

**ORDINANCE NO. 25-7137**

**AN ORDINANCE OF THE CITY COUNCIL OF LEBANON  
TO AMEND TITLES 11 AND 12 OF THE LEBANON MUNICIPAL CODE RELATIVE  
TO CONSTRUCTION ACTIVITY**

**WHEREAS**, it is now necessary to amend Lebanon Municipal Code Titles 11 and 12 relative to construction activity; and

**WHEREAS**, Title 11 of the municipal code contains all noise regulations; and

**WHEREAS**, it is now necessary to include the construction activity schedule in Title 12.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Lebanon, Tennessee, as follows:

Section 1. That Title 11 of the Lebanon Municipal Code is hereby amended by deleting the current Section 11-401(4)(d) and replacing it with the following 11-401(4)(d):

11-401(4)(d) *Construction or repairing of buildings.* The erection (including excavation), construction, demolition, alteration or repair of any building during times that would not be permitted for Construction Activity by Section 12-104, Hours of Construction.

Section 2. That Title 11 of the Lebanon Municipal Code is hereby amended by deleting Section 11-401(4)(e) in its entirety.

Section 3. That Title 12 of the Lebanon Municipal Code is hereby amended by creating a new Title 12, Chapter 1, Section 12-104 as follows:

**Sec. 12-104. Hours of Construction.**

*(1) Hours of Construction Regulated.*

- (a) Hours of construction restrictions apply to acts that constitute "Construction Activity," as defined in this section. These restrictions shall apply only to work that requires a permit issued by the City of Lebanon but shall apply to all work done on such projects.
- (b) Construction Activity within one thousand (1,000) feet of a residentially-occupied building, measured in the most direct means from a construction site and/or building to a residentially-occupied building, are as follows:
  - i. Fueling of equipment may begin at 6:30 a.m.
  - ii. No loading or unloading of equipment, including rental equipment, before 7:00 a.m.
  - iii. Hammering or shooting of nails shall not begin before 7:00 a.m. and must end at dusk.
  - iv. No hoe ram operations before 8:00 a.m. or after 6:00 p.m.

- v. No construction on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
  - (c) Construction Activity not within one thousand (1,000) feet of a residentially-occupied building is allowed Monday through Friday, 7:00 a.m. to 6:00 p.m., and Saturday, 9:00 a.m. to 6:00 p.m.
  - (d) No Construction Activity that requires a permit shall occur on Sundays and City Holidays.
- (2) *Definition of Construction Activity.* For purposes of determining the application of this Section, Construction Activity includes, but is not limited to, the following:
- (a) Grading and excavating.
  - (b) Pouring and placing concrete or the presence of concrete mixing trucks or pumping vehicles/equipment.
  - (c) Operating construction-related equipment and tools, including but not limited to, pile drivers, power shovels, pneumatic hammers, power hoists, compressors, and other construction-type devices.
  - (d) Continual use of portable generators where the electric utility will connect temporary power service.
  - (e) The presence of workers performing indoor or outdoor construction, site preparation, and landscaping work, including but not limited to, demolition, alteration, or repair of any building, structure, or property. This includes, but is not limited to, electrical, building, plumbing, HVAC, roofing, siding, painting, trimming, and landscaping work.
  - (f) The presence of construction workers more than 15 minutes before and after permitted hours of construction.
- (3) *Exemptions.* The following types of activities are exempt from the requirements of this Section.
- (a) Activities occurring inside occupied buildings and structures if not audible at any immediately adjacent street.
  - (b) Construction commissioned or conducted by the City of Lebanon.
  - (c) Cleaning of streets (including street sweeping vehicles), trash, and maintaining/installing erosion control.
  - (d) 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.
  - (e) Emptying and setting dumpsters and servicing portable toilets.

- (f) Construction Activity approved in advance by the Commissioner of Public Services or designee. A contractor who needs to work outside normal construction hours must submit a request for approval in advance. If the Commissioner of Public Services or designee should determine that the interest of the public health and safety are served, and if the Commissioner of Public Services or designee should determine that any loss of inconvenience that might result is outweighed by the public's interest in its safety and welfare, he/she may grant permission for such Construction Activity to be done Monday through Friday, 6:00 p.m. to 7:00 a.m., and Saturday, 6:00 p.m. to 9:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.
- (g) Emergency activities of the City, the County, or the State and emergency activities of public utilities by private contractors, when they are seeking to provide electricity, water, or other public utility services, and the public health, safety, or welfare is involved.

