

BILL ANALYSIS

H.B. 663
By: Eissler
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, there is no authority for local Animal Control to enforce a nuisance ordinance related to persistent and disruptive dog barking.

H.B. 663 would regulate noise pollution attributable to persistent and disruptive dog barking. Specifically, barking could constitute a public nuisance given the time of day, the proximity of the noise to other premises, and whether the barking is recurrent, intermittent, or constant.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 343, Health and Safety Code, by adding Section 343.0115 which:

- (a) Applies only to the unincorporated area of a county with a population of 275,000 or more that is adjacent to a county with a population of 3.3 million or more.
- (b) Provides that allowing a dog to bark or make other noises outdoors on premises in a neighborhood, if a reasonable person would find the noise objectionable, is a public nuisance.
- (c) Provides that in determining whether a noise is objectionable to a reasonable person, the time of day the noise is produced; the proximity of the production of the noise to other premises; and whether the sound is recurrent, intermittent, or constant; may be considered.

SECTION 2. Effective Date

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.