
CODE OF ORDINANCES City of HOUSTON, TEXAS Codified through Ord. No. 97-1394, adopted November 5, 1997.
(Supplement No. 38, Update 5)
CODE OF ORDINANCES

Chapter 30

NOISE AND SOUND LEVEL REGULATION

Sec. 30-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Daytime hours shall mean the hours between 7:00 a.m. on one day and 10:00 p.m. the same day.

dB(A) shall mean the intensity of a sound expressed in decibels read from a calibrated sound level meter utilizing the A-level weighting scale and the slow meter response, as specified by the American National Standards Institute.

Emergency shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss which demands immediate action.

Emergency work shall mean any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, or which is otherwise necessary to restore property to a safe condition following a fire, accident or natural disaster, or which is required to protect persons or property from exposure to danger, or which is required to restore public utilities.

Nighttime hours shall mean the hours between 10:00 p.m. on one day and 7:00 a.m. the following day.

Nonresidential property shall mean any real property within the limits of the city which is not included in the definition of residential property as defined in this section.

Person shall mean any individual, association, partnership, or corporation.

Property line shall mean the line along the ground surface, and its vertical extension, which separates the real property owned, leased or occupied by one person from that owned, leased or occupied by another person and the imaginary line which represents the legal limits of property of any person who owns, leases or otherwise occupies an apartment, condominium, hotel or motel room, office or any other type of occupancy.

Public right-of-way shall mean any street, avenue, boulevard, highway, road, thoroughfare, sidewalk, alley or any other property which is owned or controlled by a governmental entity.

Residential property shall mean any real property developed and used for human habitation and which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, unless such premises are actually occupied and used primarily for purposes other than human habitation.

Sound nuisance shall mean any sound which either exceeds the maximum permitted sound levels specified in section 30-2, or for purposes of sections 30-4 and 30-6, otherwise unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city.

(Ord. No. 93-77, § 2, 1-20-93)

Sec. 30-2. Maximum permissible sound levels.

No person shall conduct, permit or allow any activity or sound source to produce a sound that is discernible beyond the property lines of the property on which the sound is being received that when measured as provided in section 30-8 of this Code exceeds the applicable dB(A) level listed below for the property on which the sound is received:

(1) Residential property:

- a. Sixty-five (65) dB(A) during daytime hours.
- b. Fifty-eight (58) dB(A) during nighttime hours.

(2) Nonresidential property:

Sixty-eight (68) dB(A) during either daytime or nighttime hours.

The dB(A) levels set forth in this section apply to the property where the sound is being received. Any sound that when measured at the property where the sound is being received exceeds the dB(A) levels set forth in this section 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, when measured at the site where the sound is being produced, if available, shall be prima facie evidence of a sound nuisance which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city in violation of this chapter.

(Ord. No. 93-77, § 2, 1-20-93)

Sec. 30-3. General prohibition.

(a) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued or permit the continuance of any sound which either exceeds the maximum permitted sound levels specified in section 30-2 or for purposes of sections 30-4 and 30-6, otherwise unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city.

(b) The acts enumerated in the following sections of this chapter, among others, are declared to be sound nuisances which are unreasonably loud, irritating, disturbing, or excessive sounds in violation of this chapter, but such enumeration shall not be deemed to be exclusive.

(Ord. No. 93-77, § 2, 1-20-93)

Sec. 30-4. Noisy vehicles generally.

The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in such a manner so as to create loud and unreasonable grating, grinding, rattling or any other loud and unreasonable sound is hereby prohibited and declared to be unlawful.

(Ord. No. 93-77, § 2, 1-20-93)

Sec. 30-5. Amplified sound from motor vehicle.

The production or reproduction of sound from amplification equipment contained in or mounted on a motor vehicle that produces sound in excess of the limits set forth in section 30-2, when measured at or near fifteen (15) feet from the nearest external point on the vehicle, is hereby prohibited and declared to be unlawful as a sound nuisance in violation of this chapter, except as permitted by section 30-9.

(Ord. No. 93-77, § 2, 1-20-93)

Sec. 30-6. Noisy animals and birds.

The keeping of any animal or bird which causes or makes frequent or long and continued sound which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of ordinary, reasonable persons of normal sensibilities and ordinary tastes, habits and modes of living who reside in the vicinity thereof is hereby prohibited and declared to be unlawful as a sound nuisance in violation of this chapter, regardless of whether the sound so created by said animal or bird is within the permissible levels specified in section 30-2 of this Code.

(Ord. No. 93-77, § 2, 1-20-93)

Sec. 30-7. Defenses.

