

NOISE CONTROL RESOLUTION

0.1 Purpose

The purpose of this section is to establish standards that will eliminate or reduce unnecessary, unreasonable and excessive noise, which is physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and conduct of business.

0.2 Applicability

This section is not intended to prohibit engagement in any legitimate business or agricultural activity so long as such activities do not reasonably and unnecessarily interfere with the use and enjoyment of surrounding residential and commercial areas.

0.3 Definitions

For the purposes of this section, certain words and phrases used herein are defined as follows:

- (1) *A-Weighted Level*. The total sound pressure level of all noise as measured with a sound level meter using the A-Weighted network. The unit of measurement is the dBA.
- (2) *Ambient Noise*. The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.
- (3) *Band Pressure Level*. The sound for a specified frequency band is the sound pressure level for the sound contained within the restricted band. The referenced pressure must be specified.
- (4) *Commercial Use*. Activity within or upon a premises where commercial businesses for profit exist, including but not limited to, offices, clinics, kennels, shopping and service establishments exist and none of the gross floor area meets the definition of residential use.
- (5) *County*. Anderson County, Tennessee.
- (6) *Cycle*. The complete sequence of values of a periodic quantity that occurs during a specified period.
- (7) *dBA*. Decibel shown in a reading made on the dBA scale.
- (8) *Decibel or dB*. One-tenth of a bel and is a unit of level when the base of the logarithm is the tenth root of ten, and the ties concerned are proportional to power.

(9) *Impulsive Sound.* A sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of such impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

(10) *Industrial Use.* Any activity within or upon a premises where manufacturing, processing or fabrication of goods or products takes place.

(11) *Motor Vehicle.* Any motor vehicle required to be registered by the Department of Safety for the State of Tennessee pursuant to Title 55 of the Tennessee Code. Motor vehicle also includes motorcycles not required to be registered by the State of Tennessee, four wheelers, go-carts and other motorized conveyances.

(12) *Person.* Any individual, association, partnership, or corporation, and any officer or employee thereof.

(13) *Public Premise.* 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 real property leased to any non-governmental entity for residential, commercial or industrial use as defined herein.

(14) *Real Property Boundary.* A line along the ground surface, and its vertical extension which separates the real property owned by one person or entity from that owned by another person or entity, but not including intrabuilding real property divisions.

(15) *Real Property Use.* Any premises lawfully used for human habitation under the resolutions of the Anderson County and the laws of the State of Tennessee and shall include schools, churches, hospitals, nursing homes, and similar institutional facilities. For the purposes of this section only, premises adjoining, adjacent to or opposite hospitals or nursing homes shall also be deemed residential use.

(16) *Sound Analyzer.* The device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.

(17) *Sound Level Meter.* An instrument, including a microphone, an amplifier, an output meter, and a frequency-weighting network for the measurement of noise and sound levels in a specified manner.

(18) *Sound Pressure.* The average rate of which a sound energy is transmitted through a unit area in a specific direction.

(19) *Sound Pressure Level.* In decibels of sound, is twenty times the logarithm to the base of ten of the ratio of the pressure of this sound to the referenced

pressure, which reference pressure is for the purpose of this section a reference pressure of twenty (20) micro-newtons per metered square.

(20) *Sound Pressure Level Meter.* An instrument for the measurement of the intensity of sound and accuracy calibrated in decibels. Readings shall be made on a dBA scale.

(21) *Unnecessary Sound.* That level of sound which is not needed under the facts and circumstances presented in the particular situation determined through an objective reasonableness standard.

(22) *Unreasonable Sound.* That level of sound that exceeds all reasonable limits under the facts and circumstances presented in the particular situation as determined through an objective reasonableness standard.

(23) *Unusual Sound.* That level of sound which is uncommon and not normal for the particular area of the county and not usual for the facts and circumstances presented in a particular situation as determined through an objective reasonableness standard.

All technical definitions are in accordance with American National Standards Institute S1.1-1960 entitled "Acoustical Terminology". All words and phrases not defined shall be given their common meaning within the English language.

