

ARTICLE III. - NOISES

Sec. 25-66. - Generally.

The creation of any unreasonably loud, disturbing or unnecessary noise in the city or noise of such kind, intensity or duration as to be detrimental to the life or health of any individual or disturb the public peace or welfare of the city shall be unlawful.

(Code 1986, § 25-66)

Sec. 25-67. - Definitions and noise measurement procedures.

- (a) All terms used in this Article shall, for the purpose of this Article, have the meanings hereinafter ascribed to them.

"Ambient Noise" shall mean background noise.

"A' Weighted Sound Level" is the electronic filtering in sound level meters that models human hearing frequency sensitivity and shall mean the sound pressure level as measured with the sound level meter using the "A" weighing network. The standard unit notation is dB(A).

"C' Weighted Sound Level" is the electronic filtering in sound level meters that minimally attenuates very low frequencies and shall mean the sound pressure level as measured with the sound level meter using the "C" weighing network. The standard unit notation is dB(C).

"dB(A)" shall mean the composite abbreviation for A-weighted sound level in decibels.

"dB(C)" shall mean the composite abbreviation for C- weighted sound level in decibels.

"Decibel" shall mean a logarithmic unit of measure of ten (10) used in measuring magnitudes of sound. The symbol is dB.

"Downtown Amplified Music District" or "AMD" shall mean the following geographic areas:

- (1) Main Street beginning at the intersection of West Main Street and Broad Street and continuing to the railroad tracks west of Adams Street.
- (2) Martin Luther King Boulevard beginning at the intersection of West Martin Luther King Boulevard and Broad Street and continuing to the intersection of East Martin Luther King Boulevard and University Street.
- (3) Market Street beginning at the intersection of Market Street and West Main Street and continuing to the intersection of Market Street and West 7th Street.
- (4) Broad Street beginning at the intersection of Broad Street and West Main Street and continuing to the intersection of Broad Street and West 7th Street.
- (5) Georgia Avenue from the intersection of Georgia Avenue and East Martin Luther King Boulevard and continuing to the intersection of Georgia Avenue and Patten Parkway, Patten Parkway, Lindsay Street beginning at the intersection of Lindsay Street and Patten Parkway and continuing to the intersection of Lindsay Street and East Martin Luther King Boulevard.

"Downtown Amplified Music District Permit" or "AMD Permit" means a permit granted by the Land Development Officer pursuant to Code Sec. 25-75 or, after an appeal, by the Board of Downtown

Amplified Music District Permit Appeals. The AMD Permit shall be issued for a one (1) year term and shall be renewed yearly before the anniversary date of the initial issuance.

"Motorcycle" shall mean any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels, but excluding a tractor.

"Motor Driven Cycle" shall mean every motorcycle and every motor scooter with a motor which does not exceed five (5) brake horsepower, including every bicycle with a motor attached.

"Motor Vehicle" shall mean any self-propelled vehicle.

"Muffler" shall mean an apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

"Noise" shall mean any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

"Public Premise" shall also mean any private property generally available for public use including private streets, drives and parking lots or parking spaces provided for any public use at any individual, commercial, institutional or multi-family residential or other property use where parking spaces are required.

"Residential Property" shall mean any premise where single or multiple dwelling units exist and shall include schools, churches, hospitals, nursing homes and similar institutional facilities.

"Sound Amplification Device" shall mean any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of sound.

"Sound Level" shall mean a measure of the level of a sound with a weighing network in the measurement chain.

"Sound Level Meter" shall mean an apparatus or instrument including a microphone, amplifier, attenuator, output meter and frequency weighing networks for the measurement of sound levels.

"Vehicle" shall mean any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

- (b) For the purpose of determining dB(A)'s and dB(C)'s as referred to in this article, the noise shall be measured on the A-weighting scale and C-weighting scale set to slow meter response on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.
- (c) Measurement procedure. The sound level meter shall be operated in accordance with the instrument manufacturer's instructions as follows:
- (1) Microphone Orientation. The microphone shall be pointed towards the allegedly offensive noise source, unless the instrument manufacturer's instructions specifically indicate otherwise.
  - (2) Calibration. The meter shall be calibrated in accordance with manufacturer's instructions.
  - (3) Meter Readings. The recorded reading shall be the highest sound level obtained with the allegedly offensive noise source in operation, disregarding unrelated peaks due to extraneous ambient noises.
  - (4) Ambient Conditions. Measurements shall be made only when the A-weighted ambient sound level, including wind effects and all sources other than the noise source being measured, is at least ten (10) dB(A) lower than the sound level of the of the noise source being measured.

