of whether the entity is presented with or otherwise holds a certificate applicable to the land issued under Section 212.0115 if:

(1) the land is covered by a development plat approved under Subchapter B or under an ordinance or rule relating to the development plat;

(2) the land was first served or connected with

1 service by an entity described by Subsection (b)(1), (b)(2), or
2 (b)(3) before September 1, 1987;

3 (3) the land was first served or connected with
4 service by an entity described by Subsection (b)(4), (b)(5), or
5 (b)(6) before September 1, 1989; or

6 (4) the municipal authority responsible for approving
7 plats issues a certificate stating that:

8 (A) the land:

9 (i) before September 1, 1995, was sold or
10 conveyed to the person requesting service by any means of
11 conveyance, including a contract for deed or executory contract;

12 (ii) is located in a subdivision in which
13 the entity has previously provided service;

14 (iii) is located outside the limits of the
15 municipality;

16 (iv) is located in a county any part of
17 which is located within 50 miles of an international border [~~to~~
18 ~~which Subchapter B, Chapter 232, applies~~]; and

19 (v) is the site of construction of a
20 residence, evidenced by at least the existence of a completed
21 foundation, that was begun on or before May 1, 1997; or

22 (B) the land was not subdivided after September
23 1, 1995, and:

24 (i) water service is available within 750
25 feet of the subdivided land; or

26 (ii) water service is available more than
27 750 feet from the subdivided land and the extension of water service

1 to the land may be feasible, subject to a final determination by the
2 water service provider.

3 SECTION 4. Sections 242.001(a) and (d), Local Government
4 Code, are amended to read as follows:

5 (a) This section applies only to a county operating under
6 Sections 232.001-232.005 or Subchapter B~~[, C,]~~ or E, Chapter 232,
7 and a municipality that has extraterritorial jurisdiction in that
8 county. Subsections (b)-(g) do not apply:

9 (1) within a county that contains extraterritorial
10 jurisdiction of a municipality with a population of 1.9 million or
11 more;

12 (2) within a county within 50 miles of an
13 international border~~[, or to which Subchapter C, Chapter 232,~~
14 ~~applies]~~; or

15 (3) to a tract of land subject to a development
16 agreement under Subchapter G, Chapter 212, or other provisions of
17 this code.

18 (d) An agreement under Subsection (c) may grant the
19 authority to regulate subdivision plats and approve related permits
20 in the extraterritorial jurisdiction of a municipality as follows:

21 (1) the municipality may be granted exclusive
22 jurisdiction to regulate subdivision plats and approve related
23 permits in the extraterritorial jurisdiction and may regulate
24 subdivisions under Subchapter A of Chapter 212 and other statutes
25 applicable to municipalities;

26 (2) the county may be granted exclusive jurisdiction
27 to regulate subdivision plats and approve related permits in the

1 extraterritorial jurisdiction and may regulate subdivisions under
2 Sections 232.001-232.005 and[~~7~~] Subchapter B [~~or C~~], Chapter 232,
3 and other statutes applicable to counties;

4 (3) the municipality and the county may apportion the
5 area within the extraterritorial jurisdiction of the municipality
6 with the municipality regulating subdivision plats and approving
7 related permits in the area assigned to the municipality and the
8 county regulating subdivision plats and approving related permits
9 in the area assigned to the county; or

10 (4) the municipality and the county may enter into an
11 interlocal agreement that:

12 (A) establishes one office that is authorized to:

13 (i) accept plat applications for tracts of
14 land located in the extraterritorial jurisdiction;

15 (ii) collect municipal and county plat
16 application fees in a lump-sum amount; and

17 (iii) provide applicants one response
18 indicating approval or denial of the plat application; and

19 (B) establishes a single set of consolidated and
20 consistent regulations related to plats, subdivision construction
21 plans, and subdivisions of land as authorized by Chapter 212,
22 Sections 232.001-232.005 and Subchapter[~~7~~, ~~Subchapters~~] B [~~and C~~],
23 Chapter 232, and other statutes applicable to municipalities and
24 counties that will be enforced in the extraterritorial
25 jurisdiction.

26 SECTION 5. Section 12.002(d), Property Code, is amended to
27 read as follows:

1 (d) Except in the case of a subdivision located in a county
2 any part of which is located within 50 miles of an international
3 border [~~to which Subchapter B, Chapter 232, Local Government Code,~~
4 ~~applies~~], Subsection (c) does not apply to using a subdivision's
5 description in a contract to convey real property before the plat or
6 replat of the subdivision is approved and is filed for record with
7 the county clerk if:

8 (1) the conveyance is expressly contingent on approval
9 and recording of the final plat; and

10 (2) the purchaser is not given use or occupancy of the
11 real property conveyed before the recording of the final plat.

12 SECTION 6. Section 13.002(26), Water Code, is amended to
13 read as follows:

14 (26) "Affected county" is a county any part of which is
15 located within 50 miles of an international border [~~to which~~
16 ~~Subchapter B, Chapter 232, Local Government Code, applies~~].

17 SECTION 7. Section 16.352, Water Code, is amended to read as
18 follows:

19 Sec. 16.352. ENFORCEMENT OF RULES. A person who violates a
20 rule adopted by a municipality or county under this subchapter or
21 under Subchapter B [~~or C~~], Chapter 232, Local Government Code, is
22 liable to the municipality or county for a civil penalty of not less
23 than \$500 and not more than \$1,000 for each violation and for each
24 day of a violation. The maximum civil penalty that may accrue each
25 day is \$5,000. The appropriate attorney representing the
26 municipality or county may sue to collect the penalty. The
27 recovered penalty shall be deposited in the general fund of the

1 municipality or county.

2 SECTION 8. Section 26.001(26), Water Code, as added by
3 Section 24, Chapter 979, Acts of the 74th Legislature, Regular
4 Session, 1995, is amended to read as follows:

5 (26) "Affected county" is a county any part of which is
6 located within 50 miles of an international border [~~to which~~
7 ~~Subchapter B, Chapter 232, Local Government Code, applies~~].

8 SECTION 9. Sections 232.0015(b) and 232.022(a), Local
9 Government Code, and Subchapter C, Chapter 232, Local Government
10 Code, are repealed.

11 SECTION 10. The changes in law made by this Act to Chapter
12 232, Local Government Code, and other statutes apply only to a tract
13 of land subdivided on or after September 1, 2005. A tract of land
14 subdivided before that date is governed by the law in effect
15 immediately before that date, and the former law is continued in
16 effect for that purpose.

17 SECTION 11. This Act takes effect September 1, 2005.