0.4 Standards

The standards which will be considered in determining whether a violation of this section exists shall include, but shall not be limited to the following:

- (1) The frequency of the noise;
- (2) The intensity of the noise;
- (3) Whether the nature of the noise is usual or unusual;
- (4) Whether the origin of the noise is natural or unnatural;
- (5) The frequency and intensity of the ambient noise, if any;
- (6) The proximity of the noise to residential sleeping facilities;
- (7) The nature and land use of the area within which the noise emanates;
- (8) The population density of the habitation of the area within which the noise emanates;
- (9) The time of day that the noise occurs;

- (10) The duration of the noise; and
- (11) Whether the noise is recurrent, intermittent, or constant.

0.5 General Prohibition

Consistent with other provisions of this chapter, and in addition thereto, it shall be unlawful for any person within the limits of the County to make, produce, cause, suffer, continue or allow to be produced or continue 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.

0.6 Unreasonably Loud, Unusual or Unnecessary Noise

The following acts among others are declared to be unreasonably loud, unusual or unnecessary noises in violation of this section, even if the noises referred to do not violate the noise level standards set forth in the Anderson County Planning and Zoning Resolution or decibel level restrictions set forth in this section:

(1) *Horns, signaling devices.* The sounding of any horn, siren or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the County, except as a danger warning; the creation of any unreasonably loud or harsh sound by means of this signaling device and the sounding of this device for an unnecessary and unreasonable period of time is prohibited. The unnecessary use of any horn, siren, bell or whistle when vehicular traffic for any reason is being held up is prohibited.

(2) *Radios, phonographs, similar devices.* The using, operating or permitting to be played, use or operation of any radio receiving set, musical instrument, phonograph, compact disc player, tape machine, or other machine or device for the producing or reproducing of sound in such manner as to unreasonably disturb the peace quiet and comfort of the neighboring inhabitants is prohibited, or at any time with louder volume than is reasonably necessary for convenient hearing for the person who is in the room, vehicle, or chamber in which this machine or device is operated and who is a voluntary listener thereto. The operation of the set, instrument, phonograph machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the room, building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(3) *Loud speakers, amplifiers for advertising.* The using, operating or permitting to be played, use or operation of any radio receiving set, musical instrument, phonograph, compact disc player, tape machine, loud speaker, sound amplifier or other machine or device for the producing or reproducing of sound

which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure is prohibited.

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

(5) *Noisy animals or birds.* Anyone who keeps or maintains an animal or bird that unreasonably disturbs the comfort or repose of any person, because the animal or bird is emitting frequent or long continued sound or noise, and who continues to keep, maintain or allow an animal or bird to unnecessarily and unreasonably disturb the comfort and repose of any person or persons shall be deemed in violation of this section, provided that the person(s) keeping or maintaining the animal or bird has first been notified in writing by certified mail, return receipt requested, by the complaining party that this animal or bird being kept by the addressee is unreasonably disturbing his or her comfort and repose. This section shall be liberally construed to accomplish the objective of this section, and the person making this written notification need not use the exact words of this section to the addressee so long as the notification sufficiently informs the addressee of the nature of the disturbing noise emitted by the animal or bird. Upon receipt of a certified letter notifying the person keeping or maintaining such animal or bird, such person shall be required to immediately comply with this section. The warning provision contained within this section shall not apply to the enforcement of this section by a law enforcement officer charged with enforcement of this section who personally witnesses a violation of this provision. This section shall not apply to horses, livestock, poultry, or other farm animals, provided they are maintained in accordance with the Anderson County Zoning Regulations.

(6) *Construction or repair of buildings.* The erection, excavating, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays is hereby prohibited except that the building inspector may determine when the loss or inconvenience that would result to any party in interest is of such nature as to warrant special consideration then the building inspector may grant a permit for a period not to exceed 10 days or less for this work to be done between the hours of 10:00 p.m. and 7:00 a.m.

(7) *Transportation of metal rails, similar materials.* The transportation of rails, pillars or columns of iron, steel or other materials over and along streets and other public places upon carts, drays, cars, trucks or in any matter so loaded as to cause unnecessary loud noises or as to unreasonably disturb the peace and quiet of those streets or other public places is prohibited.

