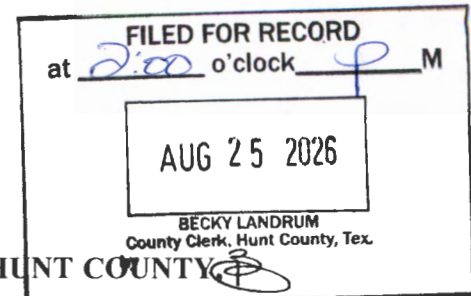


RESOLUTION NO. 20283



**A RESOLUTION OF THE COMMISSIONERS COURT OF HUNT COUNTY, TEXAS SUPPORTING THE ENACTMENT OF A PROPOSED BILL TO BE ENTITLED THE "COVERED FACILITY NOISE AND LIGHTING PERFORMANCE STANDARDS ACT," WHICH WOULD AUTHORIZE COUNTIES TO ADOPT BOUNDED, OBJECTIVE NOISE AND OUTDOOR LIGHTING PERFORMANCE STANDARDS FOR CERTAIN HIGH-IMPACT FACILITIES, INCLUDING DATA CENTERS, IN THE UNINCORPORATED AREA OF THE COUNTY.**

**WHEREAS**, high-impact facilities generate continuous mechanical sound, heavy in low frequencies, that operates day and night in rural areas whose ambient sound levels are low, and existing law — built for episodic disturbances such as loud parties — offers residents no effective remedy against a permanent industrial hum that destroys sleep at levels below the criminal noise threshold; and

**WHEREAS**, the proposed "Covered Facility Noise and Lighting Performance Standards Act" would authorize objective numeric limits measured at the receiving property line by qualified professionals under national standards, together with shielded, downward-directed outdoor lighting requirements, and would bind the county with statutory floors below which no limit may be set, mandatory exemptions for grid emergencies for their full duration and for ordinary outages for a limited period with notice, an 18-month runway for existing facilities, and notice and a 45-day cure period before any penalty; and

**WHEREAS**, fixed numeric standards give facility engineers a design target and residents their nights back, and serve both sides better than open-ended nuisance litigation; and

**WHEREAS**, the Commissioners Court finds that enactment of the proposed bill is in the best interest of the residents of this County;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF HUNT COUNTY, TEXAS, THAT:**

1. The Commissioners Court supports and endorses the enactment of the proposed bill by the 90th Texas Legislature.

2. The Court respectfully requests the County's State Senator, the Honorable Angela Paxton, and the County's State Representative, the Honorable Brant Money, to author, sponsor, co-sponsor, and support the proposed bill, and to work toward its passage.

3. The Court directs that certified copies of this Resolution be transmitted to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the County's state legislative delegation, the standing committees of the Senate and House with primary jurisdiction over the bill, and the Texas Association of Counties.

4. This Resolution takes effect immediately upon its adoption.

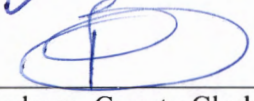
**PASSED, APPROVED, AND ADOPTED** by the Commissioners Court of Hunt County, Texas, at a duly posted meeting at which a quorum was present and voting, on this the 25th day of August, 2026.



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Bobby Stovall, County Judge

**ATTEST:**



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Becky Landrum, County Clerk

By: \_\_\_\_\_

H.B./S.B. No. \_\_\_\_\_

(90th Legislature, Regular Session)

**A BILL TO BE ENTITLED**

**AN ACT**

relating to the authority of a county to adopt noise and outdoor lighting performance standards for certain high-impact facilities, including data centers, in the unincorporated area of the county; providing civil penalties.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

**SECTION 1. FINDINGS AND PURPOSE.** (a) The legislature finds that:

- (1) data centers and other high-impact facilities generate continuous mechanical sound from cooling fans, chillers, air-cooled condensers, transformers, and periodic generator testing that differs in kind from the disturbances existing law addresses: it operates day and night, carries substantial low-frequency content, and intrudes on rural areas whose nighttime ambient sound levels are low;
- (2) existing law is built for episodic noise: the unreasonable-noise offense of Section 42.01(a)(5), Penal Code, and its presumption under Section 42.01(c)(2) that noise above 85 decibels is unreasonable after notice, address disturbances of a kind and level structurally unsuited to a permanent industrial source operating continuously at lower levels; the county nuisance provisions of Chapter 343, Health and Safety Code, do not reach sound from a lawful industrial use; and a county otherwise has no authority over noise or light from a lawful use;
- (3) the legislature legislates sound and light on a use-specific and place-specific basis, and has granted certain counties authority to regulate outdoor lighting near observatories and military installations under Subchapter B, Chapter 240, Local Government Code, including permit, shielding, and hours standards; this Act extends that model of targeted county performance standards to a use whose secondary effects warrant it;
- (4) objective numeric limits at the receiving property line, measured under nationally recognized standards by qualified professionals, with notice and an opportunity to cure, protect residents while giving facility engineers a fixed design target, and provide both sides greater certainty than nuisance litigation; and
- (5) statutory floors beneath the limits a county may set, and mandatory exemptions for emergency operations, ensure that the authority granted by this Act cannot be used to exclude facilities or to interfere with electric grid reliability.

