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**CITY OF GALLATIN  
NOISE ORDINANCE COMMITTEE MEETING**

**February 10, 2014**

**9:00am**

**Dr. J. Deotha Malone  
Council Chambers**

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- Call to Order – Mayor Graves
- Roll Call: Mayor Graves – Councilman Mayberry – Councilman Overton – Police Chief Don Bandy – Asst. Director of Planning Katherine Schoch – City Attorney Joe Thompson
- Public Recognition on Agenda Related Item Only

**AGENDA**

1. Discuss the Noise Ordinance and make recommendations on revisions of the ordinance to the Gallatin City Council.

- Adjourn

City Atty  
proposed

ORDINANCE NO. 01401-02

ORDINANCE TO AMEND THE CITY OF GALLATIN, TENNESSEE MUNICIPAL CODE,  
CHAPTER 10, ARTICLE IV, RELATIVE TO NOISE

WHEREAS, it has come to the attention of the Mayor and City Council that the current sections of the City of Gallatin Municipal Code regarding noise violations are outdated and unenforceable; and

WHEREAS, the Mayor and City Council of the City of Gallatin, Tennessee, believe it is in the best interest of the citizens of the City to update the existing noise ordinance to bring it in line with current technology and to make it more enforceable;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that Article IV of Chapter 10 is hereby deleted in its entirety and the following substituted in lieu thereof:

ARTICLE IV. OFFENSES AGAINST THE PEACE AND QUIET

**10-86. Definitions.**

- (1) "Ambient noise" means the all encompassing noise associated with a given environment being usually a composite of sounds from many sources, near and far.
- (2) "City" shall mean the City of Gallatin, Tennessee.
- (3) "Commercial" means and shall include areas of the City of Gallatin zoned CC, CG, CS, CSL, PNC, PGC, GO, OR, MU, MRO, MPO, MUG, MUL, and SP.
- (4) "Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from any imminent exposure to danger.
- (5) "Industrial" means and shall include areas of the City of Gallatin zoned IR, IG, and PBP.
- (6) "Person" means any person, person's firm, association, co-partnership, joint venture, corporation or any entity public or private in nature.
- (7) "Public premise" means all real property, including appurtenances thereon, which is owned or controlled by any public governmental entity and shall include streets, alleys, parks and navigable waterways, but shall not include any public property leased to any nongovernmental entities.
- (8) "Real property boundary" means a line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person or entity from that owned by another person or entity, but not including intrabuilding real property divisions.
- (9) "Residential" means and shall include areas the City of Gallatin zoned A, R-40, R-20, R-15, R-10, R-8, R-6, and PRD and any subsequent residential zone created by ordinance.
- (10) "Sound amplification device" means any apparatus for the amplification of sounds from any radiophonograph, band, orchestra or other sound-making or sound-producing device, including any apparatus for the amplification of the human voice.

**10-87. Disturbing the Peace.**

No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.

**10-88. Unnecessary Noise Standard.**

(1) *Residential Zoning Districts.* No person shall cause, suffer, allow or permit sound from any sound amplification device which, when measured at least fifty (50) feet from the real property boundary of the source of the sound is plainly audible between the hours of 10:00 p.m. and 7:00 a.m.

(2) *Commercial and Industrial Zoning Districts.* No person shall cause, suffer, allow or permit sound from any source which is plainly audible when measured at least fifty (50) feet from the real property boundary of the source of the sound between the hours of 10:00 p.m. and 7:00 a.m.

(3) Amplification of sound in any outdoor setting located in or within fifty (50) feet of a residential neighborhood is prohibited except for special events where a special permit has been obtained from the City of Gallatin authorizing such event.

**10-89. Loud, Unusual or Unnecessary Noises Prohibited; Criteria; Other Prohibited Noises.**

(1) Consistent with other provisions of this chapter, and in addition thereto, it shall be unlawful for any person within the limits of the City to make, produce, cause, suffer, continue or allow to be produced or continued by human voice, machine, animal, or device, or any combination of same, any unreasonably loud, unusual or unnecessary noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others.

(2) *General provisions; tests for unlawful noise.* The standards which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to, the following:

- a. The volume of the noise.
- b. The intensity of the noise.
- c. Whether the nature of the noise is usual or unusual.
- d. Whether the origin of the noise is natural or unnatural.
- e. The volume and intensity of the background noise, if any.
- f. The proximity of the noise to residential sleeping facilities.
- g. The nature and zoning of the area within which the noise emanates.
- h. The density of inhabitation of the area within which the noise emanates.
- I. The time of the day or night the noise occurs.
- J. The duration of the noise.
- k. Whether the noise is recurrent, intermittent or constant.
- l. Whether the noise is produced by a commercial or non commercial activity.

