

ORDINANCE NO. 2010-16

AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN TOWN CODE, TITLE 11, TO AMEND TITLE 11 BY DELETING CHAPTER 10 IN ITS ENTIRETY AND SUBSTITUTING A NEW CHAPTER 10 ENTITLED "AGAINST THE PEACE AND QUIET".

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SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that Title 11 of the Signal Mountain Town Code is amended to delete Chapter 10 in its entirety and to substitute a new Chapter 10 in lieu thereof entitled "Against the Peace and Quiet" as follows:

AGAINST THE PEACE AND QUIET

SECTION

- 11-1001. Disturbing the peace.
- 11-1002. Anti-noise regulations.
- 11-1003. Declared Unnecessary noises enumerated.
- 11-1004. Nonvehicular noises restricted.
- 11-1005. Vehicular noise regulations.
- 11-1006. Excessive noise from motor vehicles.
- 11-1007. Exemptions.

11-1001. 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. (1985 Code, § 10-1001)

11-1002. Anti-noise regulations.

(1) The making, creation or permitting of any unreasonably loud, disturbing or unnecessary noise in the Town which may disturb the peace and quiet of residential neighbors is prohibited.

(2) The making, creating or permitting of any noise of such character, intensity or duration as to be detrimental to the life, health or welfare of any individual or which

either steadily or intermittently annoys, disturbs, injures or endangers the comfort, repose, peace or safety of any individual is prohibited.

(3) To assist in applying uniform standards for the enforcement of noise problems within the Town, the following standards shall apply:

(a) Within all Residential zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, between designated hours is in excess of:

(i) 7:00 A.M. to 9:00 P.M.:

(A) Continuous airborne sound which has a sound level of 60 dbA's.

(B) Impulsive sound in air with an impulsive sound level of 80 dbA's.

(ii) 9:00 P.M. to 7:00 A.M.:

(A) Continuous airborne sound which has a sound level of 50 dbA's.

(B) Impulsive sound in air with an impulsive sound level of 70 dbA's.

(b) Within all Commercial zones. No person shall cause, suffer, allow or permit sound from any source which when measured at the point of annoyance, between designated hours is in excess of:

(i) 7:00 A.M. to 9:00 P.M.:

(A) Continuous airborne sound which has a sound level of 65 dbA's.

(B) Impulsive sound in air with an impulsive sound level of 80 dbA's.

(ii) 9:00 P.M. to 7:00 A.M.:

(A) Continuous airborne sound which has a sound level of 55 dbA's.

(B) Impulsive sound in air with an impulsive sound level of 80 dbA's.

11-1003. Declared unnecessary noises enumerated. The following acts, among others, are declared to be loud or disturbing or unnecessary noises in violation of this chapter even if the noises referred to do not violate the standard noise level for the Town.

(1) Horns, signal devices and the like.

(a) The sounding of any horn or signal device of any automobile, motorcycle, bus or other vehicle:

(i) While not in motion or unless minimal by use of a key fob, except as a danger signal that another vehicle is approaching apparently dangerously; or

(ii) If in motion:

(A) after or as brakes are being applied and deceleration of the vehicle is intended;

(B) before passing another vehicle as a signal of intent to so pass;

(C) where state motor vehicle statutes require the sounding of such a horn or signaling device; or,

(D) when otherwise necessary as a danger signal.

(b) Wherever the sounding of any horn or signal device is permitted or required such sound shall not be unreasonably loud or harsh and shall not be for an unreasonable duration of time.

(2) Animals and birds. The keeping of any animal or bird which, by causing frequent or long-continued noise, disturbs the comfort and repose of any person in their vicinity.

(3) Defect in vehicle or noisy load. The use of any automobile, motorcycle or other vehicle so out of repair or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(4) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle engine except through a muffler or other device which meets the standards established for such devices by applicable state laws and regulations.

