

Houston, Texas Noise Ordinance

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 from 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.

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

Emergency work shall mean any work performed for the purpose of (i) preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, (ii) restoring property to a safe condition following a fire, accident, or natural disaster, (iii) protecting persons or property from exposure to danger, or (iv) restoring public utilities.

Nighttime hours shall mean the hours between 10:01 p.m. on one day and 6:59 a.m. the following day.

Nonresidential property shall mean any real property that is not included in the definition of residential property as defined in this section. Without limitation, the term includes properties that have been developed other than as residential properties, properties that are undeveloped, and properties that are devoted to public purposes, such as public streets and parks.

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

Residential property shall mean any real property developed and used for human habitation that 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 that either exceeds the maximum permitted sound levels specified in section 30-6 of this Code, or for purposes of sections 30-3, 30-4, and 30-5 of this Code, otherwise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others.

(Ord. No. 01-945, § 2, 10-17-01)

Sec. 30-2. - General prohibitions.

(a) It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise that annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In determining whether a noise is loud, unnecessary, or unusual, the following factors shall be considered: time of day; proximity to residential structures; whether the noise is recurrent, intermittent, or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; and whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

(b) 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 that either exceeds the maximum permitted sound levels specified in section 30-6 of this Code or, for purposes of sections 30-3, 30-4, and 30-5 of this Code, otherwise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others.

(c) The acts enumerated in the following sections of this chapter, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive.

(Ord. No. 01-945, § 2, 10-17-01)

Sec. 30-3. - Noisy vehicles generally.

The use of any motor vehicle so out of repair, so loaded, or so noisy that it creates any loud and unreasonable grating, grinding, rattling, or any other loud and unreasonable sound is hereby prohibited and declared to be unlawful.

(Ord. No. 01-945, § 2, 10-17-01)

Sec. 30-4. - Amplified sound.

(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 using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, cassette tape player, microphone, or any other sound source, when operated: (i) in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or (ii) at any time with louder volume than is necessary for convenient hearing for persons who are in the vehicle or within the property or premises in which such sound amplifier is operated and who are voluntary listeners thereto. The operation of any such sound amplifier in such a manner as to be plainly audible at a distance of 50 feet from a vehicle shall be presumed to be violative of this section. The operation of any such sound amplifier in such a manner that bass sounds are plainly audible at a distance of 50 feet from the property line of a property or premises in which the amplification is located shall be presumed to be violative of this section.

(b) It is an affirmative defense to prosecution under this section that the sound source is a motor vehicle and that (i) the motor vehicle is a mobile sound stage or studio that is being 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 or function and (ii) the use is in compliance with all other provisions of this chapter, including but not limited to section 30-8 of this Code, if applicable.

(Ord. No. 01-945, § 2, 10-17-01)

Sec. 30-5. - Noisy animals and birds.

The keeping of any animal or bird that causes or makes frequent or long and continued sound that 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 30-6 of this Code.

(Ord. No. 01-945, § 2, 10-17-01)

Sec. 30-6. - Maximum permissible sound levels.

(a) In addition to the violations established by the preceding sections of this chapter, no person shall conduct, permit, or allow any activity or sound source to produce a sound discernible at any location beyond the property lines of the property on which the sound is being generated that when measured as provided in section 30-7 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 nuisance 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 above and measured as provided in section 30-7, below, the generator of any sound of such a nature as to cause persons occupying or using any property other than the property upon which the sound is being generated to be aware of sympathetic vibrations or resonance caused by the sound shall also 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.

(Ord. No. 01-945, § 2, 10-17-01)

Sec. 30-7. - Method of sound measurement.

Whenever portions of this chapter prohibit sound over a certain decibel limit, measurement 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). Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used. Measurements of sound generated shall be taken from the property line of the nonresidential property or residential property where the sound is received to the source of the sound.

(Ord. No. 01-945, § 2, 10-17-01)

Sec. 30-8. - 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 that produces, reproduces, or amplifies sound outside of buildings or other enclosed structures in a manner that exceeds the levels specified in section 30-6, when measured from the property where the sound is being received, without first obtaining a permit to do so. The permit shall be granted only for the amplification of music or human speech, or both. The 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 \$30.00 fee for the administrative costs of issuing the permit or a sworn statement of inability to pay the fee.

