86R12541 JTS-F

By:  Toth H.B. No. 3417

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of certain municipal ordinances in the municipality's extraterritorial jurisdiction.

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

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

(a)  The governing body of a municipality by ordinance may extend to the extraterritorial jurisdiction of the municipality the application of municipal ordinances adopted under Section 212.002 and other municipal ordinances relating to access to public roads or the pumping, extraction, and use of groundwater by persons other than retail public utilities, as defined by Section 13.002, Water Code, for the purpose of preventing the use of or contact with groundwater that presents an actual or potential threat to human health. However, unless [~~otherwise authorized by~~] state law explicitly authorizes the extension of a specific municipal ordinance into the extraterritorial jurisdiction, in its extraterritorial jurisdiction a municipality shall not regulate:

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

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

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

(4)  the number of residential units that can be built per acre of land; or

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

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

(B)  the developed tract of land is:

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

(ii)  served by:

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

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

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.