

Town of Thompson's Station
Municipal Planning Commission
Meeting Agenda
August 25, 2020

Meeting Called To Order

Statement By Chair Relating To Conducting The Planning Commission Meeting By Electronic Means Of Due To COVID-19 State Of Emergency

Documents:

[INTRODUCTION STATEMENT FOR TS PC AUGUST 25 2020.PDF](#)

Minutes-

- **Consideration Of The Minutes Of The July 28th, 2020 Meeting**

Documents:

[JULY 2020 MINUTES.PDF](#)

Public Comment

Any citizen desiring to make a comment can submit their written comments to the Town, which will be included in the meeting minutes for public perusal.

Email your comments to Town Hall at INFO@THOMPSONS-STATION.COM with August Planning Commission Public Comments as the Subject Line.

Contact the Town Community Development office with any questions at (615) 794-4333 ext. 12.

Planner Report

- Update on the Dedication of Public Improvements and Release of Sureties Policy
- Administrative Plat Approval for 1738 & 1726 Old Thompson's Station Road (existing lot line revision)
- Town Transportation General Meeting

Documents:

[DEDICATION OF PUBLIC IMPROVEMENTS AND RELEASE OF SURETIES POLICY- PC COPY.PDF](#)

New Business:

- 1. Noise Ordinance & LDO Discussion.**

Documents:

[ITEM 1 NOISE ORD DISCUSSION.PDF](#)

Adjourn

This meeting will be held at 7:00 p.m. remotely by electronic means due to the

COVID-19 Public Health Emergency

STATEMENT FOR THE RECORD AT START OF MEETING
Thompson's Station Planning Commission

Hello and welcome to this the August 25th, 2020, Planning Commission meeting for the Town of Thompson's Station.

Pursuant to the Guidance from the Office of the Comptroller for the State of Tennessee and in accordance with Governor Lee's Executive Order No. 51:

This Town of Thompson's Station Planning Commission meeting, with notice, is being held virtually and being recorded to protect the public health, safety, and welfare of the Citizens of Thompson's Station in light of the coronavirus and to continue to allow the Town to function and operate.

Further, it is the desire of the Planning Commission to include this determination in the minutes for this meeting.

We understand that we, the Thompson's Station Planning Commission, serves the Town of Thompson's Station, which is why we are currently recording this virtual meeting, broadcasting it live for public viewing, and uploading and preserving it for future viewing.

Minutes of the Meeting
of the Municipal Planning Commission
of the Town of Thompson 's Station, Tennessee
July 28, 2020

Call to Order:

The meeting of the Municipal Planning Commission of the Town of Thompson's Station was called to order at 7:00 p.m. on 28th day of July 2020 via electronic means under the authority of the Governor's Executive Order related to public meetings during the COVID-19 emergency with the required quorum.

The following statement was read by Planning Chairman Trent Harris:

This meeting is being conducted pursuant to the Guidance from the Comptroller's Office, and in accordance with Governor Lee's Executive Order No. 16 due to the treatment and containment of COVID-19.

This regular monthly meeting for July of 2020 is being held by video conference with the Planning Commission of Thompson's Station and live streamed, as necessary to protect the public's health, safety, and welfare in light of the coronavirus. Further it is requested that the governing body include this determination in the minutes for this meeting.

We understand, we the members of the Planning Commission serve at the pleasure of the citizens of Town of Thompson's Station, and due to the current situation, is why we are currently live streaming this meeting for the benefit of the public, through our website.

A recording of this meeting will be available on the Town of Thompson's Station's web site at thompsons-station.com within 24 hours of this meeting.

Members and staff virtually present were: Chairman Trent Harris; Commissioner Luis Parra; Commissioner Sheila Shipman; Commissioner Tara Rumpler; Commissioner Kreis White; Commissioner Bob Whitmer; Interim Town Planner Micah Wood; IT Coordinator Tyler Rainey and Town Attorney Andrew Mills. Alderman Shaun Alexander and Planning Technician Jennifer Jones were unable to attend.

