



# CITY OF CHATTANOOGA

OFFICE OF CITY TREASURER  
Return to: BUSINESS LICENSE DEPARTMENT  
101 E 11TH STREET ROOM 100 Chattanooga TN 37402  
(423)757-5195

OFFICE USE ONLY	
Date Applied:	_____
Date Issued:	_____
Permit Number:	_____
<b>PERMIT FEE \$30</b>	

## SPECIAL GATHERING PERMIT APPLICATION

City of Chattanooga City Code, Chapter 25, Sections 25-40 thru 25-47

Application and attachment must be fully completed in order to receive permit. Completed paperwork must be received at least 72 hours prior to event. Application fee can be paid by cash or money order.

### Applicant Information

Name:	_____
Address:	_____
Phone Number:	_____

### Event Information

Date of Event	_____	
Location of Event	_____	
Start Time	_____	End Time _____
Expected Attendance	_____	

### Event Organizer

Event Organizer (Name)	_____		
Address:	_____		
Phone Number(s)	Home: _____	Office:	_____
	Cellular: _____	Fax	_____
Chief Officer of the Event:	_____		
Event On-Site Contact Person:	_____		
Phone Number(s)	Cellular: _____	Home _____	Office: _____



## REQUIREMENTS

**All items must be completed in order to receive permit.  
Incomplete applications will not be accepted.**

1. I certify that I have obtained a completed and signed Security Plan Form from a Tennessee licensed security company and have included the form with this permit application.
2. I certify that I will provide adequate parking for the Special Gathering in accordance with Chattanooga City Code 25-40 and Section 38-186, Table 1700. Any questions regarding adequate parking should be addressed to the City Traffic Engineer at (423)643-5957.
3. I certify that I have obtained the occupancy limits of \_\_\_\_\_ persons for any buildings to be used as a venue for a Special Gathering as established by Chattanooga Fire Marshall and I agree to have procedures in place to ensure that the event complies with the occupancy limits as established by the Fire Marshall. The Fire Marshall can be contacted at (423)643-5618.
4. I certify that I have received and agree to comply with Chattanooga City Code Sections 25-66 thru 25-80 as amended regarding noise and that noise resulting from the gathering shall not be unreasonably audible beyond the special gathering venue.
5. I certify that I will be financially responsible for any City fees or costs that may be imposed under any other City Code Sections.

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Applicant's signature

Date

ORDINANCE NO. 12406

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, CHAPTER 25, BY ADDING A NEW ARTICLE II TITLED "SPECIAL GATHERING PERMIT", SECTIONS 25-40 THROUGH 25-47, RELATIVE TO PERMITS ON SPECIAL GATHERINGS.

WHEREAS, the City Council of the City of Chattanooga finds based on statistics from the Chattanooga Police Department that there is an increase in the amount of criminal activity in the City of Chattanooga after 11:00pm involving large gatherings of people, which requires increased police resources after this time; and

WHEREAS, the City Council of the City of Chattanooga finds that the health and safety of citizens in the City of Chattanooga is being compromised and citizens could be injured or killed in connection with large gatherings in the City of Chattanooga that are not properly regulated to insure public safety; and

WHEREAS, the City Council of the City of Chattanooga finds that the safety of the citizens of the City of Chattanooga is most compromised late at night and extending into the early morning hours; and

WHEREAS, both the Chattanooga Police Department and Fire Department have indicated to City Council that safety concerns exist in Chattanooga related to large gatherings that occur after 11:00pm.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-40 as follows:

**Sec. 25-40. Restrictions on Gatherings.**

(a) *Definitions.*

- (1) "*Adequate Security*" means providing a written certification from a Tennessee certified security company as to the requisite number of Security Personnel and procedures required to ensure safety for the gathering along with a detailed security plan that must be implemented for any special gathering.
- (2) "*Adequate Parking*" means providing the number of parking spaces for any gathering based upon the Gross Leasable Area of the building where the gathering is held. One (1) parking space shall be required per each seventy-five (75) square feet of Gross Leasable Area for commercial restaurant usage as set forth in Chattanooga City Code, Chapter 38, Article V, Division 22, Section 38-186, Table 1700.
- (3) "*Event Organizer*" means any person who conducts, manages, promotes, organizes, aids, or solicits attendance at a commercial or noncommercial special gathering.
- (4) "*Gathering*" means any group of persons together in one place for a common purpose, including but not limited to any assembly, conference, social group, crowd, audience or meeting.
- (5) "*Security Personnel*" means any sworn, Tennessee accredited police officer or any Tennessee licensed uniform security guard employed by a security company that is charged with responsibility for the orderly conduct of individuals attending gatherings.
- (6) "*Special Gathering*" means any gathering of fifty (50) or more persons that continues after 11:00pm, in which a fee is charged for admission and where alcoholic beverages are present on the premises or are consumed on the premises and a City beer permit or State liquor license is not obtained for the gathering.
- (7) "*Special Gathering Permit*" means a permit properly issued under this Chapter.

