

By: Eissler

H.B. No. 408

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of barking dogs by certain counties as a nuisance.

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

SECTION 1. Subchapter B, Chapter 343, Health and Safety Code, is amended by adding Section 343.0115 to read as follows:

Sec. 343.0115. BARKING DOGS IN CERTAIN RESIDENTIAL AREAS.

(a) This section applies only to the unincorporated area of a county with a population of 275,000 or more that is adjacent to a county with a population of 3.3 million or more.

(b) It is a public nuisance under Section 343.011 to allow the barking of or another noise made by a dog outdoors on premises in a neighborhood if a reasonable person would find the noise objectionable.

(c) In determining whether a noise is objectionable to a reasonable person under this section, the following factors may be considered:

(1) the time of day the noise is produced;

(2) the proximity of the production of the noise to other premises; and

(3) whether the sound is recurrent, intermittent, or constant.

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, 2007.