

**ORDINANCE NO. 25-7137**

**AN ORDINANCE OF THE CITY COUNCIL OF LEBANON  
TO AMEND TITLES 11 AND 12 OF THE LEBANON MUNICIPAL CODE RELATIVE  
TO CONSTRUCTION ACTIVITY**

**WHEREAS**, it is now necessary to amend Lebanon Municipal Code Titles 11 and 12 relative to construction activity; and

**WHEREAS**, Title 11 of the municipal code contains all noise regulations; and

**WHEREAS**, it is now necessary to include the construction activity schedule in Title 12.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Lebanon, Tennessee, as follows:

Section 1. That Title 11 of the Lebanon Municipal Code is hereby amended by deleting the current Section 11-401(4)(d) and replacing it with the following 11-401(4)(d):

11-401(4)(d) *Construction or repairing of buildings.* The erection (including excavation), construction, demolition, alteration or repair of any building during times that would not be permitted for Construction Activity by Section 12-104, Hours of Construction.

Section 2. That Title 11 of the Lebanon Municipal Code is hereby amended by deleting Section 11-401(4)(e) in its entirety.

Section 3. That Title 12 of the Lebanon Municipal Code is hereby amended by creating a new Title 12, Chapter 1, Section 12-104 as follows:

**Sec. 12-104. Hours of Construction.**

*(1) Hours of Construction Regulated.*

- (a) Hours of construction restrictions apply to acts that constitute "Construction Activity," as defined in this section. These restrictions shall apply only to work that requires a permit issued by the City of Lebanon but shall apply to all work done on such projects.
- (b) Construction Activity within one thousand (1,000) feet of a residentially-occupied building, measured in the most direct means from a construction site and/or building to a residentially-occupied building, are as follows:
  - i. Fueling of equipment may begin at 6:30 a.m.
  - ii. No loading or unloading of equipment, including rental equipment, before 7:00 a.m.
  - iii. Hammering or shooting of nails shall not begin before 7:00 a.m. and must end at dusk.
  - iv. No hoe ram operations before 8:00 a.m. or after 6:00 p.m.

v. No construction on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(c) Construction Activity not within one thousand (1,000) feet of a residentially-occupied building is allowed Monday through Friday, 7:00 a.m. to 6:00 p.m., and Saturday, 9:00 a.m. to 6:00 p.m.

(d) No Construction Activity that requires a permit shall occur on Sundays and City Holidays.

(2) *Definition of Construction Activity.* For purposes of determining the application of this Section, Construction Activity includes, but is not limited to, the following:

(a) Grading and excavating.

(b) Pouring and placing concrete or the presence of concrete mixing trucks or pumping vehicles/equipment.

(c) Operating construction-related equipment and tools, including but not limited to, pile drivers, power shovels, pneumatic hammers, power hoists, compressors, and other construction-type devices.

(d) Continual use of portable generators where the electric utility will connect temporary power service.

(e) The presence of workers performing indoor or outdoor construction, site preparation, and landscaping work, including but not limited to, demolition, alteration, or repair of any building, structure, or property. This includes, but is not limited to, electrical, building, plumbing, HVAC, roofing, siding, painting, trimming, and landscaping work.

(f) The presence of construction workers more than 15 minutes before and after permitted hours of construction.

(3) *Exemptions.* The following types of activities are exempt from the requirements of this Section.

(a) Activities occurring inside occupied buildings and structures if not audible at any immediately adjacent street.

(b) Construction commissioned or conducted by the City of Lebanon.

(c) Cleaning of streets (including street sweeping vehicles), trash, and maintaining/installing erosion control.

(d) 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.

(e) Emptying and setting dumpsters and servicing portable toilets.

- (f) Construction Activity approved in advance by the Commissioner of Public Services or designee. A contractor who needs to work outside normal construction hours must submit a request for approval in advance. If the Commissioner of Public Services or designee should determine that the interest of the public health and safety are served, and if the Commissioner of Public Services or designee should determine that any loss of inconvenience that might result is outweighed by the public's interest in its safety and welfare, he/she may grant permission for such Construction Activity to be done Monday through Friday, 6:00 p.m. to 7:00 a.m., and Saturday, 6:00 p.m. to 9:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.
- (g) Emergency activities of the City, the County, or the State and emergency activities of public utilities by private contractors, when they are seeking to provide electricity, water, or other public utility services, and the public health, safety, or welfare is involved.

*(4) Accountability for Violations.*

- (a) In addition to those persons actively engaged in Construction Activity as defined above, when an infraction under this ordinance occurs the owner, developer, and general contractor may any or all of them be deemed to be in violation of this ordinance.
- (b) Those causing work to be done may be issued citations for violations committed by their employees, subcontractors, or agents.
- (c) In addition to property owners, developers, and general contractors, citations may be issued, where appropriate, to subcontractors, suppliers of concrete, suppliers of concrete pumper trucks/equipment, and supply and rental equipment delivery companies.

*(5) Violations.*

- (a) Any violation of this Section shall be punishable by a fine as provided by LMC § 1-1101.
- (b) Violators may be cited to Lebanon Municipal Court, or where necessary, actions in other courts of competent jurisdiction in Tennessee.
- (c) In addition to all other remedies available, repeat violators may be issued Stop Work Orders by the Building Official or designee until the violation or condition is abated, for a minimum of 5 business days. If a stop work order is issued and posted, the contractor or developer must meet with the Commissioner of Public Services or designee within three (3) business days. The stop work order may be withdrawn and construction work allowed to resume.

*(6) Conflicts with other chapters and sections of the Municipal Code, including those sections of the Municipal Code which adopt the International Building Code, the International Property Maintenance Code, and all other similar code adoptions.* If at any time these requirements conflict with other requirements elsewhere in the Lebanon Municipal Code or the building codes adopted therein, the more restrictive requirements shall apply.

Section 4. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.


Attest:

  
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Commissioner of Finance & Revenue

Approved:

  
\_\_\_\_\_  
Mayor

Approved as to form:

  
\_\_\_\_\_  
City Attorney

Passed First Reading: 1/7/2025

Passed Second Reading: 1/21/2025