(Ord. No. 11273, 5-7-02; Ord. No. 12850, § 1, 8-26-14)

Sec. 25-68. - Enumeration of prohibited acts.

- (a) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but this enumeration shall not be deemed to be exclusive:
- (1) Horns or other signal devices on vehicles. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or while in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of such signal device of any unreasonably loud or harsh sound, and the sounding of such device for any unnecessary and unreasonable period of time.
  - (2) Musical instruments. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort or repose of persons in any hospital or in any dwelling, hotel or other type of residence or of any persons in the vicinity.
  - (3) Yelling, hawking, etc., in streets. Yelling, hawking, shouting, hooting, whistling or singing on the streets or sidewalks or in public places, particularly between the hours of 11:00 p.m. and 7:00 a.m., in a manner which disturbs the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence.
  - (4) Dogs. The keeping of any dog(s) which, by causing frequent or long, continued noise, disturbs the comfort or repose of any person in a residence, hotel, motel or hospital. For the purposes of this subsection, "frequent or long, continued noise" shall include, but shall not be limited to, barking at an average rate of ten (10) or more barks per minute over a period of five (5) minutes which can be heard from a distance of one hundred (100) feet or more, but shall not include the barking of any dog(s) responding to an emergency or to a trespasser on the property of the owner of such dog(s).
  - (5) Operation of vehicles. The use of any automobile, motorcycle or other vehicle so out of repair or loaded in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
  - (6) Steam whistles. The blowing of any 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.
  - (7) Exhausts without mufflers. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (8) Construction work. The erection (including excavation), demolition, alteration or repair of any building in any residential district or section, and the excavation of streets in any residential district or section, other than between the hours of 7:00 a.m. and 8:00 p.m., except in cases of urgent necessity in the interest of the public health and safety, and then only with a permit from the building inspector, which may be granted for a period not to exceed thirty (30) days while such emergency continues. If the building inspector determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of a street within the hours of 8:00 p.m. and 7:00 a.m., and further determines that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done within the hours of 8:00 p.m. and 7:00 a.m. upon application made at the time the permit for such work is awarded or during the progress of the work.
  - (9) Noise near schools, courts, churches or hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while the same is in

session, or adjacent to any hospital, which unreasonably interferes with the working or sessions thereof.

- (10) Loading and unloading; opening bales, etc. The creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening bales, boxes, crates and containers.
  - (11) Refuse collection. Operate a mechanical loader for refuse collection between the hours of 9:00 p.m. and 7:00 a.m. within or adjacent to any residential zone.
  - (12) Lawnmowers, leaf blowers, weed-eaters, chain saws, etc. Operate lawn mowers, leaf blowers, weed-eaters, chain saws or other domestic tools out-of-doors between the hours of 9:00 p.m. and 7:00 a.m.
  - (13) Fireworks. It shall be unlawful to set off fireworks after the hour of 11:30 p.m., except on New Year's Eve when the hours prohibited shall be 12:30 a.m. until 800 a.m.
  - (14) No person shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound so that the sound is plainly audible at a distance of one hundred (100) or more feet and on someone else's property located in a Residential Zone. This section shall not apply to events attended by more than one thousand (1,000) people, athletic events, nor to sound emanating from a C-3 Zone.
- (b) The provisions of this section shall not apply to any vehicle of the city or other governmental entity while engaged upon necessary public business, to excavations or repairs of bridges or streets by or on behalf of the city during the night hours, where the public welfare and convenience renders it necessary to perform the work at night.

