

- SUBJECT:** Regulating noise from dog barking in certain counties
- COMMITTEE:** County Affairs — favorable, without amendment
- VOTE:** 6 ayes — R. Allen, W. Smith, Farabee, Laney, Olivo, Otto
0 nays
3 absent — Casteel, Coleman, Naishtat
- WITNESSES:** For — Kelli F. Copeland, Montgomery County Animal Control; Jerry G. Moffett, Jr.
Against - None
- BACKGROUND:** Under Health and Safety Code, ch. 34, counties may regulate public nuisances in unincorporated areas that concern safety, health, sanitation, garbage, abandoned property, and premise maintenance. Under Health and Safety Code, ch. 821 and ch. 826, counties may impose leash laws and actions to control and prevent the spread of rabies in unincorporated areas. Counties are not authorized to regulate public nuisances created by barking dogs. Under Local Government Code, ch. 217, a governing body of a municipality may define what constitutes a public nuisance and determine abatements. Because counties are restricted in enacting ordinances, county officials have difficulty addressing public nuisances in growing neighborhoods.
- DIGEST:** HB 663 would amend Health and Safety Code, ch. 443, to define barking or other noises made by dogs as a potential public nuisance in some circumstances in a county with a population of 275,000 or more adjacent to a county with a population of 3.3 million or more (Montgomery, Fort Bend). Barking or other noises made by dogs outdoors in a neighborhood would be considered a public nuisance if a reasonable person would find the noise objectionable, taking into account the time, proximity, and recurrence of the noise.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.