

TITLE 11**MUNICIPAL OFFENSES****CHAPTER**

1. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
2. DEFACEMENT OR VANDALISM OF STONE WALLS, MAILBOXES AND PUBLIC PROPERTY.
3. GENERAL PROHIBITION ON NOISES.

CHAPTER 1**TRESPASSING AND INTERFERENCE WITH TRAFFIC****SECTION**

- 11-101. Trespassing.
11-102. Interference with traffic.
11-103. Violations and penalty.

11-101. Trespassing. (1) On premises open to the public. (a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner, or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner, or other authorized person, or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on, or in, any lot or parcel of land, or any building or other structure after notice against trespass is personally communicated to him by the owner, or other authorized person, or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail

to promptly leave the private premises of any person who requests, or directs, him to leave.¹ (2002 Code, § 11-101)

11-102. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon, except for those persons employed by governmental agencies to guard or oversee the safety of school children or other pedestrians crossing public streets. (2002 Code, § 11-102)

11-103. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. (2002 Code, § 11-103, modified)

¹Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

CHAPTER 2**DEFACEMENT OR VANDALISM OF STONE WALLS,
MAILBOXES AND PUBLIC PROPERTY****SECTION**

11-201. Definitions.

11-202. Violations and penalty.

11-201. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section.

(1) "Mailbox" means any receptacle made of plastic, metal, stone or brick which is used for the deposit of mail by the U.S. Postal Service, and which borders or is located, in whole or in part, in public rights-of-way.

(2) "Stone wall" means any wall, or portion of a wall, constructed entirely of stone which was initially constructed prior to the year 1900 and which border or are located, in whole or in part, with public rights-of-way. (2002 Code, § 11-201)

11-202. Violations and penalty. In addition to any other action the town may take against a person violating this section, each such violation shall be punishable as a separate civil offense, with a penalty in the amount of up to fifty dollars (\$50.00) for each offense. This application of a penalty shall not be held to prevent the enforced repair or replacement of the property or remediation of damage done to the property. (2002 Code, § 11-203, modified)

CHAPTER 3

GENERAL PROHIBITION ON NOISES

SECTION

- 11-301. General prohibition on noises.
- 11-302. Definitions.
- 11-303. Unlawful noise standards.
- 11-304. Miscellaneous prohibited noises.
- 11-305. Loudspeaker or amplifier exceptions.
- 11-306. Other general exceptions.
- 11-307. Authorized special event permits.
- 11-308. Enforcement of noise ordinance.
- 11-309. Violations and penalty.

11-301. General prohibition on noises. The overall goal of this chapter is to promote and maintain livability within the Town of Nolensville and to keep the community a peaceful and habitable place in which to live. Therefore, subject to the provisions of this chapter, the creating of any unreasonable 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. (Ord. #22-16, June 2022)

11-302. Definitions. (1) "Ambient noise" shall mean the all-encompassing noise associated with a given environment being usually a composite of sounds from many sources, near and far.

(2) "Commercial" shall mean and shall include areas of the Town of Nolensville as zoned by town ordinances.

(3) "Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work requirement to protect persons or property from any imminent exposure to danger.

(4) "Entity" means any business entity recognized in this as such, including, but not limited to, sole proprietorships, partnerships, corporations, limited partnerships and limited liability companies.

(5) "Industrial" means and shall include areas of the Town of Nolensville as zoned by town ordinances.

(6) "Noise" shall mean created sound by acts of a person or entity utilizing real property, devices or equipment that exceeds the standards set out in §§ 11-303 and 11-304 herein.

(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, alley, parks, and navigable waterways, but shall not include any public property leased to any non-governmental entities.

(9) "Real property boundary" means a line along the ground surface and its vertical extension which separates the real property owned by one (1) 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 of the Town of Nolensville and residential properties used for residence purposes by one (1) or more persons.

(11) "Plainly audible" means any sound that clearly can be heard by human ears, provided that words or phrases need not be discernable and such sound may include base reverberation.

(12) "Sound amplification device" means any apparatus for the amplification of sounds from any sound-making or sound producing device, including any apparatus for the amplification for the human voice.