SECTION 2. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-41 as follows:

**Sec. 25-41. Permit Required.**

No person shall stage, promote, advertise, hold or rent a facility for any Special Gathering, including any commercial or noncommercial Special Gathering as defined in this chapter, unless a Special Gathering Permit has been first obtained from the City of Chattanooga Business Office for such a gathering.

SECTION 3. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-42 as follows:

**Sec. 25-42. Application for Special Gathering Permit.**

Written application for a Special Gathering Permit shall be made to the City of Chattanooga Business Office. The applicant for a permit for a Special Gathering shall pay to the city treasurer an application fee of twenty-five dollars (\$25.00), for each date and location that a Special Gathering Permit is sought. This fee is non-refundable and shall be in addition to any other fees or taxes specified in this Chapter. The application shall be submitted at least seventy-two (72) hours prior to the date upon which the Special Gathering is scheduled. Such application shall be on forms provided by the City and shall contain the following information:

- (a) The name, address and phone number of the person or organization applying for the Special Gathering Permit;
- (b) A certification that the applicant will be financially responsible for any City fees or costs that may be imposed under any other City Code Sections;
- (c) The name, address, and telephone number of the event organizer, if any, and the chief officer of the event organizer, if any;
- (d) A detailed security plan providing Adequate Security for the Special Gathering;
- (e) A detailed plan for the provision of Adequate Parking for the Special Gathering;
- (f) A written statement specifying that they have received and agree to comply with Chattanooga City Code Sections 25-66 through 25-80 as amended regarding noise and that noise resulting from the gathering shall not be unreasonably audible beyond the special gathering venue;
- (g) The applicant shall provide the location, date or dates and hours during which the special event is to occur and the expected number of individuals who will be in attendance at the gathering; and
- (h) The applicant shall provide the occupancy limits as established by the Chattanooga Fire Marshall or his designee for any building or gathering venue and agree to have procedures in place to ensure that the event complies with occupancy limits.

SECTION 4. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-43 as follows:

**Sec. 25-43. Action on Special Gathering Applications.**

Upon receipt of a completed application for a Special Gathering Permit, City of Chattanooga Business Office shall approve or deny the application within two (2) business days and give such applicant written notice of the decision. No permit shall be denied if all requirements of Section 25-42 have been met by the applicant. If denied, the reasons for such denial shall be so stated in writing. In the event that an application for a Special Gathering Permit is denied, the Officer of the City Attorney shall institute suit for declaratory judgment in a court of record in Hamilton County, Tennessee, within five (5) days of the date of any such denial seeking an immediate judicial determination of whether such application has been properly denied under law.

SECTION 5. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-44 as follows:

**Sec. 25-44. Permit Not Transferable.**

No permit issued under the provisions of this chapter shall be transferrable.

SECTION 6. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-45 as follows:

**Sec. 25-45. Revocation of Permit or Failure to Obtain Permit.**

Any violation of one or more of the requirements of this Chapter or any violation of one or more terms, conditions, or requirements of the Permit issued hereunder shall be grounds for immediate revocation of the Permit by any sworn law enforcement officer of the City of Chattanooga. Upon revocation of the Permit by any law enforcement officer of the City of Chattanooga, the Permittee shall immediately terminate the event and provide for orderly dispersal of those in attendance. Following the revocation of the Permit by a law enforcement officer, the Permittee shall be entitled to a hearing before the Beer Board of Chattanooga at the next regularly scheduled meeting to challenge the revocation of the Permit. In the event that the revocation is affirmed by the Beer Board, the Office of the City Attorney shall institute suit for declaratory judgment in a court of record in Hamilton County, Tennessee, within five (5) days of the date of any such revocation decision by the Beer Board seeking an immediate judicial determination of whether such application has been properly denied under law.

