

CHAPTER 482

H.B. No. 1803

AN ACT

relating to the regulation of outdoor signs in the extraterritorial jurisdiction of municipalities in certain counties; providing a penalty.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 216.0035, Local Government Code, is amended to read as follows:

Sec. 216.0035. REGULATORY AUTHORITY NOT APPLICABLE TO ON-PREMISES SIGNS UNDER CERTAIN CIRCUMSTANCES. The authority granted to a municipality by this subchapter to require the relocation, reconstruction, or removal of signs does not apply to:

(1) on-premises signs in the extraterritorial jurisdiction of municipalities in a county [counties] described by Section 17, Article 2, Chapter 221, Acts of the 69th Legislature, Regular Session, 1985 (Article 6674v-3, Vernon's Texas Civil Statutes), if the circumstances described by that section occur; and

(2) on-premises signs in a municipality's extraterritorial jurisdiction in a county that borders a county described by that law.

SECTION 2. Section 216.902(c), Local Government Code, is amended to read as follows:

(c) The authority granted to a municipality by this section to extend its outdoor sign ordinance does not apply to:

(1) on-premises signs in the extraterritorial jurisdiction of municipalities in a county [counties] described by Section 17, Article 2, Chapter 221, Acts of the 69th Legislature, Regular Session, 1985 (Article 6674v-3, Vernon's Texas Civil Statutes), if the circumstances described by that section occur;

(2) on-premises signs in a municipality's extraterritorial jurisdiction in a county that borders a county described by that law; and

(3) on-premises signs in the extraterritorial jurisdiction of a municipality with a population of 1.5 million or more that are located in a county that is adjacent to the county in which the majority of the land of the municipality is located.

SECTION 3. Sections 17(a), (c), and (d), Article 2, Chapter 221, Acts of the 69th Legislature, Regular Session, 1985 (Article 6674v-3, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The commissioners court of a county with a population of more than 2.4 million, according to the most recent federal census, or the commissioners court of a county that borders a county with that population may regulate, in the unincorporated area of ~~[municipal extraterritorial jurisdiction in]~~ the county, the location, height, size, and anchoring of on-premise signs.

(c) If the county adopts under this section any regulation of on-premise signs, the on-premise sign regulations imposed by this article, adopted by the commission under this article, or adopted by a municipality do not apply in the unincorporated area of ~~[municipal extraterritorial jurisdiction in]~~ the county.

(d) In lieu of exercising any regulatory powers under this section in the unincorporated area of ~~[municipal extraterritorial jurisdiction in]~~ the county, the commissioners court of the county, by order, may allow the Texas ~~[State Highway and Public]~~ Transportation Commission to regulate on-premise signs in the unincorporated area ~~[extraterritorial jurisdiction]~~ in accordance with a ~~[the]~~ municipal or county regulation regarding on-premise signage in the unincorporated area. On adoption of the order, any ~~[the]~~ municipal authority to regulate on-premise signs in the unincorporated area ~~[extraterritorial jurisdiction]~~ is withdrawn.

SECTION 4. Article 2, Chapter 221, Acts of the 69th Legislature, Regular Session, 1985 (Article 6674v-3, Vernon's Texas Civil Statutes), is amended by adding Section 18 to read as follows:

**Sec. 18. ADMINISTRATIVE PENALTY FOR VIOLATION OF ON-PREMISE SIGN REGULATION IN CERTAIN COUNTIES.** (a) *The commissioners court of a county with a population of more than 2.4 million, according to the most recent federal census, or the commissioners court of a county that borders a county with that population may authorize a county employee to issue a civil citation to enforce a regulation of the commissioners court adopted under Section 17 of this Act. The commissioners court may designate the county employee as a county inspector.*

(b) *If a citation is issued under this section, the commissioners court may assess an administrative penalty against the person cited as provided by this section.*

(c) *The commissioners court may assess the administrative penalty in an amount not to exceed \$100 for each day the violation exists. In determining the amount of the penalty, the commissioners court shall consider the seriousness of the violation.*

(d) *If, after examination of a possible violation and the facts relating to that possible violation, the commissioners court determines that a violation has occurred, the commissioners court shall issue a preliminary report that states the facts on which the conclusion is based, the fact that an administrative penalty is to be imposed, and the amount to be assessed. Not later than the 10th day after the date on which the commissioners court issues the preliminary report, the commissioners court shall send a copy of the report to the person charged with the violation, together with a statement of the right of the person to a hearing relating to the alleged violation and the amount of the penalty.*

(e) *Not later than the 20th day after the date on which the report is sent, the person charged either may make a written request to the county judge or the judge's representative for a hearing or may remit the amount of the administrative penalty to the commissioners court. Failure either to request a hearing or to remit the amount of the administrative penalty within the time provided by this subsection results in a waiver of a right to a hearing under this article. If the person charged requests a hearing, the county judge or the judge's representative shall conduct the hearing in the manner provided for a contested case hearing under the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) and its subsequent amendments as if the commissioners court were a state agency under that Act. If it is determined after hearing that the person has committed the alleged violation, the county judge or the judge's representative shall give written notice to the person of the findings established by the hearing and the amount of the penalty, and the commissioners court shall enter an order requiring the person to pay the penalty.*

(f) *Not later than the 30th day after the date on which the notice is received, the person charged shall pay the administrative penalty in full, or, if the person wishes to contest either the amount of the penalty or the fact of the violation, forward the assessed amount to the*

*commissioners court for deposit in an escrow account. The person charged is entitled to an appeal by trial de novo in district court on the issue of the amount of the penalty or the fact of the violation. If, after judicial review, it is determined that no violation occurred or that the amount of the penalty should be reduced, the commissioners court shall remit the appropriate amount to the person charged with the violation not later than the 30th day after the date on which the judicial determination becomes final.*

*(g) Failure to remit the amount of the administrative penalty to the commissioners court within the time provided by Subsection (e) of this section results in a waiver of all legal rights to contest the violation or the amount of the penalty.*

*(h) An administrative penalty recovered under this section shall be deposited in the county treasury to the credit of the general fund.*

SECTION 5. Section 17(g), Article 2, Chapter 221, Acts of the 69th Legislature, Regular Session, 1985 (Article 6674v-3, Vernon's Texas Civil Statutes), is repealed.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 11, 1993, by a non-record vote; passed by the Senate on May 26, 1993, by a viva-voce vote.

Approved June 9, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.