

By: Hernandez

H.B. No. 1225

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of roosters 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. ROOSTERS IN CERTAIN RESIDENTIAL AREAS. (a)
8 This section applies only to the unincorporated area of a county
9 with a population of 3.3 million or more.

10 (b) It is a public nuisance under Section 343.011 to allow
11 the crowing of or another noise made by a rooster outdoors on
12 premises in a neighborhood if a reasonable person would find the
13 noise objectionable.

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

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

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.