

By: Walle

H.B. No. 295

Substitute the following for H.B. No. 295:

By: Neave

C.S.H.B. No. 295

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 IN CERTAIN
COUNTIES

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) a chemical manufacturing facility;
- (2) an electric utility as defined by Section 31.002,
Utilities Code; or

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

3 Sec. 240.064. PERMIT FOR CERTAIN EVENTS; PERMIT FEES. (a)
4 The commissioners court by order may authorize the holding of
5 events at which loudspeakers or sound amplifiers that produce
6 sounds exceeding the levels specified by Section 240.062 will be
7 used, if the person holding an event obtains a permit from the
8 county for the event.

9 (b) In determining whether to grant a permit under this
10 section, the commissioners court shall consider whether the sound
11 is recurrent, intermittent, or constant.

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

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

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

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

24 Sec. 240.065. METHOD OF SOUND MEASUREMENT. The
25 commissioners court by rule shall adopt a procedure to measure
26 noise and sound levels under this subchapter.

27 Sec. 240.066. INJUNCTION. A county may sue in the district

1 court for an injunction to prohibit the violation or threatened
2 violation of a prohibition or other regulation adopted under this
3 subchapter.

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

7 (b) An offense under this section is a Class C misdemeanor.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2017.