Minutes:

The minutes of the June 23, 2020 regular meeting were presented.

Commissioner Shipman made a motion to approve the June 23, 2020 meeting minutes.

Roll Call Vote:

	<u>VOTE</u>		<u>VOTE</u>		<u>VOTE</u>
Chairman Harris	Yea	Commissioner Parra	Yea		
Commissioner Shipman	Yea	Commissioner Rumpler	Yea	Commissioner White	Yea
Commissioner Whitmer	Yea				
Yea	6	Nay	0	Abstain	0

Public Comment:

None.

Town Planner Report:

None.

New Business:

- 1. Item 1 (FP 2020-005), Tollgate Village Subdivision Final Plat – Section 20 for the creation of 1 new commercial lot.**

Mr. Wood reviewed his staff report and recommends the Planning Commission approve the final plat, with the following contingency:

Along with the submittal of any site plans for each lot, the owner/applicant shall confirm with the Town that the building square footage and proposed uses match with the sewer taps allocated for this section of Tollgate

After discussion, Commissioner White made a motion to approve Item 1, (FP 2020-005), Tollgate Village Subdivision Final Plat – Section 20 for the creation of 1 new commercial lot with the Staff recommended

Roll Call Vote:

	<u>VOTE</u>		<u>VOTE</u>		<u>VOTE</u>
Chairman Harris	Yea	Commissioner Parra	Yea		
Commissioner Shipman	Yea	Commissioner Rumppler	Yea	Commissioner White	Yea
Commissioner Whitmer	Yea				
Yea	6	Nay	0	Abstain	0

There being no further business, the meeting was adjourned at 7:10 p.m.

Trent Harris, Chairman

Attest:

Shaun Alexander, Secretary



DEDICATION OF PUBLIC IMPROVEMENTS AND RELEASE OF SURETIES POLICY

In order to establish a consistent system for approval of the dedication of privately constructed public improvements to the Town of Thompson's Station ("Town"), the following process will be followed, in accordance with Town ordinances, rules, regulations, and policies. The process will be the same regardless of the type of improvement to be dedicated. A dedication of improvements is not considered approved or dedicated unless and until it has been acted on, concurrently or independently, by the Thompson's Station Board of Mayor and Aldermen ("BOMA"). Herein, a surety refers to either a bond or letter of credit.

Approval of dedication by the BOMA will provide documentation for the completion of the improvements in accordance with the Town's specifications and establish a beginning date for any required maintenance sureties, and any related reductions of existing sureties. Approval of dedication by the BOMA may be postponed, in its sole discretion, unless and until the improvements are presented for dedication in compliance with the Town's specifications for said improvements.

Approval of acceptance by the BOMA will provide documentation for the acceptance by the Town of the improvements in accordance with the Town's specifications and release by the Town of applicable maintenance sureties. If the Town approves acceptance, the Town shall take full ownership of said improvement, and the developer seeking approval shall release all ownership of said improvement and execute any documentation required by the Town. Approval of acceptance by the BOMA may be postponed, in its sole discretion, unless and until the improvements are presented for dedication in compliance with the Town's specifications for said improvements. Until the BOMA approves acceptance of any presented improvement(s), the developer shall be responsible for said improvement(s) and sureties shall remain in place.

Nothing herein shall be construed to prevent the Town from calling any applicable surety for deficient construction, maintenance, or care of any applicable improvement, or other reason pursuant to federal law, state law, or Town ordinances, rules, regulations, specifications, or policies.

1. The developer shall complete all improvements and testing in accordance with approved plans, specifications and per local, state and federal guidelines. Such work shall be completed per Town ordinances, rules, regulations, specifications, and policies and shall follow the Town's inspection requirements.

