

By: Eissler, Strama

H.B. No. 2732

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 343.0115. BARKING DOGS IN CERTAIN AREAS. (a) This section applies only to the unincorporated area of a county:

(1) that has a population of 800,000 or more; or

(2) that is adjacent to a county with a population of 3.3 million or more and in which a planned community is located that:

(A) has 20,000 or more acres of land;

(B) was originally established under the Urban Growth and New Community Development Act of 1970 (42 U.S.C. Section 4501 et seq.); and

(C) is subject to restrictive covenants containing ad valorem or annual variable budget based assessments on real property.

(b) It is a public nuisance under Section 343.011 to allow the barking of or another noise made by a dog outdoors if a reasonable person would find the noise objectionable, except that in a county described by Subsection (a)(2), the noise is a public nuisance only if made on premises in a neighborhood.

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

4 (1) the time of day the noise is produced;

5 (2) the proximity of the production of the noise to
6 other premises; and

7 (3) whether the sound is recurrent, intermittent, or
8 constant.

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