

By: Riddle

H.B. No. 1643

A BILL TO BE ENTITLED

AN ACT

relating to abatement of public nuisances on certain undeveloped land; 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 located in an unincorporated area at least 5,000 feet outside the boundaries of a home-rule 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 and only in an unincorporated area

1 in the county that is at least 5,000 feet outside the boundaries of
2 a home-rule municipality. Subsections (c)(3) and (4) apply only to
3 undeveloped land in the county for which:

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

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

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