2. The developer will then indicate its readiness to dedicate improvements to the Town by contacting staff in writing, through the use of applicable forms developed by the Town, at Town Hall so that a walk-through site check visit can be completed. Such visit may include CCTV televising (at the developer's expense) of all underground facilities following the completion of work on applicable improvements prior to dedication. Prior to the said walk-through, streets, curbs, sidewalks, trails, and all other improvements must be completed (or substantially completed to 90%, as determined in the sole discretion by the Town). Appropriate erosion control measures are required to be in place.

3. Following the Town's site check, Town Staff shall issue a *Letter of Improvements Status* to document if the work on the applicable improvement(s) is deemed satisfactory; alternatively, a *Notice of Deficiency* shall be issued if the work on the applicable improvement(s) is not ready for acceptance. Any deficiencies identified in the *Notice* shall be corrected by the developer and/or its contractor/agent. Town Staff may require a punch list of deficiencies be provided by the developer's engineer (at the developer's expense). The developer shall make its engineer available for a walk-through site check with Town Staff to note deficiencies, and the developer's engineer shall create a punch list from said walk-through site check with necessary information as required by Town Staff, including but not limited to descriptions and costs to correct deficiencies.

4. Once any deficiencies are corrected per the punch list, and another site check has been completed by Town staff, or if the work was already deemed acceptable, the Town will issue a *Letter of Improvements Status* documenting the improvements completeness. At this time, the developer is to provide an engineer's certification, a set of as-built record drawings displaying all of the utilities' locations to be dedicated and elevations (hard copy and PDF files), any deeds for lift stations, permanent easement documents, a building lot inventory and address list, and a copy of the recorded plat if a subdivision is involved. Developer shall provide completed originals of the Town's standard dedication form for approval and execution by BOMA following completion of all requirements for applicable improvements.

5. The developer engineer's certification shall affirm that the project has been built per the approved plans and specifications and that all improvements are in public right-of-way or easements that have or will be dedicated to the Town.

6. Once all required documents have been completed and the Town has issued a *Letter of Improvement Status* indicating the completeness of the applicable improvement(s), the Town Planner will schedule the dedication request for the Planning Commission as a specific agenda item. After the Planning Commission makes a recommendation of the approval of dedication, the same will be placed on the next available agenda for the BOMA. Following an item's inclusion on the BOMA's agenda, the BOMA will then vote to approve or reject the dedication of the presented improvement(s) and may do so with or without conditions, and said approval (if any) shall begin the maintenance period (as further discussed below). This same procedure shall be followed for approval of acceptance of the applicable improvement(s) presented.

7. If approval of dedication is successful before the BOMA, a maintenance surety shall be set by the Town Engineer at an amount proportional to the overall project cost. The developer shall be required to maintain all improvements for a minimum of one (1) year after approval of dedication of the public improvements by the BOMA.

8. The Town will perform interim site checks after approval of dedication to ensure that improvements continue meet Town ordinances, rules, regulations, specifications, and policies.

Deficiency letters will be sent to developers if any defects are found during said interim checks. All deficiencies must be corrected before approval of acceptance and maintenance sureties released.

9. The Town will perform a final site check prior to the expiration of maintenance sureties to identify any outstanding deficiencies that still require correction. The Town will issue a *Letter Releasing Maintenance Sureties* following a satisfactory final site check and after approval of acceptance by the BOMA. A final site check shall occur before the procedures for approval of acceptance as delineated in paragraph 6 above, which requires a recommendation by the Planning Commission and then action on the proposed approval of acceptance by the BOMA.

10. If at any time during the dedication and acceptance process, including during the period of the maintenance sureties, it is determined that the developer is unable or unwilling to complete corrective actions or remedy deficiencies, then the Town may take any action authorized by law, including but not limited to the calling of any and all sureties, issuing stop work orders, or withholding the issuance of permits.

