

SUBJECT: Allowing regulation of noise in Harris County; creating an offense

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 9 ayes — Coleman, Stucky, Anderson, Cason, Longoria, Lopez, Spiller, Stephenson, J. Turner

0 nays

WITNESSES: For — (*Registered, but did not testify:* Adam Haynes, Conference of Urban Counties; Jim Allison, County Judges and Commissioners Association of Texas; Thamara Narvaez, Harris County Commissioners Court; Cyrus Reed, Lone Star Chapter Sierra Club; Susana Carranza; Julie Gilberg; Georgia Keysor; Vanessa MacDougal; Gregg Vunderink)

Against — Darrell Hale, Collin County Commissioner Precinct 3

BACKGROUND: Concerns have been raised that excessive noise levels in certain residential areas pose a threat to the public welfare. Some have called for allowing for the regulation of noise and sound levels in unincorporated parts of Harris County and the creation of a permitting system for events.

DIGEST: CSHB 775 would require the commissioners court of a county with a population of more than 3.3 million (Harris County) to prohibit by order the production of sound from a loudspeaker or amplifier that exceeded 85 decibels at a distance of 50 feet from the property line of the property on which the loudspeaker or amplifier was operated. The bill would apply only to the unincorporated areas in the county.

The commissioners court would be required to adopt procedures to measure noise and sound levels under the bill's provisions.

Exemptions. The bill would exempt the following entities from such noise restrictions:

- a chemical manufacturing facility;

- an electric utility;
- a gas utility;
- a telecommunications utility;
- a cable service provider;
- a video service provider; or
- an entity permitted for the management of solid waste under the Solid Waste Disposal Act.

The bill also would exempt from the restrictions an activity associated with the exploration, development, or production of oil, gas, geothermal resources, or any other substance or material regulated by the Railroad Commission under certain pollution prevention provisions, as well as the transporting, refining, processing, or other handling of oil, gas, or geothermal resources.

Permit. The bill would authorize the commissioners court to allow events to be held at which loudspeakers or amplifiers that produced sounds exceeding the specified levels would be used if the person holding the event obtained a permit. When considering the permit application, the commissioners court would be required to consider whether the sound is recurrent, intermittent, or constant.

A county could impose fees on an applicant for a permit. The fees would have to be based on the administrative costs of issuing the permit. A county that imposed a permit fee would have to establish procedures to reduce the fee amount if the applicant was unable to pay the full fee. Regulations adopted under the bill could provide for the denial, suspension, or revocation of a permit by the county, and district courts would have jurisdiction over suits arising from such situations. A county could sue in a district court for an injunction to prohibit the violation or threatened violation of a prohibition or other regulation adopted under the bill.

Criminal penalty. A person would commit a class C misdemeanor (maximum fine of \$500) for violation of the bill's provisions.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.