

By: McLaughlin

H.B. No. 3310

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to adopt noise regulations; 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 that:

(1) has a population of less than 50,000; and

(2) is adjacent to:

(A) a county with a population of more than two million; and

(B) a county with a population of less than 1,000.

Sec. 240.062. AUTHORITY TO REGULATE. (a) The commissioners court of a county by order may prohibit the production of sound from a loudspeaker or sound amplifier that the commissioners court determines is a nuisance. The commissioners court may determine what level of sound to prohibit, but the prohibition may not apply to sound less than 70 decibels at a distance of 50 feet from the property line of the property on which the loudspeaker or sound amplifier is operated.

1 (b) A regulation adopted under this subchapter may only
2 apply:

3 (1) in the unincorporated area of the county; and

4 (2) during the following periods of time:

5 (A) on Sunday, Monday, Tuesday, Wednesday, and
6 Thursday from 10 p.m. to the following morning at 6 a.m.; and

7 (B) on Friday and Saturday from 11:59 p.m. to the
8 following morning at 8 a.m.

9 Sec. 240.063. EXEMPTIONS. A sound is exempt from
10 regulation under this subchapter if it is a sound produced by:

11 (1) an authorized emergency vehicle as defined by
12 Section 541.201, Transportation Code;

13 (2) the operations or facilities of:

14 (A) a chemical manufacturing facility;

15 (B) an electric utility as defined by Section
16 31.002, Utilities Code;

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

19 (D) a telecommunications utility as defined by
20 Section 51.002, Utilities Code;

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

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

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

27 (3) an activity associated with:

1 (A) the exploration, development, or production
2 of oil, gas, geothermal resources, or any other substance or
3 material regulated by the Railroad Commission of Texas under
4 Section 91.101, Natural Resources Code;

5 (B) the transporting, refining, processing, or
6 other handling of oil, gas, or geothermal resources;

7 (C) the production, processing, or sale of
8 agricultural or animal products;

9 (D) a school-sponsored or organized youth
10 athletic contest;

11 (E) a county-sponsored parade or firework show;
12 or

13 (F) a place of worship.

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

20 (b) An order adopted under this section must provide for the
21 denial, suspension, or revocation of a permit by the county.

22 (c) A district court has jurisdiction of a suit that arises
23 from the denial, suspension, or revocation of a permit by the
24 county.

25 (d) A county may impose a fee on an applicant for a permit
26 under this section. The fee must be based on the administrative
27 costs of issuing the permit. A county that imposes a permit fee

1 shall establish procedures to reduce the fee amount if the
2 applicant is unable to pay the full permit fee.

3 Sec. 240.065. METHOD OF SOUND MEASUREMENT. If the
4 commissioners court of a county prohibits the production of sound
5 from a loudspeaker or sound amplifier under Section 240.062, then
6 the commissioners court of that county by rule shall adopt a
7 procedure to measure noise and sound levels under this subchapter.

8 Sec. 240.066. INJUNCTION. A county may sue in a district
9 court for an injunction to prohibit the violation or threatened
10 violation of a prohibition or other regulation adopted under this
11 subchapter.

12 Sec. 240.067. CRIMINAL PENALTY. (a) A person commits an
13 offense if the person violates an order or rule adopted under this
14 subchapter.

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

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2025.