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PLANNING COMMISSION MEMO

August 25, 2020

To: Planning Commissioners

From: Town Staff

Discussion Subject: Updates to the Town Noise Ordinance

In March 2017, the Board of Mayor and Aldermen passed an ordinance to amend Title 11, Chapter 1 of the Town's Municipal Code related to Offenses Against the Peace and Quiet related to construction work and hours. The current standards in Title 11 are included for reference. Recently, Town Staff was asked to explore broadening the Town's current noise ordinance. In other, neighboring communities, noise ordinances tend to go beyond standards and limitation for construction work. For example, in Franklin, the noise ordinance is based on the City's Zoning Districts to categorize what constitutes an offence against the peace and quiet. Franklin segregates unnecessary noise standards by the broad use categories of the Zoning Districts: Residential Zoning, Commercial and Industrial Districts, and Mixed Use Districts. The City of Franklin's noise ordinance is included for reference.

The Board of Mayor and Alderman have asked for the Planning Commission to explore this issue further before any amendment is brought to revise the Town's current noise ordinance.

Questions for the Planning Commission to consider:

- Is it the right time to revise the Town's noise ordinance?
- Should large lot residential & agricultural areas be included or excluded?
- Is attaching it to a zoning/use district appropriate?
- What are the hours appropriate for limitations on noise- Franklin uses 10pm – 7am in some areas & 11pm – 7 am in others. The Town's current noise ordinance allows construction/demolition work between 7am – 6pm on all days except Sunday, when no work is permitted.

Town of Thompson's Station Current Noise Ordinance

TITLE 11**MUNICIPAL OFFENSES¹****CHAPTER****1. OFFENSES AGAINST THE PEACE AND QUIET.****CHAPTER 1****OFFENSES AGAINST THE PEACE AND QUIET****SECTION****11-101. Hours of construction work.**

11-101. Hours of construction work. (1) Definitions. For purposes of this section the following words shall have the meanings set forth herein.

(a) "Construction work." Any site preparation, excavation, grading assembly, erection, paving, substantial repair, alteration or similar action, but excluding demolition, for or of any structures, utilities, public or private rights of way or other property.

(b) "Demolition work." Any dismantling, intentional destruction or removal of structures, utilities, public or private rights of way or other property.

(2) Construction or demolition work. The carrying on of any construction or demolition work is prohibited at any time on Sundays, or at any time other than between the hours of 7:00 A.M. and 6:00 P.M. prevailing time, on Saturdays, or between the hours of 7:00 A.M. and 6:00 P.M. prevailing time, on any other days. The provisions of this section shall not apply to interior or exterior repairs or interior alterations when the work is actually performed by a homeowner or occupant between the hours of 8:00 A.M. and 9:00 P.M. prevailing time, provided the work is done without creating any noise disturbance across a residential real property boundary. (Ord. #08-016, August 2008)

¹Municipal code references

Housing codes: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

Streets and sidewalks (non-traffic): title 16.

City of Franklin Current Noise Ordinance

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Sec. 11-401. - Definitions.

- (1) "Ambient noise" means the all encompassing noise associated with a given environment being usually a composite of sounds from many sources, near and far.
- (2) "City" shall mean the City of Franklin, Tennessee.
- (3) "Commercial" means and shall include areas of the City of Franklin zoned GO, NC, CC, GC, and CI.
- (4) "Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from any imminent exposure to danger.
- (5) "Industrial" means and shall include areas of the City of Franklin zoned LI and HI.
- (6) "Mixed use" means and shall include the areas of the City of Franklin zoned MX and ML.
- (7) "Person" means any person, person's firm, association, co-partnership, joint venture, corporation or any entity public or private in nature.
- (8) "Public premise[s]" means 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 any public property leased to any nongovernmental entities.
- (9) "Real property boundary" means 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.
- (10) "Residential" means and shall include areas the City of Franklin zoned ER, MR, R1, R2, R3, R6, RX, MN, M2, and OR and any subsequent residential or office zone created by ordinance.
- (11) "Sound amplification device" means any apparatus for the amplification of sounds from any radio, phonograph, band, orchestra or other sound-making or sound-producing device, including any apparatus for the amplification of the human voice.

Sec. 11-402. - 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.

Sec. 11-403. - Unnecessary noise standard.

