

LEGISLATIVE UPDATE 2009

Ordinance and Local Government Issues

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Traffic



HB 2682 : Cities' Authority to Lower Speed Limits; Required Reports

Effective Date: Immediately

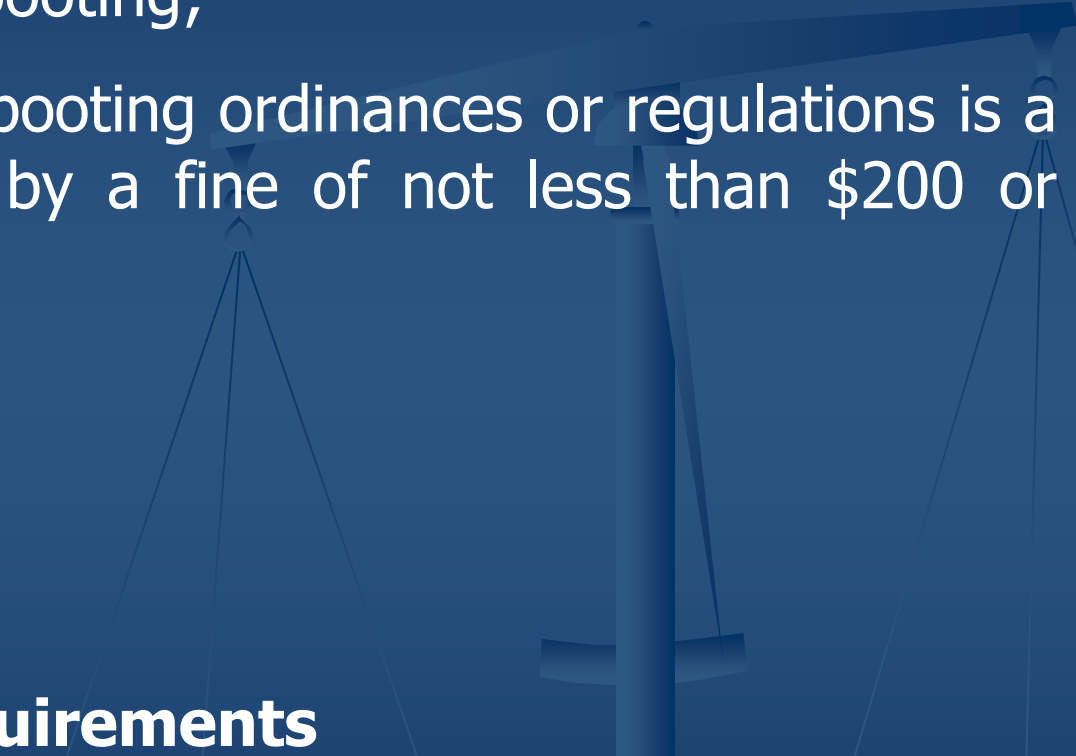
- 35 Feet or less requirement removed;
- Not less than 25 miles per hour on a 2 lane, undivided highway which is not part of the state system;
- Must post a report on the internet and with TxDot comparing:
 - Number of citations pre and post reduction;
 - Number of warnings pre and post reduction;
 - Accidents re: injury or death pre and post.

