

By: Workman

H.B. No. 2885

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of liquid propane gas tanks on residential property.

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

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.010 to read as follows:

Sec. 202.010. REGULATION OF LIQUID PROPANE GAS TANKS. (a) A property owners' association may not, except as provided by this section, adopt or enforce a dedicatory instrument provision that prohibits, restricts, or has the effect of prohibiting or restricting a property owner from installing a liquid propane gas tank above ground on the owner's residential property if the tank is a size reasonably necessary to meet the gas requirements of the residence.

(b) The property owners' association may require the owner to screen the tank from view with reasonable screening materials.

SECTION 2. Chapter 250, Local Government Code, is amended by adding Section 250.007 to read as follows:

Sec. 250.007. REGULATION OF LIQUID PROPANE GAS TANKS ON RESIDENTIAL PROPERTY. (a) A municipality or county may not, except as provided by this section, enact or enforce an order or ordinance that prohibits, restricts, or has the effect of prohibiting or restricting a property owner from installing a liquid propane gas tank above ground on the owner's residential property if the tank is

1 a size reasonably necessary to meet the gas requirements of the
2 residence.

3 (b) The municipality or county may require the owner to
4 screen the tank from view with reasonable screening materials.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2011.