

## **List of Public Nuisances** **(Health and Safety Code § 343.011)**

1. Keeping, storing, or accumulating refuse on premises in a neighborhood unless the refuse is entirely contained in a closed receptacle;
2. Keeping, storing, or accumulating rubbish, including newspapers, abandoned vehicles, refrigerators, stoves, furniture, tires, and cans, on premises in a neighborhood or within 300 feet of a public street for 10 days or more, unless the rubbish or object is completely enclosed in a building or is not visible from a public street;
3. Maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests;
4. Allowing weeds to grow on premises in a neighborhood if the weeds are located within 300 feet of another residence or commercial establishment;
5. Maintaining a building in a manner that is structurally unsafe or constitutes a hazard to safety, health, or public welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, disaster, damage, or abandonment or because it constitutes a fire hazard;
6. Maintaining on abandoned and unoccupied property in a neighborhood a swimming pool that is not protected with:
  - a fence that is at least four feet high and that has a latched and locked gate; and
  - a cover over the entire swimming pool that cannot be removed by a child;
7. Maintaining on any property in a neighborhood in a county with a population of more than 1.1 million a swimming pool that is not protected with:
  - a fence that is at least four feet high and that has a latched gate that cannot be opened by a child; or
  - a cover over the entire swimming pool that cannot be removed by a child;
8. Maintaining a flea market in a manner that constitutes a fire hazard;
9. Discarding refuse or creating a hazardous visual obstruction on:
  - county-owned land; or land or easements owned or held by a special district that has the commissioners court of the county as its governing body;
10. Discarding refuse on the smaller of:
  - the area that spans 20 feet on each side of a utility line; or
  - the actual span of the utility easement;
11. Filling or blocking a drainage easement, failing to maintain a drainage easement, maintaining a drainage easement in a manner that allows the easement to be clogged with debris, sediment, or vegetation, or violating an agreement with the county to improve or maintain a drainage easement;
12. Discarding refuse on property that is not authorized for that activity; or
13. Surface discharge from an on-site sewage disposal system as defined by Health and Safety Code § 366.002.

## **Legal Definitions of Words Used in List of Public Nuisances (Health and Safety Code § 343.002)**

**"Building"** means a structure built for the support, shelter, or enclosure of a person, animal, chattel, machine, equipment, or other moveable property.

**"Garbage"** means decayable waste from a public or private establishment or restaurant. The term includes vegetable, animal, and fish offal and animal and fish carcasses, but does not include sewage, body waste, or an industrial by-product.

**"Neighborhood"** means:

- a platted subdivision; or
- property contiguous to and within 300 feet of a platted subdivision.

**"Platted subdivision"** means a subdivision that has its approved or unapproved plat recorded with the county clerk of the county in which the subdivision is located.

**"Premises"** means all privately owned property, including vacant land or a building designed or used for residential, commercial, business, industrial, or religious purposes. The term includes a yard, ground, walk, driveway, fence, porch, steps, or other structure appurtenant to the property.

**"Public street"** means the entire width between property lines of a road, street, way, thoroughfare, or bridge if any part of the road, street, way, thoroughfare, or bridge is open to the public for vehicular or pedestrian traffic.

**"Receptacle"** means a container that is composed of durable material and designed to prevent the discharge of its contents and to make its contents inaccessible to animals, vermin, or other pests.

**"Refuse"** means garbage, rubbish, paper, and other decayable and nondecayable waste, including vegetable matter and animal and fish carcasses.

**"Rubbish"** means nondecayable waste from a public or private establishment or residence.

**"Undeveloped land"** means land in a natural, primitive state that lacks improvements, infrastructure, or utilities and that is located in an unincorporated area at least 5,000 feet outside those the boundaries of a home-rule municipality.

**"Weeds"** means all rank and uncultivated vegetable growth or matter that:

- has grown to more than 36 inches in height; or
- creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or other disease-carrying pests, regardless of the height of the weeds.

**"Flea market"** means an outdoor or indoor market, conducted on non-residential premises, for selling secondhand articles or antiques, unless conducted by a religious, educational, fraternal, or charitable organization.