



# Presentation for the Quality of Life Committee:

## Chapter 30, Noise and Sound Level Regulation

May 6, 2024

ARA, HPD, HPW, LGL



# Background: Current Ordinance Requirements

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- Applicable law: Chapter 30, Code of Ordinances.
- Residential Property Decibel Maximums
  - 65 dB(A) during daytime hours (8 a.m. – 10 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.



# Types of Permits Available for Sound Amplification

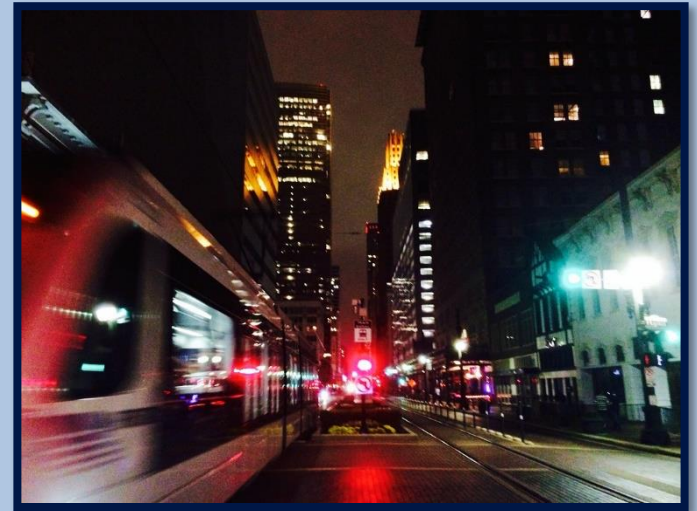
- **Four** types of sound amplification permits allow permittees to amplify sound at a 75 dB(A) for specifically authorized dates and times:
  - **Daily Permits**
    - Valid for a specific authorized date and time between 8 a.m. and 10 p.m.; permit fee is \$38.59
  - **Extended Daily Permits**
    - Valid for multiple authorized dates and times between 8 a.m. and 10 p.m. (not to exceed five consecutive days); permit fee is \$77.19 (+ Admin Fee: \$32.16)
  - **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 \$1,286.60 (+Admin Fee: \$32.16)
  - **Commercial Establishment Permits (for establishments that play outdoor amplified sound within 300 feet of a residence)**
    - 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 \$1,286.60 (+Admin Fee: \$32.16)



# Sound Permits Issued Annually

## Sound Permits Issued:

- **FY2023**
  - Daily - 726
  - Extended Daily – 58
  - Annual – 23
  - Commercial Establishment - 59
  
- **FY2022**
  - Daily – 684
  - Extended Daily – 67
  - Annual - 66
  
- **FY2021** (Lower numbers due to COVID-19 and the “Stay Home, Work Safe” initiative)
  - Daily – 435
  - Extended Daily – 41
  - Annual – 50





# Revisions to the Noise and Sound Regulation Ordinance Implemented in September 2022

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- Created Definitions for:
  - [Commercial Establishment](#)
  - [Residential property](#)
  - [Outdoor Area](#)
- Created the Commercial Establishment Permit
- Increased the maximum fine from \$1,000 to \$2,000
- Required that a permit be issued to an establishment rather than an individual
- Revised the [Administrative Hearing Process](#) for sound permit suspension or revocation



# Revisions to the Noise and Sound Regulation Ordinance Implemented in September 2022

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## Commercial Establishment Permit:

- Allows establishment to play amplified sound to 75 dB(A). Valid time periods:
  - Sunday to Thursday, 8 a.m. – 10 p.m.
  - Friday and Saturday, 8 a.m. – 11 p.m.
  
- Allows a commercial establishment to play amplified sound to the decibel reading cited in **Houston, Texas - Code of Ordinances Chapter 30-5** as measured from the receiving property (68 dB(A) for commercial and 58 dB(A) for residential). Valid for time periods:
  - Sunday to Thursday, 10 p.m. – 2 a.m.
  - Friday and Saturday, 11 p.m. – 2 a.m.



# Revisions to the Noise and Sound Regulation Ordinance Implemented in September 2022

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## Additional Commercial Establishment Permit Requirements:

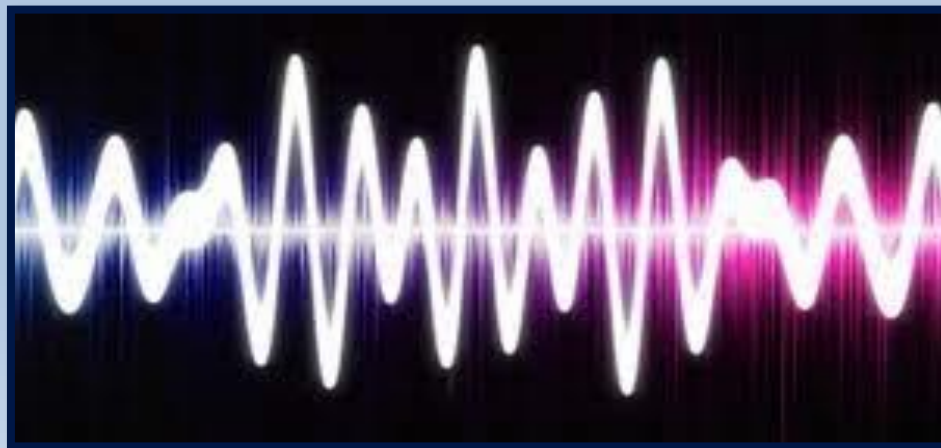
- Required for commercial establishment within 300 feet of a residence if playing outdoor amplified sound or sound that can be appreciated outside during the following time periods:
  - 10 p.m. – 2 a.m. Sunday – Thursday
  - 11 p.m. – 2 a.m. Thursday – Saturday
- Commercial establishments are not allowed to play any outdoor amplified sound between 2 a.m. – 8 a.m.
- Requires payment of permit fee of \$1,286.60 (+admin fee of \$32.15)



# Suspension or Revocation of Sound Permits

**Currently, 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 two or more convictions for violations of Chapter 30 within a 36-month period for violations of any provisions of this chapter.







# February 22, 2024 Council Member Requests to Administration

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- On February 22, 2024, Councilmembers Alcorn, Kamin, Evans-Shabazz and Castillo requested the Administration explore four additional items to bolster the changes to Chapter 30.
  - ✓ Add an enforcement mechanism when the sound mitigation plan implementation is insufficient.
  - ✗ Consider amendments to Building Code to add soundproofing requirements for new bars and nightclubs built within 300 feet of residences.
  - ✗ Explore enforcement of the noise ordinance by Harris County Constables (similar to parking and traffic).
  - ✓ Reinforce HPD General Order 300-14 – sections 1 “Duty to Respond and 15 “Police-Related Extra Employment at Alcoholic – Beverage Establishments.



# Add Enforcement Mechanism when the Sound Impact Plan Implementation is Ineffective

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- ✓ **Add an enforcement mechanism when the sound impact plan is in ineffective.**
  - Proposed Chapter 30 ordinance amendment:
    - If the permittee or agent receives six or more citations within a 12 - month period for violations of any provision of Chapter 30, the permit may be suspended or revoked.



# Consider Building Code Changes for Soundproofing for New Bars/Nightclubs being built within 300 feet of Residences

## **X Consider Building Code changes for soundproofing requirements for new Bars/Nightclubs being built with 300 feet of an existing residence.**

- Costs associated with sound proofing commercial structures will be dependent on a number of variables such as size of the structure, ceiling height, materials uses, etc. However, based on the sample analysis, a rough estimate for **sound proofing materials** cost will be around \$2,200 for every 500 sq ft. **This does not include installation costs.**
- Any changes to Building Code would be prospective so existing issues would not be addressed.
- Requires substantial stakeholder feedback. Due to costs and added burden associated with soundproofing, expect strong opposition from stakeholders and professional organizations like Construction Industry Council (CIC), Building Owners and Managers Association (BOMA) and Neighborhood Beer Gardens and Bar Association.
- Due to expense and extensive stakeholder engagement that will be required, this is not an amendment that can be made or considered in the short-term. The Administration cannot support at this time.



# Explore Enforcement of the Sound Ordinance by Harris County Constables/Reinforce HPD General Order 300-14 – section 1 and 15

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## **X** Explore enforcement of the noise ordinance by Harris County Constables

- Harris County Constables **cannot enforce** the City’s sound ordinance based on the enabling statute for the constables' responsibilities.
- ✓ Reinforce HPD General Order 300-14 – sections 1 “duty to Respond” and 15 “Police-Related Extra Employment at Alcoholic – Beverage Establishments”
  - HPD will continue to conduct training on the General Order 300-14, sections 1 and 15,
  - HPD to send reminders to all officers,
  - HPD to work with counterparts at the Constable’s Offices and Sheriff’s Office for a coordinated effort with all the different agencies that provide **off-duty** services.



# Noise and Sound Regulation Ordinance

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## Avenues to file Noise/Sound Complaints:

- **Phone:** 713-884-3131 (*HPD non-emergency line*)
- **Online:** [https://www.houstontx.gov/police/alert\\_slip/](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](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 - 16<sup>th</sup> floor, Houston Texas, 77002



Questions?





# Appendix



# Revisions to the Noise and Sound Regulation Ordinance Implemented in September 2022

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## The 2022 Amendments Created the Following 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.





# Revisions to the Noise and Sound Regulation Ordinance Implemented in September 2022

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## 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.



# Revisions made to the Administrative Hearing Process Implemented in September 2022

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## 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**



# Revisions made to the Administrative Hearing Process Implemented in September 2022

## Administrative Hearing Process (Continued):

- Not later than the 10<sup>th</sup> 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 in the outdoor area
  - Description of any sound barrier or sound mitigation device proposed to be installed in or around the outdoor area
  - 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