SECTION 7. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-46 as follows:

**Sec. 25-46. Display of Permit.**

The Permit shall be available for inspection during the Special Gathering upon request by any customer, any member of the Chattanooga Police Department, or any person designated by the City Council.

SECTION 8. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Chapter 25, be amended by adding a new Article II Special Gathering Permit, Section 25-47 as follows:

**Sec. 25-47. Invalidity of Part.**

Should any court of competent jurisdiction declare any section, clause, or provision of this Article to be unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this Article.

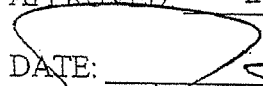
SECTION 9. BE IT FURTHER ORDAINED, That this Ordinance shall take effect immediately after its passage.

PASSED on Second and Final Reading

June 8, 2010.

  
CHAIRPERSON

APPROVED:  DISAPPROVED:

DATE:  6/16, 2010

  
MAYOR

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ARTICLE II. NOISES<sup>5</sup>

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" shall mean the sound pressure level as measured with the sound level meter using the "A" weighting network. The standard unit notation is dB(A).

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

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

"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 wheels, but excluding a tractor.

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

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

<sup>5</sup> Former Article II, Sections 25-46 through 25-50 were repealed by Ord. No. 11516, 03-23-00. By Ordinance No. 12056, 12-18-07, Articles and Sections were renumbered.

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"Muffling" 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 as referred to in this article, the noise shall be measured on the A-weighting scale 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 10 dB(A) lower than the sound level of the of the noise source being measured, provided however that no source shall emit noise in excess of the applicable maximum dB(A) levels when measured twenty-five (25) feet or more from the source.

(Ord. No. 11273, 05-07-02)

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, howling, etc., in streets. Yelling, howling, shouting, hooding, 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. (Ord. No. 11273, 05-07-02)
- (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)

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- 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). (Ord. No. 11273, 05-07-02)
- (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. (Ord. No. 11273, 05-07-02)
- (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. (Ord. No. 11273, 05-07-02; Ord. No. 11752, § 1, 10-11-05)
- (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 holes, etc.* The creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening holes, 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. (Ord. No. 11273, 05-07-02)
- (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. (Ord. No. 11273, 05-07-02)
- (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 8:00 a.m. (Ordinance No. 11163, § 1, 07-31-01; Ord. No. 11273, 05-07-02)
- (14) No person shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, connect disc player, loud speakers, 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. (Ord. No. 11693, 06-07-05)
- (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. 11273, 05-07-02; Ord. No. 11693, 06-07-05)
- Cross references--Amusements, Ch. 6; animals and fowl, Ch. 7; building regulations, Ch. 10; business, trades and occupations, Ch. 11; motor vehicles and traffic, Ch. 24.
- Sec. 25-69. Loudspeakers, amplifiers and sound-amplifying devices.
- (a) 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.



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(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) 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 unimpacted 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.

(c) This section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by a municipal or county government or any utility company, for sound emitted unavoidably during a job-related operation, or any motor vehicle used in

an authorized public activity for which a permit has been granted by the appropriate agency of a municipal or county government.  
(Ord. No. 10157, § 3, 1-10-95; Ord. No. 11273, 05-07-02; Ord. No. 11613, 09-07-04)

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 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 (Ord. No. 10157, § 3, 1-10-95; Ord. No. 11273, 05-07-02)

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.

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(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 foot (1,000') 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 foot (1,000') 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, 05-07-02)

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.

<i>Speed Limit Zone 35 mph or Less:</i>	
(a) Motorcycles and motor driven cycles:	82 dB(A)
(b) Vehicles with gross weight over 10,000 lbs. or over:	85 dB(A)

(c) Vehicles with gross weight under 10,000 lbs.:	80 dB(A)
<i>Speed Limit Zone Over 35 mph:</i>	
(a) Motorcycles and motor driven cycles:	86 dB(A)
(b) Vehicles with gross weight over 10,000 lbs. or over:	90 dB(A)
(c) Vehicles with gross weight under 10,000 lbs.:	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 150 feet (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, 05-07-02)

Sec. 25-73. Enforcement and penalties.

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 (Ord. 11273, 05-07-02)

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

(a) If he 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

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feet (200') 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 feet (200') of a residence during the hours of 12:00 a.m. to 5:00 a.m.

(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)

Secs. 25-75 -- 25-80, Reserved,  
(Ord. 11273, 05-07-02; Ord. No. 11761, § 1, 10-25-05)