*(4) Accountability for Violations.*

- (a) In addition to those persons actively engaged in Construction Activity as defined above, when an infraction under this ordinance occurs the owner, developer, and general contractor may any or all of them be deemed to be in violation of this ordinance.
- (b) Those causing work to be done may be issued citations for violations committed by their employees, subcontractors, or agents.
- (c) In addition to property owners, developers, and general contractors, citations may be issued, where appropriate, to subcontractors, suppliers of concrete, suppliers of concrete pumper trucks/equipment, and supply and rental equipment delivery companies.

*(5) Violations.*

- (a) Any violation of this Section shall be punishable by a fine as provided by LMC § 1-1101.
- (b) Violators may be cited to Lebanon Municipal Court, or where necessary, actions in other courts of competent jurisdiction in Tennessee.
- (c) In addition to all other remedies available, repeat violators may be issued Stop Work Orders by the Building Official or designee until the violation or condition is abated, for a minimum of 5 business days. If a stop work order is issued and posted, the contractor or developer must meet with the Commissioner of Public Services or designee within three (3) business days. The stop work order may be withdrawn and construction work allowed to resume.

*(6) Conflicts with other chapters and sections of the Municipal Code, including those sections of the Municipal Code which adopt the International Building Code, the International Property Maintenance Code, and all other similar code adoptions.* If at any time these requirements conflict with other requirements elsewhere in the Lebanon Municipal Code or the building codes adopted therein, the more restrictive requirements shall apply.

Section 4. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

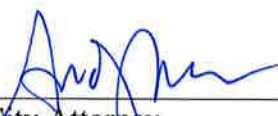
Attest:

  
\_\_\_\_\_  
Commissioner of Finance & Revenue

Approved:

  
\_\_\_\_\_  
Mayor

Approved as to form:

  
\_\_\_\_\_  
City Attorney

Passed First Reading: 1/7/2025

Passed Second Reading: 1/21/2025

## CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

## SECTION

11-401. Commercial, industrial and business anti-noise regulations.

11-402. Miscellaneous prohibited noises enumerated.

11-403. Penalty for violation for anti-noise regulations.

**11-401. Commercial, industrial and business anti-noise regulations.** Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, unnecessary commercial, industrial or business noise which causes material distress or discomfort or injury to persons of ordinary sensibility in the immediate vicinity thereof is hereby declared to be unlawful under the provisions stated herein and is hereby prohibited.

(1) **Determination of unreasonably loud noise.** For the purpose of determining and classifying any commercial or industrial noise as unreasonably loud, the following procedures and test measurements, and requirements shall be applied:

(a) Noise occurring within the jurisdiction of the city shall be measured at a distance of at least twenty-five (25') feet from the noise source located within the public right-of-way, and if the noise source is located on private property or property other than the public right-of-way, the noise measurement shall be taken at least twenty-five (25') feet from the property line of the property on which the noise source is located.

(b) The noise shall be measured on the "A" weighing scale on a sound level meter of standard design and quality and properly calibrated.

(c) For purposes of this chapter any measurements made with a sound level meter shall be made when the wind velocity at the time and place of such sound measurement shall not be more than five (5) miles per hour, or twenty-five (25) miles per hour if the measurement is taken with the assistance of a wind screen.

(d) In all sound level measurements consideration shall be given to the effect of the ambient noise level created by the other noises of the environment and shall consider all noise sources at the time and place of the sound level measurement.

(e) Notwithstanding any other provisions to the contrary, no person or organization shall cause, suffer, allow or permit sound from any source which, when measured at the point of the annoyance as stated herein, is in excess of the decibel readings listed on the chart below:

REPETITIONSCOMMERCIAL, INDUSTRIAL or BUSINESS

Per 24 hr Period

7:00 am-10:00 pm

10:00 pm-7:00 am

CONTINUOUS

Must Comply with  
OSHA/TOSHA  
standardsMust Comply with  
OSHA/TOSHA  
standards

100

Must Comply with  
OSHA/TOSHA  
standardsMust Comply with  
OSHA/TOSHA  
standards

10

Must Comply with  
OSHA/TOSHA  
standardsMust Comply with  
OSHA/TOSHA  
standards

1

Must Comply with  
OSHA/TOSHA  
standardsMust Comply with  
OSHA/TOSHA  
standards

(2) Exceptions. None of the prohibitions hereof shall apply to or be enforced against:

(a) Utility vehicles. Any utility vehicle while engaged upon necessary public business, so long as the business is being conducted in a reasonable manner.

