

BILL ANALYSIS

S.B. 837
By: Ellis
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill relates to the authority of a municipality to require owners of real property to keep the property free of certain conditions. Subchapter A (Municipal Regulation of Sanitation), Chapter 342 (Local Regulation of Sanitation), Health and Safety Code, provides statutory authority for the municipal regulation of sanitation. Section 342.004 (Municipal Power Concerning Weeds or Other Unsanitary Matter) is ambiguous as to the meaning of several of the expressed conditions that would constitute "unsanitary matter."

S.B. 837 amends the ambiguous provisions by conforming them to Section 343.011 (Public Nuisance), Health and Safety Code, which uses a clearer standard for the meaning of public nuisances in a county's unincorporated areas. The two differently worded standards should logically be the same, and the bill makes that amendment to current law.

As proposed, S.B. 837 amends current law relating to the authority of a municipality to require owners of real property to keep the property free of certain conditions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 342.004, Health and Safety Code, as follows:

Sec. 342.004. New heading: MUNICIPAL POWER CONCERNING WEEDS OR CERTAIN PUBLIC NUISANCES. Authorizes the governing body of a municipality to require the owner of real property in the municipality to keep the property free from weeds, brush, and a condition constituting a public nuisance as defined by Section 343.011(c)(1) (relating to providing that a public nuisance is keeping, storing, or accumulating refuse on premises in a neighborhood unless the refuse is entirely contained in a closed receptacle), (2) (relating to providing that a public nuisance is keeping, storing, or accumulating certain rubbish 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), or (3) (relating to providing that a public nuisance is maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests). Deletes existing text authorizing the governing body of a municipality to require the owner of a lot in the municipality to keep the lot free from weeds, rubbish, brush, and other objectionable, unsightly, or unsanitary matter.

SECTION 2. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all members of both houses; otherwise, this Act takes effect September 1, 2013.