

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO AMEND TITLE 11
CHAPTER 4, SECTION 11-401 OF THE LEBANON MUNICIPAL CODE RELATIVE
TO NOISE

WHEREAS, the Lebanon Municipal Code Title 11, Chapter 4 addresses offenses against
the peace and quiet; and

WHEREAS, it is now necessary to amend such portion of the LMC to address the
current needs of our growing city.

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

Section 1. That Title 11, Chapter 4, Section 11-401 of the Lebanon Municipal Code
be amended to include the following 11-401(4) as follows:

(4) (a) Subject to the provisions Title 11, Chapter 4 of the Lebanon Municipal Code, 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 of Lebanon shall conform to the
visual exhaust system inspection requirements, 40 C.F.R. 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.

(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 a.m. to 7 p.m.

Saturdays, Sundays, and holidays 8 a.m. to 5 p.m.

Permitted hours for residential construction: Weekdays 7 a.m. to sunset

Saturdays, Sundays, and holidays 9 a.m. to sunset

(e) Any person doing or causing work prohibited by subsection (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 (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 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 Police Chief

This approval should only be granted for a period while the emergency continues, not to exceed thirty (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 thirty (30) day basis and should not exceed ninety (90) days.

Section 2. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest: Approved:

J~j~t ~ Mayor

Commissioner of Finance & Revenue

Approved as to form:

C' y Atto e

Passed first reading 11/05/19

Passed second reading: 11 / 19 / 19