

By: Pickett

H.B. No. 489

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county or municipality to remove graffiti from private property at the owner's expense.

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

SECTION 1. Chapter 250, Local Government Code, is amended by adding Section 250.007 to read as follows:

Sec. 250.007. GRAFFITI REMOVAL. (a) A county or municipality may require an owner of property within the jurisdiction of the county or municipality to remove graffiti from the owner's property.

(b) Subject to Subsection (e), a requirement adopted under this section shall provide that if an owner of property fails to remove graffiti not later than the 15th day after the date of notice, the county or municipality may:

(1) perform the work necessary to remove the graffiti;
or

(2) pay for the removal of the graffiti and charge the expense to the owner of the property.

(c) The notice required by Subsection (b) must be given:

(1) personally to the owner in writing;
(2) by letter sent by certified mail, addressed to the owner at the owner's address as contained in the records of the appraisal district in which the property is located; or

(3) if service cannot be obtained under Subdivision

1 (1) or (2):

2 (A) by publication at least once;

3 (B) by posting the notice on or near the front
4 door of each building on the property to which the notice relates;
5 or

6 (C) by posting the notice on a placard attached
7 to a stake driven into the ground on the property to which the
8 notice relates.

9 (d) This section does not apply to active transportation
10 infrastructure or sites on which moving equipment or other special
11 hazards make graffiti removal impracticable.

12 (e) Subsection (b) does not apply to:

13 (1) an electric utility or power generation company as
14 defined by Section 31.002, Utilities Code; or

15 (2) a gas utility as defined by Section 101.003 or
16 121.001, Utilities Code.

17 SECTION 2. Subchapter C, Chapter 101, Civil Practice and
18 Remedies Code, is amended by adding Section 101.067 to read as
19 follows:

20 Sec. 101.067. GRAFFITI REMOVAL. This chapter does not
21 apply to a claim for property damage caused by the removal of
22 graffiti under Section 250.007, Local Government Code.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2009.