Towing / Booting



SB 2153 : Statewide Regulation of Booting Practices

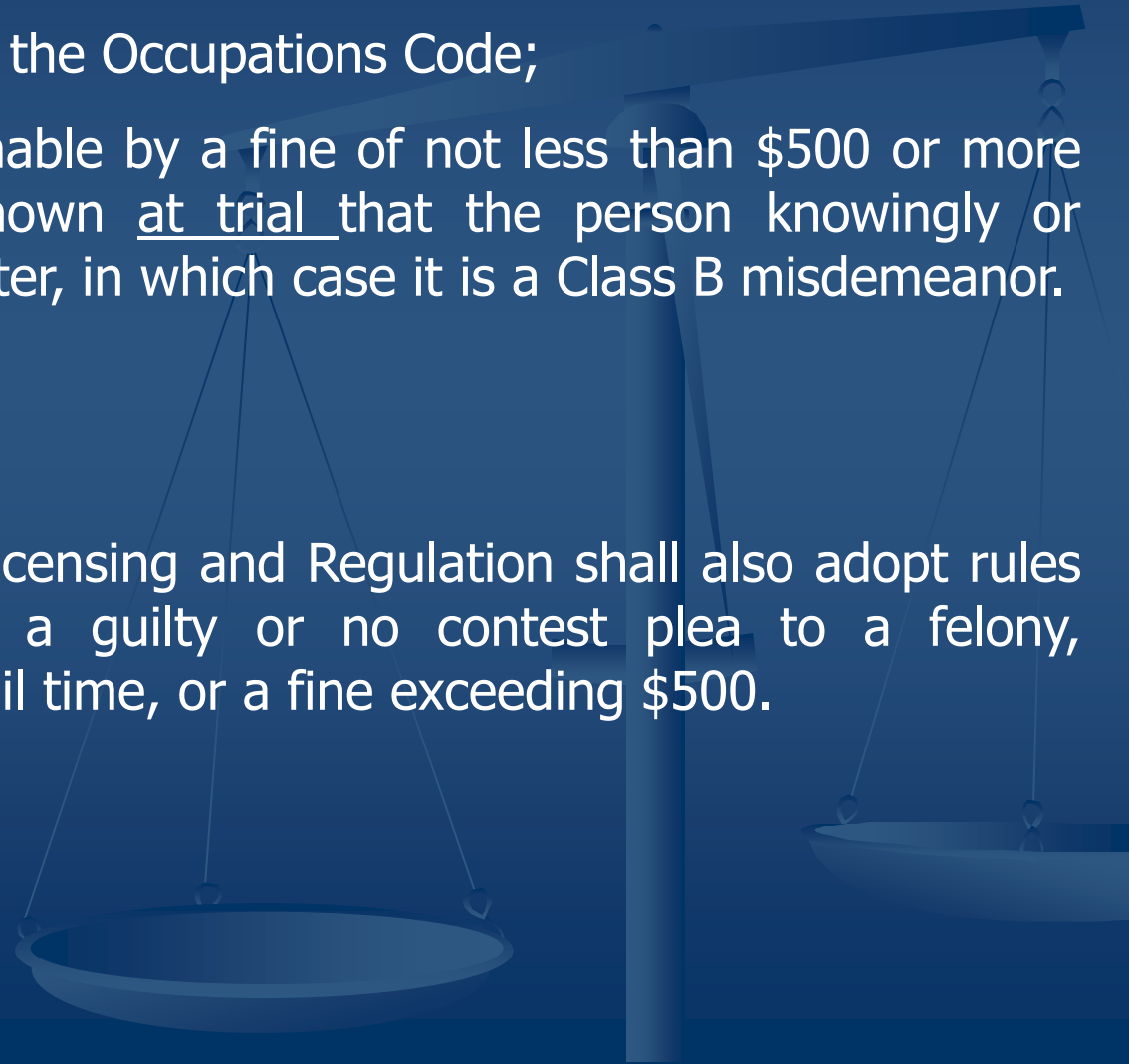
Effective Date: September 1, 2009

- Requires the Texas Commission on Licensing and Regulation to adopt rules regulating booting;
 - A violation of towing or booting ordinances or regulations is a misdemeanor punishable by a fine of not less than \$200 or more than \$1,000;
 - **City can regulate:**
 - **Permits**
 - **Fees**
 - **More stringent requirements**
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HB 2571 : Statewide Regulation of Towing Practices

Effective Date: effective September 1, 2009 and September 1, 2010

- Crack down on illegal and malicious towing;
- Amends Section 2308.002 of the Occupations Code;
- Class C misdemeanor punishable by a fine of not less than \$500 or more than \$1,500 **unless** it is shown at trial that the person knowingly or intentionally violated the chapter, in which case it is a Class B misdemeanor.
 - Jurisdiction;
 - Double Jeopardy.
- The Texas Commission on Licensing and Regulation shall also adopt rules for denying a license upon a guilty or no contest plea to a felony, misdemeanor punishable by jail time, or a fine exceeding \$500.
 - This means a hard fight.



Animal Control



HB 205 : State Restriction on “Leash Law” Ordinances

Effective Date: September 1, 2009

- HB 205 amends Section 251.005 of the Agriculture Code.
- Changes the applicability of certain city requirements affecting the restraint of dogs on annexed or otherwise acquired property used for agricultural operations.
- Must be in the course of protecting livestock.

