

By: Miller of Comal

H.B. No. 3380

A BILL TO BE ENTITLED

AN ACT

relating to the barking of dogs in unincorporated areas of a county.

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

SECTION 1. Section 343.011, Health and Safety Code, is amended by reenacting and amending Subsection (c), as amended by Chapters 388 (S.B. 680) and 1366 (H.B. 3581), Acts of the 80th Legislature, Regular Session, 2007, and adding Subsection (f) 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) allowing the barking of or another noise made by a  
12 dog outdoors on premises in a neighborhood in violation of an order  
13 adopted by the county.

14 (f) In adopting an order prohibiting a person from allowing  
15 the barking or another noise made by a dog outdoors on premises in a  
16 neighborhood under Subsection (c)(13), a county may:

17 (1) establish times during which allowing the barking  
18 or another noise of a dog is considered a violation;

19 (2) establish guidelines for acceptable levels of  
20 noise based on the proximity of residences and business  
21 establishments to the source of the noise; and

22 (3) set a minimum decibel level for a violation.

23 SECTION 2. 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.