

AN ACT

relating to standing water as a nuisance.

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

SECTION 1. Section 341.011, Health and Safety Code, is amended to read as follows:

Sec. 341.011. NUISANCE. Each of the following is a public health nuisance:

(1) a condition or place that is a breeding place for flies and that is in a populous area;

(2) spoiled or diseased meats intended for human consumption;

(3) a restaurant, food market, bakery, other place of business, or vehicle in which food is prepared, packed, stored, transported, sold, or served to the public and that is not constantly maintained in a sanitary condition;

(4) a place, condition, or building controlled or operated by a state or local government agency that is not maintained in a sanitary condition;

(5) sewage, human excreta, wastewater, garbage, or other organic wastes deposited, stored, discharged, or exposed in such a way as to be a potential instrument or medium in disease transmission to a person or between persons;

(6) a vehicle or container that is used to transport garbage, human excreta, or other organic material and that is

1 defective and allows leakage or spilling of contents;

2 (7) a collection of water in which mosquitoes are
3 breeding in the limits of a municipality or a collection of water
4 that is a breeding area for Culex quinquefasciatus mosquitoes that
5 can transmit diseases regardless of the collection's location other
6 than a location or property where activities meeting the definition
7 of Section 11.002(12)(A), Water Code, occur;

8 (8) a condition that may be proven to injuriously
9 affect the public health and that may directly or indirectly result
10 from the operations of a bone boiling or fat rendering plant, tallow
11 or soap works, or other similar establishment;

12 (9) a place or condition harboring rats in a populous
13 area;

14 (10) the presence of ectoparasites, including
15 bedbugs, lice, and mites, suspected to be disease carriers in a
16 place in which sleeping accommodations are offered to the public;

17 (11) the maintenance of an open surface privy or an
18 overflowing septic tank so that the contents may be accessible to
19 flies; and

20 (12) an object, place, or condition that is a possible
21 and probable medium of disease transmission to or between humans.

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2003.

David Newkum
President of the Senate

Tom Caddell
Speaker of the House

I hereby certify that S.B. No. 185 passed the Senate on April 25, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 14, 2003, by the following vote: Yeas 31, Nays 0.

Patsy Spaul
Secretary of the Senate

I hereby certify that S.B. No. 185 passed the House, with amendment, on May 10, 2003, by the following vote: Yeas 143, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

27 MAY '03

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:52 AM O'CLOCK

MAY 28 2003
Ann Shea
Secretary of State