

By: Walle

H.B. No. 775

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of noise regulations by certain counties;
creating a criminal offense; authorizing fees.

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 a 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:

(1) the operations or facilities of:

(A) a chemical manufacturing facility;

(B) an electric utility as defined by Section

31.002, Utilities Code;

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

3 (D) a telecommunications utility as defined by
4 Section 51.002, Utilities Code;

5 (E) a cable service provider as defined by
6 Section 66.002, Utilities Code;

7 (F) a video service provider as defined by
8 Section 66.002, Utilities Code; or

9 (G) an entity permitted for the management of
10 solid waste under Chapter 361, Health and Safety Code; or

11 (2) an activity associated with:

12 (A) the exploration, development, or production
13 of oil, gas, geothermal resources, or any other substance or
14 material regulated by the Railroad Commission of Texas under
15 Section 91.101, Natural Resources Code; or

16 (B) the transporting, refining, processing, or
17 other handling of oil, gas, or geothermal resources.

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

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

27 (c) A person must apply for the permit in accordance with

1 regulations adopted by the county.

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

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

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

12 Sec. 240.065. METHOD OF SOUND MEASUREMENT. The
13 commissioners court of a county by rule shall adopt a procedure to
14 measure noise and sound levels under this subchapter.

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

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

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

23 SECTION 2. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2021.