

By: Davis, Garcia

S.B. No. 634

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to regulating faulty on-site sewage disposal systems in  
3 the unincorporated areas of a county as a public nuisance;  
4 providing a criminal penalty.

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

6 SECTION 1. Subsection (c), Section 343.011, Health and  
7 Safety Code, is amended to read as follows:

8 (c) A public nuisance is:

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

12 (2) keeping, storing, or accumulating rubbish,  
13 including newspapers, abandoned vehicles, refrigerators, stoves,  
14 furniture, tires, and cans, on premises in a neighborhood or within  
15 300 feet of a public street for 10 days or more, unless the rubbish  
16 or object is completely enclosed in a building or is not visible  
17 from a public street;

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

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

24 (5) maintaining a building in a manner that is

1 structurally unsafe or constitutes a hazard to safety, health, or  
2 public welfare because of inadequate maintenance, unsanitary  
3 conditions, dilapidation, obsolescence, disaster, damage, or  
4 abandonment or because it constitutes a fire hazard;

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

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

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

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

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

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

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

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

22 (A) county-owned land; or

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

26 (10) discarding refuse on the smaller of:

27 (A) the area that spans 20 feet on each side of a

1 utility line; or

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

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

8 (12) discarding refuse on property that is not  
9 authorized for that activity; or

10 (13) surface discharge from an on-site sewage disposal  
11 system as defined by Section 366.002.

12 SECTION 2. Section 343.021, Health and Safety Code, is  
13 amended to read as follows:

14 Sec. 343.021. AUTHORITY TO ABATE NUISANCE. (a) If a  
15 county adopts abatement procedures that are consistent with the  
16 general purpose of this chapter and that conform to this chapter,  
17 the county may abate a nuisance under this chapter:

18 (1) by demolition or removal, except as provided by  
19 Subsection (b);

20 (2) in the case of a nuisance under Section  
21 343.011(c)(1), (9), or (10), by prohibiting or controlling access  
22 to the premises;

23 (3) in the case of a nuisance under Section  
24 343.011(c)(6), by:

25 (A) prohibiting or controlling access to the  
26 premises and installing a cover that cannot be opened by a child  
27 over the entire swimming pool; or

1 (B) draining and filling the swimming pool; or  
2 (4) in the case of a nuisance under Section  
3 343.011(c)(12), by removal, remediation, storage, transportation,  
4 disposal, or other means of waste management authorized under  
5 Chapter 361.

6 (b) In the case of a nuisance under Section 343.011(c)(13),  
7 the county may use any means of abatement reasonably necessary to  
8 bring the system into compliance with Chapter 366 only after the  
9 defendant fails to abate the nuisance as ordered by the court under  
10 Section 343.012(e).

11 SECTION 3. This Act takes effect September 1, 2013.