

By: Quintanilla

H.B. No. 736

A BILL TO BE ENTITLED

AN ACT

relating to authorizing county regulation of nuisances and  
disorderly conduct.

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

SECTION 1. Subtitle B, Title 7, Local Government Code, is  
amended by adding Chapter 236 to read as follows:

CHAPTER 236. COUNTY REGULATION OF NUISANCES AND DISORDERLY CONDUCT

Sec. 236.001. APPLICABILITY OF REGULATIONS. An order  
adopted by a commissioners court under this chapter applies only in  
the unincorporated area of the county.

Sec. 236.002. NUISANCE. The commissioners court of a  
county by order may:

(1) abate and remove a nuisance and punish by fine the  
person responsible for the nuisance;

(2) define and declare what constitutes a nuisance and  
authorize and direct the summary abatement of the nuisance; and

(3) abate in any manner the commissioners court  
considers expedient any nuisance that may injure or affect the  
public health or comfort.

Sec. 236.003. DISORDERLY CONDUCT. (a) The commissioners  
court of a county by order may prevent and may punish a person  
engaging in:

(1) trespass or breach of the peace;

(2) assault, battery, fighting, or quarreling;

1           (3) use of abusive, obscene, profane, or insulting  
2 language; or

3           (4) other disorderly conduct.

4           (b) The commissioners court of a county by order may:

5           (1) suppress or prevent any riot, affray, noise,  
6 disturbance, or disorderly assembly in any public or private place  
7 in the county;

8           (2) restrain or prohibit any amusement or practice  
9 tending to annoy persons passing on a street or sidewalk, including  
10 the firing of firecrackers or guns, the use of a bicycle or similar  
11 conveyance, and the use of a firework or similar material; or

12           (3) restrain or prohibit any noise, practice, or  
13 performance directed to persons on a street or sidewalk, including  
14 ringing bells, blowing horns, or hawking goods, by an auctioneer or  
15 other person for the purpose of business, amusement, or otherwise.

16           Sec. 236.004. MUNICIPAL ORDINANCE PREVAILS OVER COUNTY  
17 ORDER. If an order adopted by a commissioners court under this  
18 chapter conflicts with an ordinance of a municipality, the  
19 municipal ordinance prevails within the municipality's  
20 jurisdiction to the extent of the conflict.

21           SECTION 2. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2009.