



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 8/26/2025

ALL

Item Creation Date: 8/19/2025

ARA - Ordinance Amending Chapter 3 and Chapter 30

Agenda Item#: 12.

Summary:

ORDINANCE AMENDING CHAPTERS 3 AND 30 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to City of Houston Alcohol Permits and Sound Regulations, respectively, affected by the adoption and implementation of Senate Bill 1008, as passed by the 89th Texas Legislature; containing findings and other provisions relating to the foregoing subject; providing for severability

Background:

The Administration and Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance amending Chapter 3 of the City of Houston Code of Ordinances ("the Code") relating to Alcoholic Beverages, as well as Chapter 30 of the Code relating to Sound and Noise Level Regulation.

The amendments to Chapter 3 and Chapter 30 are necessitated by the approval of Senate Bill 1008 by the 89th Texas Legislature which goes into effect on September 1, 2025.

SB 1008 relates to the regulation of food service establishments, retail food stores, mobile food units, roadside food vendors, temporary food service establishments, or an employee of any of those entities if the entity or person is located within the department's jurisdiction.

The provisions of SB 1008 preempt the City of Houston from continuing to collect alcohol fees pursuant to §11.38 and §61.36 of the Texas Alcoholic Beverage Code (TABC). Under the TABC, municipalities are required to certify a location's eligibility to sell alcoholic beverages based on statutory, mandated distances from schools, churches, hospitals, and day care centers. Although the TABC was not amended to eliminate a city's *duty* to perform these measurements and certify the locations as "wet" or "dry," the remuneration to municipalities for performing these services was eliminated – effectively turning the certification requirement into an unfunded mandate and eliminating our ability to fund the inspectors that perform inspection and measurement services.

Accordingly, ARA is proposing to amend Chapter 3 to mimic what other Texas cities have done by putting the burden of proof regarding distance measurements on the alcohol license applicant by requiring the submission of certified land survey. The cost of the survey will be borne by the applicant.

SB1008 also preempts the City's ability to regulate sound amplification for food establishments, including mobile food trucks. Thus, the proposed amendment to Chapter 30 aligns with the new statutory language to exempt from the noise ordinance the business types exempted from sound regulation pursuant to SB 1008.

In summary, proposed amendments are as follows:

Chapter 3 – Alcoholic Beverages

- Add Section 3-15 authorizing the City to promulgate rules regarding application requirements, which will allow the City to include rules regarding the documents that will be required for the application, such as a survey.
- Add Section 3-21 to continue to require payment and application prior to selling alcoholic beverages for the limited types of businesses that are *not* included in the SB1008 preemption.

Chapter 30 – Sound and Noise Level Regulation

- Add Subsection 30-2 (c) which eliminates food service establishments from sound permit regulation requirement.

Departmental Approval Authority:

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EC

DocuSigned by:

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ATTACHMENTS:

Description

Ord Amend Ch 3 and Ch 30 RCA_signed

Ordinance

Redline

Type

Signed Cover sheet

Ordinance/Resolution/Motion

Backup Material