

By: Walle

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

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

(3) a gas utility as defined by Section 101.003 or

1 121.001, Utilities Code.

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

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

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

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

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

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

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

26 Sec. 240.066. INJUNCTION. A county may sue in the district
27 court for an injunction to prohibit the violation or threatened

1 violation of a prohibition or other regulation adopted under this
2 subchapter.

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

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

10 SECTION 2. This Act takes effect September 1, 2017.