(13) "Special events permit" means a permit that outlines the requirements of this chapter and the applicant's requirements to conduct the proposed event.

(14) "Town" shall mean the Town of Nolensville. (Ord. #22-16, June 2022)

11-303. Unlawful noise standards, general provisions, tests for unlawful noise. The standards which shall be considered in determining whether a violation of this section exist shall include but shall not be limited to the following:

(1) It is prima facie evidence of a violation of this section when sounds produced by any equipment on private or business property exceeds seventy (70) decibels (dbA and dbC) at a distance of fifty feet (50') beyond the property boundary between the hours of 10:00 P.M. and 9:00 A.M. Sunday through Thursday and between the hours of 11:00 P.M. and 7:00 A.M. Friday and Saturday. The same presumption applies to sounds produced by any equipment on private or business property that is greater than eighty (80) decibels (dbA and dbC) at a distance of fifty feet (50') beyond the property boundary for all other times. When taking a decibel reading, stand approximately fifty feet (50') from the closest property line of the real property where the source of the sound originates. Using a device approved by the Nolensville Police Department, the board of commissioners and/or town manager, record decibel level readings three (3) times over a five (5) minute period to find the average decibel level. Acceptable noise levels at all other hours are seventy (70) decibels and below.

(2) In cases not covered by subsection (1), the following will be considered in determining whether unlawful noise exists:

- (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 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 noncommercial activity. (Ord. #22-16, June 2022)

11-304. Miscellaneous prohibited noises. The following acts, among others are declared to be loud, disturbing and unnecessary noises in violation of this chapter. All standards for judging noises listed in § 11-303 apply to this section and are applied and used as a determination of violations made by the Nolensville Police Department or Town Manager.

(1) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck or any vehicle except as a danger signal; the creation by means of any such signal device of an unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(2) Loudspeakers or amplifiers. Unless authorized by the Town of Nolensville using a special event permit as detailed in § 11-307, the playing of any musical instrument or sound device, including but not limited to loudspeakers or another device 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, as to annoy or disturb the quiet, comfort or repose of persons in any dwelling or any person(s) in the vicinity.

(3) Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing by one (1) or more persons on the public streets or in the parking lots of commercial businesses open to the public, participating during the hours as listed in § 11-303, so as to disturb the quiet, comfort or repose of persons in any dwelling or residence, or any person in the vicinity. A failure of the owner or manager to manage such activity may constitute a violation, when a customer or patron is convicted of a violation of this chapter.

(4) Pets. The keeping of pets of any animal, bird or fowl by which causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity during the hours of 9:00 P.M. and 7:00 A.M.

(5) Use of vehicle. The use of any automobile, motorcycle, truck or vehicle so out of repair, so loaded or in such a manner as to cause loud and unnecessary grating, grinding, rattling or other noises.

(6) Noise from motor vehicle audio equipment. No person shall use or operate any device in or on a motor vehicle located on the public streets of the town, property owned or leased by the town or within a public park, within a public parking lot or any other public premise with the town, which is audible to a person of normal hearing sensitivity more than fifty feet (50') from such vehicle, nor shall any person use or operate any device in or on a motor vehicle located on private property which is audible to a person of normal hearing sensitivity more than fifty feet (50') outside the real property boundary of said property. Word and phrases need not be discernible for said sound to be "audible."

(7) Building operations. The erection (including excavation), demolition, alteration or repair or any building in any area or the construction or repair of streets and highways in any area and related infrastructure, other than between the hours of 7:00 A.M. and 7:00 P.M. or dark, whichever occurs first, Monday through Saturday and 9:00 A.M. and 7:00P.M. or dark which ever may all first, Sunday, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the town codes/building inspector for a period while the emergency continues not to exceed thirty (30) days. If the code/building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways after dark before 7:00 A.M. Monday through Saturday or 9:00 A.M. Sunday and if he or she shall further determine that unreasonable loss or inconvenience would result to any party in interest through delay, he or she may grant permission for such work to be done during those hours upon application being made at the time the permit for the work is awarded or during the process of the work. This restriction will include but not be limited to the use of pile drivers, steam or electric hose or other machinery or equipment attended by loud or unusual noise.

