

By: Quintanilla, Marquez

H.B. No. 736

Substitute the following for H.B. No. 736:

By: Morrison

C.S.H.B. No. 736

A BILL TO BE ENTITLED

AN ACT

relating to authorizing certain counties to regulate nuisances.

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

SECTION 1. Subtitle B, Title 7, Local Government Code, is amended by adding Chapter 236 to read as follows:

CHAPTER 236. COUNTY REGULATION OF NUISANCES

Sec. 236.001. APPLICABILITY OF REGULATIONS. An order adopted by a commissioners court under this chapter applies only in the unincorporated area of a county with a population of 650,000 or more that is located within 100 miles of an international border.

Sec. 236.002. NUISANCE. The commissioners court of a county by order may:

(1) abate and remove a nuisance and punish by fine the person responsible for the nuisance;

(2) define and declare what constitutes a nuisance and authorize and direct the summary abatement of the nuisance; and

(3) abate in any manner the commissioners court considers expedient any nuisance that may injure or affect the public health or comfort.

Sec. 236.003. MUNICIPAL ORDINANCE PREVAILS OVER COUNTY ORDER. If an order adopted by a commissioners court under this chapter conflicts with an ordinance of a municipality, the municipal ordinance prevails within the municipality's jurisdiction to the extent of the conflict.

1       Sec. 236.004. CONFLICT WITH OTHER LAWS. This chapter may  
2 not be construed to interfere with a right guaranteed by the Second  
3 Amendment to the United States Constitution.

4       Sec. 236.005. CUMULATIVE EFFECT. Authority under this  
5 chapter is cumulative of other authority that a county has to  
6 regulate nuisances and does not limit that other authority.

7       SECTION 2. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2009.