(5) Mechanical devices. The use of mechanical devices operated by compressed air unless the noise created thereby is effectively muffled and reduced to the extent required by state laws and regulations.

(6) Schools, courts, and churches. The creation of any loud or excessive noise on any street adjacent to any school or institution of learning, church or judicial court while the same are in session, which noise unreasonably interferes with the workings of such institutions; this restriction shall be in force only if signs are displayed in such streets indicating the same is a school, church, or court street or quiet zone.

(7) Loading or unloading of vehicles; opening or destruction of boxes. The creation of a loud or excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates, and containers. Commercial refuse collection is prohibited between the hours of 10:00 P.M. and 7:00 A.M.

(8) Devices attached to buildings. The sounding of any bell, gong or device attached to any building or premises, particularly during the hours between 10:00 P.M. and 7:00 A.M., which disturbs the quiet or repose of any persons in the vicinity of the devices. This rule shall not apply if the bell, gong or device is a sounded as a warning of danger.

(9) Vehicles and buses. The unnecessary or prolonged blowing or sounding of any horn, whistle, bell or other device attached to any motor vehicle, bus or truck while passing through the town or while loading passengers or freight within the town.

(10) Loudspeakers and amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other vehicles for advertising or other commercial purposes.

(11) Construction or repair of buildings. Construction, demolition, repair, paving or alteration of buildings or streets or excavation when conducted between the hours of 7:00 P.M. and 7:00 A.M. (8:00 A.M. on Saturdays and Sundays), except

in emergencies. Property owners making repairs and/or alterations on their own property of residence may work until 9:00 P.M.

11-1004. Non-vehicular noises restricted. No person shall use or operate any facility, machine or instrument or produce or cause to be produced any sound in the town, when the same shall produce noise, the sound-pressure level of which, measured at the point of annoyance complained of, shall exceed the standard noise level of the town established for that location and time of day. In measuring noises to determine if the standard noise level of the town has been exceeded, the measurement shall be measured on the A-weighting of an accurate sound-level meter. The background or ambient sound level is defined as the sound present when the offending noise source is silenced.

11-1005. Vehicular noise regulations.

(1) No person shall operate, within the limits of the town, any vehicle which will emit noise which will exceed the standard noise level of the town established for the type vehicle when used under ordinary circumstances. For vehicles, the standard noise level of the town is hereby established as follows:

Type of vehicle	Maximum noise level (dbA's)
Vehicle other than motorcycles	76
Motorcycles	82

(2) Measurements shall be taken fifty feet from the source.

11-1006. Excessive noise from motor vehicles.

(1) No person operating or occupying a motor vehicle on any public street, highway, alley, parking lot, or driveway within the Town, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loudspeaker, 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 (50) or more feet from the vehicle. For the purpose of this section "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty (50) or more feet, however, words or phrases need not be discernible and such sound shall include base reverberation.

(2) This section shall not be applicable to emergency or public safety vehicles, vehicles owned or operated by a municipal or county government or any utility company, for sound emitted unavoidably during a job-related operation, school or community sponsored activities, or any motor vehicle used in an authorized public activity, such as a parade.

11-1007. Exemptions. Exemptions from noise level limits shall be as follows:

(1) Emergency construction, repair, pavings demolition, or alteration of a street or building. Permission of the town administrator shall be proof that such emergency exists.

(2) Emergency activities of municipal, county, state, or federal government agencies 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 are involved.

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

(4) Attendant on-site noise connected with the actual performance of sporting events, parades, auctions, fairs and festivals.

(5) Power lawn mowers and other lawn care equipment, when operated between the hours of 8:00 A.M. (9:00 A.M. on Saturdays and Sundays) and 9:00 P.M.

(6) Air conditioners that increase the background or ambient sound level no more than five dbA's.

SECTION 2. That this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading 9/13, 2010.

Passed Second Reading 10/11, 2010.

  
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Mayor

  
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Town Recorder