(Code 1986, § 25-67; Ord. No. 10157, §§ 1, 2, 1-10-95; Ord. No. 10273, § 1, 8-8-95; Ord. No. 11163, § 1, 7-31-01; Ord. No. 11273, 5-7-02; Ord. No. 11693, § 1, 6-7-05; Ord. No. 11752, § 1, 10-11-05)

**Cross reference**— Amusements, Ch. 6; animals and fowl, Ch. 7; building regulations, Ch. 10; businesses, trades and occupations, Ch. 11; motor vehicles and traffic, Ch. 24.

Sec. 25-69. - Loudspeakers, amplifiers and sound-amplifying devices.

- (a) Except for entities possessing a Downtown Amplified Music District Permit in the designated Downtown Amplified Music District, it shall be unlawful to:
  - (1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) dB(A) between 9:00 a.m. and 9:00 p.m. or fifty (50) dB(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, hospital, school in session or nursing home, **except in accordance with a permit obtained from the chief building official.**
  - (2) As to multifamily structures including apartments, condominiums or other residential arrangements where boundary lines can not readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) dB(A) between 9:00 a.m. and 9:00 p.m. or fifty (50) dB(A) between 9:00 p.m. and 9:00 a.m., as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, **except in accordance with a permit obtained from the chief building official.**
  - (3) As to places of public entertainment having a capacity of one thousand (1,000) or more persons, operate or allow the operation of any sound amplification equipment so as to create sounds registering more than sixty-five (65) dB(A) between 9:00 a.m. and 9:00 p.m., or fifty (50)

dB(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the chief building official.

- (4) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than sixty (60) dB(A) at or on the boundary of the nearest public right-of-way or park.
  - (5) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than sixty (60) dB(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 a.m. and 9:00 p.m., or fifty (50) dB(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m.
- (b) (1) For entities possessing a Downtown Amplified Music District Permit in the designated Downtown Amplified Music District, it shall be unlawful to emit sound in excess of the following limits as measured at the property line of the business producing the sound averaged over one (1) minute:

Time (Monday — Thursday)	Sound Level Limit dB(A)	Sound Level Limit dB(C)
3:00 a.m. — 11:00 a.m.	55	70
11:00 a.m. — 11:00 p.m.	80	90
11:00 p.m. — 3:00 a.m.	65	80

Time (Friday — Sunday)	Sound Level Limit dB(A)	Sound Level Limit dB(C)
3:00 a.m. — 11:00 a.m.	55	70
11:00 a.m. — 12:00 a.m.	80	90
12:00 a.m. — 3:00 a.m.	65	80

- (2) For entities possessing a AMD Permit in the designated Downtown Amplified Music District, it shall be unlawful to violate any terms, conditions, and requirements of the AMD Permit.
- (c) No person operating or occupying a motor vehicle on any street, highway, alley, parking lot or driveway, either public or private property, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle or, in the case of a motor vehicle on private property, beyond the property line. For the purpose of this

section, "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty (50) or more feet, however, words or phrases need not be discernible and such sound shall include bass reverberation.

- (d) The foregoing limitations on the operation of sound amplification equipment shall not apply to the operation of horns, sirens or other emergency warning devices actually being used in emergency circumstances.

(Ord. No. 10157, § 3, 1-10-95; Ord. No. 11273, 5-7-02; Ord. No. 11613, 09-07-04; Ord. No. 12850, § 2, 8-26-14)

Sec. 25-70. - Warnings prior to citation.

- (a) If conduct that would otherwise violate this article consists of speech or other communication, of gathering with others to hear or observe such speech or communication, or of gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political or religious questions, the person must be ordered to move, disperse or otherwise remedy the violation prior to his or her citation or arrest.
- (b) The order required by section may be given by a peace officer, a person with authority to control the use of the premises, or any person directly affected by the violation.
- (c) It is a defense to an offense under the article that:
- (1) In circumstances in which this section requires an order, no order was given;
  - (2) An order, if given, was manifestly unreasonable in scope;
  - (3) An order, if given, was promptly obeyed;
  - (4) The device was operated within an enclosed motor vehicle and was not audible outside the vehicle in which it was operated;
  - (5) The device is one (1) required by any law, ordinance or regulation of the state, federal or municipal government and operated in accordance with applicable law; or
  - (6) The device is operated as a part of any parade or other activity for which a permit (other than a business permit) has been obtained from any governmental entity.

