

By: Riddle

H.B. No. 1643

Substitute the following for H.B. No. 1643:

By: Stickland

C.S.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 certain counties; amending provisions subject to a criminal penalty.

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, or utilities and that is not located in a municipality.

(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

1 in a closed receptacle;

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

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

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

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

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

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

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

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

1 (A) a fence that is at least four feet high and
2 that has a latched gate that cannot be opened by a child; or

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

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

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

9 (A) county-owned land; or

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

13 (10) discarding refuse on the smaller of:

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

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

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

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

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

26 (d-1) This subsection applies only to a county with a
27 population of 3.3 million or more. Subsections (c)(3) and (4) apply

1 only to undeveloped land in the county for which:

2 (1) a condition on that land has been found to cause a
3 public nuisance under those provisions in the preceding year; and

4 (2) a finding of public nuisance could have been
5 applied to that condition when the condition first occurred.

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