

By: Nichols

S.B. No. 732

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prohibition of certain regulations by a
3 municipality in its extraterritorial jurisdiction involving trees
4 and vegetation.

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

6 SECTION 1. Section 212.003(a), Local Government Code, is
7 amended to read as follows:

8 (a) The governing body of a municipality by ordinance may
9 extend to the extraterritorial jurisdiction of the municipality the
10 application of municipal ordinances adopted under Section 212.002
11 and other municipal ordinances relating to access to public roads
12 or the pumping, extraction, and use of groundwater by persons other
13 than retail public utilities, as defined by Section 13.002, Water
14 Code, for the purpose of preventing the use or contact with
15 groundwater that presents an actual or potential threat to human
16 health. However, unless otherwise authorized by state law, in its
17 extraterritorial jurisdiction a municipality shall not regulate:

18 (1) the use of any building or property for business,
19 industrial, residential, or other purposes;

20 (2) the bulk, height, or number of buildings
21 constructed on a particular tract of land;

22 (3) the size of a building that can be constructed on a
23 particular tract of land, including without limitation any
24 restriction on the ratio of building floor space to the land square

1 footage;

2 (4) the number of residential units that can be built
3 per acre of land; [~~or~~]

4 (5) the size, type, or method of construction of a
5 water or wastewater facility that can be constructed to serve a
6 developed tract of land if:

7 (A) the facility meets the minimum standards
8 established for water or wastewater facilities by state and federal
9 regulatory entities; and

10 (B) the developed tract of land is:

11 (i) located in a county with a population of
12 2.8 million or more; and

13 (ii) served by:

14 (a) on-site septic systems
15 constructed before September 1, 2001, that fail to provide adequate
16 services; or

17 (b) on-site water wells constructed
18 before September 1, 2001, that fail to provide an adequate supply of
19 safe drinking water; or

20 (6) the planting, clearing, or harvesting of trees or
21 vegetation or other uses of trees or vegetation on a particular
22 tract of land.

23 SECTION 2. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2011.