(Ord. No. 10157, § 3, 1-10-95; Ord. No. 11273, 5-7-02)

Sec. 25-71. - **Permits for additional amplification.**

- (a) Application. The application for a permit for additional amplification under section 25-69 shall be submitted to the chief building official at least fifteen (15) working days in advance of the planned use except in case of emergency. The application shall designate an individual person or persons who shall be in control of the sound amplification equipment and assure that its use complies with the terms of the permit.
- (b) Notice of tentative approval. Upon tentative approval, the applicant for a permit shall be responsible for mailing or otherwise delivering to the occupants of each property within a one thousand (1,000) foot radius of the facility for which the permit has been granted, as shown on the tax maps of the county, a notice stating the date and hours of the event. The notice shall be delivered at least seventy-two (72) hours in advance of the event. The permit shall not be actually granted and issued until the applicant submits an affidavit to the chief building official that such notices have been actually mailed or otherwise delivered.
- (c) Number of hours. No permits shall be issued which shall have the effect of allowing more than twenty (20) hours of excess amplification per year at any place of public entertainment having a

capacity of one thousand (1,000) or more persons or ten (10) hours of excess amplification at any other location. Permits shall be tentatively approved and subsequently granted by the chief building official in the order of receipt unless permits for twenty (20) or more hours have previously been issued for the same or other locations within a one thousand (1,000) foot radius of the facility in the same calendar year, in which event the applicant shall elect whether to limit his request so as to keep the year's accumulated hours of excess amplification in that location below twenty (20) hours or select another location.

- (d) Not permitted in residentially occupied boundaries. In no event shall a permit be granted which allows the creation of sounds registering more than seventy (70) db(A) anywhere within the boundary line of the nearest residentially occupied property.
- (e) Denial; exceptional permit. If an applicant has been denied a permit under this section and believes the denial is illegal by virtue of applicable state or federal law, he shall promptly submit a copy of the denied permit application together with a short statement of the reasons he believes he is entitled to a permit to the mayor. The mayor shall have the discretion to grant an exceptional permit waiving locational, time and/or db(A) requirements, upon his determination that the applicant has made a substantial showing of legal entitlement. Any such exceptional permit shall be promptly reported to city council.

(Ord. 11273, 5-7-02)

Sec. 25-72. - Motor vehicles.

**Sound Levels by Vehicle Type.** No person shall operate a motor vehicle upon any public premise, or be permitted to operate a motor vehicle upon any public premise at any time or under any conditions of roadway grade, load, acceleration or deceleration in such a manner as to generate a sound level in excess of the following limit for the category of motor vehicle and applicable speed under measurement procedures established herein.

**Speed Limit Zone Thirty-Five (35) Miles Per Hour or Less:**

- (a) Motorcycles and motor driven cycles: .....82 dB(A)
- (b) Vehicles with gross weight over ten thousand (10,000) pounds or over: .....86 dB(A)
- (c) Vehicles with gross weight under ten thousand (10,000) pounds: .....80 dB(A)

**Speed Limit Zone Over Thirty-Five (35) Miles Per Hour:**

- (a) Motorcycles and motor driven cycles: .....86 dB(A)
- (b) Vehicles with gross weight over ten thousand (10,000) pounds or over: .....90 dB(A)
- (c) Vehicles with gross weight under ten thousand (10,000) pounds: .....84 dB(A)

**Standing Motor Vehicles.** No person shall operate or permit the operation of any motor vehicle with a gross weight rating (GVWR) in excess of (10,000) pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than 10 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, within one hundred fifty (150) feet (forty-six (46) meters) of a residential area, between the hours of 10:00 p.m. and 7:00 a.m. the following day.

(Ord. No. 11273, 5-7-02)

Sec. 25-73. - Enforcement and penalties.

- (a) Where there is a violation of any provision of this article, the city court, in its discretion, may take one (1) or more of the following actions.

