

Town of Thompson's Station  
Planning Commission & Board of Mayor and Alderman  
Work Session Agenda  
September 22, 2020

**Work Session Called To Order 6:00pm**

**Work Session Items:**

**1. Noise Ordinance Discussion 6:05-6:20**

Documents:

[ITEM 1 NOISE ORD DISCUSSION.PDF](#)

**2. Transportation/Traffic Calming Discussion 6:20-7:00**

Documents:

[ITEM 2 TRANSPORTATION AND TRAFFIC CALMING DISCUSSION.PDF](#)

**Adjourn**

*This meeting will be held at 6:00 p.m. by electronic means due to the  
COVID-19 State of Emergency.*

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## WORKSESSION MEMO

September 22, 2020

**To:** Planning Commissioners & BOMA

**From:** Town Staff

**Discussion Subject:** Town Noise Ordinance Discussion

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In March 2017, the Board of Mayor and Aldermen passed an ordinance to amend Title 11, Chapter 1 of the Town's Municipal Code related to Offenses Against the Peace and Quiet related to construction work and hours. The current standards in Title 11 are included for reference. Recently, Town Staff was asked to explore broadening the Town's current noise ordinance. In other, neighboring communities, noise ordinances tend to go beyond standards and limitation for construction work. For example, in Franklin, the noise ordinance is based on the City's Zoning Districts to categorize what constitutes an offence against the peace and quiet. Franklin segregates unnecessary noise standards by the broad use categories of the Zoning Districts: Residential Zoning, Commercial and Industrial Districts, and Mixed Use Districts. The City of Franklin's noise ordinance is included for reference.

The Board of Mayor and Alderman have asked for the Planning Commission to explore this issue further before any amendment is brought to revise the Town's current noise ordinance.

Questions for consideration and discussion:

- Is it the right time to revise the Town's noise ordinance?
- Should large lot residential & agricultural areas be included or excluded?
- Is attaching it to a zoning/use district appropriate?
- What are the hours appropriate for limitations on noise- Franklin uses 10pm – 7am in some areas & 11pm – 7 am in others. The Town's current noise ordinance allows construction/demolition work between 7am – 6pm on all days except Sunday, when no work is permitted.

# Town of Thompson's Station Current Noise Ordinance

**TITLE 11**

**MUNICIPAL OFFENSES<sup>1</sup>**

**CHAPTER**

**1. OFFENSES AGAINST THE PEACE AND QUIET.**

**CHAPTER 1**

**OFFENSES AGAINST THE PEACE AND QUIET**

**SECTION**

**11-101. Hours of construction work.**

**11-101. Hours of construction work.** (1) Definitions. For purposes of this section the following words shall have the meanings set forth herein.

(a) "Construction work." Any site preparation, excavation, grading assembly, erection, paving, substantial repair, alteration or similar action, but excluding demolition, for or of any structures, utilities, public or private rights of way or other property.

(b) "Demolition work." Any dismantling, intentional destruction or removal of structures, utilities, public or private rights of way or other property.

(2) Construction or demolition work. The carrying on of any construction or demolition work is prohibited at any time on Sundays, or at any time other than between the hours of 7:00 A.M. and 6:00 P.M. prevailing time, on Saturdays, or between the hours of 7:00 A.M. and 6:00 P.M. prevailing time, on any other days. The provisions of this section shall not apply to interior or exterior repairs or interior alterations when the work is actually performed by a homeowner or occupant between the hours of 8:00 A.M. and 9:00 P.M. prevailing time, provided the work is done without creating any noise disturbance across a residential real property boundary. (Ord. #08-016, August 2008)

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<sup>1</sup>Municipal code references

Housing codes: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

Streets and sidewalks (non-traffic): title 16.

# City of Franklin Current Noise Ordinance

CHAPTER 4. - OFFENSES AGAINST THE PEACE AND QUIET<sup>13</sup>

Sec. 11-401. - Definitions.

- (1) "Ambient noise" means the all encompassing noise associated with a given environment being usually a composite of sounds from many sources, near and far.
- (2) "City" shall mean the City of Franklin, Tennessee.
- (3) "Commercial" means and shall include areas of the City of Franklin zoned GO, NC, CC, GC, and CI.
- (4) "Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from any imminent exposure to danger.
- (5) "Industrial" means and shall include areas of the City of Franklin zoned LI and HI.
- (6) "Mixed use" means and shall include the areas of the City of Franklin zoned MX and ML.
- (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, alleys, parks and navigable waterways, but shall not include any public property leased to any nongovernmental entities.
- (9) "Real property boundary" means a line along the ground surface, and its vertical extension, which separates the real property owned by one 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 the City of Franklin zoned ER, MR, R1, R2, R3, R6, RX, MN, M2, and OR and any subsequent residential or office zone created by ordinance.
- (11) "Sound amplification device" means any apparatus for the amplification of sounds from any radio, phonograph, band, orchestra or other sound-making or sound-producing device, including any apparatus for the amplification of the human voice.

