

1-1 By: Riddle (Senate Sponsor - Creighton) H.B. No. 1643
 1-2 (In the Senate - Received from the House May 5, 2015;
 1-3 May 5, 2015, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 18, 2015, reported favorably by
 1-5 the following vote: Yeas 5, Nays 0; May 18, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Lucio	X			
1-8 Bettencourt			X	
1-9 Campbell	X			
1-10 Garcia	X			
1-11 Menéndez	X			
1-12 Nichols	X			
1-13 Taylor of Galveston			X	

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to abatement of public nuisances on certain undeveloped
 1-18 land; amending provisions subject to a criminal penalty.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 343.002, Health and Safety Code, is
 1-21 amended by adding Subdivision (10-a) and amending Subdivision (11)
 1-22 to read as follows:

1-23 (10-a) "Undeveloped land" means land in a natural,
 1-24 primitive state that lacks improvements, infrastructure, or
 1-25 utilities and that is located in an unincorporated area at least
 1-26 5,000 feet outside the boundaries of a home-rule municipality.

1-27 (11) "Weeds" means all rank and uncultivated vegetable
 1-28 growth or matter that:

1-29 (A) has grown to more than 36 inches in height; or

1-30 (B) creates ~~may create~~ an unsanitary condition
 1-31 likely to attract or harbor mosquitoes, ~~[become a harborage for]~~
 1-32 rodents, vermin, or other disease-carrying pests, regardless of the
 1-33 height of the weeds.

1-34 SECTION 2. Section 343.011, Health and Safety Code, is
 1-35 amended by amending Subsection (c) and adding Subsection (d-1) to
 1-36 read as follows:

1-37 (c) A public nuisance is:

1-38 (1) keeping, storing, or accumulating refuse on
 1-39 premises in a neighborhood unless the refuse is entirely contained
 1-40 in a closed receptacle;

1-41 (2) keeping, storing, or accumulating rubbish,
 1-42 including newspapers, abandoned vehicles, refrigerators, stoves,
 1-43 furniture, tires, and cans, on premises in a neighborhood or within
 1-44 300 feet of a public street for 10 days or more, unless the rubbish
 1-45 or object is completely enclosed in a building or is not visible
 1-46 from a public street;

1-47 (3) maintaining premises in a manner that creates an
 1-48 unsanitary condition likely to attract or harbor mosquitoes,
 1-49 rodents, vermin, or other disease-carrying pests;

1-50 (4) allowing weeds to grow on premises in a
 1-51 neighborhood if the weeds are located within 300 feet of another
 1-52 residence or commercial establishment;

1-53 (5) maintaining a building in a manner that is
 1-54 structurally unsafe or constitutes a hazard to safety, health, or
 1-55 public welfare because of inadequate maintenance, unsanitary
 1-56 conditions, dilapidation, obsolescence, disaster, damage, or
 1-57 abandonment or because it constitutes a fire hazard;

1-58 (6) maintaining on abandoned and unoccupied property
 1-59 in a neighborhood a swimming pool that is not protected with:

1-60 (A) a fence that is at least four feet high and
 1-61 that has a latched and locked gate; and

2-1 (B) a cover over the entire swimming pool that
2-2 cannot be removed by a child;

2-3 (7) maintaining on any property in a neighborhood in a
2-4 county with a population of more than 1.1 million a swimming pool
2-5 that is not protected with:

2-6 (A) a fence that is at least four feet high and
2-7 that has a latched gate that cannot be opened by a child; or

2-8 (B) a cover over the entire swimming pool that
2-9 cannot be removed by a child;

2-10 (8) maintaining a flea market in a manner that
2-11 constitutes a fire hazard;

2-12 (9) discarding refuse or creating a hazardous visual
2-13 obstruction on:

2-14 (A) county-owned land; or

2-15 (B) land or easements owned or held by a special
2-16 district that has the commissioners court of the county as its
2-17 governing body;

2-18 (10) discarding refuse on the smaller of:

2-19 (A) the area that spans 20 feet on each side of a
2-20 utility line; or

2-21 (B) the actual span of the utility easement;

2-22 (11) filling or blocking a drainage easement, failing
2-23 to maintain a drainage easement, maintaining a drainage easement in
2-24 a manner that allows the easement to be clogged with debris,
2-25 sediment, or vegetation, or violating an agreement with the county
2-26 to improve or maintain a drainage easement;

2-27 (12) discarding refuse on property that is not
2-28 authorized for that activity; or

2-29 (13) surface discharge from an on-site sewage disposal
2-30 system as defined by Section 366.002.

2-31 (d-1) This subsection applies only to a county with a
2-32 population of 3.3 million or more and only in an unincorporated area
2-33 in the county that is at least 5,000 feet outside the boundaries of
2-34 a home-rule municipality. Subsections (c)(3) and (4) apply only to
2-35 undeveloped land in the county for which:

2-36 (1) a condition on that land has been found to cause a
2-37 public nuisance under those provisions in the preceding year; and

2-38 (2) a finding of public nuisance could have been
2-39 applied to that condition when the condition first occurred.

2-40 SECTION 3. This Act takes effect immediately if it receives
2-41 a vote of two-thirds of all the members elected to each house, as
2-42 provided by Section 39, Article III, Texas Constitution. If this
2-43 Act does not receive the vote necessary for immediate effect, this
2-44 Act takes effect September 1, 2015.

2-45 * * * * *