

By: Guillen

H.B. No. 4669

A BILL TO BE ENTITLED

AN ACT

relating to subdivision platting requirements in counties near an international border.

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

SECTION 1. Sections 232.021(5) and (9), Local Government Code, are amended to read as follows:

(5) "Lease" means a final executed contract [~~includes an offer~~] to lease real property.

(9) "Sell" means to convey title to real property [~~includes an offer to sell~~].

SECTION 2. Section 232.022(b), Local Government Code, is amended to read as follows:

(b) This subchapter applies only to land that is subdivided into two or more lots that are intended primarily for residential use in the jurisdiction of the county. A lot is presumed to be intended for residential use if the lot is less than five acres [~~or less~~]. This subchapter does not apply if the subdivision is incident to the conveyance of the land as a gift between persons related to each other within the third degree by affinity or consanguinity, as determined under Chapter 573, Government Code.

SECTION 3. Section 232.025, Local Government Code, is amended to read as follows:

Sec. 232.025. SUBDIVISION REQUIREMENTS. By an order adopted and entered in the minutes of the commissioners court, and

1 after a notice is published in English and Spanish in a newspaper of  
2 general circulation in the county, the commissioners court shall  
3 for each subdivision:

4 (1) require a right-of-way on a street or road that  
5 functions as a main artery in a subdivision, of a width of not less  
6 than 50 feet or more than 100 feet;

7 (2) require a right-of-way on any other street or road  
8 in a subdivision of not less than 40 feet or more than 70 feet;

9 (3) require that the shoulder-to-shoulder width on  
10 collectors or main arteries within the right-of-way be not less  
11 than 32 feet or more than 56 feet, and that the shoulder-to-shoulder  
12 width on any other street or road be not less than 18 [~~25~~] feet or  
13 more than 35 feet;

14 (4) adopt, based on the amount and kind of travel over  
15 each street or road in a subdivision, reasonable specifications  
16 relating to the construction of each street or road;

17 (5) adopt reasonable specifications to provide  
18 adequate drainage for each street or road in a subdivision in  
19 accordance with standard engineering practices;

20 (6) require that each purchase contract made between a  
21 subdivider and a purchaser of land in the subdivision contain a  
22 statement describing how and when water, sewer, electricity, and  
23 gas services will be made available to the subdivision; and

24 (7) require that the subdivider of the tract execute a  
25 bond in the manner provided by Section 232.027.

26 SECTION 4. Subchapter B, Chapter 232, Local Government  
27 Code, is amended by adding Section 232.0251 to read as follows:

1       Sec. 232.0251. STANDARD FOR ROADS IN SUBDIVISION. A county  
2 may not impose under Section 232.025 a higher standard for streets  
3 or roads in a subdivision than the county imposes on itself for the  
4 construction of streets or roads with a similar type and amount of  
5 traffic.

6       SECTION 5. Section 232.027, Local Government Code, is  
7 amended by amending Subsection (a) and adding Subsection (c) to  
8 read as follows:

9       (a) Unless a person has completed the installation of all  
10 water and sewer service facilities required by this subchapter on  
11 the date that person applies for final approval of a plat under  
12 Section 232.024 or the person has complied with Sections  
13 232.023(b)(12)(A) and (B), Section 232.023(c), and Sections  
14 232.032(1) and (2), the commissioners court shall require the  
15 subdivider of the tract to execute and maintain in effect a bond or,  
16 in the alternative, a person may make a cash deposit in an amount  
17 the commissioners court determines will ensure compliance with this  
18 subchapter. A person may not meet the requirements of this  
19 subsection through the use of a letter of credit unless that letter  
20 of credit is irrevocable and issued by an institution guaranteed by  
21 the Federal Deposit Insurance Corporation [FDIC]. The subdivider  
22 must comply with the requirement before subdividing the tract.

23       (c) A bond under this section may not be required from a  
24 person who has complied with the certification procedures under  
25 Sections 232.023(b)(12)(A) and (B), Section 232.023(c), and  
26 Sections 232.032(1) and (2) in regard to the water and sewer service  
27 facilities required by this subchapter.

1 SECTION 6. Section 232.031(a), Local Government Code, is  
2 amended to read as follows:

3 (a) Except as provided by Subsection (d), a subdivider may  
4 market, promote, and advertise the sale [~~not sell~~] or lease of land  
5 in a subdivision first platted or replatted after July 1, 1995,  
6 before [~~unless~~] the subdivision plat is approved by the  
7 commissioners court in accordance with Section 232.024.

8 SECTION 7. Section 232.035, Local Government Code, is  
9 amended by adding Subsection (d-1) to read as follows:

10 (d-1) A person who violates Subsection (a) is not subject to  
11 a fine under Subsection (c) or (d) if the person meets the platting  
12 requirements of this subchapter not later than the 30th day after  
13 the date the person receives notice that the requirements have not  
14 been met.

15 SECTION 8. Section 232.036(b), Local Government Code, is  
16 amended to read as follows:

17 (b) A subdivider who owns a subdivision commits an offense  
18 if the subdivider knowingly fails to timely provide for the  
19 certification, construction, or installation of water or sewer  
20 service as required by Section 232.032 or fails to make a reasonable  
21 effort to have electric utility service and gas utility service  
22 installed by a utility as required by Section 232.032. An offense  
23 under this subsection is a Class A misdemeanor.

24 SECTION 9. Subchapter B, Chapter 232, Local Government  
25 Code, is amended by adding Section 232.045 to read as follows:

26 Sec. 232.045. BUILDING PERMIT. (a) The county shall issue  
27 a residential building permit to a person submitting an application

1 for the permit who has:

2 (1) met the applicable requirements under this  
3 subchapter; and

4 (2) otherwise complied with the applicable law and  
5 rules relating to the issuance of the building permit.

6 (b) The county shall also issue a residential building  
7 permit to an applicant who:

8 (1) owns a tract of at least 5 but not more than 10  
9 acres of land that has access to public roads and to the appropriate  
10 services as required by the county for building permits, that has  
11 not had a county-approved plat filed with the county clerk, and that  
12 is used for agricultural purposes; and

13 (2) has otherwise complied with the applicable law and  
14 rules relating to the issuance of the building permit.

15 (c) The county may charge a reasonable fee to cover the cost  
16 of administering the issuance of residential building permits under  
17 this subchapter.

18 SECTION 10. This Act takes effect immediately if it  
19 receives a vote of two-thirds of all the members elected to each  
20 house, as provided by Section 39, Article III, Texas Constitution.  
21 If this Act does not receive the vote necessary for immediate  
22 effect, this Act takes effect September 1, 2009.