Sec. 11-402. - Disturbing the peace.

No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.

Sec. 11-403. - Unnecessary noise standard.

- (1) *Residential zoning districts.* No person shall cause, suffer, allow or permit sound from any sound from any source, sound which is plainly audible beyond the property line of the property creating the noise between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday.
- (2) *Commercial and industrial zoning districts.* No person shall cause, suffer, allow or permit amplified sound which is plainly audible when measured at least 100 feet from the real property boundary of the source of the sound between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday.
- (3) *Mixed use districts.* Amplification of sound located in or within 100 feet of a residential property line of the mixed use development which is plainly audible is prohibited between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday except for special events where a special permit has been obtained from the City of Franklin authorizing such event. No person shall cause, suffer, allow or permit sound from any sound from any source, sound which is plainly audible in the residential section of the mixed use

CHAPTER 4. - OFFENSES AGAINST THE PEACE AND QUIET<sup>13</sup>

development between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday. In the event that a special event permit has been obtained from the City of Franklin, no other amplification of sound will be permitted within the area of the special event except for that which has been applied for and authorized by the city pursuant to the permit application.

- (4) Amplification of sound located in or within 100 feet of a residential property line which is plainly audible is prohibited between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday except for special events where a special permit has been obtained from the City of Franklin authorizing such event. In the event that a special event permit has been obtained from the City of Franklin, no other amplification of sound will be permitted within the area of the special event except that which has been applied for and authorized by the city pursuant to the permit application.

Sec. 11-404. - Loud, unusual or unnecessary noises prohibited; criteria; other prohibited noises.

- (1) Consistent with other provisions of this chapter, and notwithstanding section 11-403, it shall be unlawful for any person within the limits of the city to make, produce, cause, suffer, continue or allow to be produced or continued by human voice, machine, animal, or device, or any combination of same, any unreasonably loud, unusual or unnecessary noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others.
- (2) General provisions; tests for unlawful noise. The standards which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to, the following:
  - 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 the 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 non commercial activity.
- (3) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, even if the noises referred to do not violate the noise standards set forth in section 11-403 above:
  - a. *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, truck or other vehicle on any street or public place of the city except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any

CHAPTER 4. - OFFENSES AGAINST THE PEACE AND QUIET<sup>13</sup>

horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

- b. *Loudspeakers, amplifiers for advertising.* The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is broadcast upon the public streets for the purpose of commercial advertising is or attraction the attention of the public to any building or structure.
- c. *Yelling, shouting etc.* Yelling, shouting, hooting, whistling, or singing on the public streets, or in the parking lots of commercial business open to the public, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling hotel or other type of residence, or of any persons in the vicinity. If the owner or manager of a commercial enterprise operates his business and is open to the public between the hours of 11:00 p.m. and 7:00 a.m. or at any time on Sunday or holidays, he shall locate his customer parking so his customers and patrons will not violate this chapter. A failure of the owner or manager to so locate his customer parking constitutes a violation of this chapter, when a customer or patron is convicted of violation of this chapter provided the owner or manager permits customer or patron parking within 100 feet of a residential zone.
- d. *Animals, birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- e. *Steam whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- f. *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or other vehicle through a muffler or other device which will effectively prevent loud or explosive noises there from.
- g. *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- h. *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or dumpster or the opening and destruction of bales, boxes, crates and containers, particularly other than during the hours between 6:00 a.m. and 9:00 p.m. If the city administrator should determine that the interest of the public health and safety is not harmed by an extension of this time frame in certain locations he deems appropriate, he may grant permission for such loading and unloading during the hours of 9:00 p.m. to 6:00 a.m. upon application. This permission can be revoked at any time.
- i. *Construction or repairing of buildings.* The erection (including excavation), construction, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and from 9:00 a.m. to 6:00 p.m. on Saturdays. 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. City holidays shall be considered as a Sunday for purposes of this section. If the city administrator or his 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 within the hours of 9:00 p.m. and 7:00 a.m. and if he shall determine that any loss of inconvenience that might result is outweighed by the public's interest in its safety and welfare, he may grant permission for such work to be done within 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.



