

By: Orr

H.B. No. 895

A BILL TO BE ENTITLED

AN ACT

relating to the time in which a person must abate an animal carcass nuisance.

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

SECTION 1. Section 343.011(c), Health and Safety Code, as amended by Chapters 388 (S.B. 680) and 1366 (H.B. 3581), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

(c) A public nuisance is:

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

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

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

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

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

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

8 (A) a fence that is at least four feet high and
9 that has a latched and locked gate; and

10 (B) a cover over the entire swimming pool that
11 cannot be removed by a child;

12 (7) maintaining on any property in a neighborhood in a
13 county with a population of more than 1.1 million a swimming pool
14 that is not protected with:

15 (A) a fence that is at least four feet high and
16 that has a latched gate that cannot be opened by a child; or

17 (B) a cover over the entire swimming pool that
18 cannot be removed by a child;

19 (8) maintaining a flea market in a manner that
20 constitutes a fire hazard;

21 (9) discarding refuse or creating a hazardous visual
22 obstruction on:

23 (A) county-owned land; or

24 (B) land or easements owned or held by a special
25 district that has the commissioners court of the county as its
26 governing body;

27 (10) discarding refuse on the smaller of:

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

3 (B) the actual span of the utility easement;

4 (11) filling or blocking a drainage easement, failing
5 to maintain a drainage easement, maintaining a drainage easement in
6 a manner that allows the easement to be clogged with debris,
7 sediment, or vegetation, or violating an agreement with the county
8 to improve or maintain a drainage easement; [~~or~~]

9 (12) [~~(11)~~ discarding refuse on property that is not
10 authorized for that activity; or

11 (13) keeping, storing, or accumulating an animal
12 carcass:

13 (A) on premises in a neighborhood;

14 (B) within 300 feet of a public road; or

15 (C) within 100 feet of a property line.

16 SECTION 2. Section 343.012(a), Health and Safety Code, is
17 amended to read as follows:

18 (a) A person commits an offense if:

19 (1) the person violates Section 343.011(b); and

20 (2) the nuisance remains unabated after:

21 (A) the 30th day after the date on which the
22 person receives notice from a county official, agent, or employee
23 to abate the nuisance, if the nuisance is described by a subdivision
24 of Section 343.011(c) other than Subdivision (13); or

25 (B) the third day after the date on which the
26 person receives notice from a county official, agent, or employee
27 to abate the nuisance, if the nuisance is described by Section

1 343.011(c)(13).

2 SECTION 3. The change in law made by this Act applies only
3 to an offense committed on or after the effective date of this Act.
4 An offense committed before the effective date of this Act is
5 covered by the law in effect before the effective date of this Act,
6 and the former law is continued in effect for that purpose. For
7 purposes of this section, an offense was committed before the
8 effective date of this Act if any element of the offense occurred
9 before that date.

10 SECTION 4. To the extent of any conflict, this Act prevails
11 over another Act of the 81st Legislature, Regular Session, 2009,
12 relating to nonsubstantive additions to and corrections in enacted
13 codes.

14 SECTION 5. This Act takes effect September 1, 2009.