CITY OF HOUSTON

Commercial Permitting & Enforcement Section
Administration & Regulatory Affairs Department

SOUND AMPLIFYING EQUIPMENT APPLICATION
ANNUAL PERMIT - $1,070.50
Requires a $26.75 Administrative Fee

DATE OF APPLICATION: _____

DATE AND TIME OF PERMIT: _____

ADDRESS AND DESCRIPTION OF LOCATION WHERE SOUND EQUIPMENT WILL BE USED:

RESIDENTIAL PROPERTY ☐ NON-RESIDENTIAL PROPERTY ☐

(ADDRESS or ROUTE) _____

NAME OF APPLICANT: _____

APPLICANT E-MAIL ADDRESS: _____

ADDRESS OF APPLICANT: _____

TELEPHONE OF APPLICANT: _____ TDL: _____

NAME AND ADDRESS OF PERSON RESPONSIBLE FOR SOUND AMPLIFICATION EQUIPMENT:

_____

TELEPHONE NO. OF PERSON RESPONSIBLE FOR EQUIPMENT: _____

PURPOSE FOR USE OF SOUND EQUIPMENT: _____

_____

DESCRIPTION OF TYPE OF SOUND AMPLIFYING EQUIPMENT: _____

_____

_____

AFFIDAVIT ON PERMIT FEE _____

THE FOLLOWING ARE EXCERPTS FROM SECTION 30 OF THE CODE OF ORDINANCES OF WHICH YOU SHOULD BE AWARE:

"NO EQUIPMENT PERMITTED BY THE CITY OF HOUSTON SHALL BE OPERATED BETWEEN THE HOURS OF 10:00 P.M. AND 8:00 A.M."

"NO PERMIT ISSUED BY THE CITY OF HOUSTON PURSUANT TO SECTION 30-8 OF THE CITY OF HOUSTON CODE OF ORDINANCE SHALL AUTHORIZE, ALLOW OR PERMIT THE CREATION OF ANY SOUND WHICH EXCEED 75dB WHEN MEASURED FROM THE NEAREST RECEIVING PROPERTY."

Copies to: Applicant, ARA, HPD

POST OFFICE BOX 1561 • HOUSTON, TEXAS 77251-1561 TEL: 832-394-8803
HOUSTON PERMITTING CENTER • 1002 WASHINGTON AVENUE, 1ST FLOOR FAX: 832-395-9631

ONLINE: www.houstonpermittingcenter.org or www.houstontx.gov/ara

CITY OF HOUSTON

Commercial Permitting & Enforcement Section
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Noise and Sound Level Regulation Ordinance
September 2011 Amendment Revisions

Sec. 30-1. Definitions

Annual permit means a current and valid permit authorizing the use of sound amplification equipment at a specific location or upon a specific route for a one-year period from the date of permit issuance.

Daily permit means a current and valid permit authorizing the use of sound amplification equipment at a specific location or upon a specific route on a designated day.

Daytime hours means the hours between 8 a.m. on one day and 10 p.m. the same day.

Extended daily permit means a current and valid permit authorizing the use of sound amplification equipment at a specific location or upon a specific route at designated times for a period not to exceed five consecutive days.

Permit means an annual permit, daily permit, or extended-daily permit.

Permittee means any person, partnership, corporation, firm, joint venture, limited liability company, association, organization or any other entity holding a permit issued pursuant to this chapter.

Plainly audible when describing a sound or noise means any amplified sound or noise that can be clearly heard by a person with normal hearing faculties such that a reasonable person would believe such sound or noise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this chapter. The term does not require the clear appreciation of specific words of speech or specific words of a song.

Sec. 30-2. General prohibitions

(a) It is unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any loud, unnecessary, or unusual sound or noise that disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In determining whether a sound or noise is loud, unnecessary, or unusual, the following factors shall be considered:

(1) The time of day;

(2) The proximity of the source of the sound or noise to residential structures;

(3) Whether the sound or noise is recurrent, intermittent, or constant;

(4) The volume and intensity of the sound or noise;

(5) Whether the sound or noise has been enhanced in volume or range by any type of electronic or mechanical means; and

(6) Whether the sound or noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

(b) The acts enumerated in the following sections of this chapter, among others, are declared to be sound nuisances in violation of this chapter, but such enumeration shall not be deemed to be exclusive.

Sec. 30-4. Noisy vehicles generally.