- (1) *Residential zoning districts.* No person shall cause, suffer, allow or permit sound from any sound from any source, sound which is plainly audible beyond the property line of the property creating the noise between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday.
- (2) *Commercial and industrial zoning districts.* No person shall cause, suffer, allow or permit amplified sound which is plainly audible when measured at least 100 feet from the real property boundary of the source of the sound between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday.
- (3) *Mixed use districts.* Amplification of sound located in or within 100 feet of a residential property line of the mixed use development which is plainly audible is prohibited between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday except for special events where a special permit has been obtained from the City of Franklin authorizing such event. No person shall cause, suffer, allow or permit sound from any sound from any source, sound which is plainly audible in the residential section of the mixed use

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development between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday. In the event that a special event permit has been obtained from the City of Franklin, no other amplification of sound will be permitted within the area of the special event except for that which has been applied for and authorized by the city pursuant to the permit application.

- (4) Amplification of sound located in or within 100 feet of a residential property line which is plainly audible is prohibited between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday except for special events where a special permit has been obtained from the City of Franklin authorizing such event. In the event that a special event permit has been obtained from the City of Franklin, no other amplification of sound will be permitted within the area of the special event except that which has been applied for and authorized by the city pursuant to the permit application.

Sec. 11-404. - Loud, unusual or unnecessary noises prohibited; criteria; other prohibited noises.

- (1) Consistent with other provisions of this chapter, and notwithstanding section 11-403, it shall be unlawful for any person within the limits of the city to make, produce, cause, suffer, continue or allow to be produced or continued 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.
- (2) General provisions; tests for unlawful noise. The standards which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to, the following:
 - a. The volume of the noise.
 - b. The intensity of the noise.
 - c. Whether the nature of the noise is usual or unusual.
 - d. Whether the origin of the noise is natural or unnatural.
 - e. The volume and intensity of the background noise, if any.
 - f. The proximity of the noise to residential sleeping facilities.
 - g. The nature and zoning of the area within which the noise emanates.
 - h. The density of inhabitation of the area within which the noise emanates.
 - i. The time of the day or night the noise occurs.
 - j. The duration of the noise.
 - k. Whether the noise is recurrent, intermittent or constant.
 - l. Whether the noise is produced by a commercial or non commercial activity.
- (3) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, even if the noises referred to do not violate the noise standards set forth in section 11-403 above:
 - a. *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, truck or other vehicle on any street or public place of the city except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any

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horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

- b. *Loudspeakers, amplifiers for advertising.* The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is broadcast upon the public streets for the purpose of commercial advertising is or attraction the attention of the public to any building or structure.
- c. *Yelling, shouting etc.* Yelling, shouting, hooting, whistling, or singing on the public streets, or in the parking lots of commercial business open to the public, 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 persons in any office, or in any dwelling hotel or other type of residence, or of any persons in the vicinity. If the owner or manager of a commercial enterprise operates his business and is open to the public between the hours of 11:00 p.m. and 7:00 a.m. or at any time on Sunday or holidays, he shall locate his customer parking so his customers and patrons will not violate this chapter. A failure of the owner or manager to so locate his customer parking constitutes a violation of this chapter, when a customer or patron is convicted of violation of this chapter provided the owner or manager permits customer or patron parking within 100 feet of a residential zone.
- d. *Animals, birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- e. *Steam whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- f. *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or other vehicle through a muffler or other device which will effectively prevent loud or explosive noises there from.
- g. *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- h. *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or dumpster or the opening and destruction of bales, boxes, crates and containers, particularly other than during the hours between 6:00 a.m. and 9:00 p.m. If the city administrator should determine that the interest of the public health and safety is not harmed by an extension of this time frame in certain locations he deems appropriate, he may grant permission for such loading and unloading during the hours of 9:00 p.m. to 6:00 a.m. upon application. This permission can be revoked at any time.
- i. *Construction or repairing of buildings.* The erection (including excavation), construction, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and from 9:00 a.m. to 6:00 p.m. on Saturdays. Work may also begin on Saturdays at 7:00 a.m. if it would not result in any loud, disturbing, or unnecessary noise that would otherwise violate this chapter. City holidays shall be considered as a Sunday for purposes of this section. If the city administrator or his designee should determine that the interest of the public health and safety are served, by the erection, demolition, alteration or repair of any building or the excavation of streets or highways within the hours of 9:00 p.m. and 7:00 a.m. and if he shall determine that any loss of inconvenience that might result is outweighed by the public's interest in its safety and welfare, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.

