



CITY OF HOUSTON

Commercial Permitting & Enforcement Section
Administration & Regulatory Affairs Department

SOUND AMPLIFICATION EQUIPMENT APPLICATION COMMERCIAL ESTABLISHMENT PERMIT

(Valid for one-year from date of issuance)

Permit Fee and Administrative Fee

DATE OF APPLICATION: _____

NAME OF COMMERCIAL ESTABLISHMENT: _____

ADDRESS OR LEGAL DESCRIPTION OF COMMERCIAL ESTABLISHMENT:

TELEPHONE NUMBER: _____

COMMERCIAL ESTABLISHMENT OWNER INFORMATION (**REQUIRED**):

(If owner is a business entity, please provide point of contact below.)

NAME: _____ E-MAIL ADDRESS: _____

STREET ADDRESS: _____

MAILING ADDRESS (If Different): _____

COMMERCIAL ESTABLISHMENT OPERATOR INFORMATION (**REQUIRED**):

NAME: _____ E-MAIL ADDRESS: _____

STREET ADDRESS: _____

MAILING ADDRESS (If Different): _____

TEXAS DRIVER'S LICENSE NUMBER: _____

IS THE COMMERCIAL ESTABLISHMENT CURRENTLY IN OPERATION? YES NO

IF YES; DATE OWNER ACQUIRED ESTABLISHMENT: _____

DATE ESTABLISHMENT BEGAN OPERATIONS: _____

IF NO; EXPECTED STARTUP DATE: _____

REASON FOR USE OF SOUND EQUIPMENT: _____

DESCRIPTION OF TYPE OF SOUND AMPLIFYING EQUIPMENT: _____

NUMBER OF SPEAKERS: _____

DIRECTION SPEAKER(S) ARE POINTED: _____

DOES THE COMMERCIAL ESTABLISHMENT HAVE ANY SOUND MITIGATING EQUIPMENT/DEVICES (list here): _____

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DECLARATION OF APPLICANT:

UPON SIGNING AND SUBMITTING A PERMIT APPLICATION, THE APPLICANT (I.E. COMMERCIAL ESTABLISHMENT) ACKNOWLEDGES, UNDERSTANDS, AND ACCEPTS THAT: 1) THE COMMERCIAL ESTABLISHMENT PERMIT IS ISSUED TO THE BUSINESS ENTITY AT THE LOCATION IDENTIFIED IN THE APPLICATION; AND 2) THE COMMERCIAL ESTABLISHMENT, AS THE PERMITTEE, IS RESPONSIBLE FOR SUPERVISING THE CONDUCT OF ANY PERSON, INCLUDING BUT NOT LIMITED TO THE OPERATOR, AN EMPLOYEE OR INDEPENDENT CONTRACTOR, USING OR CAUSING TO BE USED SOUND AMPLIFICATION EQUIPMENT AT THE COMMERCIAL ESTABLISHMENT, TO ENSURE COMPLIANCE WITH ALL APPLICABLE PROVISIONS OF THE CHAPTER 30 OF THE HOUSTON, TEXAS, CODE OF ORDINANCES.

APPLICANT SIGNATURE: _____

DATE: _____

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

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THE FOLLOWING ARE EXCERPTS FROM CHAPTER 30 OF THE HOUSTON CODE OF ORDINANCES. EACH APPLICANT AND OPERATOR ARE RESPONSIBLE FOR REVIEWING AND FOLLOWING REGULATIONS.

FOR FULL CODE OF ORDINANCES PLEASE VISIT:

https://library.municode.com/tx/houston/codes/code_of_ordinances?nodeld=COOR_CH30NOSOLERE

Chapter 30

NOISE AND SOUND LEVEL REGULATION

Sec. 30-1. 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.

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 the 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.

Sound amplification equipment means loudspeaker, loudspeaker system, sound amplifier, or any other machine or device that produces, reproduces, or amplifies sound.

