

ORDINANCE 24-05

AN ORDINANCE TO REPEAL EXISTING TITLE 11, ARTICLE 402, SECTION 10 OF THE SPRING HILL MUNICIPAL CODE, UNNECESSARY NOISE STANDARD WITH RELATION TO CONSTRUCTION OR REPAIRING OF BUILDINGS AND REPLACE WITH NEW REGULATIONS

WHEREAS, the Board of Mayor and Aldermen of the City of Spring Hill, pursuant to its Charter and general law of the State of Tennessee, enacted and adopted Title 11, Article 402 of the Spring Hill Municipal Code; and

WHEREAS, the Board of Mayor and Aldermen of the City of Spring Hill does desire to repeal existing Title 11, Article 402, Section 10, Unnecessary Noise Standard, Construction or Repairing of Buildings and replace with new regulations, as detailed in Exhibit A and Exhibit B attached hereto; and

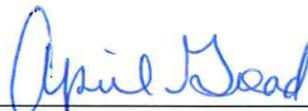
WHEREAS, the Board of Mayor and Aldermen find that replacing Title 11, Article 402, Section 10 with new regulations is in the best interest of the health, safety and welfare of Spring Hill and its citizens.

NOW, THEREFORE BE IT RESOLVED, the City of Spring Hill Board of Mayor and Aldermen that Title 11, Article 402, Section 10 of the Spring Hill Municipal Code be repealed and replaced with new regulations as fully described in Exhibit A and Exhibit B, attached hereto.

Passed and Adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 20th day of May, 2024.


Jim Hagaman, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

Passed on First Reading: May 6, 2024

Passed on Second Reading: May 20, 2024

Exhibit A

REPEAL:

Section § 11-402 – Unnecessary Noise Standard

~~(10) Construction or repairing of buildings.~~

~~— (a) The erection (including excavation), construction, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. to 6:00 p.m. on weekdays (7:00 a.m. to 8:00 p.m. June 1 – August 30), and from 9:00 a.m. to 6:00 p.m. on Saturday. 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. No work shall be performed on New Year's, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas holidays that would result in any loud, disturbing or unnecessary noise that would otherwise violate this chapter, and shall be considered as a Sunday for purposes of this section. An exception to this section is work that is inherently creates no detectable noise from beyond the property boundary including loud voices or radios (for example, painting with brushes and rollers not attached to pumps, tile or carpet work where no use of hammers, saws or other noise producing equipment is utilized). This section shall not apply to homeowners and occupants performing exterior work at or on their principal place of residents after 7:00 a.m. and before 6:00 p.m.; and~~

~~— (b) If the City Administrator or his or her 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, outside the hours stated above and, if he or she shall determine that any loss or inconvenience that might result is outweighed by the public's interest in its safety and welfare, he or she may grant permission for a permit not to exceed 30 days for such work to be done outside the hours stated above, upon application being made.~~

Exhibit B

REPLACE:

Section § 11-402 – Unnecessary Noise Standard

(10) Construction or repairing of buildings

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 Spring Hill but shall apply to all work done on such projects.
- (b) Construction activity is allowed Monday through Friday, 7:00 a.m. to 6:00 p.m. (7:00 a.m. to 8:00 p.m., June 1 – August 30), and Saturday, 9:00 a.m. to 6:00 p.m. No work shall be performed on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- (c) 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 30 minutes before and after permitted hours of construction, providing radios, noisy equipment or loud conversations do not take place.

(3) Exemptions. The following types of activities are exempt from the requirements of this section.

- (a) Greenfield development and unoccupied buildings located greater than 1,000 feet from a residentially-occupied building, measured in the most direct means from a construction site and/or building to a residentially-occupied building.

- (b) Activities occurring inside occupied buildings and structures if not audible at any immediately adjacent street.
 - (c) Construction commissioned or conducted by the City of Spring Hill.
 - (d) Cleaning of streets (including street sweeping vehicles), trash, and maintaining/installing erosion control.
 - (e) 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.
 - (f) Emptying and setting dumpsters and servicing portable toilets.
 - (g) Construction activity approved in advance by the city administrator or designee. A contractor who needs to work outside normal construction hours must submit a request for approval in advance. If the city administrator or designee should determine that the interest of the public health and safety are served, and if the city administrator 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 between 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 with notification given to the Board of Mayor and Aldermen.
 - (h) 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 chapter occurs the owner, developer, and general contractor may any or all of them be deemed to be in violation of this chapter.
 - (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 and any applicable court costs.
 - (b) Violators may be cited to Spring Hill Municipal Court, or where necessary, to 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 five business days.
- (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 Spring Hill Municipal Code or the building codes adopted therein, the more restrictive requirements shall apply.