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- j. *Schools, courts, churches, hospitals.* The creation of any 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 workings of such institutions, or which disturbs or unduly annoys patients in the hospital provided conspicuous signs are displayed in such street, indicating the same is a school hospital or court street.
- k. *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- l. *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance show or sale.
- m. *Metal rails, pillars and columns, transportation thereof.* The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any manner so loaded as to cause loud noises or as to disturb the peace of such streets or other public places.
- n. *Pile drivers, hammers, etc.* The operation between the hours of 6:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- o. *Blowers.* The operation of any blower or power fan or any combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noises from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- p. *Noise from motor vehicle audio equipment.* No person shall use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on the public streets of the city, property owned or leased by the city, or within a public park, within a public parking lot or on any other public premise with the city, which is audible to a person of normal hearing sensitivity more than 50 feet from such vehicle, nor shall any person use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on private property which is audible to a person of normal hearing sensitivity more than 50 feet outside the real property boundary of said property. Words and phrases need not be discernible for said sound to be "audible."

Sec. 11-405. - Exemptions.

The following uses and activities shall be exempt from noise level regulations:

- a. Noises of safety signals, warning devices, and emergency pressure relief valves.
- b. Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
- c. Noises resulting from emergency work as defined in the Franklin Municipal Code, as amended.
- d. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regulations shall be exempt from the provisions of chapter. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under the federal air regulations shall also be exempt from the provisions of this chapter.
- e. Any vehicle or equipment of the city or a public utility while engaged in necessary public business.

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- f. 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.
- g. Emergency activities of the city, the county or the state 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 is involved.
- h. Use of domestic power equipment (including, but not limited to, power lawn mowers, leaf blowers, trimmers, snowblowers, tillers, saws, sanders, drills or similar devices) between 7:00 a.m. and 9:00 p.m.
- i. Attendant on-site noise and the playing of instruments connected with the actual performance or practice of organized sporting events or school events held on school campuses and in publicly owned parks or facilities.
- j. Human sounds emanating from children including, but not limited to, speech and utterances of laughter, cries and, sounds associated with play.
- k. Sounds lasting no more than five minutes in any one hour created by bells, chimes, carillons or by electronic or mechanical devices that reproduce such sounds, while used in connection with a religious institution, school, or clock or bell tower.

Sec. 11-406. - Application for special permit.

- (1) Applications for a special permit for relief from the noise level designated in this section on the basis of undue hardship may be made to the board of mayor and aldermen. Any permit granted by the board of mayor and aldermen herein under shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The board of mayor and aldermen may grant the relief as applied for, if it finds:
 - a. That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this section; or
 - b. The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with other subsections of this section; and
 - c. That no other reasonable alternative is available to the applicant; and
 - d. The board of mayor and aldermen may prescribe any conditions it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.
- (2) Applications for relief from the noise level in this section for the purpose of a public parade, street fair or similar activity and conducted by a public entity, agency or committee thereof may be made to the mayor or city administrator. The mayor and city administrator are each authorized to issue for said purposes.

Sec. 11-407. - Penalty for violation.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in the amount of \$50.00. Each day such violation is committed or permitted to continue is a separate offense.

Sec. 11-408. - Additional remedy; injunction.

City of Franklin

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As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Sec. 11-409. - Severability.

It is the intention of the board of mayor and aldermen that each separate provision of this section shall be deemed independent of all other provisions herein, and it is further the intention of the board of mayor and aldermen that if any provisions thereof shall remain valid and enforceable.