

By: Toth

H.B. No. 3417

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the applicability of certain municipal ordinances in
3 the municipality's extraterritorial jurisdiction.

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

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

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

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

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

23 (3) the size of a building that can be constructed on a
24 particular tract of land, including without limitation any

1 restriction on the ratio of building floor space to the land square
2 footage;

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

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

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

11 (B) the developed tract of land is:

12 (i) located in a county with a population of
13 2.8 million or more; and

14 (ii) served by:

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

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

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