

AN ACT

relating to the continuation of legal land use in newly incorporated areas.

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

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.016 to read as follows:

Sec. 211.016. CONTINUATION OF LAND USE IN NEWLY INCORPORATED AREAS. (a) A municipality incorporated after September 1, 2003, may not prohibit a person from:

(1) continuing to use land in the area in the manner in which the land was being used on the date of incorporation if the land use was legal at that time; or

(2) beginning to use land in the area in the manner that was planned for the land before the 90th day before the effective date of the incorporation if:

(A) one or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and

(B) a completed application for the initial authorization was filed with the governmental entity before the date of incorporation.

(b) For purposes of this section, a completed application is filed if the application includes all documents and other information designated as required by the governmental entity in a

1 written notice to the applicant.

2 (c) This section does not prohibit a municipality from
3 imposing:

4 (1) a regulation relating to the location of sexually
5 oriented businesses, as that term is defined by Section 243.002;

6 (2) a municipal ordinance, regulation, or other
7 requirement affecting colonias, as that term is defined by Section
8 2306.581, Government Code;

9 (3) a regulation relating to preventing imminent
10 destruction of property or injury to persons;

11 (4) a regulation relating to public nuisances;

12 (5) a regulation relating to flood control;

13 (6) a regulation relating to the storage and use of
14 hazardous substances;

15 (7) a regulation relating to the sale and use of
16 fireworks; or

17 (8) a regulation relating to the discharge of
18 firearms.

19 (d) A municipal ordinance or rule in conflict with this
20 section is void.

21 SECTION 2. This Act takes effect September 1, 2003.

David Dewhurst

President of the Senate

Jim Cuddeback

Speaker of the House

I certify that H.B. No. 2212 was passed by the House on May 9, 2003, by the following vote: Yeas 118, Nays 7, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2212 on May 30, 2003, by the following vote: Yeas 136, Nays 0, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 2212 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Patsy Graw
Secretary of the Senate

APPROVED: 18 JUNE '03

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:30pm O'CLOCK

JUN 18 2003
Ann Shea
Secretary of State