It is unlawful to operate or cause to be operated any motor vehicle so out of repair or so loaded that it creates any loud and unreasonable grating, grinding, rattling, or squeaking sound regardless of whether the sound so created by the motor vehicle is within the permissible levels specified in section 30-5 of this Code.

Sec. 30-5. Maximum permissible sound levels.

(a) In addition to the violations established by the preceding sections of this chapter, it is unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound at any location beyond the property lines of the property on which the sound is being generated that when measured as provided in section 30-6 of this Code exceeds the applicable dB(A) level listed below for the property on which the sound is received:

(1) *Residential property:*

a. 65 dB(A) during daytime hours.

b. 58 dB(A) during nighttime hours.

(2) *Nonresidential property:* 68 dB(A) at all times.

Any sound that exceeds the dB(A) levels set forth in this section under the conditions and measurement criteria set forth in this chapter is a violation of this chapter. Evidence that an activity or sound source produces a sound that exceeds the dB(A) levels specified in this section shall be prima facie evidence of a sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this chapter.

(b) Regardless of the measurable dB(A) level established in this chapter and measured in a manner provided in section 30-6, the creation of any sound causing persons occupying or using any property other than the property upon which the sound is being generated to be aware of vibrations or resonance caused by the sound shall be prima facie evidence of a sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this chapter.

Sec. 30-7. Amplified sound in vehicles.

(a) It is unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, cassette tape player, microphone, computer or other sound source in a vehicle that, when operated disturbs the peace, quiet, and comfort of the neighboring inhabitants, or is plainly audible at a distance of 50 feet from the vehicle from which the sound is emanating.

(b) It is an affirmative defense to prosecution under this section that the sound source is a vehicle or trailer that is:

(1) A mobile sound stage or studio used on a stationary basis at a location not situated upon any street for the purpose of providing sound during daytime hours for an event; and

(2) In compliance with all other provisions of this chapter, including but not limited to sections 30-8 and 30-9 of this Code, if applicable.

Sec. 30-8. Permit for sound amplification equipment.

(a) It is unlawful for a person to use or cause to be used any loudspeaker, loudspeaker system, sound amplifier, or any other machine or device that produces, reproduces, or amplifies sound outside of a building or enclosed structure or causes sounds produced, reproduced, or amplified within a building or enclosed structure to exceed the levels specified in section 30-5, when measured from the property line of the property where the sound is being received, without first obtaining a permit to do so.

(b) In no event shall the issuance of a permit authorize, allow, or otherwise permit the production, reproduction, or amplification of sound that exceeds 75 dB(A) when measured from the property line of the nearest receiving property. Permits shall be granted only for the amplification of music or human speech, or both; provided however, no permit shall be issued to an applicant who has:

(1) Had a permit revoked within the twelve-month period prior to the date of application; or

(2) Received two or more convictions or entered two or more pleas of guilty or nolo contendere, or any combination thereof, in return for a grant of deferred disposition for violations of this chapter within the thirty-six month period prior to the date of application.

(c) Each applicant desiring to obtain a permit shall apply on a form provided by the director and shall submit the following information:

(1) The date of the application and the date and hours for which the permit is requested, including the permit classification being requested;

(2) The name and address of the applicant;

(3) The name and address of the person who will have charge of the sound amplification equipment;

(4) The purpose for which the sound equipment will be used;

(5) The physical address and a description of the location or proposed route where the sound amplification equipment will be used;

(6) A description of the type of sound amplifying equipment to be used; and

(7) Any other information reasonably requested by the director for administration of this chapter.

Sec. 30-9. Permit issuance; classification and terms.

(a) All permits issued pursuant to this chapter shall be issued according to the following permit classifications:

(1) Daily permits:

a. Valid for an authorized date and time between the hours of 8 a.m. and 10 p.m. as expressed on the face of the permit; and

b. Requires payment of $30.96 for the administrative costs of issuing the permit.

(2) Extended daily permits:

a. Valid for the authorized dates and times between the hours of 8 a.m. and 10 p.m. as expressed on the face of the permit; and

b. Requires payment of $61.93 for the administrative costs of issuing the permit.

(3) Annual permits:

a. Valid for the 14-hour period between the hours of 8 a.m. and 10 p.m. Sunday through Thursday; and the 15-hour period between the hours of 8 a.m. and 11 p.m. Friday and Saturday; and

b. Requires payment of $1,032.30 for the administrative costs of issuing the annual permit.

