

BILL ANALYSIS

Senate Research Center
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H.B. 182
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, certain Texas counties cannot regulate noise in unincorporated areas of the county. Loud and disturbing noises have led to problems for residents in such areas. Counties have similar regulatory authority on other issues, including the placement of water wells and communication facility structures in unincorporated areas of the county.

H.B. 182 authorizes county commissioners courts of certain counties to regulate sounds levels from a loudspeaker or sound amplifier in unincorporated areas of the county. This bill provides that regulation applies only to sound levels that exceed 85 decibels at a distance of 50 feet from the property line of the property on which the loudspeaker or sound amplifier is operating and that disturb a person of ordinary sensibilities in the immediate vicinity. This bill authorizes county commissioners courts to issue permits for events that will exceed the specified sound level. Finally, this bill creates a Class C misdemeanor offense for noncompliance and stipulates which courts have jurisdiction over the matter.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 240, Local Government Code, by adding Subchapter F, as follows:

SUBCHAPTER F. REGULATION OF NOISE AND SOUND LEVELS

Sec. 240.101. DEFINITIONS. Defines "major metropolitan county" and "nonurban county."

Sec. 240.102. APPLICABILITY OF SUBCHAPTER. Provides that this subchapter 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.

Sec. 240.103. AUTHORITY TO REGULATE. (a) Authorizes the commissioners court of the county by order to prohibit certain productions of sound from a loudspeaker or sound amplifier.

(b) Provides that a regulation adopted under this subchapter applies only to an unincorporated area of the county.

Sec. 240.104. PERMIT FOR CERTAIN EVENTS; PERMIT FEES. (a) Authorizes the commissioners court by order to authorize the holding of events at which loudspeakers or sound amplifiers that produce sounds exceeding the levels specified by Section 240.103 will be used, if the person holding an event obtains a permit from the county for the event.

(b) Requires a person to apply for the permit in accordance with regulations adopted by the county.

(c) Authorizes the regulations adopted under this section to provide for the denial, suspension, or revocation of a permit by the county.

(d) Provides that a district court has jurisdiction of a suit that arises from the denial, suspension, or revocation of a permit by the county.

(e) Authorizes a county to impose fees on an applicant for a permit under this section. Requires the fees to be based on the administrative costs of issuing the permit. Requires a county that imposes a permit fee to establish procedures to reduce the fee amount if the applicant is unable to pay the full permit fee.

Sec. 240.105. INJUNCTION. 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 adopted under this subchapter.

Sec. 240.106. CRIMINAL PENALTY. (a) Provides that a person commits an Class C misdemeanor if the person violates a prohibition or other regulation adopted under this subchapter and provides that each hour that a violation of a prohibition or other regulation adopted under this subchapter continues constitutes a separate offense.

SECTION 2. Effective date: upon passage or September 1, 2007.