

BILL ANALYSIS

Senate Research Center
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S.B. 1801
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DIGEST AND PURPOSE

Currently, the City of Houston has a comprehensive noise ordinance, but the remainder of Harris County, a large portion of which is comprised of residential districts, does not. As proposed, S.B. 1801 authorizes the commissioners court of Harris County to regulate sound levels in the unincorporated portions of the county.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 240, Local Government Code, by adding Subchapter C, as follows:

SUBCHAPTER C. REGULATION OF NOISE AND SOUND LEVELS

Sec. 240.041. APPLICABILITY OF SUBCHAPTER. Provides that this subchapter applies only to a county with a population of more than 3.3 million.

Sec. 240.042. DEFINITIONS. Defines “nonresidential property” and “residential property.”

Sec. 240.043. METHOD OF SOUND MEASUREMENT. Requires sound measured under this subchapter to be measured by certain means.

Sec. 240.044. AUTHORITY TO REGULATE. (a) Authorizes the commissioners court of a county by order to regulate as permitted by this subchapter sound levels to promote the public health, safety, or welfare.

(b) Provides that a regulation adopted under this subchapter applies only to the unincorporated area of the county.

Sec. 240.045. PERMISSIBLE REGULATIONS. (a) Authorizes the regulations to prohibit certain acts.

(b) Authorizes the regulations to prohibit any act not described by Subsection (a) that produces a sound that a reasonable person would find objectionable.

(c) Authorizes certain factors, in determining whether a sound is objectionable to a reasonable person, to be considered.

Sec. 240.046. EXEMPTIONS. Provides that a sound is exempt from regulation under this subchapter if it is a sound produced for or by certain means.

Sec. 240.047. PERMIT AND FEES. (a) Authorizes the commissioners court of a county by order to require a permit for the use of a loudspeaker, loudspeaker system,

sound amplifier, or any other machine or device that produces sound outside of buildings or other enclosed structures that exceeds the levels specified by Section 240.045(a)(1).

- (b) Requires an application for the permit to be made in accordance with regulations adopted by the county.
- (c) Authorizes the regulations adopted under this section to provide for the denial, suspension, or revocation of a permit by the county.
- (d) Provides that a district court has jurisdiction of a suit that arises from the denial, suspension, or revocation of a permit by the county.
- (e) Authorizes a county to impose fees on an applicant for a permit under this section. Requires the fees to be based on the administrative costs of issuing the permit. Requires a county that imposes a permit fee to establish procedures to reduce the fee amount if the applicant is unable to pay the full permit fee.

Sec. 240.048. INJUNCTION. Authorizes a county to sue in the district court for an injunction to prohibit the violation or threatened violation of a regulation adopted under this subchapter.

Sec. 240.049. CRIMINAL PENALTY. (a) Provides that a person commits an offense if the person violates a regulation adopted under this subchapter.

- (b) Provides that each hour that a violation of a regulation adopted under this subchapter continues constitutes a separate offense.
- (c) Provides that an offense under this section is a Class C misdemeanor.

SECTION 2. Effective date: upon passage or September 1, 2003.