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

- (a) It is unlawful for a person to use or cause to be used any sound amplification equipment outside of a building or enclosed structure or that causes sounds produced, reproduced, or amplified within a building or enclosed structure to exceed the levels specified in section 30-5 of this Code, when measured as provided in section 30-5 of this, without first obtaining a permit to do so.
- (b) Notwithstanding the provisions of subsection (a) of this section, it shall be unlawful for any commercial establishment located within 300 feet of a residential property, when measured in a direct line from the property line of the commercial establishment to the property line of the residential property, to use or cause to be used any sound amplification equipment at any outdoor area on the commercial establishment's premises or use or cause sound produced, reproduced or amplified by sound amplification equipment within the commercial establishment to be heard or appreciated beyond the property lines of the commercial establishment after 10 p.m. Sunday through Thursday, and after 11 p.m. Friday and Saturday, without first obtaining a commercial establishment permit to do so.
- (c) 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 36 month period prior to the date of application.
- (e) Each commercial establishment required to obtain a permit shall apply on a form provided by the director and shall submit the following information:
 - (1) a. The name, street address (and mailing address if different), and email address of the commercial establishment owner;
 - b. The name, street address (and mailing address if different), email address, and the Texas driver's license number of the commercial establishment operator;

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- (2) The name of the commercial establishment, telephone number, and address or legal description of the tract of land on which the commercial establishment is located;
- (3) If the commercial establishment is in operation, the date on which the owner acquired the commercial establishment for which the permit is sought, and the date on which the commercial establishment began operations as a commercial establishment at the location for which the permit is sought; and
- (4) If the commercial establishment is not in operation, the expected startup date;
- (5) The purpose for which the sound 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) It shall be unlawful for any person operating sound amplification equipment under a permit issued pursuant to this section to make, assist in making, permit, continue, cause to be made or continued, or permit the continuation of any sound that when measured from the property line of the residential or nonresidential property receiving the sound towards the source of the sound, exceeds the maximum permissible sound level stated for the permit in this section. All permits issued pursuant to this chapter shall be issued according to the following permit classifications:

- (4) Commercial establishments:

- (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, for the production, reproduction or amplification of sound not to exceed 75 dB(A);
- (b) Valid for the 4-hour period between the hours of 10 p.m. and 2 a.m. the following calendar day, Sunday through Thursday; and the 3- hour period between the hours of 11 p.m. and 2 a.m. the following calendar day, Friday and Saturday, for the production, reproduction or amplification of sound not to exceed the permissible decibel levels stated in section 30-5 of this Code. A commercial establishment required to obtain a commercial establishment permit shall not use or cause to be used any sound amplification equipment at any outdoor area or use or cause sound produced, reproduced or amplified by sound amplification equipment within the commercial establishment to be heard or appreciated beyond the property lines of the commercial establishment between the hours of 2 a.m. and 8 a.m. on any day; and
- (c) Requires payment of the fee stated for this provision in the city fee schedule for the administrative costs of issuing the commercial establishment permit.

Sec. 30-11. Permit suspension; revocation.

- (a) Whenever the director finds that there are grounds for the suspension or revocation of a permit, the director shall give written notice to the permittee by certified mail, return receipt requested, or by courier or commercial carrier that provides written confirmation of delivery. The notice shall be addressed to the permittee at the address provided on the permit application and shall include:

- (1) The specific grounds upon which the permit in question may be suspended or revoked;
- (2) That there will be a hearing conducted by an impartial hearing officer selected by the city at which the city will seek the suspension or revocation of the permit;
- (3) The date, time and place of the hearing; and

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- (4) The fact that the permittee may participate in the hearing or be represented by an attorney.
- (b) 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 anyall 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 36 month period for violations of any provision of this chapter.

Sec. 30-17. Penalty.

- (a) Any person who violates any provision of this chapter, including but not limited to a violation of any provision or condition of a permit issued pursuant to this chapter, is guilty of an offense and, upon conviction thereof, shall be punished by a fine not to exceed \$2,000.00. Each hour or portion thereof in which any violation shall occur shall constitute a separate offense.
- (b) This remedy shall be cumulative of any other penalty or remedies available to the city.