

By: Brimer

S.B. No. 342

Substitute the following for S.B. No. 342:

By: Otto

C.S.S.B. No. 342

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Subsection (c), Section 343.011, Health and Safety Code, is amended 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 in a closed receptacle;

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

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

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

(5) maintaining a building in a manner that is 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. The change in law made by this Act to Subsection  
25 (c), Section 343.011, Health and Safety Code, applies only to a  
26 swimming pool constructed or installed on or after September 1,  
27 2005, or located on property sold on or after September 1, 2005. A

1 swimming pool constructed or installed before September 1, 2005, is  
2 governed by the law in effect immediately before the effective date  
3 of this Act until the property on which the pool is located is sold,  
4 and the former law is continued in effect for that purpose.

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