

By: Walle

H.B. No. 4024

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to regulate excessive noise levels affecting residential areas in unincorporated areas of the county; authorizing the imposition of a civil fine.

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 LEVELS IN CERTAIN COUNTIES

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

Sec. 240.062. AUTHORITY TO REGULATE; CITATION AND FINE.

(a) The commissioners court by order may regulate noise levels emanating from a residence that affect residential areas in unincorporated areas of the county.

(b) The commissioners court may pass regulations that allow a peace officer, when a formal or informal complaint about noise levels emanating from a residential address has been made, to issue a citation for noise disturbance emanating from the offending residential address if the officer determines that noise levels emanating from the address exceed noise levels allowed under county regulations.

(c) The first citation for noise disturbance emanating from a specific residential address must be a warning citation. Subsequent citations for noise disturbance emanating from that

1 address may be punished by a civil fine not to exceed \$500 per
2 occurrence. The owner or lessee of the residence, as applicable, is
3 responsible for paying the civil fine.

4 (d) A citation other than a warning citation issued under
5 this section must state:

6 (1) the address of the residence cited;

7 (2) the violation charged;

8 (3) the date by which the civil fine must be paid; and

9 (4) the time and place the owner or lessee of the

10 residence, as applicable, is required to appear in court in order to
11 contest the citation.

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