

By: Harless

H.B. No. 153

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of noise regulations by certain counties;  
providing a criminal penalty; authorizing a fee.

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 shall 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. EXEMPTIONS. A sound is exempt from  
regulation under this subchapter if it is a sound produced by the  
operations or facilities of:

(1) an electric utility as defined by Section 31.002,  
Utilities Code; or

(2) a gas utility as defined by Section 101.003 or  
121.001, Utilities Code.

Sec. 240.064. 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 section, the commissioners court shall consider whether the sound is recurrent, intermittent, or constant.

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

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

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

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

Sec. 240.065. METHOD OF SOUND MEASUREMENT. The

commissioners court by rule shall adopt a procedure to measure noise and sound levels under this subchapter.

Sec. 240.066. INJUNCTION. A county may sue in the district court for an injunction to prohibit the violation or threatened violation of a prohibition or other regulation adopted under this

1 subchapter.

2 Sec. 240.067. CRIMINAL PENALTY. (a) A person commits an  
3 offense if the person violates a prohibition or other regulation  
4 adopted under this subchapter.

5 (b) An offense under this section is a Class C misdemeanor.  
6 If it is shown on the trial of an offense under this section that the  
7 person has previously been convicted of an offense under this  
8 section, the offense is a Class B misdemeanor.

9 SECTION 2. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2015.