

First Reading: April 11, 2023
Second Reading: April 18, 2023

ORDINANCE NO. 13967

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 25, ARTICLE III, BY ADDING SECTION 25-79, RELATIVE TO ENUMERATION OF PROHIBITED NOISES IN ALL RESIDENTIAL ZONES OUTSIDE THE DOWNTOWN AMPLIFIED MUSIC DISTRICT.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 25, Article III, by adding Section 25-79, relative to enumeration of prohibited noises in all residential zones outside the Downtown Amplified Music District as follows:

ARTICLE III. SOUNDS

Sec. 25-79. Enumeration of prohibited noises in all Residential Zones outside the Downtown Amplified Music District.



- (a) The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in all residential zones outside the Downtown Amplified Music District and shall be considered a violation of this article, but this enumeration shall not be deemed to be exclusive:
- (1) *Horns or other signal devices on vehicles.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or while 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 such signal device of any unreasonably loud or harsh sound, and the sounding of such device for any unnecessary and unreasonable period of time.
 - (2) *Amplified music in residential zones.* The playing of any radio, phonograph, or any amplified music in such a manner or with such volume, particularly during the hours between 8:30 p.m. and 10:00 a.m., so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, or other type of residence or of any persons in the vicinity. This regulation shall not apply to special events permits issued by the City pursuant to City Code Section 24-100 for block parties, festivals, and park reservations, etc.

- (3) *Yelling, hawking, etc., in streets.* Yelling, hawking, shouting, hooting, whistling, or singing on the streets or sidewalks or in any residential neighborhoods, during the hours between 8:30 p.m. to 7:00 a.m., in a manner which disturbs the quiet, comfort or repose of persons in any dwelling, or other type of residence.
- (4) *Dogs.* The keeping of any dog(s) which, by causing frequent or long, continued noise, disturbs the comfort or repose of any person in any residence. For the purposes of this subsection, "frequent or long, continued noise" shall include, but shall not be limited to, barking at an average rate of ten (10) or more barks per minute over a period of five (5) minutes which can be heard from a distance of one hundred (100) feet or more, but shall not include the barking of any dog(s) responding to an emergency or to a trespasser on the property of the owner of such dog(s).
- (5) *Operation of vehicles.* The operation of any automobile, motorcycle, or other vehicle so out of repair or loaded in such manner as to create loud and unnecessary grating, grinding, rattling or other noise in any residential community or parks, during the hours between 8:30 p.m. to 7:00 a.m.
- (6) *Construction work.* The erection (including excavation), demolition, alteration or repair of any building in any residential neighborhood, and the excavation of streets in any residential district or section, other than between the hours of 7:00 a.m. and 8:00 p.m., except in cases of urgent necessity in the interest of the public health and safety, and then only with a permit from the building inspector, which may be granted for a period not to exceed thirty (30) days while such emergency continues. If the building inspector determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of a street within the hours of 8:00 p.m. and 7:00 a.m., and further determines that loss or inconvenience would result to any party in interest through delay, the inspector may grant permission for such work to be done within the hours of 8:00 p.m. and 7:00 a.m. upon application made at the time the permit for such work is awarded or during the progress of the work.
- (7) *Excessive Noise in Residential Communities.* The creation of any excessive noise on any street in residential neighborhood outside of the Downtown Amplified Music District adjacent to any residence, which disturbs the quiet, comfort or repose of persons in any dwelling, or other type of residence unless otherwise stipulated in this ordinance.
- (8) *Refuse collection in Residential Communities.* Operate a mechanical loader for refuse collection between the hours of 9:00 p.m. and 7:00 a.m. within or adjacent to any residential communities.
- (9) *Lawnmowers, leaf blowers, weed-eaters, chain saws, etc.* Operate lawn mowers, leaf blowers, weed-eaters, chain saws or other domestic tools out-of-doors between the hours of 8:30 p.m. and 7:00 a.m. without the express consent of adjoining residential property owners.

- (10) *Fireworks.* It shall be unlawful to set off fireworks after the hour of 11:30 p.m., except on Juneteenth, July 4th, and New Year's Eve when the hours prohibited shall be 12:30 a.m. until 8:00 a.m.
- (11) No person shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound so that the sound is plainly audible at a distance of one hundred (100) feet or more and on someone else's property located in a Residential neighborhood outside of the Downtown Amplified Music District. This section shall not apply to events attended by more than one thousand (1,000) people, athletic events, nor to sounds emanating from a Downtown Amplified Music District outside of the residential neighborhood.
- (b) The provisions of this section shall not apply to any vehicle of the city or other governmental entity while engaged upon necessary public business, to excavations or repairs of bridges or streets by or on behalf of the city during the night hours, where the public welfare and convenience renders it necessary to perform the work at night.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect within thirty (30) days from and after its passage as provided by law.

Passed on second and final reading: April 18, 2023


 _____ CHAIRPERSON
 APPROVED: DISAPPROVED:

 _____ MAYOR

PAN/kap/mem/v7