

## 11.12.070 - Excessive noise.

- A. Except for properties lying within an area zoned DTC district and properties zoned CF district that are contiguous to those zoned DTC district, it shall be unlawful for any person to:
1. Operate or allow the operation of any sound amplification equipment so as to create sounds that are plainly audible from the boundary line of the nearest residentially occupied property. For multifamily structures, including apartments, condominiums, or other residential arrangements where boundary lines can not readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds that are plainly audible from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property. For purposes of this section, "sound amplification equipment" means a radio, tape player, compact disc player, digital audio player, television, electronic audio equipment, musical instrument, sound amplifier, or other mechanical or electronic sound-making device that produces, reproduces or amplifies sound. This subsection shall not apply to a special event, mass gathering or other permitted activity by the metropolitan government or its boards or commissions. Further, the provisions of this section shall not apply to entertainment facilities constructed to provide outdoor entertainment owned by metropolitan government or its agencies and parks under the control of the board of parks and recreation. For the purpose of this subsection, "plainly audible" means any sound which clearly can be heard by unimpaired auditory senses.
  2. Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which are plainly audible at or on the boundary of the nearest public right-of-way or park. For the purpose of this subsection, "plainly audible" means any sound which clearly can be heard by unimpaired auditory senses.
  3. Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in parks under control of the board of parks and recreation, so as to produce sounds that are plainly audible fifty feet or more from any electromechanical speaker. For the purpose of this subsection, "plainly audible" means any sound which clearly can be heard by unimpaired auditory senses.
- B. The provisions of this subsection B. shall be applicable for properties lying within an area zoned DTC district and properties zoned CS district that are contiguous to those zoned DTC district:
1. Except as provided in subsection B.5. of this section, it shall be unlawful to operate or allow the operation of any amplification device mounted to the exterior of a building or structure, or to operate such device outside of the premises.
  2. It shall be unlawful for interior speakers of an establishment during business operating hours to be aimed or oriented toward the exterior opening of a building, when said speakers produce sounds registering more than eighty-five Decibels (A weighted), as measured at street level fifty linear feet from the outside wall of the structure within which the noise is produced. Other than during business operating hours, it shall be unlawful for any establishment to operate or allow the operation of interior speakers producing sounds registering more than seventy Decibels (A weighted) at or on the boundary of the nearest public right-of-way or park. For purposes of this subsection, "business operating hours" means the hours during which an establishment is open to customers or patrons.
  3. All prerecorded music shall be limited to the 85 Decibel limit (A weighted), regardless of the source including, but not limited to: vinyl records, compact disks, digital video disks, digital audio players, hard drives, solid state memory, tape drives, radio sets or television sets. Such sound measurement shall be

taken at street level fifty linear feet from the outside wall of the structure within which the noise is produced. Notwithstanding the foregoing, live music is expressly exempt from the 85 Decibel limitation. Live music shall mean that musicians, instruments and singers will not be prerecorded.

4. If a commercial operation functions primarily as a dining establishment with outside seating, that establishment shall be exempt from the speaker prohibition but must limit the sound output to 85 Decibels (A weighted), as measured at street level fifty linear feet from the property line of the dining establishment from which the noise is produced.
5. The following shall be exempt from the provisions of subsection B.1. above:
  - (a) Special events, mass gatherings, or other permitted activities by the State of Tennessee or the metropolitan government or any of its boards or commissions;
  - (b) Entertainment facilities constructed to provide outdoor entertainment owned by the State of Tennessee, the metropolitan government (or its agencies), or the parks under the control of the State of Tennessee or the metropolitan board of parks and recreation;
  - (c) Churches or facilities used for religious worship.
- C. Motor vehicle noise. It shall be unlawful for any person to:
  1. Operate any motor vehicle that is not equipped with a muffler in good working order and in constant operation to prevent excessive noise.
  2. Operate a motor vehicle equipped with a cut-out, by-pass, or similar muffler elimination unit, or to operate a motor vehicle with devices that amplify motor noise or motor vehicle exhaust noise.
  3. Operate a motor vehicle if the exhaust noise is plainly audible at two hundred feet. For purposes of this subsection, "plainly audible" means the detection of the sound of a muffler or of an exhaust by a person using his or her unaided hearing faculties.
  4. Operate or allow the operation of buses in a parking or staging area if noise from the engine, exhaust, or back-up alert beeper is plainly audible from the nearest exterior wall of a transient lodging establishment within the commercial attraction (CA) zoning district. For purposes of this subsection, "plainly audible" means the detection of the noise by a person using his or her unaided hearing faculties.
- D. 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.
- E. Except for properties lying within an area zoned DTC district and properties zoned CF district that are contiguous to those zoned DTC district, no person or persons owning, operating, or having the care, custody, or control of any facility located within fifty feet of a residence and/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 metropolitan government or its boards or commissions. The provisions of this section shall not apply to entertainment facilities constructed to provide outdoor entertainment owned by metropolitan government or its agencies and parks under the control of the board of parks and recreation.
- F. Outdoor entertainment events within the downtown area.
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No person shall operate an outdoor music and/or entertainment event that produces amplified sound which registers more than eighty-five Db(A), as measured from any point within the boundary line of the nearest residentially occupied property at the street level.

2. The provisions of this subsection shall only apply to (a) properties lying with an area zoned DTC district and properties zoned CF district that are contiguous to those zoned DTC district; (b) properties lying within an area bounded by properties fronting Music Square West and 17th Avenue South from Division Street to Edgehill Avenue; (c) properties along the north portion of Edgehill Avenue between 17th Avenue South and 16th Avenue South; (d) properties fronting 16th Avenue South and Music Square East between Edgehill Avenue and Division Street; (e) properties lying within an area fronting on the east side of 21st Avenue South from Scarritt Place to Edgehill Avenue; and (f) the properties fronting on the north side Edgehill Avenue to 17th Avenue South.

G. Commercial noise.

1. 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, vehicles, or heavy machinery incident to performing business or commercial functions, or engage in any other business or commercial activity between the hours of 9:00 p.m. and 6:00 a.m. which would emit, cause to be emitted, or permit the emission of any noise in excess of seventy 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.
2. For business or commercial facilities located within the DTC and CF zoning districts, 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, vehicles, or heavy machinery incident to performing business or commercial functions, or engage in any other business or commercial activity between the hours of 9:00 p.m. and 6:00 a.m. which would emit, cause to be emitted, or permit the emission of any noise in excess of eighty-five 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.

- H. Prohibitions contained in this section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by the metropolitan government 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 agency of the metropolitan government.

(Ord. BL2013-604 § 1, 2014; Ord. BL2011-65 § 1, 2012; Ord. BL2009-587 § 2, 2010; Ord. BL2008-306 § 2, 2009; Amdt. 1 to Ord. BL2008-259 § 2, 2008; Ord. BL2008-259 §§ 1, 2, 2008; Amdt. 1 to Ord. BL2006-1138 § 1, 2006; Ord. BL2006-1138 § 1, 2006; Ord. 2002-1061 § 1, 2002; Ord. 2001-772 § 1, 2001; Amdts. 1, 2 to Ord. BL2000-378 §§ 1, 2, 2000; Amdt. 1 to Ord. 93-724, 8/3/93; Ord. 93-724 § 1, 1993; Ord. 88-508 § 1, 1988; prior code § 29-1-54)