(3) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, even if the noises referred to do not violate the noise standards set forth in section 10-88 above:

- a. *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, truck or other vehicle on any street or public place of the City except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- b. *Radio Phonographs, live bands, amplifiers, loudspeakers, etc.* The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, live band, amplifiers, loudspeakers, microphones or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such live band, machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, live band, amplifiers, loudspeakers, microphones or other machine or device in such manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section, subject to the exceptions listed below.
- c. *Amplification.* Amplification of sound in any outdoor setting located in or within fifty (50) feet of a residential neighborhood is prohibited except for special events where a special permit has been obtained from the City of Gallatin authorizing such event.
- d. *Loudspeakers, amplifiers for advertising.* The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is broadcast upon the public streets for the purpose of commercial advertising or attraction the attention of the public to any building or structure.
- e. *Yelling, shouting etc.* Yelling, shouting, hooting, whistling, or singing on the public streets, or in the parking lots of commercial business open to the public, particularly between the hours of 9:00 p.m. and 9:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling hotel or other type of residence, or of any persons in the vicinity. If the owner or manager of a commercial enterprise operates his business and is open to the public between the hours of 9:00 p.m. and 9:00 a.m. or at any time on Sunday or holidays, he shall locate his customer parking so his customers and patrons will not violate this chapter. A failure of the owner or manager to so locate his customer parking constitutes a violation of this chapter, when a customer or patron is convicted of violation of this chapter provided the owner or manager permits

customer or patron parking within one hundred (100) feet of a residential zone.

- f. *Animals, birds, etc.* The keeping of any animal or bird, which by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity.
- g. *Steam whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- h. *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or other vehicle through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- i. *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- j. *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or dumpster or the opening and destruction of bales, boxes, crates and containers, particularly other than during the hours between 6:00 a.m. and 6:00 p.m.
- k. *Construction or repairing of buildings.* The erection (including excavation), construction, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and from 9:00 a.m. to 6:00 p.m. on Saturdays. Work may also begin on Saturdays at 7:00 a.m. if it would not result in any loud, disturbing, or unnecessary noise that would otherwise violate this chapter. City holidays shall be considered as a Sunday for purposes of this section. If the City Administrator or his designee should determine that the interest of the public health and safety are served, by the erection, demolition, alteration or repair of any building or the excavation of streets or highways within the hours of 9:00 p.m. and 7:00 a.m. and if he shall determine that any loss of inconvenience that might result is outweighed by the public's interest in its safety and welfare, he may grant permission for such work to be done with the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.
- l. *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys patients in the hospital provided conspicuous signs are displayed in such street, indicating the same is a school hospital or court street.
- m. *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

- n. *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance show or sale.
- o. *Metal rails, pillars and columns, transportation thereof.* The transportation of rails, pillars, or columns of iron, steel or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any manner so loaded as to cause loud noises or as to disturb the peace of such streets or other public places.
- p. *Pile drivers, hammers, etc.* The operation between the hours of 6:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- q. *Blowers.* The operation of any blower or power fan or any combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noises from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- r. *Noise from motor vehicle audio equipment.* No person shall use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on the public streets of the City, property owned or leased by the City, or within a public park, within a public parking lot or on any other public premise with the City, which is audible to a person of normal hearing sensitivity more than fifty (50) feet from such vehicle, nor shall any person use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on private property which is audible to a person of normal hearing sensitivity more than fifty (50) feet outside the real property boundary of said property. Words and phrases need not be discernible for said sound to be "audible."

