

SUBSTITUTE ORDINANCE NO. BL2022-1164

An Ordinance to amend ~~Section 9.30.010~~ Chapter 9.30 of the Metropolitan Code of Laws pertaining to construction ~~noise sites~~.

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 9.30.010 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

9.30.010 - Construction sites-Restrictions.

It is unlawful for any person ~~engaged to engage~~ in the outdoor construction, repair or demolition of buildings, structures, land, driveways, or appurtenances thereto, ~~including the transportation of materials to and from a construction site on any parcel located within or adjoining any zoning district permitting residential uses, to emit, cause to be emitted, or permit the emission of any noise in excess of 70 Db(A) from construction equipment as measured from a point as close as possible to the outside walls of any residential structure located on the property affected by the noise at a height of four feet above the immediate surrounding surface between the hours of 7:00 p.m. and 7:00 a.m., except that during the months of June, July, and August, the foregoing noise restriction shall be between the hours of 8:00 p.m. and 6:00 a.m. For the purposes of this section, "outdoor construction" means any construction activities occurring outside of an enclosed building.~~

Section 2. That Section 9.30.030 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

9.30.030 - Variances.

A. Any person seeking to perform construction activities which would be in violation of Section 9.30.010 must, prior to engaging in activities prohibited under Section 9.30.010, make an application to the director of the department of codes administration and obtain a permit to perform such activities. Such a permit shall not be granted unless the applicant establishes the following:

1. Any outdoor construction will not interfere with normal activities conducted within the zoning district during the hours of the proposed construction activities; and
2. The applicant has obtained all other approvals and permits for said construction activities as required by the metropolitan code of laws; or
3. The overriding public interest (as opposed to the private interest of the applicant or the owner of the property upon which said construction activities shall occur) will be significantly promoted by permitting the applicant to engage in outdoor construction outside of the hours permitted in Section 9.30.010.

B. Notice of an application for a variance shall be given by the director of the department of codes administration to persons who may be adversely affected by the granting of the variance and to the district councilmember. Any person who claims to be adversely affected by such a variance, if allowed, may file a written statement with the director. Such statement shall contain sufficient factual information to support the claim.

C. Variances shall be granted by notice to the applicant containing any necessary conditions, including a time limit on the permitted activity. The variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate it and subject the person holding it to the requirements of Section 9.30.010.

Section 23. That this ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by:

Colby Sledge
Member of Council