

By: Shapleigh

S.B. No. 2175

A BILL TO BE ENTITLED

AN ACT

relating to authorizing certain counties to regulate land development; providing a penalty.

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

SECTION 1. Subtitle B, Title 7, Local Government Code, is amended by adding Chapter 236 to read as follows:

CHAPTER 236. REGULATION OF LAND DEVELOPMENT IN CERTAIN
COUNTIES

Sec. 236.001. APPLICABILITY. This chapter applies only to a county any part of which is located within 50 miles of an international border.

Sec. 236.002. REGULATORY AUTHORITY. The commissioners court of the county by order may regulate land development in the unincorporated area of the county by:

(1) adopting regulations relating to:

(A) maximum densities, including the size of lots;

(B) the height, number of stories, size, or number of buildings or other structures that may be located on a lot or tract;

(C) the percentage of a lot or tract that may be occupied; and

(D) the location of buildings and other structures on a lot or tract; and

1 (2) adopting building codes to promote safe and
2 uniform building, plumbing, and electrical standards.

3 Sec. 236.003. MUNICIPAL ORDINANCE PREVAILS OVER COUNTY
4 ORDER. If an order adopted under this chapter conflicts with an
5 ordinance of a municipality, the municipal ordinance prevails
6 within the municipality's jurisdiction to the extent of the
7 conflict.

8 Sec. 236.004. EXISTING COUNTY AUTHORITY UNAFFECTED. The
9 authority granted by this chapter does not affect the authority of
10 the commissioners court to adopt an order or ordinance under other
11 law.

12 Sec. 236.005. INJUNCTION. The county, in a suit brought by
13 the county attorney or other prosecuting attorney representing the
14 county in the district court, is entitled to appropriate injunctive
15 relief to prevent the violation or threatened violation of an order
16 adopted under this chapter from continuing or occurring.

17 Sec. 236.006. PENALTY. A person commits an offense if the
18 person violates a restriction or prohibition imposed by an order
19 adopted under this chapter. An offense under this section is a
20 Class C misdemeanor.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2009.