

AN ACT

1
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.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 634 passed the Senate on April 17, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 634 passed the House on May 14, 2013, by the following vote: Yeas 142, Nays 1, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor