

1-1 By: Brimer S.B. No. 342
1-2 (In the Senate - Filed February 3, 2005; February 7, 2005,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 7, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 March 7, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 342 By: Brimer

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of swimming pools in the unincorporated
1-11 areas of certain counties as a public nuisance.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (c), Section 343.011, Health and
1-14 Safety Code, is amended to read as follows:

1-15 (c) A public nuisance is:

1-16 (1) keeping, storing, or accumulating refuse on
1-17 premises in a neighborhood unless the refuse is entirely contained
1-18 in a closed receptacle;

1-19 (2) keeping, storing, or accumulating rubbish,
1-20 including newspapers, abandoned vehicles, refrigerators, stoves,
1-21 furniture, tires, and cans, on premises in a neighborhood or within
1-22 300 feet of a public street for 10 days or more, unless the rubbish
1-23 or object is completely enclosed in a building or is not visible
1-24 from a public street;

1-25 (3) maintaining premises in a manner that creates an
1-26 unsanitary condition likely to attract or harbor mosquitoes,
1-27 rodents, vermin, or disease-carrying pests;

1-28 (4) allowing weeds to grow on premises in a
1-29 neighborhood if the weeds are located within 300 feet of another
1-30 residence or commercial establishment;

1-31 (5) maintaining a building in a manner that is
1-32 structurally unsafe or constitutes a hazard to safety, health, or
1-33 public welfare because of inadequate maintenance, unsanitary
1-34 conditions, dilapidation, obsolescence, disaster, damage, or
1-35 abandonment or because it constitutes a fire hazard;

1-36 (6) maintaining on abandoned and unoccupied property
1-37 in a neighborhood, or maintaining on any property in a neighborhood
1-38 in a county with a population of more than 1.1 million, a swimming
1-39 pool that is not protected with:

1-40 (A) a fence that is at least four feet high and
1-41 that has a latched gate that cannot be opened by a child; or

1-42 (B) a cover over the entire swimming pool that
1-43 cannot be removed by a child;

1-44 (7) maintaining a flea market in a manner that
1-45 constitutes a fire hazard;

1-46 (8) discarding refuse or creating a hazardous visual
1-47 obstruction on:

1-48 (A) county-owned land; or

1-49 (B) land or easements owned or held by a special
1-50 district that has the commissioners court of the county as its
1-51 governing body; or

1-52 (9) discarding refuse on the smaller of:

1-53 (A) the area that spans 20 feet on each side of a
1-54 utility line; or

1-55 (B) the actual span of the utility easement.

1-56 SECTION 2. This Act takes effect September 1, 2005.

1-57 * * * * *