



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: BL2023-2106 **Name:**

Type: Bill (Ordinance) **Status:** Passed

File created: 7/7/2023 **In control:** Government Operations and Regulations Committee

On agenda: 8/15/2023 **Final action:** 8/15/2023

Title: An ordinance amending Metropolitan Code of Laws, sections 9.20.010 to limit amplified noise and enhance enforcement in order to ensure adequate public health and safety.

Sponsors: Jeff Syracuse, Freddie OConnell, Russ Pulley, Bob Nash, Ginny Welsch, Delishia Porterfield

Indexes:

Code sections:

Attachments: 1. Substitute BL2023-2106

Date	Ver.	Action By	Action	Result
8/28/2023	2	Mayor	approved	
8/15/2023	2	Metropolitan Council	passed on third reading	
8/1/2023	2	Metropolitan Council	passed on second reading	
8/1/2023	1	Metropolitan Council	substituted	
8/1/2023	1	Public Health and Safety Committee	approved with a substitute	
8/1/2023	1	Transportation and Infrastructure Committee	approved with a substitute	
8/1/2023	1	Government Operations and Regulations Committee	approved and re-referred	
7/18/2023	1	Metropolitan Council	passed on first reading	
7/11/2023	1	Metropolitan Council	filed	

An ordinance amending Metropolitan Code of Laws, sections 9.20.010 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.

Analysis

This ordinance amends Section 9.20.010 of the Metropolitan Code of Laws to clarify provisions related to amplified music and the orientation of speakers.

This ordinance amends Section 9.20.010.B, which applies to properties lying within an area zoned DTC district and properties zoned CF district that are contiguous to those zoned DTC district. This mostly consists of the core of Downtown Nashville.

The ordinance adds language to clarify that all interior speakers in an establishment must be oriented toward the center of the establishment. During business hours, all interior speakers would be limited to 85 decibels (A weighted) ("Db(A)"), as measured at street level fifty linear feet from the outside wall of the structure within which noise is produced. Outside of business hours, interior speakers could not register more than 70 Db(A) as measured at or on the boundary of the nearest public right-of-way or park.

The ordinance provides that speakers oriented towards musicians performing live music specifically or "wedges" would be exempt from the requirement to orient and focus toward the center of the establishment until July 1, 2024. The Mayor's Office of Nightlife would be required to 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.

Existing provisions that limit prerecorded music to 85 Db(A), and exempt live music from this limitation, would be deleted.

The ordinance would also allow for the Nashville Department of Transportation and the Department of Codes and Building Safety, in addition to the Metropolitan Nashville Police Department, to enforce violations of Chapter 9.20, Excessive Noise.