#### **10-90. Exemptions.**

The following uses and activities shall be exempt from noise level regulations:

- a. Noises of safety signals, warning devices, and emergency pressure relief valves.
- b. Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
- c. Noises resulting from emergency work as defined in the Gallatin Municipal Code, as amended.
- d. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regulations shall be exempt from the provisions of chapter. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under the federal air regulations shall also be exempt from the provisions of this chapter.
- e. Any vehicle of the City or a public utility while engaged in necessary public business.
- f. Excavations or repairs of bridges, streets, or highways by or on behalf of the City, the county, or the state during the night, when the public welfare and convenience renders it

- impossible to perform such work during the day.
- g. Emergency activities of the City, the county or the state and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare is involved.
  - h. Use of domestic power equipment (including, but not limited to, power lawn mowers, leaf blowers, trimmers, snowblowers, tillers, saws, sanders, drills or similar devices) between 7:00 a.m. and 9:00 p.m.
  - i. Attendant on-site noise and the playing of instruments connected with the actual performance or practice of organized sporting events or school events held on school campuses and in publicly owned parks or facilities.
  - j. Human sounds emanating from children including, but not limited to, speech and utterances of laughter, cries and, sounds associated with play.
  - k. Sounds lasting no more than five (5) minutes in anyone (1) hour created by bells, chimes, carillons or by electronic or mechanical devices that reproduce such sounds, while used in connection with a religious institution, school, or clock or bell tower.

#### **10-91. Application for Special Permit.**

(1) Applications for a special permit for relief from the noise level designated in this section on the basis of undue hardship may be made to the Mayor and City Council. Any permit granted by the Mayor and City Council herein under shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The Mayor and City Council may grant the relief as applied for, if it finds:

- a. That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this section; or
- b. The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with other subsections of this section; and
- c. That no other reasonable alternative is available to the applicant; and
- d. The Mayor and City Council may prescribe any conditions it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(2) Applications for relief from the noise level in this section for the purpose of a public parade, street fair or similar activity and conducted by a public entity, agency or committee thereof may be made to the Mayor or City Administrator. The Mayor and City Administrator are each authorized to issue for said purposes.

#### **10-92. Penalty for Violation.**

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in the amount of fifty dollars (\$50.00). Each day such violation is committed or permitted to continue is a separate offense.

**10-93. Additional Remedy; Injunction.**

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

**10-94. Severability.**

It is the intention of the Mayor and City Council that each separate provision of this section shall be deemed independent of all other provisions herein, and it is further the intention of the Mayor and City Council that if any provisions thereof shall remain valid and enforceable.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect immediately upon final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

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MAYOR JO ANN GRAVES

ATTEST:

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CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

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JOE H. THOMPSON  
CITY ATTORNEY

### **13.02 Performance Standards Regulations**

The following performance standard regulations shall apply to all uses of property as indicated in each respective district:

#### 13.02.010 Prohibition of Dangerous or Objectionable Elements

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition, or element in such a manner or in such amount as to adversely effect the surrounding area of adjoining premises (referred to herein as "dangerous or objectionable elements"); provided, that any use permitted or not expressly prohibited by this Ordinance may be undertaken and maintained if it conforms to the regulation of this Article limiting dangerous and objectionable elements at the point of the determination of their existence.

#### 13.02.020 Performance Standards Regulating Noise

A. Definitions - For the purpose of this Article, the following terms shall apply:

1. Decibel: a unit of intensity of sound pressure. The decibel scale is a logarithmic scale of ratios of pressure with respect to a reference pressure of 0.00002 microbars. It is abbreviated as DB.
2. Frequency: the number of times that a sound pressure fluctuation completely repeats itself in one second of time. Frequency is designated in cycles per second and is abbreviated c.p.s.
3. Impact Noise Analyzer: an instrument to measure the peak sound pressure of an impact sound.
4. Impact Sound: a sound produced by two or more objects (or parts of a machine) striking each other, so as to be heard as separate distinct noises.
5. Noise: a subjective description of an undesirable or unwanted sound.
6. Octave Band: a band of frequencies in which the upper limit of the band is twice the lower limit.

Preferred Frequency Octave Band: these octave bands are replacing the pre-1960 octave bands. The Preferred Frequency Bands are designated by a single number which corresponds to their geometric center frequency. Nine octave bands cover the entire range of frequencies of interest of industrial noise and are described in United States America Standard Institute (USASI) Standard Number SI.6-1960.

7. Octave Band Analyzer: an instrument to measure octave band composition of a noise by means of bandpass filters. It shall meet all requirements of the USASI and shall be calibrated for use with Preferred Frequencies.
  8. Overall Sound Level: total sound pressure level in the entire frequency spectrum between 20 and 20,000 c.p.s.
  9. Sound: rapid fluctuations of atmospheric pressure which are audible to persons.
  10. Sound Level Meter: an instrument to measure the overall sound level. It shall comply with applicable specifications of the USASI.
  11. Steady State: a noise or vibration which is continuous such as from a fan or compressor.
- B. Method of Measurement - For the purpose of measuring the intensity or frequency of sound, the sound level meter, octave band analyzer, and the impact analyzer shall be employed. The instruments to be used for these noise measurements shall conform to all current applicable USASI standards. During these measurements, the instruments shall be set on the "A" - weighted sound pressure level with the meter set for slow response.