(b) Repair of streets. Excavation 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 impractical to perform such work during the daytime.

(c) Non-commercial and non-private use of loudspeakers and amplifiers. 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 non-profit organizations are exceptions, however, no such use shall be made until a permit therefor is secured from the chief of police. The hours for the use of amplified or public address systems by the nonprofit organization will be designated in the permits and the use of said systems shall be restricted to the hours designated.

(d) Any person or organization operating under a temporary or permanent permit which has been issued under the provisions of this section. A person may apply for a noise exception permit by submitting an application to the Chief of Police for the City of Lebanon upon approved application forms. The application shall denote the time and place of the proposed noise generator, the source of the noise and the purpose for requesting the permit. Two types of permits may be issued

by the chief of police, after consultation with the city engineer: A temporary permit which expires five (5) days after issuance and which is for a specific time and place of operation, or a permanent permit which applies to a permanent location where good cause is shown for the source of sound to exceed the proposed limits stated herein and the chief of police in consultation with the city engineer has determined that no threat to public safety or annoying nuisance shall occur from the issuance of the subject permit. A temporary permit may be issued by the chief of police upon proper application without city council approval. A permanent permit may be issued upon application to the chief of police. (1968 Code, § 10-234, as replaced by Ord. #95-1382, Nov. 1995, and amended by Ord. #02-2318, March 2002)

(3) Reserved.

(4) (a) Subject to the provisions of this chapter 4, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental 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.

(c) All truck tractor and semi-trailers operating within the City shall conform to the visual exhaust system inspection requirements, 40 CFR 202.22, of the Interstate Motor Carriers Noise Emission Standards. The use of engine brakes of any brand is strictly prohibited without the proper muffling device attached to the exhaust system.

A motor vehicle does not conform to the visual exhaust system inspection requirements referenced above if inspection of the exhaust system of the motor carrier vehicle discloses that the system:

1. Has a defect that adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements. (Small traces of soot on flexible exhaust pipe sections shall not constitute a violation.);

2. Is not equipped with either a muffler or other noise dissipative device, such as a turbocharger (supercharger driven by exhaust by gases); or

3. Is equipped with a cut out, bypass, or similar device, unless such device is designed as an exhaust gas driven cargo unloading system.

Ord. 25-7137 Sec. 1  
replaces 11-401(4)(d)

(d) No person shall be engaged or employed nor shall any person cause any other person to be engaged or employed in any work of construction, erection, alteration, repair, addition to, or improvement of any realty, building or structure, except during the hours specified as follows, if the noise or other sound produced by such work is of such intensity or quality that it disturbs the peace and quiet of any other person of normal sensitivity. For new construction, the permitted hours of construction specified below shall be conspicuously posted on site. Permitted hours of construction: Weekdays, 7:00 a.m. to 7:00 p.m.;

Saturdays, Sundays, and holidays, 8:00 a.m. to 5:00 p.m. Permitted hours for residential construction: Weekdays, 7:00 a.m. to sunset; Saturdays, Sundays, and holidays, 9:00 a.m. to sunset.

Ord. 25-7137 Sec. 2  
deletes 11-401(4)(e)  
in its entirety

(e) Any person doing or causing work prohibited by subsection (4)(d) of this section, after being informed orally or in writing that such work has caused noise or sounds which disturb any other person's peace and quiet, shall immediately cease such work and shall thereafter perform such work only within the times permitted in subsection (4)(d) of this section.

Exceptions:

(1) Emergency repair of existing utilities, installations, equipment, or appliances;

(2) Construction work complying with the terms of a written early work permit which may be issued by the building official upon a showing of sufficient need due to circumstances of an unusual or compelling nature;

(3) Work being conducted in the public right-of-way under the authority of the Commissioner of Public Services or their authorized agent shall be allowed per schedule as identified in the construction documents. Adjustments to schedule based on the specific location, community activities, etc., shall be made by the Commissioner of Public Services or their authorized agent;

(4) Public service-related maintenance work, including, but not limited to, street and sidewalk maintenance and cleaning, public golf course maintenance and public park maintenance.

(f) Building Operation.

(1) Urgent/Emergency. The erection (including excavation), demolition, alteration, or repair of any building or grounds 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 7:00 a.m. to sunset, except in case of urgent necessity in the interest of public health and safety, and then only with a permit properly approved by the Commissioner of Public Services with notification to the chief of police. This approval should only be granted for a period while the emergency continues, not to exceed 30 days.

