

## **BILL ANALYSIS**

C.S.H.B. 1115  
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County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Noise levels in residential areas of unincorporated Harris County cause a threat to public health, safety, and welfare. Currently, the City of Houston has a comprehensive noise ordinance while the remainder of the county lacks a system of noise regulation. In previous legislative sessions, there have been bipartisan efforts to address this issue. However, prior legislation has been unsuccessful in completing the committee process.

C.S.H.B. 1115 requires the Harris County Commissioners Court and the commissioners courts of other counties with a population of more than 3.3 million to regulate sound levels from a loudspeaker or sound amplifier exceeding 85 decibels at a distance of 50 feet. The bill authorizes a commissioners court to grant, deny, or suspend permits for events exceeding the proposed sound limit depending on whether the sound is recurrent, intermittent, or constant. The absence of an issued permit or violation of the noise regulation provides for a Class C misdemeanor unless the person has previously been convicted of an offense. Subsequent violations provide for a Class B misdemeanor.

### **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**

C.S.H.B. 1115 amends the Local Government Code to require a commissioners court of a county with a population of more than 3.3 million by order to prohibit, in an unincorporated area of the county, 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. The bill 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 regulations adopted by the county will be used, if the person holding an event obtains a permit from the county for the event. The bill requires the commissioners court, in determining whether to grant a permit, to consider whether the sound is recurrent, intermittent, or constant, and requires a person to apply for the permit in accordance with regulations adopted by the county. The bill authorizes the regulations to provide for the denial, suspension, or revocation of a permit by the county, and specifies that a district court has jurisdiction of a suit that arises from such a denial, suspension, or revocation. The bill authorizes a county to impose fees on an applicant for a permit, requiring the fees to be based on the administrative costs of issuing the permit, and requiring 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.

C.S.H.B. 1115 requires a commissioners court of a county by rule to adopt a procedure to measure noise and sound levels. The bill 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 of noise and sound levels. The bill makes it a Class C misdemeanor to violate a prohibition or other

regulation of provisions for regulation of noise and sound levels, and enhances the penalty to a Class B misdemeanor for a subsequent conviction.

**EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1115 differs from the original by making its provisions relating to the commissioners court of a county by order prohibiting the production of sound exceeding a certain level a requirement rather than an authorization and makes conforming changes.