

SUBJECT: Regulating noise levels in Harris and Kaufman counties

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 6 ayes — R. Allen, Smith, Casteel, Laney, Olivo, Otto

0 nays

3 absent — Coleman, Farabee, Naishtat

WITNESSES: None

BACKGROUND: While Dallas and Houston are granted the authority to regulate noise levels in the interests of residents, consumers and businesses in their cities, some neighboring areas do not have similar authority. Residents of communities located in unincorporated parts of counties that border these major metropolitan areas have complained about excessively loud and disturbing noises resonating from loudspeakers in their areas. However, under current law these counties do not have the authority to regulate noise levels in unincorporated areas.

DIGEST: CSHB 1628 would authorize the county commissioners courts in Harris and Kaufman counties, as defined by the bill, to regulate noise levels in unincorporated areas. These two counties would be able to limit the level of noise from a loudspeaker or amplifier to 85 decibels at a distance of 50 feet or to a level that might seriously disturb someone closer to the speaker or amplifier.

The bill would allow either county to require an event organizer to obtain a permit to authorize an event that would exceed the noise threshold. Permits could be approved, denied, suspended, or revoked by one of the commissioners courts. A fee could be charged for a permit to cover administrative costs, but could not be imposed on someone unable to pay.

CSHB 1628 would create a class C misdemeanor offense, a fine of \$500 or less, for violations of noise regulations in unincorporated parts of Kaufman and Harris Counties. Each hour of violation would be considered a separate offense. The bill would also authorize these counties to obtain an injunction in order to prevent or stop a noise violation.

The bill would take immediate effect if passed by a two-thirds majority of the members of each house. Otherwise it would take effect September 1, 2005.

NOTES:

The committee substitute would apply to Harris and Kaufman counties, while the original would have applied only to Kaufman County. The substitute also would specify a limit of 85 decibels at 50 feet for sounds from loudspeakers and amplifiers.