(b) If at the time of submitting the permit application an applicant is unable to pay the full amount of the applicable permit application fee pursuant to subsection (a), the fee shall be reduced to that amount the applicant is able to pay, provided the applicant submits a sworn affidavit, on a form provided by the city attorney, containing the following information:

(1) A statement that the applicant is unable to pay the full amount of the fee for the permit; and

(2) A statement of the exact amount the applicant is able to pay for the permit fee at the time the application is delivered to the director.

Sec. 30-10. Permit application review—approval; denial and appeal.

(a) Following review of the application, the director shall provide the applicant with written notification of the approval or denial of the requested permit.

(b) In addition to the provisions of subsection (b) of section 30-8 of this Code, the submission of any false information or a materially incomplete application, including but not limited to an applicant's failure to provide any information reasonably requested by the director, shall be grounds for denial of the requested permit. In the event of denial, the applicant shall be given written notice of the basis for such action. An applicant may file an appeal of the denial of a requested permit by filing such appeal in writing with the director not later than 15 days following the date of the director's decision.

(c) If the reason for the denial of a requested permit is curable, the director shall allow the applicant, upon a written request, to submit an amended application to cure the defect in lieu of filing an appeal. If the requested permit is again denied, the applicant shall still be entitled to file an appeal not later than 15 days following the date the director's decision regarding the amended application. Notice of any denial shall comply with section 1-9 of this Code and applicable state laws.

(d) An informal hearing shall be conducted by an impartial hearing officer appointed by the director who shall render a decision within 30 days from the date of the filing of the appeal. At the hearing, the burden shall be upon the applicant to demonstrate that he has satisfied all requisites of this chapter, including all rules and regulations promulgated by the director regarding sound amplification equipment permits, and is therefore in good standing to receive the requested permit.

(e) The director shall promulgate regulations and procedures for any required hearings which shall be consistent with section 1-9 of this Code and applicable state laws.

Sec. 30-11. Permit suspension; revocation.

(a) A permit may be suspended or revoked if, following notice and a hearing conducted by the impartial hearing officer, it is determined:

(1) The permit was issued in error;

(2) The applicant provided materially false or incomplete information on the permit application;

(3) The permittee failed to comply with all applicable provisions of this chapter; or

(4) The permittee or any agent or employee of the permittee responsible for the oversight or operation of the sound amplification equipment received two or more convictions or entered two or more pleas of guilty or nolo contendere, or any combination thereof, in return for a grant of deferred disposition within a thirty-six month period for violations of any provision of this chapter.

(b) The hearing officer may take into consideration in his decision any written complaints received by the director from surrounding property owners concerning a permittee's use of sound amplification equipment in violation of any provision of this chapter; provided however, such complaints shall not be the sole basis for the suspension or revocation of a permit.

Sec. 30-12. Waiting period before becoming eligible to reapply for a sound amplification permit.

A permittee whose sound amplification permit has been revoked pursuant to items (1), (2), or (3) of subsection (a) of section 30-11 of this Code shall be required to wait a period of one year from the date the revocation became final before becoming eligible to reapply for a sound amplification permit.

Sec. 30-13. Permit not transferable.

A permit is personal to the permittee to whom it is issued and may not be transferred or otherwise assigned. A permit shall constitute a privilege to which no property interests or property rights of any kind or character shall apply.

Sec. 30-14. Display of permit.

A permittee shall at all times have in his possession and conspicuously display the permit authorizing the use of sound amplification equipment upon a designated route or at a physical address in such a manner that the permit is easily visible by law enforcement officers and members of the public. Any failure to display a permit shall create the presumption that no permit for the use of sound amplification equipment has been issued.

Sec. 30-15. Change of information.

It shall be the duty of each permittee to submit to the director any change in information required to be submitted pursuant to this article. Any change in information shall be submitted on the form prescribed by the director within ten calendar days of any change.

Sec. 30-17. Penalty.

Any person who violates any provision of this chapter is guilty of an offense and, upon conviction thereof, shall be punished by a fine not to exceed $1,000.00. Each hour or portion thereof in which any violation shall occur shall constitute a separate offense.

Sec. 30-18. Regulations.

The director is authorized to adopt any regulations to implement this article. A copy of the regulations shall be maintained in the director's office for inspection by the public, and copies shall be made available for purchase at the fees prescribed by law.