- (3) Is valid for one 14 hour period between the hours of 8:00 a.m. and 10:00 p.m.
- (4) Shall not be issued to the same or any other person for the same location more than twice during any 30 day period. In the case of a sound truck, location shall relate to the area traversed by the truck in one day.
- (5) Shall not 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.

(b) The permit application 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.

(Ord. No. 01-945, § 2, 10-17-01; Ord. No. 2010-1016, § 2, 12-15-2010)

Sec. 30-9. - Defenses.

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

- (a) The emission of any sound was for the purpose of alerting persons to the existence of an emergency, danger, or attempted crime.
- (b) The sound was produced by an authorized emergency vehicle.
- (c) The sound was produced by emergency work.
- (d) The sound was generated:
 - (1) At a lawfully scheduled stadium event;
 - (2) By a parade and spectators and participants on the parade route during a lawful parade;
 - (3) By spectators and participants at lawfully scheduled amphitheater event;
 - (4) By patrons and participants using cannons and gunfire during historical battle re-enactments for which a pyrotechnic permit was obtained and the explosives were inspected by the fire marshal;
 - (5) By a pyrotechnic display that was inspected and approved by the fire marshal; or
 - (6) By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert that was sponsored or cosponsored by the city and in full compliance with a permit issued by the city.
- (e) The sound was produced by the erection, excavation, construction, or demolition of any building or structure, including the use of any necessary tools or equipment, conducted between the hours of 7:00 a.m. and 8:00 p.m., which activity did not produce a sound exceeding 85 dB(A) when measured from the property line of the residential property where the sound is being received.
- (f) The sound was produced by aircraft in flight or in operation at an airport, or railroad equipment in operation on railroad rights-of-way.
- (g) 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., provided the device did not produce a

sound exceeding 85 dB(A) when measured from the property line of 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 operated.

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

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

(j) The sound was produced by church bells or church chimes when used as part of a religious observance or service during daytime hours, provided the sound did not cumulatively exceed five minutes duration in any one hour period.

(k) The sound was produced during daytime hours by activities conducted on public parks, public playgrounds, and public or private school grounds, including, but not limited to, school athletic and school entertainment events.

(Ord. No. 01-945, § 2, 10-17-01)

Sec. 30-10. - 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 of not more than \$500.00. Each hour or portion thereof in which any violation shall occur shall constitute a separate offense.

(Ord. No. 01-945, § 2, 10-17-01)

Helicopter Operations

Sec. 9-315. - Definitions.

As used herein, the following words and phrases shall have the meanings respectively ascribed to them in this section:

(a) *Board*. The helicopter facility licensing and appeals board established in accordance with this article.

(b) *Business activity area*. A contiguous, compact, roughly rectangular area designated by the city council containing a minimum of one square mile which contains at least 12,000,000 square feet in gross building and office structures and where ten percent or less of the land area, excluding streets, alleys or other public rights-of-way, is used as a church, school or residence. The area included within and bounded by Buffalo Bayou, Bagby, Franklin, Louisiana, Washington, Milam, North Main, Wood, North San Jacinto, Rothwell, McKee, Ruiz, Chartres as projected to Hadley, Bagby Street and Heiner Street as projected and extended to Sabine Street, is hereby designated as a business activity area.

(c) *Church*. A building or structure which is exempt from ad valorem taxes where a society of persons who profess a religious belief regularly assemble for religious worship or religious instruction or for propagating a particular form of religious belief.

(d) *Director*. The director of the department of public works and engineering of the city or the director's designee.

(e) *Emergency operation*. Any operation on the roof or other portion of a building or a ground level area during emergency conditions.

(f) *FAA*. The Federal Aviation Administration or its successor agency.

(g) *Helicopter*. An aircraft whose support in the air is derived chiefly from the aerodynamic forces acting on one or more rotors turning about a substantially vertical axis.

(h) *Heliport*. An area of land, water or a structural surface containing fuel facilities which is designed, used or intended to be used for the landing and takeoff of helicopters, and any appurtenant areas including buildings or other facilities such as parking, maintenance and repair facilities.

(i) *Helistop*. A minimum facility without the logistical support provided by a heliport at which helicopters land and take off, including the touchdown area and parking and related facilities other than maintenance and repair buildings. A helistop may be at ground level or elevated on a structure.

