



Presentation for the Regulatory & Neighborhood Affairs Committee:

Proposed Revisions to Chapter 30, Noise and Sound Level Regulation

April 12, 2022



Background: Current Ordinance Requirements

- Chapter 30 of the Municipal Code governs Noise and Sound Regulation in the City of Houston.

- Residential Property Decibel Maximums
 - 65 dB(A) during daytime hours (8:00 a.m. – 10:00 p.m.)
 - 58 dB(A) during nighttime hours (10:01 p.m. – 7:59 a.m.)

- Nonresidential Property Decibel Maximums
 - 68 dB(A) at all times

- The City issues permits for the use of sound amplification equipment amplifying sound to 75 dB(A) during specific periods depending on the type of permit obtained.

- Permits are issued by the Administration & Regulatory Affairs Department.

- Enforcement is performed by the Houston Police Department.



Background:

Current Permits for Sound Amplification Equipment

- Three types of sound amplification permits in current ordinance allow permittee to amplify sound at a 75 dB(A) for specifically authorized dates and times:
 - Daily Permits**
 - Valid for a specific authorized date and time between 8 a.m. and 10 p.m.; permit fee is \$36.61
 - Extended Daily Permits**
 - Valid for multiple authorized dates and times between 8 a.m. and 10 p.m. (not to exceed five consecutive days); permit fee is \$73.23 (+ Admin Fee: \$30.51)
 - Annual Permits**
 - Valid **throughout the year** for the 14-hour period between 8 a.m. and 10 p.m. Sunday to Thursday; and the 15-hour period between the hours of 8 a.m. and 11 p.m. Friday and Saturday; permit fee is \$1,220.72 (+Admin Fee: \$30.51)



Sound Permits Issued Annually

Sound Permits Issued

FY2021 (Lower numbers due to COVID-19 and the “Stay Home, Work Safe” initiative)

- Daily – 435
- Extended Daily – 41
- Annual – 50

FY2020 (Lower numbers due to COVID-19 and the “Stay Home, Work Safe” initiative)

- Daily – 678
- Extended Daily – 63
- Annual – 40

FY2019

- Daily – 1,132
- Extended Daily – 122
- Annual – 47



Stakeholder Engagement

The proposed revisions to Chapter 30 were developed with feedback received from stakeholder groups comprised of both residential and commercial stakeholders as noted below:

Bars/Nightclubs

- June 22, 2021
- July 22, 2021
- September 8, 2021

Texas Restaurant Association

- July 8, 2021
- September 1, 2021

Residential Stakeholders

- June 22, 2021
- October 13, 2021
- November 15, 2021
- November 18, 2021
- November 30, 2021



Proposed Revisions to the Noise and Sound Regulation Ordinance

New proposed definitions:

- Commercial Establishment*** means any business entity that offers for sale or allows its patrons the ability to consume food or beverages, or any combination thereof, on its premises

- Residential property*** means any permanent building or structure containing habitable rooms for nontransient occupancy that is designed and used primarily for living, sleeping, cooking and eating and intended to be used as occupancy as a dwelling place for residential purposes, whether or not attached, including homes, town homes, patio homes, duplexes, triplexes, quadraplexes, nursing homes, boarding homes, condominiums and apartments. Hotels and motels shall not be considered residential property.



Proposed Revisions to the Noise and Sound Regulation Ordinance

New proposed definitions (continued):

- ❑ ***Outdoor area*** means any portion of a commercial establishment that is not fully enclosed by permanent, solid walls and a roof, including but not limited to patios, terraces courtyards, verandas, plazas, and other similar portions of a commercial establishment where sound amplification equipment will be utilized for enjoyment of its patrons. *Outdoor area* shall also include fixed, non-portable structures used in conjunction with sound amplification equipment, including but not limited to stages, decks, risers, and lighting support structures.