(b) The purpose of this Act is to authorize counties to adopt bounded, objective noise and outdoor lighting performance standards for certain high-impact facilities in their unincorporated areas,

enforceable by civil penalty and abatement, and not to authorize any county to prohibit those facilities.

**SECTION 2.** Subtitle B, Title 7, Local Government Code, is amended by adding Chapter 249 to read as follows:

**CHAPTER 249. COUNTY NOISE AND LIGHTING PERFORMANCE**  
**STANDARDS FOR COVERED FACILITIES**  
**SUBCHAPTER A. GENERAL PROVISIONS**

**Sec. 249.001. DEFINITIONS.** In this chapter:

- (1) “Commissioners court” means the commissioners court of a county.
- (2) “Covered facility” means a facility described by Section 249.003.
- (3) “Data center” means a facility, or a group of facilities at a single location or on contiguous or nearby parcels under common ownership or control, used primarily to house computer systems, servers, and associated equipment for the processing, storage, management, or distribution of data, including a facility used primarily for cryptocurrency mining or other high-density computing.
- (4) “Daytime” means the period from 7 a.m. to 10 p.m.; “nighttime” means the remainder of the day.
- (5) “dBA” and “dBC” mean the sound pressure level in decibels measured using A-weighting or C-weighting, respectively, with an instrument that meets the applicable American National Standards Institute standard for sound level meters.
- (6) “Equivalent sound level” means the constant sound level that contains the same acoustic energy as the actual, fluctuating sound level over the measurement period.
- (7) “Qualified acoustic professional” means a licensed professional engineer practicing in acoustical engineering, a person certified in noise control engineering by a nationally recognized certification body, or a person with equivalent education and experience in acoustics.
- (8) “Receiving property” means property containing an occupied residence, a school, a regular place of religious worship, or a hospital or licensed health care facility, other than property owned or controlled by the owner or operator of the covered facility or property for which a waiver has been recorded under Section 249.056.
- (9) “Unincorporated area” means the area of a county that is outside the corporate boundaries of a municipality.

**Sec. 249.002. APPLICABILITY.** This chapter applies to each county and to covered facilities located wholly or partly in the unincorporated area of a county.

**Sec. 249.003. COVERED FACILITY.** (a) In this chapter, “covered facility” means a facility in the unincorporated area of a county that is:

- (1) a data center, without regard to its electrical or water demand; or
- (2) another commercial or industrial facility that requires 75 megawatts or more of electrical load at the point of interconnection, determined by aggregating the load of facilities that are part of a common development or that are located on contiguous parcels under common ownership or control, or that requires 1,000,000 gallons or more per day of consumptive water use.

(b) Subsection (a)(1) does not apply to a data center that, at full buildout:

- (1) requires less than [5] megawatts of electrical load at the point of interconnection, determined by aggregating the load of facilities that are part of a common development or that are located on contiguous parcels under common ownership or control; and
- (2) has a gross floor area of less than [25,000] square feet.

**Sec. 249.004. RELATIONSHIP TO OTHER LAW.** (a) This chapter authorizes performance standards only. This chapter does not authorize a county to prohibit a covered facility or to regulate the use of land, and an order adopted under this chapter is not a zoning regulation.

(b) This chapter does not authorize a county to regulate any matter within the jurisdiction of the Public Utility Commission of Texas, an independent organization certified under Section 39.151, Utilities Code, the Texas Commission on Environmental Quality, or a groundwater conservation district, including air emissions, or any matter preempted by federal law.

(c) The authority granted by this chapter is in addition to remedies and offenses provided by other law, including Section 42.01, Penal Code, and Chapter 343, Health and Safety Code.

(d) This chapter does not limit the authority of a county and a facility owner to provide sound and lighting limits, measurement protocols, and remedies by enforceable agreement.

#### **SUBCHAPTER B. AUTHORITY; STANDARDS**

**Sec. 249.051. AUTHORITY TO ADOPT ORDER.** The commissioners court of a county may, by order adopted at an open meeting held after a public hearing, adopt sound and outdoor lighting performance standards for covered facilities in the unincorporated area of the county. Notice of the hearing must be published in a newspaper of general circulation in the county and posted on the county's Internet website not later than the 15th day before the date of the hearing.

**Sec. 249.052. SOUND STANDARDS; FLOORS; EXEMPTIONS.** (a) An order under this chapter may establish maximum sound levels for a covered facility, stated as equivalent sound levels over a measurement period of not less than 15 minutes, measured at the property line of a receiving property, with separate daytime and nighttime limits.

(b) An order may not establish an A-weighted limit lower than 55 dBA for daytime or 45 dBA for nighttime.

