

1-1 By: West S.B. No. 654  
 1-2 (In the Senate - Filed February 19, 2013; February 25, 2013,  
 1-3 read first time and referred to Committee on Intergovernmental  
 1-4 Relations; March 25, 2013, reported favorably by the following  
 1-5 vote: Yeas 5, Nays 0; March 25, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hinojosa	X			
1-8 Nichols	X			
1-9 Garcia	X			
1-10 Paxton	X			
1-11 Taylor	X			

1-13 A BILL TO BE ENTITLED  
 1-14 AN ACT

1-15 relating to the enforcement of water conservation and animal care  
 1-16 and control ordinances of a municipality by civil action or  
 1-17 quasi-judicial enforcement; providing civil penalties.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Section 54.012, Local Government Code, is  
 1-20 amended to read as follows:

1-21 Sec. 54.012. CIVIL ACTION. A municipality may bring a civil  
 1-22 action for the enforcement of an ordinance:

1-23 (1) for the preservation of public safety, relating to  
 1-24 the materials or methods used to construct a building or other  
 1-25 structure or improvement, including the foundation, structural  
 1-26 elements, electrical wiring or apparatus, plumbing and fixtures,  
 1-27 entrances, or exits;

1-28 (2) relating to the preservation of public health or  
 1-29 to the fire safety of a building or other structure or improvement,  
 1-30 including provisions relating to materials, types of construction  
 1-31 or design, interior configuration, illumination, warning devices,  
 1-32 sprinklers or other fire suppression devices, availability of water  
 1-33 supply for extinguishing fires, or location, design, or width of  
 1-34 entrances or exits;

1-35 (3) for zoning that provides for the use of land or  
 1-36 classifies a parcel of land according to the municipality's  
 1-37 district classification scheme;

1-38 (4) establishing criteria for land subdivision or  
 1-39 construction of buildings, including provisions relating to street  
 1-40 width and design, lot size, building width or elevation, setback  
 1-41 requirements, or utility service specifications or requirements;

1-42 (5) implementing civil penalties under this  
 1-43 subchapter for conduct classified by statute as a Class C  
 1-44 misdemeanor;

1-45 (6) relating to dangerously damaged or deteriorated  
 1-46 structures or improvements;

1-47 (7) relating to conditions caused by accumulations of  
 1-48 refuse, vegetation, or other matter that creates breeding and  
 1-49 living places for insects and rodents;

1-50 (8) relating to the interior configuration, design,  
 1-51 illumination, or visibility of business premises exhibiting for  
 1-52 viewing by customers while on the premises live or mechanically or  
 1-53 electronically displayed entertainment intended to provide sexual  
 1-54 stimulation or sexual gratification; ~~or~~

1-55 (9) relating to point source effluent limitations or  
 1-56 the discharge of a pollutant, other than from a non-point source,  
 1-57 into a sewer system, including a sanitary or storm water sewer  
 1-58 system, owned or controlled by the municipality;

1-59 (10) relating to animal care and control; or

1-60 (11) relating to water conservation measures,  
 1-61 including watering restrictions.

2-1 SECTION 2. Section 54.032, Local Government Code, is  
2-2 amended to read as follows:

2-3 Sec. 54.032. ORDINANCES SUBJECT TO QUASI-JUDICIAL  
2-4 ENFORCEMENT. This subchapter applies only to ordinances:

2-5 (1) for the preservation of public safety, relating to  
2-6 the materials or methods used to construct a building or  
2-7 improvement, including the foundation, structural elements,  
2-8 electrical wiring or apparatus, plumbing and fixtures, entrances,  
2-9 or exits;

2-10 (2) relating to the fire safety of a building or  
2-11 improvement, including provisions relating to materials, types of  
2-12 construction or design, warning devices, sprinklers or other fire  
2-13 suppression devices, availability of water supply for  
2-14 extinguishing fires, or location, design, or width of entrances or  
2-15 exits;

2-16 (3) relating to dangerously damaged or deteriorated  
2-17 buildings or improvements;

2-18 (4) relating to conditions caused by accumulations of  
2-19 refuse, vegetation, or other matter that creates breeding and  
2-20 living places for insects and rodents; [~~or~~]

2-21 (5) relating to a building code or to the condition,  
2-22 use, or appearance of property in a municipality;

2-23 (6) relating to animal care and control; or

2-24 (7) relating to water conservation measures,  
2-25 including watering restrictions.

2-26 SECTION 3. The changes in law made by this Act apply only to  
2-27 a violation of a municipal ordinance that occurs on or after the  
2-28 effective date of this Act.

2-29 SECTION 4. This Act takes effect September 1, 2013.

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