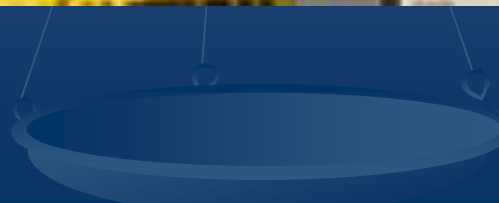
HB 405 : Animal Control Authority to Possess a Bite Prevention Stick

Effective Date: Immediately

- Bite stick's maybe similarity to a prohibited club under Section 46.01 (Definitions) of the Penal Code.
- An animal control officer carrying a bite stick could be committing a criminal violation under Section 46.02 (Unlawful Carrying Weapons) of the Penal Code.
- Requires certification to use a bite prevention stick.
- If certified, no violation of Section 46.02.

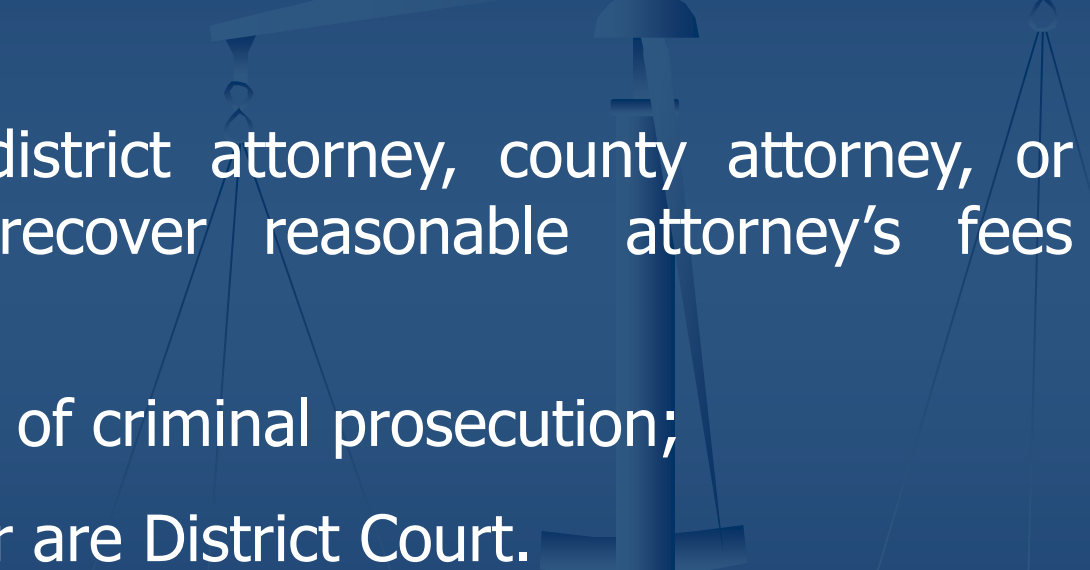
Sign Regulation

dribbleglass.com



HB 875 : Attorney's fees for Civil Penalty Sign Violations

Effective Date: Immediately

- In the 80th Legislature, Chapter 393 of the Transportation Code was amended by HB 413 to allow the imposition of “civil penalties” for illegally erecting an outdoor sign in a public right-of-way.
 - HB 875 authorizes a district attorney, county attorney, or municipal attorney to recover reasonable attorney's fees incurred in a civil action;
 - Civil Penalties are in lieu of criminal prosecution;
 - Civil Penalties are proper are District Court.
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HB 1831 : Temporary Claims Service Signs During Periods of Declared Disasters

Effective Date: September 1, 2009

➤ Basics

- Intended to allow insurance carriers and agents to put temporary claims signs up for submission of claims after a disaster;
 - Allows signs during the disaster or no more than 30 days, whichever is earlier;
 - Does regulate structure of a temporary sign as well as the fact it cannot be placed in the Right-of-way (absent City approval);
 - Applies only to On-Premise signs.
- Subchapter A only (Municipal Board of Sign Control and Removal).
- Added “extreme heat” to the definition of disaster.