(j) *Hospital building*. A structure containing hospital patient bed rooms or bed wards, or both, with an occupancy capacity to house ten or more persons while admitted as inpatients of a "general hospital" or a "special hospital" as those terms are defined in section 241.003 of the Texas Health and Safety Code. In any instance in which two or more structures connected by shared or adjoining walls or connected by tunnels or fully enclosed walkways are jointly operated by or under the control of the same person as a hospital or medical complex, then each such building that meets the foregoing definition shall be deemed to be a hospital building; however, any other connected structure, whether utilized for parking, doctors or administrative offices, laboratory facilities, outpatient facilities or any other purpose, that does not contain hospital patient bed rooms or bed wards, or both, with an occupancy of ten or more admitted inpatients shall not be deemed to be a hospital building.

(k) *Interested party*. Any person, firm, corporation or association residing or owning property within 2,400 feet of the center of the touchdown pad of a proposed heliport or helistop.

(l) *Medical evacuation*. Any operation where a helicopter has been authorized or directed to land to administer medical aid or perform a medical evacuation.

(m) *Operation*. A takeoff and landing by a helicopter. A touch and go movement is counted as one operation.

(n) *Owner*. Any person, agent, firm or corporation having a legal or equitable interest in the property.

(o) *Plot plan*. A graphic depiction or drawing of a small planned area, either on the roof of a building or on the ground, which reflects the location of the actual landing area, markings and identification of the landing area, aircraft parking area, peripheral area, other unobstructed areas, fencing, safety barriers, screening, ingress and egress path, any proposed structures or accessory equipment, fire protection equipment, communication signs, patron and employee parking areas, maintenance and fuel area, and any other details, if any, required under the Construction Code, the Fire Code or this chapter. The scale for the plot plan map shall be not less than one inch equals 50 feet.

(p) *Public-use heliport*. A heliport or helistop that has been designated by the city for use by the general public and is available for such use, whether owned or operated by the city or a private individual firm or corporation, provided that such individual firm or corporation has agreed to such use of his property in writing.

(q) *Residence*. Any building or structure containing habitable rooms for nontransient occupancy, designed primarily for living, sleeping, cooking and eating, which is being used as a dwelling place for residential purposes, whether single-family or multifamily. Hotels, motels, boarding houses, nursing homes, hospitals, nursery schools and child care facilities shall not be considered residences. A structure located on a lot or tract of land used as a heliport or helistop shall not be considered a residence within the terms of this definition.

(r) *School*. Any building or structure where persons regularly assemble for the purpose of instruction or education, together with the playgrounds, dormitories, stadia and other structures or grounds used in conjunction therewith. The definition of school shall be limited to a public or private elementary, junior high or high school.

(s) *Site plan*. A graphic depiction or drawing of an area or space on the ground within a 2,400-foot radius from center of the touchdown pad indicating the approach and departure routes, obstructions along and adjacent to the approach-departure path, and the location of all residences, schools and churches within a radius of 750 feet of the center of the touchdown pad. The site plan map shall be at a scale no less than one inch equals 300 feet.

(t) *Television/radio news building*. The structure that houses the central newsgathering facility of a television/radio broadcast station operating under a license granted by the Federal Communications Commission.

(Code 1968, § 9-15; Ord. No. 83-1558, § 1, 12-1-83; Ord. No. 90-635, § 20, 5-23-90; Ord. No. 91-1733, §§ 1, 2, 12-11-91; Ord. No. 93-514, § 19, 5-5-93; Ord. No. 98-613, § 21, 8-5-98; Ord. No. 02-399, § 21, 5-15-02; Ord. No. 04-1015, § 9, 9-27-04)

Sec. 9-316. - Landings and takeoffs prohibited.

It shall be unlawful for any person to take off or land any helicopter or aircraft within the city at any point, except at airports, heliports or helistops for which a license or special permit has been issued under this chapter. It shall be an affirmative defense to any prosecution under this section that the landing or takeoff prohibited by this section shall have occurred at a facility exempt under section 9-339 or as part of a medical evacuation or an emergency operation.

(Code 1968, § 9-15.1; Ord. No. 83-1558, § 1, 12-1-83)

Sec. 9-317. - License required.

