

## **BILL ANALYSIS**

C.S.H.B. 1628  
By: Brown, Betty  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently the Kaufman County Commissioners Court and the Harris County Commissioners Court can not regulate noise in unincorporated areas of the county. This has led to problems as there are some sources that have been causing very loud and disturbing noises in some of these areas. The noises are annoying and disturbing for residents who have to endure them and the county currently has no recourse.

C.S.H.B. 1628 would give the county commissioners courts of Kaufman County and Harris County the authority to regulate sound levels, from a loudspeaker or sound amplifier, which exceed 85 decibels at a distance of 50 feet and that disturbs a person of ordinary sensibilities in the immediate vicinity.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Chapter 240, Local Government Code, by adding Subchapter C "Regulation of Noise and Sound Levels" which adds the following:

Defines "major metropolitan county" as a county in which there are three or more municipalities each with populations of more than 175,000, and "nonurban counties" as counties with a population of less than 100,000 which had a percentage change in population growth of less than 50% according to the two most recent federal decennial censuses.

Applies only to non urban counties located adjacent to a major metropolitan county; or a county with a population of more than 3.3 million.

Authorizes the commissioners court, by order, to prohibit the production of sound from a loudspeaker or sound amplifier the level of which exceeds 85 decibels at a distance of 50 feet from the property line of the property on which the loudspeaker or sound amplifier is operated; and that disturbs a person of ordinary sensibilities in the immediate vicinity of the loudspeaker or sound amplifier. Provides that a county, under this statute, can only regulate sounds in the unincorporated areas of the county.

Authorizes the commissioners court, by order, to authorize the holding of events at which loudspeakers or amplifiers that produce sounds exceeding the levels specified will be used, if the person holding an event obtains a permit from the county. The person must apply for the permit in accordance with county regulations. The regulations may provide for the denial, suspension, or revocation of a permit by the county. A district court has jurisdiction over a suit that arises from the denial, suspension, or revocation of a permit. A county is authorized to impose a fee based on the administrative costs of issuing a permit. A county that imposes a fee is required to establish procedures to reduce the fee amount if the applicant is unable to pay the full fee.

Authorizes a county to sue in the district court for an injunction to prohibit the violation or threatened violation of a prohibition or other regulation.

Provides that a person commits an offence if they violate a prohibition or regulation and that each hour that a violation continues constitutes a separate offense. Offenses are Class C misdemeanors.

## SECTION 2. Effective Date

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The Substitute to H.B. 1628 changes the population bracket of the original bill by adding that the bill applies only to a nonurban county located adjacent to a major metropolitan county; or a county with a population of more than 3.3 million. The original bill only applied to a nonurban county located adjacent to a major metropolitan county.

The Substitute to H.B. 1628 specifies that the commissioners court can prohibit the production of sound from a loudspeaker or sound amplifier for which the level exceeds 85 decibels at a distance of 50 feet from the property line of the property on which the loudspeaker or amplifier is operated; and that disturbs a person of ordinary sensibilities in the immediate vicinity. The original bill stated that the commissioners court could regulate sound levels a reasonable person would find objectionable, and specifies what could be considered objectionable. The original bill also provided an exemption to a regulation if the public interest justifies the exemption, the substitute does not provide for an exemption.