(8) *Pile drivers, hammers, and similar equipment.* The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other construction appliance, the use of which is attended by unreasonably loud or unusual sounds or noises is prohibited.

(9) *Blowers and motors.* The operation of any noise creating blower or power fan or any internal combustion engine, the operation of which causes unreasonable noises due to electrical motor operation or explosions of operating gases or fluids is prohibited, unless the noise from this blower or fan is muffled and the engine is equipped with an operational muffler device reasonably sufficient to deaden the noise.

(10) *Sound trucks.* The use of mechanical loud speakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes is prohibited. The use of sound trucks for non-commercial purposes during such hours, in which such unreasonable volume as would constitute a public nuisance, is prohibited.

(11) *Steam whistles.* The blowing of any steam whistle attached to a stationary boiler is prohibited, except to give notice of the time to begin or stop work or as a warning of fire or danger or upon the request of proper authorities.

(12) *Exhaust.* To discharge into the open air of exhaust of any steam engine, stationary internal combustion engine or motor vehicle, or motorboat is prohibited except through a muffler in good working condition or other device which will effectively prevent loud or explosive noises there from.

(13) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create unreasonably loud and unnecessary grating, grinding, rattling or other noises is prohibited.

(14) *Loading, unloading, opening boxes.* The creation of unreasonably loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, dumpsters and containers are prohibited.

(15) *Schools, courts, churches, hospitals.* The creation of any unreasonably 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 normal operation of the institution, or which disturbs or unduly annoys patients in the hospital is prohibited, provided that conspicuous signs are displayed in the street indicating that there is a school, hospital or court in the immediate area.

(16) *Hawkers, peddlers, vendors.* The shouting and crying of hawkers, peddlers and vendors, which disturbs the peace and quiet of the neighborhood, is prohibited.

(17) *Noises to attract attention.* The use of any drum or other instrument or devise for the purpose of attracting attention to any performance show or sale is prohibited.

(18) *Operation of motor vehicles.* The operation of motor vehicles, including cars, trucks, motorcycles, four-wheelers or go-carts upon any parking facility, public or private, vehicle access or pedestrian walkway or street, public or private, so as to create unreasonable noise and to disturb the peace, quiet and comfort of the inhabitants of the neighborhood is prohibited.

(19) *Loud, unnecessary or unusual noise.* It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual sound or noise, including the ignition of fireworks, which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the County, and which is audible to a person of normal hearing ability from the closest abutted property line to the point of origin of the sound or noise.

(20) *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 county, property owned or leased by Anderson County Government, or within a public park, within a public parking lot or on any other public premise within the county, 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 phrase need not be discernable for said sound to be audible, and said sound shall include base reverberation.

(21) *Live Bands, Parties or Performances.* It shall be unlawful for any person to make, cause, continue or allow a live band, party or performance to produce any unnecessary or unusual level of loud sound or noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the County, and which is audible to a person of normal hearing ability from the closest abutted property line to the point of origin of the noise or sound. The production of sound or noise from a live band, party, or performance between the hours of 11:00p.m. and 7:00a.m. in such a manner as to be audible to a person with normal hearing ability from the closest abutted property line to the point of origin of the sound or noise shall be prima facie evidence of a violation of this section.

0.7 Excessive Noise; Decibel Level Restrictions

(1) *Maximum noise from vehicle.* No person shall operate either a motor vehicle or combination of vehicles of a type subject to state registration at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limit for the category of motor vehicle, based on a distance of fifty (50) feet from the center of the lane of travel within the speed limits specified in this section:

(a) Any motor vehicle with a manufacture's gross vehicle weight rating of 6,000 pounds or more, any combination of vehicles towed by such motor vehicle, and any motorcycle, shall not exceed the maximum decibel level of 86 dBA at 35 miles per hour or less, or a maximum of 90 dBA level at speeds in excess of 35 miles per hour.

(b) Any other motor vehicle and any combination of vehicles towed by such motor vehicle shall not exceed the maximum decibel level of 82 dBA at a speed of 35 miles per hour or less, or 86 dBA at speeds greater than 35 miles per hour.