- (1) A citation fine of fifty dollars (\$50.00) for each violation.
- (2) A civil penalty not to exceed five hundred dollars (\$500.00) for each violation of this article may be adjudged to recover administrative expenses incurred in enforcing this article. A detailed and individualized statement of administration costs incurred by the city shall be submitted to the court for consideration if a civil penalty is sought.
- (3) A conditional civil penalty not to exceed five hundred dollars (\$500.00) for each separate violation of this article may be assessed by the city judge in the event of an intentional violation of this article conditioned upon the violator purging himself or herself of the civil penalty by not committing another violation of this article for one (1) year following imposition of the conditional civil penalty.

Provided that no combination of fines and civil penalties may exceed five hundred dollars (\$500.00) for each violation

- (b) In addition to any fine or penalty assessed by city court, violators of this Article will be referred to the appropriate city regulatory board. The board may assess additional penalties, including, but not limited to, suspension or revocation of permits administered by the board. In the case of an entity holding an AMD Permit, more than three (3) violations of this Article in a ninety (90) day period shall result in either the suspension or revocation of the AMD Permit by the Land Development Officer. The action of the Land Development Officer shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.
- (c) In the event that a citation is issued because of a venue's violation of any provision of this article and the venue fails to reduce the sound levels to a level not in violation of this article, the venue shall be closed until the next usual opening time for the venue.

(Ord. 11273, 5-7-02; Ord. No. 12850, § 3, 8-26-14)

Sec. 25-74. - Regulation of crowds and noise on business lots.

- (a) It be and is hereby declared to be a nuisance, punishable by a fine of fifty dollars (\$50.00) for an owner of commercial property to permit said property to be used in such a way that it is permitted that more than thirty (30) people are gathered on said property outside of any building between the hours of 12:00 a.m. and 5:00 a.m. within two hundred (200) feet of any residence if no owner, employer, or representative of the owner is present to control the adverse effects of the gathering.
- (b) It shall be illegal to be a member of a crowd of thirty (30) or more people on an unsupervised business property located within two hundred (200) feet of a residence during the hours of 12:00 a.m. to 5:00 am.
- (c) It shall be a complete defense for a business owner that the property is posted with "no loitering" and "no cruising" signs.

(Ord. No. 11761, § 1, 10-25-05)

Sec. 25-75. - **Downtown Amplified Music District Permit application process.**

- (a) The Land Development Officer may issue AMD Permits to a person who submits an application meeting the requirements of the provisions of this section. The Land Development Officer may adopt rules to implement the requirements of this Article.
- (b) Persons desiring a Downtown Amplified Music District Permit shall apply to the Land Development Office and shall supply such information as the Land Development Office may require to identify the land and to determine whether the permit should be granted.

- (c) The application shall set forth all actions taken to comply with the noise level limits set forth in Code Sec. 25-69(a), the reasons why compliance cannot be feasibly achieved, the reasons for such determination, the actions that have been taken to comply with the noise level limits set forth in Code Sec. 25-69(a), a proposed method for complying as nearly as is feasible, and a proposed time schedule for its accomplishment. The application shall be accompanied by a fee in payment of the costs of staff time to process the applications, the costs of staff and outside acoustical consultant time to review the application, and the costs of mailing notices. A separate application shall be filed for each noise source.
- (d) A notice of the filing of an application shall be sent by regular U.S. mail to each of the property owners within a minimum of three hundred (300) feet of each property for which an entertainments are permit has been requested. The notice shall state that a copy of the application is available for review at the prior to any action on the application by the Land Development Officer. Said notice will be mailed at least fourteen (14) days prior to any action on the application by the Land Development Officer. The most recently updated tax rolls for the City of Chattanooga will be the source of ownership information for notice purposes. A notice shall also be published in a daily paper at least fourteen (14) days prior to any action on the application by the Land Development Officer.
- (e) Persons objecting to the relief sought by the applicant or interested in the review or determination made by the Land Development Officer may likewise set forth their views and actual evidence in writing, signed by the objectors, and filed with the Land Development Office. The application and objections shall be considered by the Land Development Officer in the review of the application.
- (f) In reviewing an application, the Land Development Officer Land Development Officer will consider the following criteria:
  - (i) proximity of the venue emitting the sound to existing land uses;
  - (ii) the size and capacity of the venue emitting the sound;
  - (iii) sound mitigation actions that have been taken to comply with the noise level limits set forth in Code Sec. 25-69(a), including, but limited to, building design, landscaping, and buffering;
  - (iv) the history of noise complaints or violations by either the applicant or the venue emitting the sound, of this Article as verified by the Chattanooga Police Department.
- (g) The Land Development Officer may grant a Downtown Amplified Music District Permit if the Land Development Officer finds, after full consideration of all of the facts and the criteria set forth Code Sec. 25-75(f) that strict compliance with the noise level limits set forth in Code Sec. 25-69(a) will cause practical difficulties for the applicant.

