

By: Brimer

S.B. No. 342

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of swimming pools in the unincorporated
3 areas of certain counties as a public nuisance.

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

5 SECTION 1. Subsection (c), Section 343.011, Health and
6 Safety Code, is 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, or maintaining on any property in a neighborhood
6 in a county with a population of more than 1.1 million, a swimming
7 pool that is not protected with:

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

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

12 (7) maintaining a flea market in a manner that
13 constitutes a fire hazard;

14 (8) discarding refuse or creating a hazardous visual
15 obstruction on:

16 (A) county-owned land; or

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

20 (9) discarding refuse on the smaller of:

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

23 (B) the actual span of the utility easement.

24 SECTION 2. This Act takes effect September 1, 2005.