

1-1 By: Madla S.B. No. 1238  
1-2 (In the Senate - Filed March 9, 2005; March 21, 2005, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 20, 2005, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; April 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation of a public nuisance by the failure to  
1-9 properly maintain a drainage easement.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (c), Section 343.011, Health and  
1-12 Safety Code, is amended to read as follows:

1-13 (c) A public nuisance is:

1-14 (1) keeping, storing, or accumulating refuse on  
1-15 premises in a neighborhood unless the refuse is entirely contained  
1-16 in a closed receptacle;

1-17 (2) keeping, storing, or accumulating rubbish,  
1-18 including newspapers, abandoned vehicles, refrigerators, stoves,  
1-19 furniture, tires, and cans, on premises in a neighborhood or within  
1-20 300 feet of a public street for 10 days or more, unless the rubbish  
1-21 or object is completely enclosed in a building or is not visible  
1-22 from a public street;

1-23 (3) maintaining premises in a manner that creates an  
1-24 unsanitary condition likely to attract or harbor mosquitoes,  
1-25 rodents, vermin, or disease-carrying pests;

1-26 (4) allowing weeds to grow on premises in a  
1-27 neighborhood if the weeds are located within 300 feet of another  
1-28 residence or commercial establishment;

1-29 (5) maintaining a building in a manner that is  
1-30 structurally unsafe or constitutes a hazard to safety, health, or  
1-31 public welfare because of inadequate maintenance, unsanitary  
1-32 conditions, dilapidation, obsolescence, disaster, damage, or  
1-33 abandonment or because it constitutes a fire hazard;

1-34 (6) maintaining on abandoned and unoccupied property  
1-35 in a neighborhood a swimming pool that is not protected with:

1-36 (A) a fence that is at least four feet high and  
1-37 that has a latched gate that cannot be opened by a child; or

1-38 (B) a cover over the entire swimming pool that  
1-39 cannot be removed by a child;

1-40 (7) maintaining a flea market in a manner that  
1-41 constitutes a fire hazard;

1-42 (8) discarding refuse or creating a hazardous visual  
1-43 obstruction on:

1-44 (A) county-owned land; or

1-45 (B) land or easements owned or held by a special  
1-46 district that has the commissioners court of the county as its  
1-47 governing body; ~~or~~

1-48 (9) discarding refuse on the smaller of:

1-49 (A) the area that spans 20 feet on each side of a  
1-50 utility line; or

1-51 (B) the actual span of the utility easement; or

1-52 (10) filling or blocking a drainage easement, failing  
1-53 to maintain a drainage easement, maintaining a drainage easement in  
1-54 a manner that allows the easement to be clogged with debris,  
1-55 sediment, or vegetation, or violating an agreement with the county  
1-56 to improve or maintain a drainage easement.

1-57 SECTION 2. This Act takes effect September 1, 2005.

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