Impact noises shall be measured on a commercially available impact noise analyzer.

- C. Maximum Permitted Sound Levels - The maximum permitted sound pressure levels in decibels across lot lines or district boundaries shall be in accordance with the Table 13-01. This table shall be used to determine the maximum noise level, measured in A-weighted decibels, which shall be permitted at the property line of the closest use in each of the following categories.

**TABLE 13-01**

MAXIMUM PERMITTED SOUND LEVELS (dBA)

<u>RECEIVING LAND USE CATEGORY</u>	<u>SOUND LEVEL LIMIT</u> (dBA)	
	7 p.m. - 7 a.m.	7 a.m. - 7 p.m.
Industrial and Agricultural	55	75
All Others	45	65

13.02.030 Performance Standards Regulating Vibration

No vibration other than from a temporary construction operation or a transportation facility shall be permitted which is discernible without instruments at the zone lot line of the zone lot on which the vibration source is situated.

Any property owner shall have the right to have a hearing before the city council to show cause, if any, why such expense and charge should not constitute a lien against his property. Such owner shall also have the right at this hearing to have determined the reasonableness of the expense or charge made by the municipality in remedying the condition or conditions existing upon the property of such owner.  
(Code 1979, § 8-504; Ord. No. O9506-049, § 5, 7-11-95; Ord. No. O0107-038, 7-17-01)

**Sec. 10-63. Recorder to keep files and records.**

The city recorder of the city shall keep a complete set of files and records relating to such liens, and shall include the amounts of such liens in tax statements for ad valorem taxes thereafter submitted to the owners of lots, tracts, or parcels of land subject to such liens.  
(Code 1979, § 8-505)

**Sec. 10-64. Authority to include administrative costs.**

The building official shall have the discretion to impose an additional administrative charge of two hundred dollars (\$200.00) for each abatement of a nuisance occurring under prior sections of this article. The same shall be assessed as a part of the municipal taxes and a lien upon the real estate, with the same result and effect as set forth in prior sections of this article.  
(Code 1979, § 8-506; Ord. No. O0107-038, 7-17-01; Ord. No. O0310-043, 11-4-03; Ord. No. O0501-001, § 1, 1-18-05)

**Secs. 10-65—10-85. Reserved.**

**ARTICLE IV. NOISE\***

**Sec. 10-86. Antinoise regulations generally.**

(a) Subject to the provisions of this article, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be det-

\*Cross references—Police officers shall report all nuisances, § 2-215; no person shall own, keep or harbor any dog which by loud and frequent barking, etc., annoys or disturbs the neighborhood, § 4-40.

rimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

(b) The acts, among others enumerated in this article, are declared to be loud, disturbing, and unnecessary noises in violation of this Code, but this enumeration shall not be deemed to be exclusive.

(Code 1979, § 10-233)

#### Sec. 10-87. Exceptions.

None of the terms or prohibitions in sections 10-86 through 10-99 shall apply to or be enforced against:

- (1) *City vehicles.* Any vehicle of the city while engaged upon necessary public business.
- (2) *Repair of streets, etc.* Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.
- (3) *Noncommercial and nonprofit use of loudspeakers or amplifiers.* The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit.

(Code 1979, § 10-233(2))

#### Sec. 10-88. Blowing horns.

The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any

unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time are prohibited.

(Code 1979, § 10-233(1)(a))

Cross reference—Traffic and vehicles, ch. 16.

**Sec. 10-89. Radios, phonographs, etc.**

The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital; or in any dwelling, hotel, or other type of residence; or of any person in the vicinity is prohibited.

(Code 1979, § 10-233(1)(b))

**Sec. 10-90. Yelling, shouting, etc.**

Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity is prohibited.

(Code 1979, § 10-233(1)(c))

Cross reference—Streets, sidewalks and other public ways and places, ch. 15.

**Sec. 10-91. Pets.**

The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity is prohibited.

(Code 1979, § 10-233(1)(d))

Cross reference—Animals, ch. 4.

**Sec. 10-92. Use of vehicle.**

The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise is prohibited.

