

AN ACT

relating to the powers of the commissioners court of certain counties in the border region in regard to unincorporated areas; providing penalties.

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

SECTION 1. Subsection (a), Section 81.033, Local Government Code, is amended to read as follows:

(a) This section applies only to a commissioners court of a county that has a population of more than 5,000 [~~7,500~~], is located within 100 miles of [~~on~~] an international boundary, and contains no incorporated territory of a municipality.

SECTION 2. Chapter 231, Local Government Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. ZONING AROUND FALCON LAKE

Sec. 231.251. LEGISLATIVE FINDINGS; PURPOSE. (a) The legislature finds that:

(1) the area that surrounds Falcon Lake in Zapata County is frequented for recreational purposes by residents from every part of the state;

(2) orderly development and use of the area is of concern to the entire state; and

(3) buildings in the area that are frequented for resort or recreational purposes tend to become congested and to be used in ways that interfere with the proper use of the area as a

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1 place of recreation to the detriment of the public health, safety,
2 morals, and general welfare.

3 (b) The powers granted under this subchapter are for the
4 purpose of promoting the public health, safety, peace, morals, and
5 general welfare and encouraging the recreational use of county
6 land.

7 Sec. 231.252. AREAS SUBJECT TO REGULATION. This subchapter
8 applies only to the unincorporated area of Zapata County located
9 within 25,000 feet of:

- 10 (1) the project boundary line for Falcon Lake; and
11 (2) the Rio Grande.

12 Sec. 231.253. FALCON LAKE PLANNING COMMISSION. (a) A lake
13 planning commission is established for the area subject to this
14 subchapter. The commission is comprised of:

15 (1) four residents of Zapata County, with one resident
16 from each of the county commissioner precincts, appointed by that
17 precinct's commissioner; and

18 (2) a person, who shall serve as the commission's
19 presiding officer, appointed by the county judge of Zapata County.

20 (b) Except as provided by Subsection (c), the members of the
21 commission shall be appointed for two-year terms that expire
22 February 1 of each odd-numbered year.

23 (c) The terms of the initial members of the commission
24 expire on February 1st of the first February in an odd-numbered year
25 following their appointment.

26 (d) The commissioners court of Zapata County may employ
27 staff for the commission to use in performing the commission's

1 functions.

2 Sec. 231.254. COMMISSION STUDY AND REPORT; HEARING.

3 (a) At the request of the commissioners court of Zapata County,
4 the lake planning commission shall, or on the commission's own
5 initiative, the commission may, conduct studies of the area subject
6 to this subchapter and prepare reports to advise the commissioners
7 court about matters affecting that area, including any need for
8 zoning regulations in that area.

9 (b) Before the commission may prepare a report, the
10 commission must hold a public hearing in which members of the public
11 may offer testimony regarding any subject to be included in the
12 commission's report. The commission shall provide notice of the
13 hearing as required by the commissioners court.

14 Sec. 231.255. ZONING REGULATIONS. After receiving a report
15 from the lake planning commission under Section 231.254, the
16 commissioners court of Zapata County may adopt zoning regulations
17 for the area subject to this subchapter and in accordance with the
18 report that regulate:

19 (1) the height, number of stories, and size of
20 buildings and other structures;

21 (2) the percentage of a lot that may be occupied;

22 (3) the size of yards, courts, and other open spaces;

23 (4) population density;

24 (5) the location and use of buildings, other
25 structures, and land for business, industrial, residential, or
26 other purposes; and

27 (6) the placement of water and sewage facilities,

1 parks, and other public requirements.

2 Sec. 231.256. DISTRICTS. (a) The commissioners court may
3 divide the area in the county that is subject to this subchapter
4 into districts of a number, shape, and size the court considers best
5 for carrying out this subchapter. Within each district, the
6 commissioners court may regulate the erection, construction,
7 reconstruction, alteration, repair, or use of buildings, other
8 structures, or land.

9 (b) The zoning regulations must be uniform for each class or
10 kind of building in a district, but the regulations may vary from
11 district to district. The regulations shall be adopted with
12 reasonable consideration, among other things, for the character of
13 each district and its peculiar suitability for particular uses,
14 with a view of conserving the value of buildings and encouraging the
15 most appropriate use of land throughout the area.

16 Sec. 231.257. ENFORCEMENT; PENALTY; REMEDIES. (a) The
17 commissioners court may adopt orders to enforce this subchapter,
18 any order adopted under this subchapter, or a zoning regulation.

19 (b) A person commits an offense if the person violates this
20 subchapter, an order adopted under this subchapter, or a zoning
21 regulation. An offense under this subsection is a misdemeanor,
22 punishable by fine, imprisonment, or both, as provided by the
23 commissioners court. The commissioners court may also provide
24 civil penalties for a violation.

25 (c) If a building or other structure is erected,
26 constructed, reconstructed, altered, repaired, converted, or
27 maintained or if a building, other structure, or land is used in

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1 violation of this subchapter, an order adopted under this
2 subchapter, or a zoning regulation, the appropriate county
3 authority, in addition to other remedies, may institute appropriate
4 action to:

5 (1) prevent the unlawful erection, construction,
6 reconstruction, alteration, repair, conversion, maintenance, or
7 use;

8 (2) restrain, correct, or abate the violation;

9 (3) prevent the occupancy of the building, structure,
10 or land; or

11 (4) prevent any illegal act, conduct, business, or use
12 on or about the premises.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2007.

See
Bill

S.B. No. 63

David Newkirk
President of the Senate

Jim Caddick
Speaker of the House

I hereby certify that S.B. No. 63 passed the Senate on March 14, 2007, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 17, 2007, by the following vote: Yeas 31, Nays 0.

Datsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 63 passed the House, with amendment, on May 11, 2007, by the following vote: Yeas 135, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

15 JUN 07
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5 PM O'CLOCK

ROGER HUMPHREYS
Secretary of State