



Dripping Springs Open House 2015 Thursday, October 22nd City Limits v. ETJ

What is an ETJ?

An extraterritorial jurisdiction (ETJ) is an area surrounding a city's boundaries.¹ The distance that an ETJ extends from the city boundaries is determined by the city's population size as follows:

- 1) ½ mile for municipalities of less than 5,000 inhabitants
- 2) 1 mile for municipalities with 5,000 to 24,999 inhabitants
- 3) 2 miles for municipalities with 25,000 to 49,999 inhabitants
- 4) 3 ½ miles for municipalities with 50,000 to 99,999 inhabitants
- 5) 5 miles for municipalities with 100,000 or more inhabitants
- 6) 5 miles for municipalities with a population of over 5,000 located in a county bordering the Rio Grande River²

Dripping Springs' population within the city limits is 1,788.³ Therefore, the ½ mile distance applies.

Can an ETJ expand?

Yes. A city's ETJ may expand as the city's population grows in accordance with the distance requirements mentioned above. Also, if a city expands its boundaries through annexation, the ETJ may also expand.⁴ By ordinance, a city may bring additional land contiguous to its ETJ into its ETJ by request of the landowners.⁵ This would expand the ETJ beyond the distance limitations set out in the above-mentioned requirements.

Why is Dripping Springs' ETJ so big?

Dripping Springs' ETJ has expanded due to annexation and also petitions from landowners. In the 1980s, the City of Austin wanted to expand its boundaries close to Dripping Springs. The two cities

¹ Texas LGC Sec. 42.021

² Texas LGC Sec. 212.001(1)

³ U.S. Census Bureau, 2010 Decennial Census

⁴ Texas LGC Sec. 42.022(a)

⁵ Texas LGC Sec. 42.022(b)

worked out an agreement to allow interested landowners to petition to be included in Dripping Springs' ETJ. You can see on the map that there are several donut holes where landowners are not included in the ETJ but are completely surrounded by it. These landowners made the choice not to be included in the ETJ. However, when the city limits expand due to annexation, the donut holes get filled in as the ETJ expands ½ mile outwards from the new city limit boundary.

What type of city is Dripping Springs, and how does it differ from other city types?

The City of Dripping Springs is a Type A General-Law City.

Texas has two main types of cities, general-law and home-rule. General-law municipalities must look to state statutes as sources of their regulatory authority. General-law cities may adopt regulations that are for the good government, peace, or order of the municipality, and that are also necessary for carrying out powers granted by law to the municipality or to a department or office of the municipality.⁶

There are three sub-types of general-law cities: Types A, B, and C.

1) Type A general-law cities: may adopt ordinances, acts, laws, or regulations not inconsistent with state law, that are necessary for the government interest, safety, welfare, or good order of the municipality.⁷ Type A cities are the larger general-law cities, requiring 600 or more inhabitants. Many cities incorporate as Type B, then switch to Type A when they reach 600 or more inhabitants.⁸

2) Type B general-law cities may adopt ordinances that are not inconsistent with state laws, and that the governing body considers proper for the government of the city.⁹ Type-B cities may also take out other actions necessary to carry out a provision of the Texas Local Government Code.¹⁰ Type B cities require a population of 201 to 9,999 to incorporate.

3) Type C general-law cities with 501-4,999 inhabitants have the same authority and are subject to the same duties as a Type A general-law city unless the authority or duties conflict with a provision of the Texas Local Government Code specifically relating to Type C cities.¹¹ The

⁶ Texas Local Government Code Sec. 51.001 (1) and (2)

⁷ Texas Local Government Code Sec. 51.012.

⁸ *Handbook for Mayors and Councilmembers (2015)*, p. 10; Texas Municipal League.

⁹ Texas Local Government Code Sec. 51.032 (a)

¹⁰ Texas Local Government Code Sec. 51.032 (b)

¹¹ Texas Local Government Code Sec. 51.051 (a)

governing body of a Type C city that has 201-500 inhabitants has the same authority as a Type B city, provided that the authority does not conflict with a provision of the Texas Local Government Code relating specifically to Type C cities.¹²

Home-rule municipalities have the full power of local self-government.¹³ In general, home-rule municipalities may exercise any power not prohibited by the Constitution or laws of the State of Texas.¹⁴ A city with over 5,000 inhabitants in which its citizens have voted for the adoption of a home-rule charter is a home-rule city.¹⁵

How do city regulations differ for properties located in the city limits versus the ETJ?

Many regulations that apply to properties within the city limits do not apply to properties located within the ETJ. The Texas Local Government Code gives limited authority for cities to regulate development in their ETJ. However, Dripping Springs has authority to enforce the following regulations in the ETJ:

- 1) Subdivision Regulations: The Texas Local Government Code authorizes a city to regulate subdivisions and plats in the city's ETJ, unless subject to any applicable limitations in the Code.¹⁶
- 2) Sign Regulations: Cities have the authority to provide for the reconstruction, relocation, or removal of signs in both the city limits and in the city's ETJ.¹⁷
- 3) Development Agreements: Broad authority is given to cities to enter into contracts with landowners in the ETJ to address a wide variety of development-related issues, including land planning, construction standards, and environmental standards, among others.¹⁸ Through this authority, Dripping Springs is able to regulate lighting and landscaping standards in addition to water quality standards in its ETJ through development agreements.
- 4) Site Development Ordinance: The Texas Local Government Code gives cities the authority to regulate land development and construction in the city limits and ETJ.¹⁹

¹² Texas Local Government Code Sec. 51.050 (b)

¹³ Texas Local Government Code Sec. 51.072

¹⁴ *Bland v. City of Taylor*

¹⁵ *Handbook for Mayors and Councilmembers (2015)*, p. 9; Texas Municipal League.

¹⁶ Texas Local Government Code Sec. 212.0025

¹⁷ Texas Local Government Code Ch. 216.

¹⁸ Texas Local Government Code Sec. 212.171, and following sections

¹⁹ Texas Local Government Code Sec. 51.001, Ch. 211 and Ch. 212

5) Water Quality Protection Ordinance: The Texas Water Code²⁰ and Texas Local Government Code²¹ give cities the authority to adopt ordinances that promote water protection, prevent water pollution and abate nuisances in the city limits and ETJ.

Do city taxes apply to the ETJ?

No, property owners in the ETJ are not subject to the City's ad valorem taxes.

How does a city annex land?

Chapter 43 of the Texas Local Government Code provides the authority for cities to annex territory located within its ETJ.

Are residents of Dripping Springs' ETJ represented at all in city government?

Because the City's ETJ is so large and has an estimated population of 30,000 people, ETJ residents are represented through city commissions. Five out of seven of the Planning and Zoning Commission members reside in the ETJ.

Where can I find the City's regulations?

Dripping Springs Code of Ordinances:

Visit cityofdrippingsprings.com → Find it Fast (left hand side of home page) → Code of Ordinances

Or visit franklinlegal.net → Search Codes → Dripping Springs

²⁰ Texas Water Code Sec. 26.177

²¹ Texas Local Government Code Sec. 51.001 and Ch. 217