It shall be unlawful for any person, association, firm or corporation to construct, establish, maintain or operate a heliport or helistop within the corporate limits of the city without first having obtained a license from the city, unless exempted herein.

(Code 1968, § 9-15.2; Ord. No. 83-1558, § 1, 12-1-83)

Sec. 9-318. - Fee; term of license; deposit.

(a) *Heliport*. The fee for a heliport license shall be \$1,500.00. Such license shall be valid for a period of six years from date of issuance unless sooner revoked or terminated.

(b) *Helistop*. The fee for a helistop license shall be \$1,250.00. Such license shall be valid for a period of six years from date of issuance, unless sooner revoked or terminated.

(c) *Inspection fee*. The fee for the annual inspection of a heliport or helistop shall be \$1,000.00 each year while the license is in effect. Such inspection shall be for the purpose of insuring compliance with the terms and conditions of the license.

(d) *Temporary license*. The fee for a temporary helistop license under section 9-322(a) shall be \$200.00. The fee for a temporary helistop license under section 9-322(b) shall be \$100.00.

(e) *Deposit for license*. Any application submitted for a heliport or helistop license, other than a temporary license, shall be accompanied by a deposit of \$500.00. Such deposit shall be nonrefundable and shall be applied to the license fee when the application for license is approved. The effective date of the license shall be the date the application is approved for the issuance of a license.

(f) *No refund of fees.* The applicant for a license or holder of a license shall not be entitled to a refund of any fee paid where the license is revoked, any change of status occurs, or for any deposit.

(Code 1968, § 9-15.3; Ord. No. 83-1558, § 1, 12-1-83)

Sec. 9-319. - Application for license.

(a) *Form and contents.* An application for a heliport or helistop license, other than a temporary license, shall be submitted in such form as the director may prescribe and shall be accompanied by drawings, descriptive data and inspection reports to verify compliance with the provisions of this chapter, the Construction Code, the Fire Code, and any other applicable city, state or federal requirement. The director shall have the authority to establish minimum design standards for heliports and helistops, provided that such standards are not inconsistent with any applicable city, state or federal standards. In addition, the application shall contain the following:

- (1) A site plan.
- (2) A plot plan.
- (3) FAA letter of airspace determination.
- (4) FAA statement of no objection to approach and departure routes, if available.
- (5) Types and weights of helicopters to be used.
- (6) Number of operations daily for each type of helicopter listed.
- (7) Days and hours of operation.
- (8) Name of insurance carrier and proof of insurance as required by this chapter.
- (9) Affidavits of publication and other proof that all required notices have been given.
- (10) A photograph of the sign posted in accordance with subsection (d)(1) of this section.

(b) *Oath.* Every application for license shall be executed and verified under oath by the owner of the premises upon which the heliport or helistop is to be constructed, or the authorized lessee of such premises, that the proposed facility is authorized to be constructed or to be hereafter maintained on the premise, and shall contain the sworn affidavit of the owner or lessee that the proposed facility does not violate any deed restrictions or other similar restrictions applicable to the property.

(c) *Permission to inspect premises.* By applying for a license under this chapter, the owner or lessee specifically grants permission to the city, its duly authorized agents, officials and employees to enter upon the premises for the purpose of making all inspections required or authorized to be made under this article. A statement to this effect shall be set forth in the application form.

(d) *Public notices:*

- (1) The applicant must post a sign at the prospective location of the heliport or helistop for at least twenty (20) days before an application submitted to the director may be heard by the board. Such sign shall remain posted until such time as the license proceedings are completed. The sign shall provide adequate information as to the location of the proposed heliport or helistop. The director may provide an example of the required sign to the applicant. The sign shall be not less than 32 square feet nor more than 40 square feet and shall be placed in a conspicuous location and in a manner calculated to give adequate public notice. This chapter constitutes complete, sufficient and independent authority for such sign to be erected and maintained and no additional sign fees or permits shall be required.

(2) A notice of intent must be published in a daily newspaper of general circulation in the city on the same day for two consecutive weeks and at least five to ten days prior to the application filed with the director being heard by the board. The director may provide an example of the required notice to the applicant. Affidavits of publication and other proof that the notices provided for herein have been given in accordance with this subsection shall be furnished as part of the application. Failure to give notice or to provide adequate proof as provided for herein shall constitute grounds for denial of any license.