CHAPTER 4. - OFFENSES AGAINST THE PEACE AND QUIET<sup>13</sup>

- j. *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys patients in the hospital provided conspicuous signs are displayed in such street, indicating the same is a school hospital or court street.
- k. *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- l. *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance show or sale.
- m. *Metal rails, pillars and columns, transportation thereof.* The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any manner so loaded as to cause loud noises or as to disturb the peace of such streets or other public places.
- n. *Pile drivers, hammers, etc.* The operation between the hours of 6:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- o. *Blowers.* The operation of any blower or power fan or any combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noises from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- p. *Noise from motor vehicle audio equipment.* No person shall use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on the public streets of the city, property owned or leased by the city, or within a public park, within a public parking lot or on any other public premise with the city, which is audible to a person of normal hearing sensitivity more than 50 feet from such vehicle, nor shall any person use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on private property which is audible to a person of normal hearing sensitivity more than 50 feet outside the real property boundary of said property. Words and phrases need not be discernible for said sound to be "audible."

Sec. 11-405. - Exemptions.

The following uses and activities shall be exempt from noise level regulations:

- a. Noises of safety signals, warning devices, and emergency pressure relief valves.
- b. Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
- c. Noises resulting from emergency work as defined in the Franklin Municipal Code, as amended.
- d. 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 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.
- e. Any vehicle or equipment of the city or a public utility while engaged in necessary public business.

CHAPTER 4. - OFFENSES AGAINST THE PEACE AND QUIET<sup>13</sup>

- f. 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.
- g. Emergency activities of the city, 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.
- h. Use of domestic power equipment (including, but not limited to, power lawn mowers, leaf blowers, trimmers, snowblowers, tillers, saws, sanders, drills or similar devices) between 7:00 a.m. and 9:00 p.m.
- i. 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.
- j. Human sounds emanating from children including, but not limited to, speech and utterances of laughter, cries and, sounds associated with play.
- k. Sounds lasting no more than five minutes in any one hour created by bells, chimes, carillons or by electronic or mechanical devices that reproduce such sounds, while used in connection with a religious institution, school, or clock or bell tower.

Sec. 11-406. - Application for special permit.

- (1) Applications for a special permit for relief from the noise level designated in this section on the basis of undue hardship may be made to the board of mayor and aldermen. Any permit granted by the board of mayor and aldermen herein under shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The board of mayor and aldermen may grant the relief as applied for, if it finds:
  - a. That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this section; or
  - b. The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with other subsections of this section; and
  - c. That no other reasonable alternative is available to the applicant; and
  - d. The board of mayor and aldermen may prescribe any conditions it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.
- (2) Applications for relief from the noise level in this section for the purpose of a public parade, street fair or similar activity and conducted by a public entity, agency or committee thereof may be made to the mayor or city administrator. The mayor and city administrator are each authorized to issue for said purposes.

Sec. 11-407. - Penalty for violation.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in the amount of \$50.00. Each day such violation is committed or permitted to continue is a separate offense.

Sec. 11-408. - Additional remedy; injunction.

City of Franklin

CHAPTER 4. - OFFENSES AGAINST THE PEACE AND QUIET<sup>13</sup>

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes 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.

Sec. 11-409. - Severability.

It is the intention of the board of mayor and aldermen that each separate provision of this section shall be deemed independent of all other provisions herein, and it is further the intention of the board of mayor and aldermen that if any provisions thereof shall remain valid and enforceable.

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## WORKSESSION MEMO

September 22, 2020

**To:** Planning Commissioners & BOMA

**From:** Town Staff

**Discussion Subject:** Transportation/Traffic Calming Discussion

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Transportation issues are often called the “good/bad” side effect of a growing community. A vibrant and expanding community must contend with traffic issues as a result of development. Thompson’s Station, like many neighboring communities, certainly experiences these traffic and transportation issues related to growth both within the Town and from the overall Middle Tennessee area. The Planning Commission and BOMA have scheduled this discussion time as part of an on-going effort to address the community needs related to traffic congestion and safety. Prior to the discussion, a brief overview of proposed or forthcoming new transportation projects will be provided on:

- New Buckner Road/I-65 Interchange (Spring Hill)
- Alexander Farms (Spring Hill) Development (*Exhibits Attached*)
  - Proposed Buckner Lane revision (requires Town review, concurrence, approval, and acceptance prior to any action)
  - Proposed roadway connection from the new Interchange to intersection with Thompson’s Station Road East at Pantall Road (requires Town review, concurrence, approval, and acceptance prior to any action)
- Proposed extension from Spring Hill of Campbell Station Parkway from Wilkes Lane to Traders Way (Associated with new Williamson County School campus. The roadway connection would require Town review, concurrence, approval, and acceptance prior to any action)
- TDOT Study on the Widening of US-31/Columbia Pike

Questions for the consideration and discussion:

- What traffic calming techniques are appropriate for the Town?
- What are the triggers for installation of such calming measures? Neighborhood input?
- What are the enforcement mechanisms?
- How are other communities dealing with these issues?