Structures

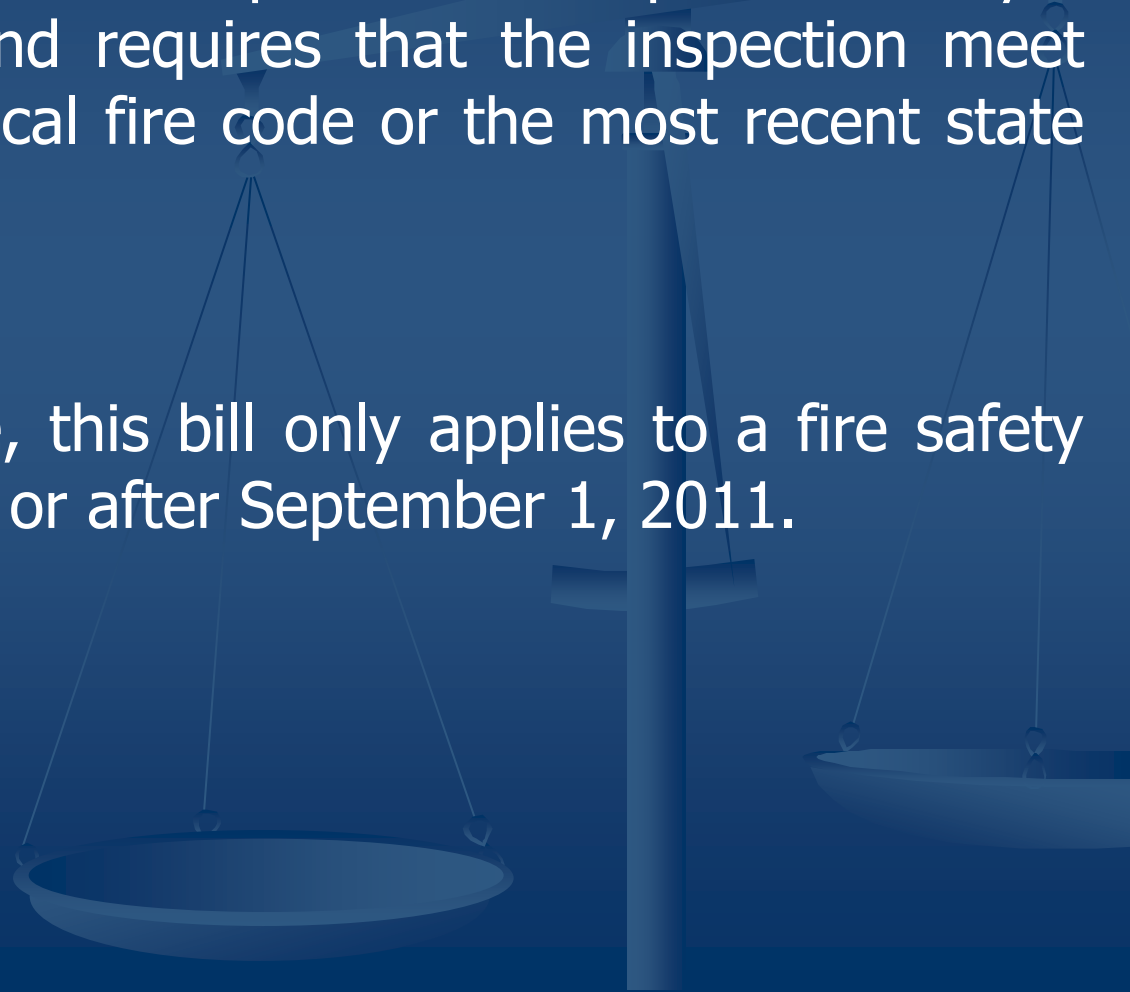


HB 3866 : Uniform Standards for Periodic Fire Safety Inspections

Effective Date: September 1, 2009

HB 3866, amending Section 419.908 of the Government Code, requires a state-mandated fire inspection to be performed by a certified fire inspector and requires that the inspection meet either the most recent local fire code or the most recent state fire code.