(e) *Issuance of license.* Where the applicant is in compliance with the location, noise and all other requirements of this article, the board shall issue the applicable license upon payment of the full amount of the required fee.

(f) *Terms and conditions of the license.* By applying for a license under the provisions of this article, each applicant agrees that, in the event that the license is granted, the contents of the application will become part of the license and that the license is granted subject to applicant's compliance with the terms and conditions contained in the application. The applicant further agrees that failure to comply fully with the terms and conditions of the license as granted and as from time to time altered or changed in accordance with this article, including but not limited to, failure to comply with the approach and departure routes, shall be grounds for the revocation of such license.

(Code 1968, § 9-15.4; Ord. No. 83-1558, § 1, 12-1-83; Ord. No. 02-399, § 22, 5-15-02)

Sec. 9-320. - Change in operation.

(a) Any change which affects or alters the terms and conditions of a heliport or helistop license pertaining to the time of operation, the frequency of operations, the type of helicopter used in such operations or the relocation of the touchdown pad shall be submitted to the director for submission to the board for approval before such changes in the license are effective.

(b) Any changes other than those set out in subsection (a) may be approved by the director prior to their implementation by the licensee without the necessity of board action.

(c) Any application to enlarge, modify or otherwise substantially change the surface of that part of a heliport or helistop that is used or intended to be used for the landing or takeoff of a helicopter shall be submitted in writing to the director 30 days prior to the commencement of such alteration or change and shall not be commenced until written airspace determination and a letter of no objection has been obtained from the FAA, if available, and the director has been provided with a true copy of such FAA approval, if available.

(Code 1968, § 9-16; Ord. No. 83-1558, § 1, 12-1-83)

Sec. 9-321. - Maintenance.

All buildings, structures or ground areas used as a heliport or helistop shall be maintained in a safe and sanitary condition. All equipment or machinery required by the Construction Code or the Fire Code for a building or structure or ground level area when erected, altered or repaired, shall be maintained in good working order. The owner or operator shall be responsible for the maintenance of all buildings, structures or ground areas used as landing areas by helicopters.

(Code 1968, § 9-16.1; Ord. No. 83-1558, § 1, 12-1-83; Ord. No. 02-399, § 23, 5-15-02)

Sec. 9-322. - Temporary license.

(a) A temporary license at a ground level area may be issued by the director for a construction or development project for one 90-day-period, subject to renewal for two additional 90-day periods.

A holder of a temporary license may be entitled to a temporary license for more than three 90-day periods, but only until the construction or development project is completed and only upon a showing of good cause and the approval of the director. A temporary license may be suspended or revoked by the director for any violation he deems hazardous or a nuisance. However, where the temporary license holder feels that the director has misinterpreted or misconstrued the application of this article, it shall have the right of appeal to the board. In no case will a temporary license be issued until the sites have been evaluated for safety hazards and community impact.

(b) Any applicant desiring a temporary license for operation of a ground level heliport or helistop may make application for such license to the director in such form and upon such terms as the director may prescribe. Prior to the issuance of such license, the director shall be empowered to make any safety inspections which are necessary. Such temporary license shall be for a period not to exceed ten consecutive days. An applicant shall be issued no more than two such temporary licenses a month for a particular location.

(Code 1968, § 9-16.2; Ord. No. 83-1558, § 1, 12-1-83)

Sec. 9-323. - Location of heliports and helistops.

(a) No heliport or helistop, other than a temporary heliport or helistop, may be located within 750 feet of a church, school or residence. All measurements made hereunder shall be in a straight line horizontally from the center of the touchdown pad of the heliport or helistop to the property line of the church, school or residence. If a helistop is to be located on a building, the measurement shall be the sum of the following:

- (1) The number of feet the helistop is located above the ground; and
- (2) The number of feet from a point on ground level where a vertical line from the center of the touchdown pad of the helistop strikes the ground to the property line of a church, school or residence.

(b) No licensed heliport or helistop, other than a temporary heliport or helistop or a heliport or helistop located within a business activity area, shall be located within 2,400 feet of any other licensed heliport or helistop. All measurements made hereunder shall be made in a straight line horizontally from the center of touchdown pad of the heliport or helistop.

(Code 1968, § 9-17; Ord. No. 83-1558, § 1, 12-1-83; Ord. No. 83-2040, § 1, 12-14-83)

Sec. 9-324. - Noise standard.