(2) *General Decibel Restrictions For Residential and Commercial Property*

At any property, lot, parcel or tract line in any district, the intensity level of sounds resulting from any activity, operation, or use of land, building or equipment, shall not exceed described levels set forth in the following table for the zone of the adjacent land measured by the closest adjacent property line.

Zoning Districts	Allowable Noise Levels in dBA 7:00 a.m. – 10:00 p.m.	Allowable Noise Levels in dBA 10:00 p.m. – 7:00 a.m.
R-1	60 dBA	55 dBA
A-2	65 dBA	60 dBA
A-1	65 dBA	60 dBA
C-1	70 dBA	65 dBA
I-1	70 dBA	70 dBA
I-2	80 dBA	80 dBA
F-1	80 dBA	80 dBA

0.8 Measurements

Measurements shall be taken with an American National Standards Institute (ANSI) type 1 or type 2 sound level meter using the A-Weighted Scale. Measurements shall be taken at the zone boundary line unless there is noise in excess of prescribed levels and the offender(s) cannot be isolated. In this case, the measurements shall be taken at the property line boundary.

0.9 Maximum Sound Level

No person shall cause, suffer, allow or permit any source within a public premises or residential dwelling any airborne sound which when measured from the source of the sound has an A-Weighted sound pressure level in excess of 65 dBA or any impulsive sound which has an A-Weighted sound pressure level of 80 dBA. Impact noises generated by sources that do not operate more than one minute in any one hour are permissible up to a level of 10 dBA in excess of the figures listed above, except that this higher level of permissible noise shall not apply from 7:00 p.m. to 7:00 a.m. when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter. All measurements shall be made from the closest adjacent property line.

0.10 Continuing Violations

Each violation of this chapter shall be considered a separate event, any violation continuing more than one-half hour or reoccurring within one-half hour after notification of a violation of this section by a law enforcement officer shall be considered a separate offense for each half hour of violation.

0.11 Nuisances

Repeated violations of this section shall be constituted a public nuisance and shall be subject to abatement through injunctive relieve.

0.12 No Warning Required

Nothing in this chapter shall be construed as requiring any warning to any person before the enforcement of the provisions of this chapter except for section 0.6. (5) Entitled *Noisy animals or birds*.

0.13 Exceptions

None of the terms or prohibitions contained in this section shall apply to or be enforced against;

(1) Any vehicle of a governmental entity or a public utility while engaged in necessary public business.

(2) Excavations or repairs of bridges, streets or highways by or on behalf of any municipality, the county, or the state during the night, when the public welfare and convenience renders it impossible to perform such work during the day.

(3) Emergency activities of cities, the county or the state at emergency activities of public utilities when they are seeking to provide electricity, water or other public utility service and the public health, safety or welfare is involved.

(4) Any special event authorized pursuant to this section or otherwise authorized by any municipality, the county or the state pursuant to the law, rules and regulations of the city, county and state.

(5) Excavation, construction, demolition, repair paving or alteration of buildings or streets by private contractors. This exception shall not apply to such excavation, construction, demolition, repair, paving or alteration of buildings or streets in a residential use district between the hours of 6:00 p.m. and 7:00 a.m. except in a case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector. The building inspector 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 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between 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.

(6) Use of domestic power equipment including but not limited to power lawn mowers, leaf blowers, trimmers, snow blowers, tillers, saws, sanders, drills or similar devices between 7:00 a.m. and 9:00 p.m.

(7) On site noise connected with the actual performance of organized sporting events or other school activities on school campuses and other authorized activities in publicly owned parks or facilities.

(8) Warning devices on authorized emergency vehicles and on motor vehicles used for traffic safety purposes.

(9) Amplified and un-amplified bells and chimes on schools, churches, public buildings and other places of assembly.

(10) Use of motor vehicles for the collection and/or compacting of refuse, except that such vehicles shall not operate between the hours of 10:00 p.m. and 7:00 a.m. in a residential zone.