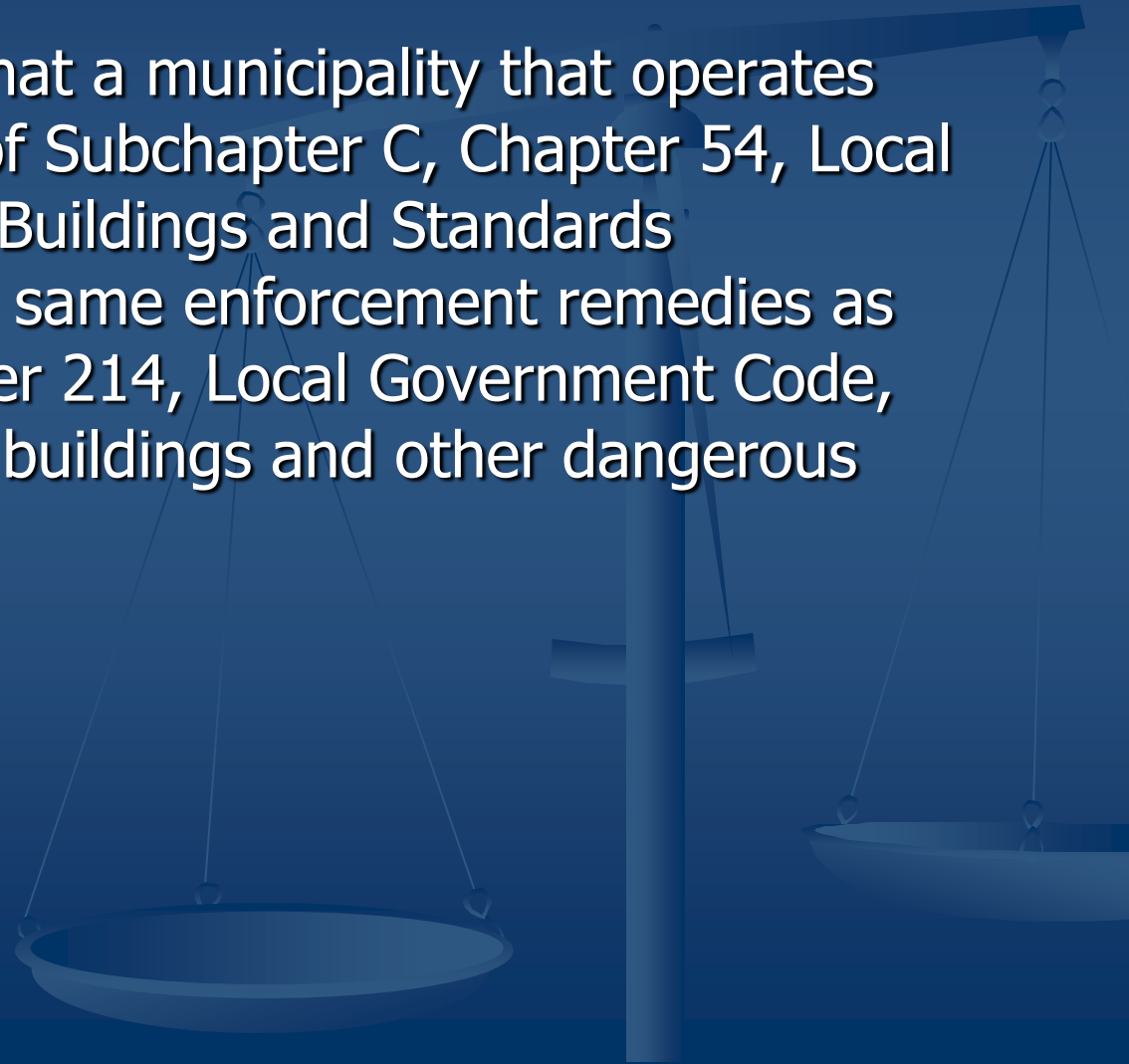
Despite its effective date, this bill only applies to a fire safety inspection that occurs on or after September 1, 2011.



H.B. 2647 Quasi-Judicial Enforcement of Certain Health and Safety Ordinances

Effective Date: September 1, 2009

- H.B. 2647 provides that a municipality that operates under the authority of Subchapter C, Chapter 54, Local Government Code, (Buildings and Standards Commission) has the same enforcement remedies as Subchapter A, Chapter 214, Local Government Code, relating substandard buildings and other dangerous structures.



