

By: Dutton

H.B. No. 378

A BILL TO BE ENTITLED

AN ACT

relating to the remedies available to a person to abate a public nuisance in a municipality.

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

SECTION 1. Subchapter B, Chapter 125, Civil Practice and Remedies Code, is amended by adding Section 125.023 to read as follows:

Sec. 125.023. ADDITIONAL REMEDIES IN MUNICIPALITY. (a) In addition to the other remedies available under this chapter, a resident of a municipality may bring a suit to require the municipality to take remedial action against a public nuisance that is occurring in the municipality. The suit may be brought only in a county in which the nuisance occurs.

(b) If the court determines that the alleged nuisance that is the object of the suit is a public nuisance and a threat to the public health or welfare of the residents of the municipality, the court may order the municipality to:

(1) warn any person who uses or is about to use the premises for the purposes constituting the nuisance that the use constitutes a public nuisance;

(2) investigate whether the municipality should bring a suit under this subchapter or other law to abate the nuisance;

(3) purchase property on which a use that constitutes the public nuisance has occurred; or

1 (4) exercise the power of eminent domain to acquire
2 the property on which a use that constitutes the public nuisance has
3 occurred.

4 (c) Before ordering relief under Subsection (b)(3) or (4),
5 the court must find that the acquisition of the property by the
6 municipality serves a public purpose of the municipality.

7 SECTION 2. This Act takes effect September 1, 2003.