

Loud Noises

What Should I do if my neighbor is making excessively loud noises at night? Is there a statute that covers noise for unincorporated areas?

The Texas Penal Code Chapter 42, Section 42.01 deals with disorderly conduct, loud music or noise. It basically states that a person commits an offense if he intentionally or knowingly makes unreasonable noise in a public place other than a sports event, or in or near a private residence. A noise is presumed to be unreasonable if the noise exceeds a decibel level of 85 after the person making the noise receives notice from a judge or peace officer that the noise is a public nuisance. An offense under this section is a Class C misdemeanor.



If you have a neighbor who is making excessive noise, i.e. music, barking dog, yelling, or other disturbances that would fall under this section, you should call the Constable or Sheriff's Department and advise them.

The normal procedure is for law enforcement to make contact with the person or persons making or allowing the loud noise and advises them to stop. If they refuse and continue to create a disturbance, a citation (ticket) is issued and they will be given a court date to appear before Judge Polumbo or Judge Parrott to answer the charges. In most cases when law enforcement contacts the perpetrator, it is settled and the loud noise is stopped. In some cases, law enforcement is called out more than twice in which case a citation is almost certain. One of the major problems for law enforcement is when they arrive; the loud noise has already stopped and can't be witnessed by the officer. Only a warning can be given. When that is the case, it usually requires an extra patrol in the area to see if the disturbance reoccurs. If you are experiencing this problem, call our office or the Sheriff's Department and talk with a supervisor. You can reach Captain Jack Hagee at my office from 8:00 a.m. to 5:00 p.m. at 281-427-4791.

I hope I have answered your question. If you need additional help, please call me anytime.

Thank you,

Constable Ken Jones