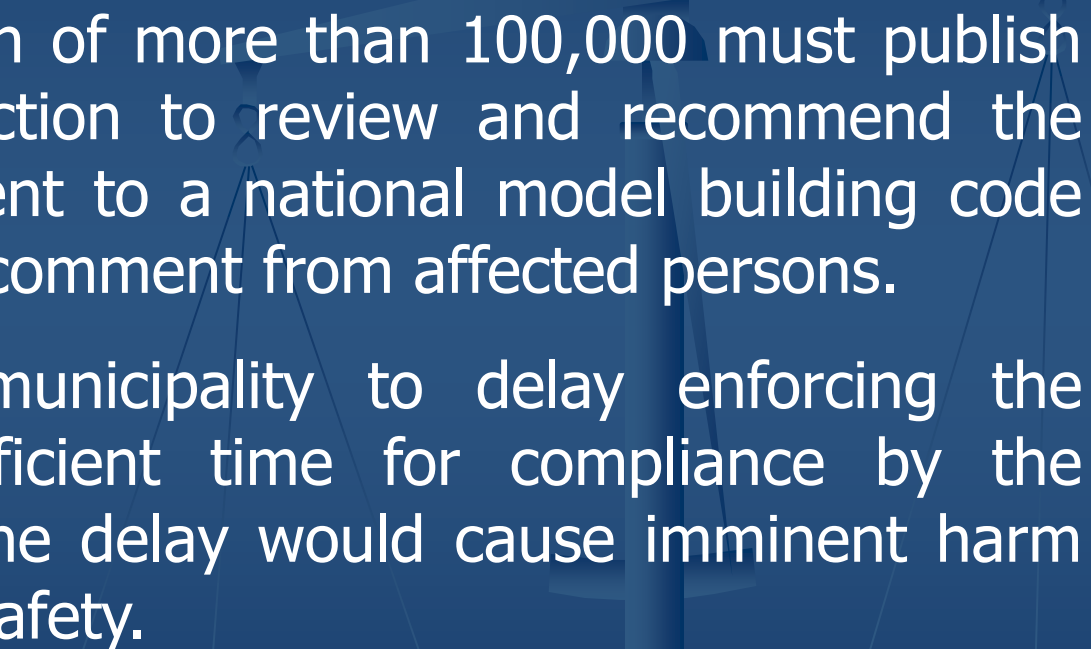
H.B. 1945 Notice of Citation to Owner of Real Property

Effective Date: January 1, 2010

- H.B. 1945 amends Section 250.003 and 250.004 of the Local Government Code provision establishing that an employee of the owner of real property for which a citation for a violation of a county or municipal ordinance is issued is not personally liable for criminal or civil penalties if the owner's contact information is provided to the enforcement official.
- This specific legislation is intended to close a loophole whereby municipal authorities are unable to serve legal notice of code violations.