(2) Non-urgent/Non-emergency. If the requesting individual/applicant could show, and the City Departments could determine, that the activity will not create a nuisance nor affect the public health and safety, the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of dusk to dawn could be temporarily allowed, a temporary non-emergent permit could be issued by the Commissioner of Public Services or their authorized agent. The permit should be reviewed on a 30-day basis and should not exceed 90 days.

(1968 Code, § 10-234; Ord. No. 95-1382, 11-21-1995; Ord. No. 02-2318, 3-5-2002; Ord. No. 19-5947, § 1, 11-19-2019) {Add Ord. 25-7137 to history}



**11-402. Miscellaneous prohibited noises enumerated.** (1) The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle while 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.

(b) Radios, phonographs, sound devices. 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 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 any persons in the hospital, dwelling, hotel, or other type of residence, or of any persons in the vicinity.

(c) Yelling and shouting. 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 the hospital, dwelling, hotel, or other type of residence or of any persons in the vicinity.

(d) Pets. The keeping of any animal, bird or fowl which by causing frequent or long continued noise disturbs the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, streetcar, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, excessive muffler noise, or other noise.

(f) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, motor vehicle, or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(g) Noises near schools and places of assembly. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while in session, or adjacent to any hospital.

(h) Loading and unloading operations. The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers during the hours of 11 P.M. to 7:00 A.M.

(i) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale, or display of merchandise.

(j) 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.

(k) Loud sound amplification systems in vehicles.

(i) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway, whether public or private property, shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.

(ii) "Sound amplification system" means any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of sound.

(iii) "Plainly audible" means any sound produced by a sound amplification system from within the vehicle which clearly can be heard at a distance of fifty (50) or more feet. Measurement standards shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked, or moving on a street, highway, alley, parking lot, or driveway on either public or private property.

(iv) It is an affirmative defense to a charge under this subsection that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

(A) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

(B) The vehicle was an emergency or public safety vehicle;

(C) The vehicle was owned and operated by the City of Lebanon, or a utility, gas, electric, communications, or refuse company; or

(D) The system or vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions, the Wilson County Fair, or any activities at the James E. Ward Agricultural Center, and other activities which have the approval of the city council or a department of the city authorized to grant such approval.

(2) Exceptions. None of the terms or prohibitions of this section shall apply to or be enforced against

(a) Utility vehicles. Any utility vehicle while engaged upon necessary public business, so long as the business is being conducted in a reasonable manner.

(b) Repair of streets or public ways. Excavations or repairs of bridges, streets, or highways by or on behalf of the city, Wilson County, or the State of Tennessee, during the night season when the public welfare and convenience renders it impossible to perform such work

during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the court 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 chief of police in each instance. Hours for the use of such amplifier or public address systems will be designated in the permit so issued and the use of such system shall be restricted to the hours designed in the permit.

(d) Use of loudspeakers or amplifiers for auctions; permits. No person shall use loudspeakers or amplifiers to conduct auctions unless he or she first obtains an annual permit therefor. Permits for the use of loudspeakers or amplifiers shall be obtained from the chief of police. Each permit shall be valid for one year. Hours for the use of such amplifier or public address systems will be designated in the permit so issued and the use of such system shall be restricted to the hours designed in the permit. Operators of loudspeakers or amplifiers for the purpose of conducting auctions shall not violate city ordinance provisions concerning noise pollution. (as added by Ord. #02-2318, March 5, 2002; Ord. #21-6158, February 2, 2021)

**11-403. Penalty for violation for anti-noise regulations.** Any person or organization violating the anti-noise regulations described in this section shall be subject to a fine of not more than fifty dollars (\$50.00) for each noise or sound prohibition which has occurred. In addition, if the sound or noise prohibitions continue after being cited to court on at least three (3) occasions, the City of Lebanon may declare the subject noise or sound source as a public nuisance and is hereby authorized to proceed to obtain injunctive relief against the subject nuisance in the Chancery Court of Wilson County, Tennessee. Upon the successful prosecution of a public nuisance cause based upon the anti-noise regulations stated herein, the violator shall be subject to any injunctive relief granted by the chancery court and shall also be subject to the payment of all costs of prosecution by the City of Lebanon, including but not limited to reasonable attorney's fees. For purposes of establishing a public nuisance concerning the anti-noise regulations stated herein, the violations on three (3) separate occasions shall have occurred within a period of ninety (90) days. (as added by Ord. #95-1382, Nov. 21, 1995, and renumbered by Ord. #02-2318, March 5, 2002)