

By: Walle

H.B. No. 775

Substitute the following for H.B. No. 775:

By: Spiller

C.S.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.