SUBSTITUTE ORDINANCE NO. BL2023-2106

An ordinance amending Metropolitan code of Laws, section 9.20.010, ~~to clarify that all types of amplified music, including live music, must be limited to certain decibels to~~ to limit amplified noise and enhance enforcement in order to ensure adequate public health and safety.

WHEREAS, the Metropolitan Government of Nashville and Davidson County ("Metro") celebrates the vibrant and dynamic soundscape of the Downtown area, which every day draws visitors from across the world; and

WHEREAS, Metro also wishes to encourage the enjoyment of music in the Downtown area in the safest manner possible; and

WHEREAS, the Metro Nashville Police Department (MNPD) is charged with maintaining safe streets and guaranteeing public safety in the Downtown area; and

WHEREAS, high levels of amplified sounds, including music, emanating from various establishments in the Downtown area often make it difficult for MNPD officers and employees to communicate with each other and the public, leading to situations where the public safety and health are endangered; and

~~WHEREAS, Metro desires to amend its noise ordinances in order to clarified that all amplified music, including live music, must comply with Metro's noise limits.~~

WHEREAS, Metro desires to amend its noise ordinances in order to require that speakers not be oriented toward open exterior windows and doors; and

WHEREAS, Metro also wishes to extend enforcement of private property commercial noise and residential noise ordinances to the Department of Codes and Building Safety so as to address Downtown noise and noise from short term rental properties; and

WHEREAS, Metro also wishes to extend enforcement of right-of-way noise ordinances to the Nashville Department of Transportation;

NOW, THEREFORE, BE IT ENACTED BY THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Metropolitan Code of Laws section 9.20.010(B)(2) shall be amended ~~by~~ as follows:

2. In all cases, interior speakers within ten (10) feet of an open exterior door or window shall not be oriented toward any such open exterior door or window. ~~In all cases, interior speakers shall be oriented toward and focused at the center of an establishment.~~ It shall be unlawful for interior speakers of an establishment during business operating hours regardless of speaker orientation to produce sounds registering more than 85 decibels (A weighted) ("Db(A)"), as measured at street level fifty linear feet from the outside wall of the structure within which the noise is produced. Other than during business operating hours, it shall be unlawful for any establishment to operate or allow the operation of interior speakers producing sounds registering more than 70 Db(A) at or on the boundary of the nearest public right-of-way or park. For purposes of this subsection, "business operating hours" means the hours during which an establishment is open to customers or patrons, or a musical act is tuning their instruments for the purposes of performing during business operating hours.

~~Section 2. That the Metropolitan Code of Laws section 9.20.010(B)(3) shall be deleted, renumbering the remaining sections as necessary.~~

~~Section 3. That the Metropolitan Code of Laws section 9.20.010(B)(5) shall be amended and the following added as a new section 9.20.010(B)(5)(d):~~

> ~~d. Speakers oriented towards musicians performing live music specifically (commonly referred to as "wedges" are exempt from any requirement to orient and focus to the middle of the room until July 1, 2024.~~

Section 4 2. That the Metropolitan Code of Laws section 9.20.010(B) shall be amended to create a new section 9.20.010(B)(6):

> 6. The Director of Mayor's Office of Nightlife shall convene an advisory committee to contemplate the impact of sustained exposure to loud music on local musicians, ~~including "wedges,"~~ and make recommendations that may be implemented through a pilot project.

Section ~~5~~ 3. That the Metropolitan Code of Laws section 9.20.060 shall be deleted and the following added as a new section 9.20.060:

> The Metropolitan Nashville Police Department, the Nashville Department of Transportation, and the Department of Codes and Building Safety shall be responsible for the enforcement of violations of this chapter.

Section 4. Ninety days following implementation of this ordinance, the MNPD will provide an assessment to the Council and the Director of Mayor's Office of Nightlife as to whether the amended noise policy has improved conditions.

Section 6. This Ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

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Jeff Syracuse
Member of Council