

By: Riddle

H.B. No. 1643

A BILL TO BE ENTITLED

AN ACT

relating to abatement of public nuisances on undeveloped land in the unincorporated area of a county.

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

SECTION 1. Section 343.002, Health and Safety Code, is amended by adding Subdivision (10-a) and amending Subdivision (11) to read as follows:

(10-a) "Undeveloped land" means land in a natural, primitive state that lacks improvements, infrastructure, and utilities.

(11) "Weeds" means all rank and uncultivated vegetable growth or matter that:

(A) has grown to more than 36 inches in height; or

(B) creates ~~may create~~ an unsanitary condition likely to attract or harbor mosquitoes, ~~[become a harborage for]~~ rodents, vermin, or other disease-carrying pests, regardless of the height of the weeds.

SECTION 2. Section 343.011, Health and Safety Code, is amended by amending Subsection (c) and adding Subsection (d-1) to read as follows:

(c) A public nuisance is:

(1) keeping, storing, or accumulating refuse on premises in a neighborhood unless the refuse is entirely contained in a closed receptacle;

1 (2) keeping, storing, or accumulating rubbish,
2 including newspapers, abandoned vehicles, refrigerators, stoves,
3 furniture, tires, and cans, on premises in a neighborhood or within
4 300 feet of a public street for 10 days or more, unless the rubbish
5 or object is completely enclosed in a building or is not visible
6 from a public street;

7 (3) maintaining premises in a manner that creates an
8 unsanitary condition likely to attract or harbor mosquitoes,
9 rodents, vermin, or other disease-carrying pests;

10 (4) allowing weeds to grow on premises in a
11 neighborhood if the weeds are located within 300 feet of another
12 residence or commercial establishment;

13 (5) maintaining a building in a manner that is
14 structurally unsafe or constitutes a hazard to safety, health, or
15 public welfare because of inadequate maintenance, unsanitary
16 conditions, dilapidation, obsolescence, disaster, damage, or
17 abandonment or because it constitutes a fire hazard;

18 (6) maintaining on abandoned and unoccupied property
19 in a neighborhood a swimming pool that is not protected with:

20 (A) a fence that is at least four feet high and
21 that has a latched and locked gate; and

22 (B) a cover over the entire swimming pool that
23 cannot be removed by a child;

24 (7) maintaining on any property in a neighborhood in a
25 county with a population of more than 1.1 million a swimming pool
26 that is not protected with:

27 (A) a fence that is at least four feet high and

1 that has a latched gate that cannot be opened by a child; or

2 (B) a cover over the entire swimming pool that
3 cannot be removed by a child;

4 (8) maintaining a flea market in a manner that
5 constitutes a fire hazard;

6 (9) discarding refuse or creating a hazardous visual
7 obstruction on:

8 (A) county-owned land; or

9 (B) land or easements owned or held by a special
10 district that has the commissioners court of the county as its
11 governing body;

12 (10) discarding refuse on the smaller of:

13 (A) the area that spans 20 feet on each side of a
14 utility line; or

15 (B) the actual span of the utility easement;

16 (11) filling or blocking a drainage easement, failing
17 to maintain a drainage easement, maintaining a drainage easement in
18 a manner that allows the easement to be clogged with debris,
19 sediment, or vegetation, or violating an agreement with the county
20 to improve or maintain a drainage easement;

21 (12) discarding refuse on property that is not
22 authorized for that activity; or

23 (13) surface discharge from an on-site sewage disposal
24 system as defined by Section 366.002.

25 (d-1) Subsections (c)(3) and (4) do not apply to undeveloped
26 land for which:

27 (1) a condition on that land has not been found to

1 cause a public nuisance under those provisions for at least one
2 year; and

3 (2) a finding of public nuisance could not have been
4 applied to that condition when the condition first occurred.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2015.