(a) Prior to the grant of any license hereunder, other than a temporary license, the director shall take, or cause to be taken, a measurement of the ambient noise level at the proposed location.

(b) For purposes of this section, the ambient noise level shall be defined as the totality of the background noise in a given place and time, composed of sounds from various sources at various distances, exclusive of the noise emitted by the operation of the helicopter in flight. The ambient noise level shall be determined by measurements, taken during the proposed hours of operation, using a conventional or integrating sound level meter, at a minimum of two locations. Such locations shall be the nearest church, school or residence. All measurements shall be taken at the property boundaries closest to the structures and shall be external measurements only.

(c) The noise emitted by the helicopter in operation will be measured at the same locations used to measure the ambient noise level. All measurements shall be made with the helicopter operating under normal operating conditions and while the helicopter is simulating normal

operating procedures, and utilizing all operating modes applicable to the site, including, but not limited to, ingress, egress, hover and fly-over.

(d) The director shall then calculate, based on the formula in subsection (e), the effect of the helicopter's operation upon the ambient noise level. The increase of noise level as a result of the operation of the helicopter shall not exceed the ambient noise level by more than two dBA. If the proposed helicopter operation increases the ambient noise level by more than two dBA, then the license shall be denied.

(e) *Formula:*

$$L_{eq} = 10 \log_{10} \left[10^{\frac{L_{amb}}{10}} + \frac{HT10^{\frac{L}{10}}}{SO} \right]$$

Where:

| | |
|-------------------------|--|
| Lamb = | Ambient noise level in dBA over the period of operations, without helicopters. |
| L_{eq} = | Ambient noise level reflecting the operational helicopter noise impact. |
| H = | Number of daily helicopter operations where one operation consists of a landing and takeoff. |
| T = | Time duration of each helicopter noise operation (seconds). |
| L = | L _{eq} of each helicopter operation in dBA. |
| SO = | Number of seconds in period of operations. |

(Code 1968, § 9-17.1; Ord. No. 83-1558, § 1, 12-1-83)

Sec. 9-325. - Helicopter facility licensing and appeals board.

Sec. 9-326. - Board to issue license.

Sec. 9-327. - Duties of the board.

Sec. 9-328. - Appeal to city council.

Sec. 9-329. - Duties of director.

Sec. 9-330. - Inspection of premises and structures.

Sec. 9-331. - Suspension or revocation of license.

Sec. 9-332. - License renewal.

Sec. 9-333. - Existing heliports or helistops.

Sec. 9-334. - Expiration of amortization period; treatment of amortized facilities.

Sec. 9-335. - Subsequent construction.

Sec. 9-336. - Annexed areas.

Sec. 9-337. - Injunction.

Sec. 9-338. - Exemptions.

Sec. 9-339. - Insurance.

Sec. 9-340. - Transferability.

Shooting Range Regulations

Sec. 5-116. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building inspection division means that division within the public works and engineering department that is assigned the responsibility of enforcement of the Construction Code.

Shooting gallery means a room, place or enclosure wherein the firing of firearms is permitted to practice marksmanship.

Skeet club means an open premises where shotguns are used in target practice by shooting clay pigeons ejected by machines or thrown by hand to simulate flight. Trap shooting clubs are considered herein as "skeet clubs" and shall be subject to the same regulations.

(Code 1968, § 36-80; Ord. No. 90-635, § 15, 5-23-90; Ord. No. 93-514, § 11, 5-5-93; Ord. No. 98-613, § 14, 8-5-98; Ord. No. 02-399, § 15, 5-15-02; Ord. No. 04-1015, § 7, 9-27-04)

Sec. 5-117. - Exemption from article provisions.

The provisions of this article shall not apply to any firearms practice range or facility of any sort which:

(1) Is owned and operated by the United States, the State of Texas or any department or political subdivision thereof; and

(2) Is utilized exclusively for the purpose of training and qualifying peace officers and persons in training to become peace officers.

(Code 1968, § 36-80.1; Ord. No. 83-1406, § 3, 9-6-83)

Sec. 5-118. - General regulations.

(a) No skeet or shooting gallery shall be constructed or operated within the city unless the plans for such are submitted to the building inspection division. The skeet club or shooting gallery shall comply with all provisions of the Construction Code. The approval of the chief of police shall be required as to the location of any skeet club or shooting gallery.