(Code 1979, § 10-233(1)(e))

**Sec. 10-93. Blowing whistles.**

The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities is prohibited.  
(Code 1979, § 10-233(1)(f))

**Sec. 10-94. Exhaust discharge.**

To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, is prohibited.  
(Code 1979, § 10-233(1)(g))

**Sec. 10-95. Building operations.**

The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section is prohibited, other than between the hours of dawn to dusk, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building official granted for a period while the emergency continues, not to exceed thirty (30) days. If the building official should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of dusk to dawn, or any other time he may deem appropriate, and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done at additional times upon application being made at the time the permit for the work is awarded or during the process of the work.  
(Code 1979, § 10-233(1)(h); Ord. No. 09809-057, 10-20-98)

Cross reference—Buildings and building regulations, ch. 5.

**Sec. 10-96. Noises near schools, hospitals, churches, etc.**

The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session is prohibited.  
(Code 1979, § 10-233(1)(i))

**Sec. 10-97. Noises to attract attention.**

The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise is prohibited.

(Code 1979, § 10-233(1)(k))

Cross reference—Licenses, permits and business regulations, ch. 11.

**Sec. 10-98. Loading and unloading operations.**

The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers is prohibited.

(Code 1979, § 10-233(1)(j))

Cross reference—Traffic and vehicles, ch. 16.

**Sec. 10-99. Loudspeakers or amplifiers on vehicles.**

The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes is prohibited.

(Code 1979, § 10-233(1)(l))

## HENDERSONVILLE MUNICIPAL CODE

### Sec. 11-403. Supplemental excessive noise regulations.

(1) No person or persons owning, employing or having the care, custody or possession of any musical instrument, radio set, television set, phonograph, or other instrument, machine or device for amplifying, producing or reproducing sound, shall operate, use or permit to be operated or used such instrument, machine or device in such a manner as to disturb the peace and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the persons who are in the room or chamber in which or who are on the premises from which such instrument, machine or device is operated and who are voluntary listeners thereto.

(2) The operation of any such instrument, machine or device in such a manner as to be plainly audible on any adjacent or adjoining property shall be prima facie evidence of a violation of this section unless specifically permitted by ordinance or law or by an agency or department of the City of Hendersonville (the "City").

(3) No person operating or occupying a motor vehicle on any street, highway, alley, parking lot or driveway, either public or private property, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty or more feet from the vehicle or, in the case of a motor vehicle on private property, beyond the property line. For the purpose of this subsection, "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty or more feet, however, words or phrases need not be discernible and said sound shall include bass reverberation. Prohibitions contained in this section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by the City, Sumner County, Tennessee, or any utility company, for sound emitted unavoidably during job-related operation, or any motor vehicle used in an authorized public activity for which a permit has been granted by the appropriate governmental agency.

(4) No person or persons owning, operating, or having the care, custody, or control of any facility located within fifty feet of a residence or of a natural conservation area shall permit to be operated any musical instrument or other entertainment device using amplification unless such music or other entertainment is provided within a totally enclosed structure. Such music or other entertainment may be provided outside of a structure only between the hours of seven a.m. and eleven p.m., except when exempted under provisions of the code as a special event, mass gathering or other permitted activity by the City of its boards or commissions. The provisions of this section shall not apply to entertainment facilities constructed to provide outdoor entertainment owned by the City or its agencies and parks under the control of the board of parks and recreation.

(5) No person or persons owning, operating, or having the care, custody, or control of any business or commercial facility shall be permitted to operate any equipment (musical or otherwise), vehicles, or heavy machinery incident to performing business or commercial functions, or engage in any other business or commercial activity which would emit, cause to be emitted, or permit the emission of any noise in excess of sixty-five (65) Db(A) as

measured from a point as close as possible to the outside walls of any residential structure located within a residential zoning district affected by the noise at a height of four feet above the immediate surrounding surface. The provisions of this paragraph shall be in effect between the hours of 9:00 p.m. and 6:00 a.m., Sunday night through Thursday night, and between the hours of 11:00 p.m. and 6:00 a.m., Friday night and Saturday night. At all other times, no person or persons owning, operating, or having the care, custody, or control of any business or commercial facility shall be permitted to operate any equipment (musical or otherwise), vehicles, or heavy machinery incident to performing business or commercial functions, or engage in any other business or commercial activity which would emit, cause to be emitted, or permit the emission of any noise in excess of seventy-five (75) Db(A) as measured from a point as close as possible to the outside walls of any residential structure located within a residential zoning district affected by the noise at a height of four feet above the immediate surrounding surface.