

By: Dutton

H.B. No. 568

A BILL TO BE ENTITLED

AN ACT

relating to the cost to maintain open ditches in certain populous municipalities.

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

SECTION 1. Chapter 229, Local Government Code, is amended by adding Section 229.004 to read as follows:

Sec. 229.004. MAINTENANCE OF OPEN DITCHES. (a) This section applies only to a municipality with a population of 3.3 million or more.

(b) A municipality that requires a property owner to maintain an open ditch by keeping the grass cut shall pay a reasonable annual fee to that owner to maintain the ditch if the owner complies with the requirements of Subsection (c). The fee may not be less than 40 cents per foot of ditch each year.

(c) The property owner must:

(1) certify by affidavit every six months the number of times the ditch was cut and maintained during the preceding six months; and

(2) file the affidavit with the municipal secretary.

(d) Instead of paying the fee directly to the property owner, the municipality may deduct the fee from any amounts owed by the property owner to the municipality in municipal taxes.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2011.