

# 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.