

By: Anchia

H.B. No. 1509

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the enforcement of water conservation and animal care  
3 and control ordinances of a municipality by civil action or  
4 quasi-judicial enforcement; providing civil penalties.

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

6 SECTION 1. Section 54.012, Local Government Code, is  
7 amended to read as follows:

8 Sec. 54.012. CIVIL ACTION. A municipality may bring a civil  
9 action for the enforcement of an ordinance:

10 (1) for the preservation of public safety, relating to  
11 the materials or methods used to construct a building or other  
12 structure or improvement, including the foundation, structural  
13 elements, electrical wiring or apparatus, plumbing and fixtures,  
14 entrances, or exits;

15 (2) relating to the preservation of public health or  
16 to the fire safety of a building or other structure or improvement,  
17 including provisions relating to materials, types of construction  
18 or design, interior configuration, illumination, warning devices,  
19 sprinklers or other fire suppression devices, availability of water  
20 supply for extinguishing fires, or location, design, or width of  
21 entrances or exits;

22 (3) for zoning that provides for the use of land or  
23 classifies a parcel of land according to the municipality's  
24 district classification scheme;

1 (4) establishing criteria for land subdivision or  
2 construction of buildings, including provisions relating to street  
3 width and design, lot size, building width or elevation, setback  
4 requirements, or utility service specifications or requirements;

5 (5) implementing civil penalties under this  
6 subchapter for conduct classified by statute as a Class C  
7 misdemeanor;

8 (6) relating to dangerously damaged or deteriorated  
9 structures or improvements;

10 (7) relating to conditions caused by accumulations of  
11 refuse, vegetation, or other matter that creates breeding and  
12 living places for insects and rodents;

13 (8) relating to the interior configuration, design,  
14 illumination, or visibility of business premises exhibiting for  
15 viewing by customers while on the premises live or mechanically or  
16 electronically displayed entertainment intended to provide sexual  
17 stimulation or sexual gratification; ~~[or]~~

18 (9) relating to point source effluent limitations or  
19 the discharge of a pollutant, other than from a non-point source,  
20 into a sewer system, including a sanitary or storm water sewer  
21 system, owned or controlled by the municipality;

22 (10) relating to animal care and control; or

23 (11) relating to water conservation measures,  
24 including watering restrictions.

25 SECTION 2. Section 54.032, Local Government Code, is  
26 amended to read as follows:

27 Sec. 54.032. ORDINANCES SUBJECT TO QUASI-JUDICIAL

1 ENFORCEMENT. This subchapter applies only to ordinances:

2 (1) for the preservation of public safety, relating to  
3 the materials or methods used to construct a building or  
4 improvement, including the foundation, structural elements,  
5 electrical wiring or apparatus, plumbing and fixtures, entrances,  
6 or exits;

7 (2) relating to the fire safety of a building or  
8 improvement, including provisions relating to materials, types of  
9 construction or design, warning devices, sprinklers or other fire  
10 suppression devices, availability of water supply for  
11 extinguishing fires, or location, design, or width of entrances or  
12 exits;

13 (3) relating to dangerously damaged or deteriorated  
14 buildings or improvements;

15 (4) relating to conditions caused by accumulations of  
16 refuse, vegetation, or other matter that creates breeding and  
17 living places for insects and rodents; ~~[or]~~

18 (5) relating to a building code or to the condition,  
19 use, or appearance of property in a municipality;

20 (6) relating to animal care and control; or

21 (7) relating to water conservation measures,  
22 including watering restrictions.

23 SECTION 3. The changes in law made by this Act apply only to  
24 a violation of a municipal ordinance that occurs on or after the  
25 effective date of this Act.

26 SECTION 4. This Act takes effect September 1, 2013.