(b) The room, place or enclosure wherein the firing of firearms is to take place at a shooting gallery shall comply with all provisions of this section and shall not be used for any other purpose whatsoever during the progress of firing.

(c) The rear wall and side walls to a point on a line with the firing position shall be of bullet proof construction in accordance with the following specifications:

(1) Not less than six-inch masonry or solid concrete.

(2) Wood stud and plaster walls or equivalent construction, faced with one inch boards, backed with one-quarter-inch steel plate. Floors and ceilings of joist construction shall be considered bullet proof.

(d) All openings of any nature in the rear and side walls shall be protected with one inch board backed by a one-quarter inch steel plate.

(e) Open steel truss ceilings shall be protected by a one-quarter inch steel baffle plate inclined toward the firing position. The plate shall be as wide as the total width of the target and not less than five feet in depth, and shall be suspended from the bottom cord of the trusses to the intersection of two sight lines drawn from the elevation of the firearm at the prone firing position to the bottom of the furthest truss, and from the elevation of the firearm at the off-hand firing position to a point five feet above the floor at the target. Baffle plates less than 15 feet from the firing position shall be protected with one inch boards.

(f) Exposed steel girders less than 15 feet (horizontal or vertical) from the firing position shall be protected with one inch boards.

(g) In addition to the above protection, there shall be provided a one-quarter inch steel stop plate, directly in the rear of targets, extending not less than eight inches beyond the outer ring of the

bull's-eye, and inclined towards the firing position at an angle of 45 degrees. The stop plate shall be housed, on sides and top, with corrugated sheet metal extending not less than one foot beyond the top edge of the plate. At the base of the inclined stop plate there shall be provided a sand box with not less than six inches of sand and of sufficient width so as to absorb all of the bullets ricocheted by the stop plate as fired from the firing position.

(h) Vertical stop plates existing on October 23, 1957, will be accepted with the same regulations as is provided for inclined stop plates, except that the thickness of the stop plate shall be not less than five-sixteenths of an inch and that the corrugated sheet metal housing shall extend not less than three feet beyond the face of the stop plate.

(i) Entrance to that part of the licensed area situated between the firing position and targets shall be protected with 36-inch guard rails or equivalent protection. No person except the person in charge shall be permitted within the above described area during the progress of firing.

(Code 1968, § 36-81; Ord. No. 72-2007, § 1, 11-1-72; Ord. No. 02-399, § 16, 5-15-02)

Sec. 5-119. - Stationary bull's-eye targets.

Targets used at shooting galleries shall be of the stationary bull's-eye type. All moving targets are prohibited.

(Code 1968, § 36-82)

Sec. 5-120. - Certain weapons and ammunition prohibited at shooting galleries.

(a) It shall be unlawful for any person to possess or discharge within or upon any shooting gallery permitted under this article, any rifle which is of other than 22 calibre or which is chambered to accept a cartridge larger than 22 calibre rim fire long rifle.

(b) It shall be unlawful for any person to possess or discharge within or upon any shooting gallery permitted under this article any pistol:

(1) Which is of other than 22 calibre or which is chambered to accept a cartridge larger than 22 calibre long rifle, if the shooting gallery does not have a special permit issued under the provisions of section 5-121 of this Code; or

(2) Which is of a calibre larger or is chambered to accept a cartridge more powerful than is authorized to be discharged by authority of the special permit, if the shooting gallery has a special permit issued under the provisions of section 5-121.

(c) It shall be unlawful for any person to possess or cause to be discharged within or upon any shooting gallery permitted under this article any rifle or pistol ammunition which is not authorized to be discharged at such shooting gallery by authority of this article and the permit issued to such shooting gallery.

(Code 1968, § 36-83; Ord. No. 83-1406, § 1, 9-6-83)

Sec. 5-121. - Special shooting gallery permit.

(a) A pistol of a calibre and chamber larger than 22 calibre rim fire long rifle, whether rim fire or center fire, may be discharged upon a shooting gallery permitted under this article, provided that the shooting gallery holds a valid special permit issued under this section which authorizes the discharge thereof. The special permit shall be issued in the same manner in all respects as a regular shooting gallery permit under this article, except as provided in this section.