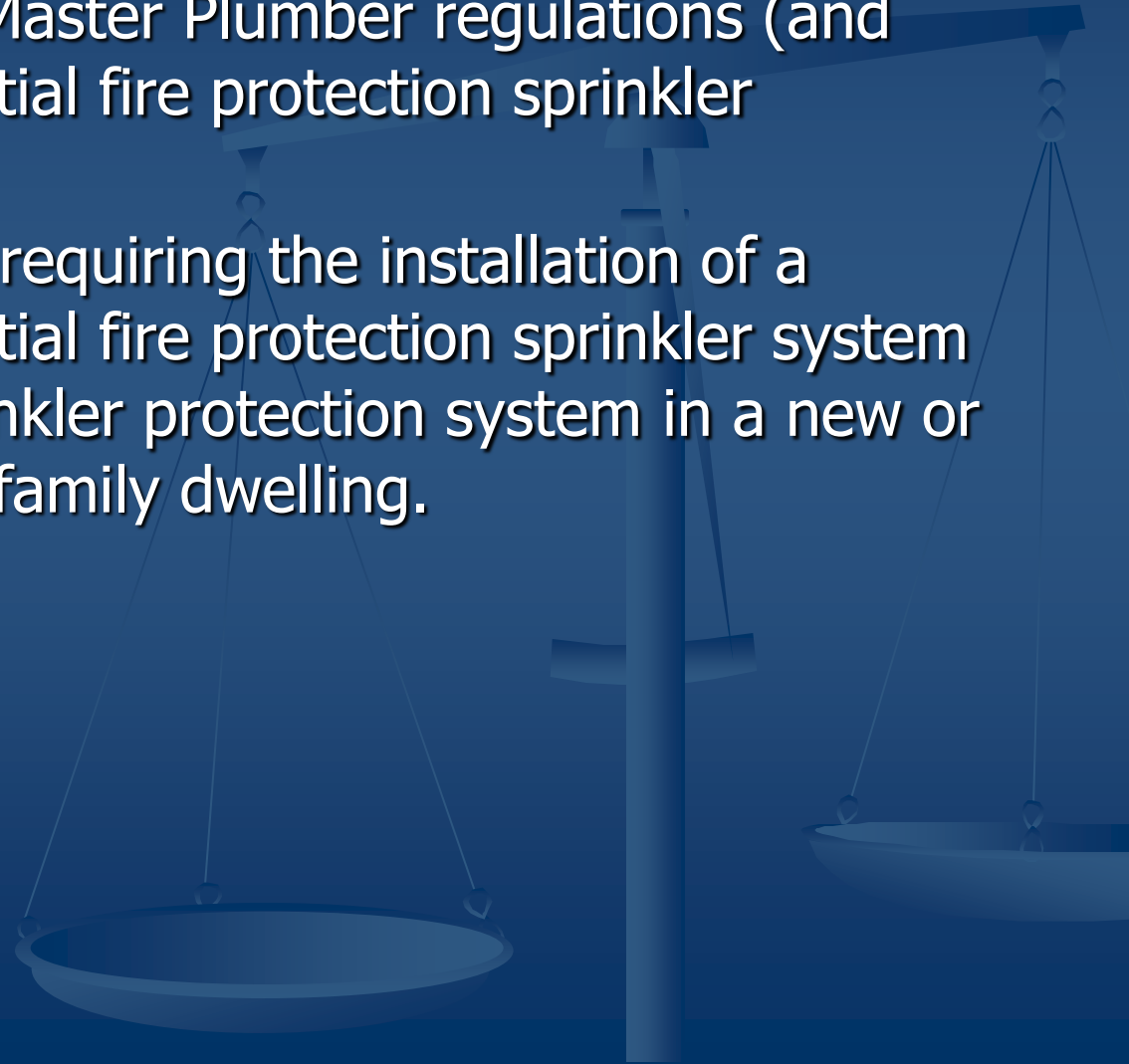
SB 820 : Adoption and Amendment of Model Building Codes by Certain Municipalities

Effective Date: Immediately

- A City with a population of more than 100,000 must publish notice of a proposed action to review and recommend the adoption of or amendment to a national model building code and to encourage public comment from affected persons.
 - The bill requires a municipality to delay enforcing the ordinance to allow sufficient time for compliance by the affected parties unless the delay would cause imminent harm to the public's health or safety.
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SB 1410 Sprinkler Systems

- Primarily deals with Master Plumber regulations (and multipurpose residential fire protection sprinkler specialist).
- Prohibits a City from requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one- or two-family dwelling.



SB 1448 : Civil Remedies for Tenants of Substandard Residential and Commercial Properties

Effective Date: January 1, 2010

SB 1448 amends Section 92.0563 of the Property Code, to allow actions in a justice court regarding the repair of residential rental property and to provide an affordable and timely recourse to occupants who wish to take direct corrective.

SB 1449 : Utilizing Non-Profit Housing Organization as Receivers in Civil Nuisance Abatement. *Effective Date: September 1, 2009*

This bill authorizes a home-rule municipality, or an eligible nonprofit housing organization, to bring an action in district court against an owner of property that is not in substantial compliance with one or more municipal ordinances regarding the prevention of substantial risk of injury to any person or property

Miscellaneous



HB 2086 Anti-Gang and Graffiti Laws

Effective Date: September 1, 2009

- BIG BILL
 - (1) creates the crime of soliciting or directing street gang crime;
 - (2) makes a member of a street gang or the gang itself liable to a city injured by the violation of a temporary or permanent injunction;
 - (3) authorizes a city attorney to sue the gang or gang member for actual damages, court and attorneys costs, and a civil penalty not to exceed \$20,000;
 - (4) allows a city to pass an ordinance requiring removal of graffiti by a property owner if the city offers to remove the graffiti free of charge and the owner refuses;
 - (5) allows a city to remove graffiti from a property if a property owner fails to remove graffiti on or before the 15th day after the city gives the owner sufficient notice;
 - and a LOT MORE.
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- Just know it's there. Very comprehensive

The End

