

By: Zedler

H.B. No. 892

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain swimming pools as public nuisances in  
3 unincorporated areas of certain counties.

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

5 SECTION 1. Section 343.011(c), Health and Safety Code, is  
6 amended to read as follows:

7 (c) A public nuisance is:

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

11 (2) keeping, storing, or accumulating rubbish,  
12 including newspapers, abandoned vehicles, refrigerators, stoves,  
13 furniture, tires, and cans, on premises in a neighborhood or within  
14 300 feet of a public street for 10 days or more, unless the rubbish  
15 or object is completely enclosed in a building or is not visible  
16 from a public street;

17 (3) maintaining premises in a manner that creates an  
18 unsanitary condition likely to attract or harbor mosquitoes,  
19 rodents, vermin, or disease-carrying pests;

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

23 (5) maintaining a building in a manner that is  
24 structurally unsafe or constitutes a hazard to safety, health, or

1 public welfare because of inadequate maintenance, unsanitary  
2 conditions, dilapidation, obsolescence, disaster, damage, or  
3 abandonment or because it constitutes a fire hazard;

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

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

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

10 (7) maintaining a flea market in a manner that  
11 constitutes a fire hazard;

12 (8) discarding refuse or creating a hazardous visual  
13 obstruction on:

14 (A) county-owned land; or

15 (B) land or easements owned or held by a special  
16 district that has the commissioners court of the county as its  
17 governing body; ~~or~~

18 (9) discarding refuse on the smaller of:

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

21 (B) the actual span of the utility easement; or

22 (10) in a county with a population of more than 1.4  
23 million, maintaining in a neighborhood a swimming pool that is not  
24 protected with:

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

27 (B) a cover over the entire swimming pool that

1 cannot be removed by a child.

2 SECTION 2. A person is not required to comply with Section  
3 343.011, Health and Safety Code, as amended by this Act, before  
4 January 1, 2006.

5 SECTION 3. This Act takes effect September 1, 2005.