(8) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any school, hospital, church or institution of learning while the same is in session.

(9) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, crates and other containers.

(10) Noises to attract attention. The use of any drum, loudspeaker or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, sale or display of merchandise. (Ord. #22-16, June 2022)

11-305. Vibration. It is a violation of this section to operate or permit the operation of any devices that create a vibration or quivering effect that:

- (1) Endangers the health of humans and/or animals; or
- (2) Annoys or disturbs a person of normal sensitivities.

The standards which shall be considered in determining whether a violation of this section exist shall include but shall not be limited to the following:

It is prima facie evidence of a violation of this section when vibrations produced by any equipment on private or business property at a distance of fifty feet (50') beyond the property boundary between the hours of 10:00 P.M. and 9:00 A.M. Sunday through Thursday and between the hours of 11:00 P.M. and 7:00 A.M. Friday and Saturday. (Ord. #22-16, June 2022)

11-306. Other general exceptions. The following uses and activities shall be exempt from noise level regulations.

(1) Noises of safety signals, warning devices and emergency pressure relief valves.

(2) Noise resulting from any authorized emergency vehicle or work, when responding to an emergency call or acting in time of emergency.

(3) 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 this 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.

(4) Any vehicle or equipment of the town or a public utility while engaged in necessary public business.

(5) Excavations or repairs of bridges, streets or highways by or on behalf of the town, the county or the state during the night when the public welfare and convenience renders it impossible to perform such work during the day.

(6) Emergency activities of the town, 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.

(7) Use of domestic power equipment (including, but not limited to power lawn mowers, leafblowers, trimmers, snowblowers, tillers, saws, sanders, drills or similar devices) between 7:00 A.M. and 7:00 P.M. or dark, whichever occurs first.

(8) 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.

(9) Human sounds emanating from children including, but not limited to speech and utterances of laughter, cries and sounds associated with play.

(10) Sounds lasting no more than five (5) minutes in any one (1) hour created by bells, chimes or by electronic or mechanical devices that reproduce such sound, while used in connection with a religious institution, school or clock or bell tower. (Ord. #22-16, June 2022)

11-307. Authorized special events. Sounds associated with special events as approved by the town using a special event permit, or as approved in writing by the town manager, are subject to any conditions or restrictions regarding noise as may be prescribed by the town. In accordance with Nolensville Municipal Code, title 11, chapter 4, all reasonable steps must be taken to keep the noise at the lowest possible practicable level. Any permit granted by the town shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. (Ord. #22-16, June 2022)

11-308. Enforcement of noise ordinance. The Nolensville Police Department or the town manager are encouraged to facilitate an agreeable solution between all parties involved in alleged violations of this chapter. The Nolensville Police Department or the town manager, using their best judgment with the standards outlined in § 11-303 may, at their discretion, take the following steps:

(1) Establish an agreeable solution when all parties are willing to compromise.

(2) Determine the noise is reasonable and within the provisions established by this chapter.

(3) Cite any of the individuals or entities responsible for clearly violating any of the provisions in this chapter. Whenever a violation of any of the provisions in this chapter occurs, any of the following individuals or entities may be held responsible, considering the circumstances involved in the violation, including:

(a) The operator of any vehicle or equipment from which the noise is generated;

(b) Any person carrying out any delivery or service which generates noise in violation of division;

(c) Any person otherwise creates a noise in violation of this division;

(d) Any person who has the authority and ability to prevent the emission or continuation of a noise which violates this chapter but fails to do so. (Ord. #22-16, June 2022)

11-309. Violations and penalty. Any person violating any of the provisions of this chapter shall be deemed guilty of a civil ordinance violation

and upon conviction thereof shall be fined in the amount of fifty dollars (\$50.00) for each day such violation is committed or permitted to continue. Each day a violation occurs shall be treated as a separate offense. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions hereof and which cause 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. (Ord. #22-16, June 2022)