(c) An order may address low-frequency sound by establishing a C-weighted limit, or a limit on the amount by which the C-weighted level exceeds the A-weighted level, except that a C-weighted nighttime limit may not be set lower than 65 dBC and a differential limit may not be more stringent than 20 decibels.

(d) A limit established under an order does not apply to the extent the ambient sound level, excluding sound attributable to the covered facility, exceeds the limit. The order must state the method for determining the ambient sound level, which must provide for the exclusion of sound attributable to the covered facility by measurement during a period in which the facility's principal sound sources are not operating, by directional or spectral exclusion, or by another method consistent with nationally recognized standards.

(e) An order must exempt:

(1) sound from operations during a declared electric grid emergency or a firm load shed event, and from equipment operated to protect life or property during the emergency or event, for the duration of the emergency or event;

(2) sound from operations of backup generation and associated equipment during another interruption of utility electric service to the covered facility, for not longer than the first [7] consecutive days of the interruption, if the owner or operator provides written notice of the interruption to the county not later than the second day on which backup equipment operates; after that period, the order may require reasonable interim mitigation measures for the remainder of the interruption, but may not prohibit the operation of equipment necessary to maintain the facility or to protect life or property;

(3) sound from the periodic testing of backup generation and life-safety equipment conducted during daytime in accordance with a schedule provided in advance to the county;

(4) sound from construction, repair, or maintenance activity conducted during daytime; and

(5) sound from warning, alarm, or other safety devices.

**Sec. 249.053. OUTDOOR LIGHTING STANDARDS.** (a) An order under this chapter may require, for a covered facility:

(1) that permanently installed exterior lighting fixtures be fully shielded or full-cutoff fixtures directed downward;

(2) limits on light trespass, stated as a maximum illuminance measured at the property line of a receiving property; and

(3) the reduction or extinguishing of exterior lighting not required for safety or security during stated nighttime hours.

(b) An order may not prohibit or restrict lighting required by federal or state law, including aviation obstruction lighting, or lighting reasonably required for safety or security.

**Sec. 249.054. ACOUSTIC IMPACT STUDY; EQUIPMENT REGISTRATION.** An order under this chapter may require the owner of a proposed covered facility, before commencing operation, to submit an acoustic impact study prepared by a qualified acoustic professional projecting compliance with the order at the property lines of receiving properties, and to register the principal exterior mechanical equipment of the facility. A fee under this section may not exceed the county's actual cost of review.

**Sec. 249.055. MEASUREMENT.** (a) Compliance with an order under this chapter is determined by measurements taken at the property line of the receiving property, by or under the supervision of a qualified acoustic professional, using methods stated in the order consistent with nationally recognized standards.

(b) This chapter does not authorize entry onto the property of the covered facility without the consent of the owner or authority under other law; measurements may be taken from the receiving property or from public property.

**Sec. 249.056. WAIVER BY OWNER OF RECEIVING PROPERTY.** The owner of property that would otherwise be a receiving property may execute and record in the real property records of the county a written waiver of the protections of an order under this chapter as to a specified covered facility. A recorded waiver runs with the land and may be limited by its terms.

**Sec. 249.057. APPLICATION TO EXISTING FACILITIES.** An order under this chapter applies to a covered facility that is in operation, or for which construction has commenced, on the effective date of the order only on and after the 18th month after that date, and the order may establish adjusted limits for such a facility.

### **SUBCHAPTER C. ENFORCEMENT**

**Sec. 249.101. NOTICE AND OPPORTUNITY TO CURE.** (a) Before bringing an action under this subchapter, the county must provide the owner or operator of the covered facility written notice of a measured exceedance, accompanied by the measurement report, and an opportunity of not less than 45 days to cure the exceedance or to submit a mitigation plan and schedule approved by the commissioners court.

(b) A cure period is not required for an exceedance of the same limit occurring within 12 months after the cure of a previous exceedance.

**Sec. 249.102. CIVIL PENALTY.** (a) A person that violates an order under this chapter after the expiration of the applicable period under Section 249.101 is liable to the county for a civil penalty of not less than \$1,000 or more than \$10,000 for each day the violation continues. Each day a violation continues is a separate violation.

(b) In determining the amount of the penalty, the court shall consider the seriousness of the violation, the person's culpability and history of previous violations, the person's good-faith efforts to comply, and the economic benefit of noncompliance.

(c) The county attorney or district attorney with jurisdiction in the county, or the attorney general at the request of the commissioners court, may bring an action under this section on behalf of the county. Venue is in a district court of the county.

(d) A penalty recovered under this section shall be deposited to the credit of the general fund of the county.

**Sec. 249.103. ABATEMENT; INJUNCTIVE RELIEF.** A district court of the county may order specific abatement measures and compliance with an order under this chapter. The county is not required to give bond as a condition of relief under this section.

**Sec. 249.104. REMEDIES CUMULATIVE.** The remedies provided by this subchapter are cumulative of other remedies provided by law.

**SECTION 3.** This Act does not affect Chapter 245, Local Government Code.

**SECTION 4.** If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

**SECTION 5.** This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.