Proposed Revisions to the Noise and Sound Regulation Ordinance

- Create a Commercial Establishment Permit
 - Allows establishment to play amplified sound to 75 d(B)A. Valid time periods:
 - Sunday to Thursday, 8:00 a.m. – 10:00 p.m.,
 - Friday and Saturday 8:00 a.m. – 11:00 p.m.
 - Allows a commercial establishment to play amplified sound outdoors to the decibel reading cited in 30-5 as measured from the receiving property. (68 d(B)A for commercial and 58 d(B)A for residential). Valid for time periods:
 - Sunday to Thursday, 10:00 p.m. – 2:00 a.m.
 - Friday and Saturday, 11:00 p.m. – 2:00 a.m.



Proposed Revisions to the Noise and Sound Regulation Ordinance

- Additional Commercial Establishment Permit Requirements:
 - Required for commercial establishment within 300 feet of a residence if playing outdoor amplified sound or sound that can be appreciated outside during 10:00 p.m. – 2:00 a.m. Sunday – Thursday and 11:00 p.m. – 2:00 a.m. Thursday – Saturday
 - Commercial establishments are not allowed to play any outdoor amplified sound between 2:00 a.m. – 8:00 a.m.
 - Requires payment of permit fee. (The fee is being developed and will be informed by the current fees)



Proposed Revisions to the Noise and Sound Regulation Ordinance

- Increase the maximum fine from \$1,000 to \$2,000
- Revise the requirement that a permit is issued to an establishment rather than an individual
- Housekeeping (non-substantive only)
- Codify regulations related to issuance of a permit for a protest at a residential location
- Revise the Administrative Hearing Process for sound permit suspension or revocation (details on Slides 12 - 14)



Suspension or Revocation of Sound Permits

- A Sound Permit can be suspended or revoked if:
 - Permittee fails to comply with any applicable provisions of Chapter 30; or
 - Permittee or any agent/employee receives 2 or more convictions for violations of Chapter 30 within a 36-month period for violations of any provisions of this chapter



Proposed Revisions to the Administrative Hearing Process

- Administrative Hearing Process:
 - All parties have the right to representation by a licensed attorney, but an attorney is not required
 - Each party may present witnesses on its behalf
 - Each party has the right to cross-examine all witnesses and rebut evidence
 - Only evidence presented during the hearing may be considered in the final decision
 - Written complaints received by the director from surrounding property owners may be taken into consideration in the final decision, but **complaints shall not be the sole basis for suspension/revocation of a permit**



Proposed Revisions to the Administrative Hearing Process

- Administrative Hearing Process (Continued):
 - Not later than the 10th day before a suspension/revocation hearing an annual or commercial establishment permittee may submit a **sound impact plan** addressing specific concerns of noncompliance providing at a minimum:
 - Site diagram, including location of any outdoor area where amplified sound is emitted, and location of sound amplification equipment
 - Technical specification of sound amplification equipment used in the outdoor area
 - Description of any sound barrier or sound mitigation device proposed to be installed in or around the outdoor area



Proposed Revisions to the Administrative Hearing Process

- Administrative Hearing Process (Continued)
 - Sound Impact Plan Requirements (Continued)
 - Method of monitoring sound amplification equipment
 - Detailed plan and time schedule to perform all necessary work to implement the plan
 - If the hearing officer determines the plan may cure noncompliance with Chapter 30, the permittee will have 90 days to implement the plan



Implementation for the Proposed Revisions of the Noise and Sound Regulation Ordinance

- Effective 120 days after City Council approves the ordinance revisions

- ARA will meet with commercial establishments to answer questions and provide information during the 120 days prior to the effective date



Noise and Sound Regulation Ordinance

- ❑ Avenues to file Noise/Sound Complaints
 - ❑ **Phone:** 713-884-3131 (*non-emergency line*)
 - ❑ **Online:** https://www.houstontx.gov/police/alert_slip/
 - ❑ **In-Person:** Attend a community meeting hosted by your local police station. (*map and listing can be found at https://www.houstontx.gov/police/pdfs/hpd_beat_map.pdf calling station to obtain schedule will be required*)
 - ❑ **Mail:** via postal service to Office of Chief of Police, 1200 Travis Street - 16th floor, Houston Texas, 77002



Questions?