

By: Eissler

H.B. No. 408

Substitute the following for H.B. No. 408:

By: Smith of Harris

C.S.H.B. No. 408

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of barking dogs by certain counties as a
3 nuisance.

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

5 SECTION 1. Subchapter B, Chapter 343, Health and Safety
6 Code, is amended by adding Section 343.0115 to read as follows:

7 Sec. 343.0115. BARKING DOGS IN CERTAIN RESIDENTIAL AREAS.

8 (a) This section applies only to the unincorporated area of a
9 county:

10 (1) that is adjacent to a county with a population of
11 3.3 million or more; and

12 (2) in which a planned community is located that has
13 20,000 or more acres of land, that was originally established under
14 the Urban Growth and New Community Development Act of 1970 (42
15 U.S.C. Section 4501 et seq.), and that is subject to restrictive
16 covenants containing ad valorem or annual variable budget based
17 assessments on real property.

18 (b) It is a public nuisance under Section 343.011 to allow
19 the barking of or another noise made by a dog outdoors on premises
20 in a neighborhood if a reasonable person would find the noise
21 objectionable.

22 (c) In determining whether a noise is objectionable to a
23 reasonable person under this section, the following factors may be
24 considered:

- 1 (1) the time of day the noise is produced;
- 2 (2) the proximity of the production of the noise to
- 3 other premises; and
- 4 (3) whether the sound is recurrent, intermittent, or
- 5 constant.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2007.