

By: Walle

H.B. No. 1115

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to enact noise regulations; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 240, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REGULATION OF NOISE AND SOUND LEVELS

Sec. 240.061. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a county with a population of more than 3.3 million.

Sec. 240.062. AUTHORITY TO REGULATE. (a) The commissioners court of the county by order may 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.

(b) A regulation adopted under this subchapter applies only to the unincorporated area of the county.

Sec. 240.063. PERMIT FOR CERTAIN EVENTS; PERMIT FEES. (a) The commissioners court by order may authorize the holding of events at which loudspeakers or sound amplifiers that produce sounds exceeding the levels specified by Section 240.062 will be used, if the person holding an event obtains a permit from the county for the event.

(b) In determining whether to grant a permit under this

1 section, the commissioners court shall consider whether the sound  
2 is recurrent, intermittent, or constant.

3 (c) A person must apply for the permit in accordance with  
4 regulations adopted by the county.

5 (d) The regulations adopted under this section may provide  
6 for the denial, suspension, or revocation of a permit by the county.

7 (e) A district court has jurisdiction of a suit that arises  
8 from the denial, suspension, or revocation of a permit by the  
9 county.

10 (f) A county may impose fees on an applicant for a permit  
11 under this section. The fees must be based on the administrative  
12 costs of issuing the permit. A county that imposes a permit fee  
13 shall establish procedures to reduce the fee amount if the  
14 applicant is unable to pay the full permit fee.

15 Sec. 240.064. METHOD OF SOUND MEASUREMENT. If the  
16 commissioners court of a county adopts an order under Section  
17 240.062, the commissioners court shall by rule adopt a procedure to  
18 measure noise and sound levels under this subchapter.

19 Sec. 240.065. INJUNCTION. A county may sue in the district  
20 court for an injunction to prohibit the violation or threatened  
21 violation of a prohibition or other regulation adopted under this  
22 subchapter.

23 Sec. 240.066. CRIMINAL PENALTY. (a) A person commits an  
24 offense if the person violates a prohibition or other regulation  
25 adopted under this subchapter.

26 (b) An offense under this section is a Class C misdemeanor.  
27 If it is shown on the trial of an offense under this section that the

1 person has previously been convicted of an offense under this  
2 section, the offense is a Class B misdemeanor.

3 SECTION 2. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2009.