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

(4) other disorderly conduct.

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

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

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

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

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

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