

# Texas Noise Related Statutes (exclusive of airports) and Documents

## STATUTES

### TITLE 2 SUBTITLE G CHAPTER 37

#### **Sec. 37.124. Disruption of Classes.**

- (a) A person commits an offense if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities.
- (b) An offense under this section is a Class C misdemeanor.
- (c) In this section:
  - (1) "Disrupting the conduct of classes or other school activities" includes:
    - (A) emitting **noise** of an intensity that prevents or hinders classroom instruction;

### TITLE 4 CHAPTER 101 SUBCHAPTER D

#### **Sec. 101.62. Offensive Noise on Premises.**

No licensee or permittee, on premises under his control, may maintain or permit a radio, television, amplifier, piano, phonograph, music machine, orchestra, band, singer, speaker, entertainer, or other device or person that produces, amplifies, or projects music or other sound that is loud, vociferous, vulgar, indecent, lewd, or otherwise offensive to persons on or near the licensed premises.

### TITLE 6 SUBTITLE A CHAPTER 201 SUBCHAPTER H

#### **Sec. 201.610. Highway sound barriers.**

The department may erect a sound barrier to reduce the **noise** from a road or highway in the state highway system at any location the department determines is appropriate, including along the right-of-way of a railroad that runs parallel or adjacent to a road or highway.

### TITLE 6 SUBTITLE Z CHAPTER 471

#### **Sec. 471.006. Use of bell and whistle or siren at crossings; offense.**

- (a) A railway company shall place on each locomotive:
  - (1) a bell weighing at least 30 pounds; and
  - (2) a **steam whistle, air whistle, or air siren**.
- (b) The engineer in charge of the locomotive shall ring the bell and blow the **whistle or siren** at least one-quarter mile from the place where the railroad crosses a public road or street. The engineer shall continue to ring the bell until the locomotive has crossed the road or stopped.

TITLE 7 SUBTITLE A CHAPTER 217 SUBCHAPTER A

**Sec. 217.003. Disorderly conduct.**

(a) The governing body of the municipality may prevent and may punish a person engaging in:

- (1) trespass or breach of the peace;
- (2) assault, battery, fighting, or quarreling;
- (3) use of abusive, obscene, profane, or insulting language; or
- (4) other disorderly conduct.

(b) The governing body may suppress or prevent any riot, affray, **noise**, disturbance, or disorderly assembly in any public or private place in the municipality.

(c) The governing body may restrain or prohibit the firing of firecrackers or guns, the use of a bicycle or similar conveyance, the use of a firework or similar material, or any other amusement or practice tending to annoy persons passing on a street or sidewalk.

(d) The governing body may restrain or prohibit the ringing of bells, blowing of horns, hawking of goods, or any other **noise**, practice, or performance directed to persons on a street or sidewalk by an auctioneer or other person for the purpose of business, amusement, or otherwise.

TITLE 7 SUBTITLE C CHAPTER 250

**Sec. 250.001. Restriction on regulation of sport shooting ranges.**

(a) In this section, "sport shooting range" means a business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting.

(b) A governmental official may not seek a civil or criminal penalty against a sport shooting range or its owner or operator based on the violation of a municipal or county ordinance, order, or rule regulating **noise**:

- (1) if the sport shooting range is in compliance with the applicable ordinance, order, or rule; or
- (2) if no applicable **noise** ordinance, order, or rule exists.

(c) A person may not bring a nuisance or similar cause of action against a sport shooting range based on **noise**:

- (1) if the sport shooting range is in compliance with all applicable municipal and county ordinances, orders, and rules regulating **noise**; or
- (2) if no applicable **noise** ordinance, order, or rule exists.

TITLE 7 SUBTITLE C CHAPTER 547 SUBCHAPTER J

**Sec. 547.501. Audible warning devices.**

(a) A motor vehicle shall be equipped with a horn in good working condition that emits a sound audible under normal conditions at a distance of at least 200 feet.

(b) A vehicle may not be equipped with and a person may not use on a vehicle a **siren, whistle, or bell** unless the vehicle is:

- (1) a commercial vehicle that is equipped with a theft alarm signal device arranged so that the device cannot be used as an ordinary warning signal; or

- (2) an authorized emergency vehicle that is equipped with a **siren, whistle, or bell** that complies with Section 547.702.
- (c) A motor vehicle operator shall use a horn to provide **audible** warning only when necessary to insure safe operation.
- (d) A warning device, including a horn, may not emit an unreasonably loud or harsh **sound or a whistle**.

TITLE 7 SUBTITLE C CHAPTER 547 SUBCHAPTER K

**Sec. 547.604. Muffler required.**

- (a) A motor vehicle shall be equipped with a muffler in good working condition that continually operates to prevent excessive or unusual **noise**.
- (b) A person may not use a muffler cutout, bypass, or similar device on a motor vehicle.

TITLE 8 CHAPTER 38

**Sec. 38.13. Hindering proceedings by disorderly conduct.**

- (a) A person commits an offense if he intentionally hinders an official proceeding by **noise** or violent or tumultuous behavior or disturbance.
- (b) A person commits an offense if he recklessly hinders an official proceeding by **noise** or violent or tumultuous behavior or disturbance and continues after explicit official request to desist.
- (c) An offense under this section is a Class A misdemeanor.

TITLE 9 CHAPTER 42

**Sec. 42.01. Disorderly conduct.**

- (a) A person commits an offense if he intentionally or knowingly:
  - .....
  - (5) makes unreasonable **noise** in a public place other than a sport shooting range, as defined by Section 250.001, Local Government Code, or in or near a private residence that he has no right to occupy;

TITLE 12 SUBTITLE C CHAPTER 392 SUBCHAPTER A

**Sec. 392.052. Operation, construction and leasing of housing projects.**

- .....
- (f) An authority may take action necessary or desirable in the undertaking, construction, maintenance, or operation of a housing project, including action to:
  - (1) borrow money or accept grants or other financial assistance from the federal government for, or in aid of, a housing project in the authority's area of operation;
  - (2) take over, lease, or manage a housing project or undertaking constructed or owned by the federal government;
  - (3) comply with conditions and enter into mortgages, trust indentures, leases, or agreements that are necessary, convenient, or desirable to accomplish the public purposes of this chapter;

- (4) form a partnership or another legal entity to raise capital for a housing project to be owned by the partnership or other legal entity; and
- (5) acquire, construct, lease, or manage commercial space incidental to a mixed-finance housing project, as defined by 42 U.S.C. Section 1437z-7, if:
  - (A) the commercial space occupies less than 20 percent of the square footage of the housing project and can reasonably be expected to be used by the residents of the housing project; and
  - (B) the housing project is designed in a manner that minimizes the **noise**, safety, and traffic impact of the commercial space on the residential space.

## NOISE DOCUMENTS

Building Barriers to Traffic Noise Brochure

Examples of Recommended Text for Documenting Traffic Noise Analyses

Guidelines for Analysis and Abatement of Highway Traffic Noise

Guidance on Traffic Noise Analysis for Toll Roads