(b) The applicant shall advise the building inspection division and the chief of police that he desires a special permit and shall designate the maximum caliber and the most powerful standard pistol cartridge proposed to be fired at the shooting gallery.

(c) The construction standards specified in section 5-118 of this Code shall not apply except as minimum design criteria where reinforcement thereof is not necessary for the safe firing of the maximum calibre and cartridge proposed. The applicant shall cause the facility to be designed for the safe firing of the maximum calibre and cartridge proposed, and shall submit a certificate of a full-time practicing professional engineer registered by the state that the facility will, if constructed in accordance with the applicant's plans and specifications, permit the safe firing thereof.

(d) The applicant shall cause the facility to be designed so that with all firing positions in use for the rapid fire discharge of the maximum proposed calibre and cartridge specified, the facility will not cause a noise disturbance across any real property boundary of the proposed site or within any public space or right-of-way. The applicant shall submit a certificate by a full-time practicing professional engineer registered by the State of Texas who devotes at least 50 percent of his practice time to acoustical design certifying that the facility will, if constructed in accordance with the applicant's plans and specifications, meet the noise standard specified in this subsection.

(e) Prior to the issuance of a special permit, the shooting gallery shall be inspected in test operation by an engineer designated by the director of public works and engineering to determine that the facility has been constructed in accordance with the plans and specifications proposed, and that safety and noise standards specified in subsections (c) and (d) of this section have in fact been met in the actual operation of the facility.

(f) Upon such determination and compliance with all other provisions of this article, the chief of police shall issue a special permit designating the maximum calibre and cartridge authorized to be fired upon the shooting gallery.

(g) All design criteria, certificates and tests under this section shall be based upon the most powerful commercially manufactured cartridge loads for the pistol calibre and cartridge specified as produced by any manufacturer of handgun ammunition whose products are regularly sold in the city. Remanufactured or handloaded ammunition shall be permitted to be fired, provided that it is not loaded in such a manner as to be more powerful than the maximum load allowed by the permit.

(Code 1968, § 36-83.1; Ord. No. 83-1406, § 2, 9-6-83; Ord. No. 90-635, §§ 16, 17, 5-23-90; Ord. No. 93-514, § 12, 5-5-93; Ord. No. 98-613, § 15, 8-5-98; Ord. No. 04-1015, § 8, 9-27-04)

Sec. 5-122. - Indoor trap ranges excepted from sections 5-118, 5-119 and 5-120.

The provisions of sections 5-118, 5-119 and 5-120 shall not be applicable to mechanically operated or coin-operated indoor trap ranges as provided in section 5-141.

(Code 1968, § 36-84)

Sec. 5-123. - Hours of operation for shooting galleries.

The operation of any shooting gallery between the hours of 12:30 a.m. and daylight is hereby prohibited and declared unlawful.

(Code 1968, § 36-85)

Sec. 5-124. - Permitted firearms and ammunition at skeet clubs; firing near streets, houses, etc., prohibited.

No firearm other than shotguns shall be discharged at a skeet club and no shot larger than No. 7½ shall be used. No gun shall be fired within 300 yards of any street, alley, public grounds,

business district or house, provided, however, skeet clubs in operation prior to annexation into the city and which comply with the other provisions hereof and which have a distance of not less than 150 feet back of any gun position measured to the nearest street, alley, public grounds, business district or house, shall satisfy the distance provision, if, after inspection, it is determined that adequate safety is assured, and provided, further, any skeet club using only shotguns of .310 caliber or smaller which utilize No. 11 shot or smaller and the barrel of which is tethered so as to restrict the muzzle to a down-range position shall require a minimum of 125 yards downrange and there shall be no additional distance requirements with reference to streets, alleys, public grounds or business district.

(Code 1968, § 36-87; Ord. No. 70-829, § 1, 5-26-70)

Sec. 5-125. - Periodic inspections.

(a) Every skeet club or shooting gallery for which a license has been issued under this article shall be periodically inspected by the chief of police or his duly appointed representative, and such inspections shall be made and conducted at any time the same shall be deemed advisable in the opinion of the chief of police and every skeet club and shooting gallery shall be at all times open for inspection.

(b) All such inspections shall be subject to applicable constitutional limitations.

(Code 1968, § 36-88)

Secs. 5-126—5-135. - Reserved.