A Downtown Amplified Music District Permit may be subject to any terms, conditions, and requirements as the Land Development Officer deems reasonable to achieve maximum compliance with the provisions of this Article. The terms, conditions and requirements may include, but shall not be limited to, limitations on noise levels and operating hours.

- (h) Each Downtown Amplified Music District Permit shall set forth the approved method of achieving maximum compliance and a time schedule for its accomplishment. The Land Development Officer shall consider the magnitude of nuisance caused by the offensive noise, the uses of property within the area of impingement by the noise, the time factors related to study, design, financing and construction of remedial work, the economic factors related to age and useful life of equipment and the general public interest and welfare.
- (i) Applications for an annual renewal of a Downtown Amplified Music District Permit shall be granted upon the finding that the applicant has complied with this Article, complied with the time schedule for complying with this Article as nearly as is feasible as set forth in the initial application, and has complied with any terms, conditions, and requirements as the Land Development Officer and/or the Board of Downtown Amplified Music District Permit Appeals deemed reasonable to achieve maximum compliance with the provisions of this Article.

- (j) Decisions of the Land Development Officer may be appealed within ten (10) days to the Board of Downtown Amplified Music District Permit Appeals by filing a notice of appeal with the Land Development Office.

(Ord. No. 12850, § 4, 8-26-14; Ord. No. 12864, § 1, 10-14-14)

Sec. 25-76. - Board of Downtown Amplified Music District Permit Appeals.

- (a) There is hereby established a board of three (3) members, to be known as the "Board of Downtown Amplified Music District Appeals."
- (b) One (1) member of the board shall reside in City Council District 7, one (1) member of the board shall reside in City Council District 8, and one member shall reside in the City at-large. The Chairperson of the City Council shall appoint the City-at-large board member; the Council Member representing City Council District 7 shall appoint the District 7 board member; and, the Council Member representing City Council District 8 shall appoint the District 8 board member.
- (c) The term of all member of the board shall be for one (1) year. Members shall continue to serve until their successors are appointed.
- (d) The board shall select its own chairman.
- (e) The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet within thirty (30) calendar days after notice of appeal has been received on a date to be determined by the chairman.
- (f) The board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. The board shall consider the factors set forth in Sec. 25-75 and the written submissions to the Land Development Officer. The board may affirm, reverse or modify the decision of Land Development Officer. Every decision shall be promptly filed in writing in the Land Development Office. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

(Ord. No. 12850, § 5, 8-26-14)

Sec. 25-77. - One (1) Year Review.

The Land Development Office is directed to monitor the impact of this ordinance on the quiet enjoyment of residents located within the AMD. Such review shall also include an assessment of the permitting process and shall include, review times, cost of public notice, and any complaints received from business operators and residents. The Land Development Officer shall report to City Council on the impact of this ordinance approximately one (1) year after the effective date of the ordinance.

(Ord. No. 12850, § 6, 8-26-14)

Secs. 25-78—25-80. - Reserved.

**Editor's note**— Sections formerly reserved as §§ 25-72—25-80 were repealed by implementation of Ordinance No. 11273, adopted 5-7-02 and former §§ 25-82 through 25-85 were repealed to comply with the Municipal Court Reform Act of 2004, T.C.A. §§ 16-18-301[, 16-18-]312 by Ordinance No. 12056, adopted on 12-18-07 and the remaining section in Division 1 was renumbered.

(Ord. 11273, 5-7-02; Ord. No. 11761, § 1, 10-25-05)