

1 AN ACT
2 relating to the creation of a public nuisance by the failure to
3 properly maintain a drainage easement.

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

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

7 (c) A public nuisance is:

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

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

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

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

23 (5) maintaining a building in a manner that is
24 structurally unsafe or constitutes a hazard to safety, health, or

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

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

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

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

10 (7) maintaining a flea market in a manner that
11 constitutes a fire hazard;

12 (8) discarding refuse or creating a hazardous visual
13 obstruction on:

14 (A) county-owned land; or

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

18 (9) discarding refuse on the smaller of:

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

21 (B) the actual span of the utility easement; or

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

27 SECTION 2. This Act takes effect September 1, 2005.

David Dewhurst
President of the Senate

Tom Craddick
Speaker of the House

I hereby certify that S.B. No. 1238 passed the Senate on April 28, 2005, by the following vote: Yeas 31, Nays 0. _____

Atsuy Saw
Secretary of the Senate

I hereby certify that S.B. No. 1238 passed the House on May 25, 2005, by a non-record vote. _____

Robert Haney
Chief Clerk of the House

Approved:

17 JUNE '05
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

9:20 AM O'CLOCK

Roger Williams
Secretary of State