(11) Cleaning and maintenance of parking lots and access roadways held open to the public, but only when such activities are not feasible between the hours of 7:00 a.m. and 10:00 p.m.

(12) Any aircraft in flight subject to federal law regarding noise control and any helicopter in the act of flying, including landing or taking off, if such operation is approved pursuant to federal regulations.

(13) Air conditioning and refrigeration units appurtenant to a permanent structure, so long as the unit or any of its components parts is not so out of repair as to create loud or unnecessary grating, grinding, rattling or other noise.

(14) Human sounds emanating from children twelve (12) years of age or under, including but not limited to speech and utterances of laughter, cries and sounds associated with play.

(15) Security alarms on structures or motor vehicles, except that such alarms must terminate operation within five (5) minutes after activation for continuous airborne sound and within fifteen (15) minutes for impulsive sound unless otherwise provided in this section.

(16) The provisions of this section shall not apply to or be enforced against the reasonable use of amplifiers, sirens or loud speakers in the course of public addresses or emergency public notification, which are non-commercial and necessary for the public benefit.

(17) This section shall not apply to vehicles and equipment used in connection with the removal of trees, brush, undergrowth, etc. whether privately owned or governmental operated while removing said debris from streets or government right-of-ways after storms or severe weather in the area.

(18) This section shall not apply to trains, and warning devices attached to trains, including but not limited to whistles, horns or electronic blasts, operating lawfully upon the railroad tracks or railroad yards within the geographic borders of Anderson County.

(19) This section shall not apply to regattas or boat races as approved and provided for in T.C.A. § 69-10-305.

(20) This section shall not apply to the reasonable use of sound trucks on behalf of candidates between the hours of 10:00 a.m. and 9:00 p.m. on the day of any municipal, county, state or national general or special election, primary or referendum.

(21) This section shall not apply to organized shooting clubs or ranges if established in accordance with Tennessee law.

(22) This section shall not apply to race tracks for any motor vehicle when such race track is officially organized and operated within the laws of the state of Tennessee, properly licensed by a local government, and sanctioned by a nationally recognized racing organization charged with overseeing the competitive activities at said race track.

(23) This section shall not apply to any commercial use establishment or park, including but not limited to, permitted riding or hiking clubs licensed to do business within Anderson County and including activities consisting of permitted uses such as hiking, horse-back riding, bicycling, vehicular use, off-road motor vehicles, all-terrain vehicles, motorcycles, three- vehicles and the like.

0.14 Special Noise Permits

(1) The county office of Planning and Zoning shall upon proper application grant special permits for limited exceptions from the provisions of this section.

(2) Special noise permits shall be issued only for events occurring Friday, Saturday, Sunday after 1:00p.m., or a federally recognized holiday, and shall be effective only between the hours of 7:00 a.m. and 12:00 midnight. Special noise permits shall be limited to a single day and not more than two (2) permits shall be issued to any premises in any twelve (12) month period, regardless of any change in ownership of the premises.

(3) Any person seeking a special noise permit pursuant to this section shall file an application with the office of Planning and Zoning, which application shall contain specific information regarding the nature of the event for which the permit is sought, including the anticipated duration of the event, the address of the premises for which the permit is sought, the name and address if different for which the permit is sought of the person seeking the permit, an acknowledgement of responsibility from the applicant for any violations of this section resulting from non compliance with the terms of the permit and the signature of the applicant. Said application shall be filed no less than three (3) business days prior to the effective date of the permit.

(4) Upon receipt of a properly executed and signed application, the office of Planning and Zoning shall issue a special noise permit to the applicant which permit shall exempt the premises specified in the permit from the provisions of these sections for the date specified in the permit, except that sound emitted from the premises shall in no way exceed the standards set forth in this section by more than 20 dBA.

(5) Non-compliance with any conditions of the permit or any of the provisions of this section shall invalidate the permit and subject the applicant or any other person on the premises to all provisions of this chapter.

(6) The permit shall be displayed prominently on the premises covered by the permit, and shall be shown to any law enforcement officer requesting to verify its contents.

0.15 Severability

(1) The provisions of this section are severable. If any provisions of this section or its application to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application.