The following defenses shall apply to any offense established in this chapter:

- (1) The emission of any sound was for the purpose of alerting persons to the existence of an emergency, danger or attempted crime.
- (2) The sound was produced by an authorized emergency vehicle.
- (3) The sound was produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger, following a fire, accident or natural disaster.
- (4) The sound was generated:
 - a. At a lawfully scheduled stadium event;
 - b. By a parade and spectators and participants on the parade route during a permitted parade;
 - c. By spectators and participants at lawfully scheduled amphitheater event;
 - d. By patrons and participants using cannons and gunfire during historical battle reenactments for which a pyrotechnic permit was obtained and the explosives were inspected by the fire marshal;
 - e. By a pyrotechnic display that was inspected and approved by the fire marshal; or
 - f. By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert which was sponsored, cosponsored, or permitted by the city, or
 - g. Any other lawful activity which constitutes protected expression pursuant to the First Amendment of the United States Constitution.
- (5) The sound was produced by the erection, excavation, construction, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in any such activity conducted between the hours of 7:00 a.m. and 8:00 p.m. and which activity did not produce a sound exceeding seventy-five (75) dB(A) when measured from the nearest residential property where the sound is being received.
- (6) The sound was produced by aircraft in flight or in operation at an airport, or railroad equipment in operation on railroad rights-of-way.
- (7) The sound was produced by operating or permitting the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 7:00 a.m. and 8:00 p.m. and which device did not produce a sound exceeding eighty-five (85) dB(A) when measured from the nearest residential property where the sound is being received and was used for the maintenance or upkeep of the property on which it was used.

(8) The sound was generated as authorized under the terms of a permit issued under section 30-9 of this Code.

(9) The sound was produced by the operation of any air conditioning unit which did not produce a sound exceeding sixty-five (65) dB(A) on residential property or seventy-five (75) dB(A) on nonresidential property, when measured at or near fifteen (15) feet from the air conditioning unit producing the sound being measured.

(10) The sound was produced by church bells or church chimes when used as part of a religious observance or service during daytime hours and which did not exceed five (5) continuous minutes in duration in any one-hour period.

(Ord. No. 93-77, § 2, 1-20-93)

Sec. 30-8. Method of sound measurement.

Whenever portions of this chapter prohibit sound over a certain decibel limit, measurement of said sound shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American National Standards Institute (A.N.S.I. S1.4-1984/85A). [Image]Noise[Image] levels shall be measured in decibels and A-weighted. The unit of measurement shall be designated as dB(A). Meters shall be maintained in calibration and good working order. Calibrations shall be employed which meet A.N.S.I. S1.40-1984 prior to and immediately after every sampling of sound. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of said meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for said microphone shall be used. Except as provided in sections 30-5 and 30-7(i), measurements shall be taken at or near the nearest property line of the property where the sound is being received.

Sec. 30-9. Permit required for use of outdoor sound amplification equipment.

(a) No person shall use or cause to be used any loudspeaker, loudspeaker system, sound amplifier or any other machine or device which produces, reproduces, or amplifies sound outside of buildings or other enclosed structures in a manner which exceeds the levels specified in section 30-2, when measured from the property where the sound is being received, without first obtaining a permit to do so. Such permit:

(1) May be obtained by making application to the director of the city department so designated by the mayor.

(2) Requires payment of a ten dollar (\$10.00) fee for the administrative costs of issuing the permit.

(3) Is valid for one (1) fourteen-hour period between the hours of 8:00 a.m. and 10:00 p.m.

(4) Shall not be issued for the same location more than twice during any thirty-day period.

(5) Shall not authorize, allow, or otherwise permit the production, reproduction, or amplification of sound which exceeds seventy-five (75) dB(A) when measured from the nearest receiving property.

(b) The use of any loudspeaker, loudspeaker system, sound amplifier or any other similar machine or device which is permitted pursuant to this section is subject to the following regulations:

(1) The only sound permitted shall be either music or human speech or both.

(2) The volume of the sound amplified pursuant to this section shall not exceed seventy-five (75) dB(A) when measured from the nearest receiving property.

(3) No equipment permitted pursuant to this section shall be operated during the hours between 10:00 p.m. and 8:00 a.m.

(c) The application for the permit required to be filed pursuant to this section shall contain the following information:

(1) The date of the application and the date and hours for which the permit is requested.

- (2) The name and address of the applicant.
 - (3) The name and address of the person who will have charge of the sound amplifying equipment.
 - (4) The purpose for which the sound equipment will be used.
 - (5) The address and a description of the location where the sound equipment will be used.
 - (6) A description of the type of sound amplifying equipment to be used.
- (d) If an applicant for a permit under this section is unable to pay the full amount of the permit 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 containing the following information:
- (1) A statement that the applicant and the group or organization, on whose behalf he is making the application, are unable to pay the full amount of the permit fee.
 - (2) A statement that the applicant and the group or organization, on whose behalf he is making the application, have made diligent efforts to raise money to pay the permit fee.
 - (3) A statement of the exact amount the applicant and the group or organization, on whose behalf he is making the application, is able to pay for the permit fee.

(Ord. No. 93-77, § 2, 1-20-93)

Sec. 30-10. Penalty.

Any person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00). Upon a second or subsequent conviction for a violation of this chapter within a twelve-month period, said person shall be fined not less than \$100.00 nor more than \$2,000.00. Each day that any violation continues shall constitute a separate offense. To the extent that any conduct prohibited under this chapter also constitutes an offense under state law, then it shall be punishable as provided by state law.

(Ord. No. 93-77, § 2, 1-20-93)

