

## **Tennessee**

### **Noise Related Statutes (exclusive of airports)**

#### **4-31-102. Chapter definitions.**

(14) “Pollution control facilities” means any equipment, structure or facility or any land and any building, structure, facility or other improvement thereon, or any combination thereof, and all real and personal property deemed necessary therewith having to do with or the end purpose of which is the control, abatement or prevention of water, air, **noise** or general environmental pollution, including, but not limited to, any air pollution control facility, **noise** abatement facility, water management facility, waste water collecting system, waste water treatment works, or solid waste disposal facility;

#### **39-17-316. Noise control at sport shooting ranges.**

(a) As used in this section, unless the context otherwise requires:

(1) “Local unit of government” means a county, municipality, metropolitan government, or other entity of local government;

(2) “Person” means an individual, proprietorship, partnership, corporation, club, or other legal entity; and

(3) “Sport shooting range” or “range” means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity.

(b) (1) A person who operates or uses a sport shooting range is not subject to civil or criminal liability for **noise** or **noise** pollution, nuisance or any other claim not involving physical injury to another human, resulting from the operation or use of the sport shooting range as a sport shooting range if the sport shooting range is in compliance with any applicable noise control laws, resolutions, ordinances or regulations issued by a unit of local government, that applied to the range at the time that the range began operation.

(2) A person or entity that operates or uses a sport shooting range is not subject to an action for nuisance, abatement, or any other type of action or proceeding which would have the effect of limiting, reducing, eliminating or enjoining the use or operation of the sport shooting range as a sport shooting range if the sport shooting range is in compliance with any applicable **noise** control laws, resolutions, ordinances or regulations issued by a unit of local government, that applied to the range and its operation at the time that the range began operation.

(3) A person who subsequently acquires title to or who owns real property adversely affected by the use of property with a sport shooting range shall not maintain any action against the owner of the range to restrain, enjoin, or impede the use of the range except to the extent allowed by this section.

(4) Rules or regulations adopted by any state department or agency for limiting levels of **noise** in

terms of decibel level that may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this section.

(5) Notwithstanding any other provision of law to the contrary, nothing in this section shall be construed to limit civil liability for compensatory damage arising from physical injury to another human, physical injury to tangible personal property, or physical injury to fixtures or structures placed on real property.

(c) To the extent that any sport shooting range has been issued permission, whether by special exception, variance, or otherwise, by any entity having zoning or zoning appeal authority to operate as a range, the right to operate as a range shall not be amended, restricted, or terminated due to a change of circumstances regarding the use of adjacent or surrounding properties. Further, with respect to any sport shooting range that is open to the public and was in continuous operation for at least thirty (30) years immediately preceding December 16, 2008, the right to operate as a shooting range shall not be amended, restricted or terminated due to any land use planning or zoning applicable to the shooting range's location if:

(1) The shooting positions operate no closer than:

(A) One hundred fifty feet (150 $\phi$ ) from any adjoining boundary line or county road that extends from the southeast corner to the southwest corner;

(B) One hundred eighty feet (180 $\phi$ ) from any adjoining boundary line that extends from the southwest corner to the northwest corner;

(C) One hundred eighty feet (180 $\phi$ ) from any adjoining boundary line that extends from the northwest corner to the northeast corner;

(D) One hundred eighty feet (180 $\phi$ ) from any adjoining boundary line or county road that extends from the northeast corner to the southeast corner; and

(E) One hundred eighty feet (180 $\phi$ ) from any adjoining residential property boundary line, notwithstanding subdivisions (c)(1)(A)-(D); and

(2) Any vegetation between the appropriate distance requirement described in subdivision (c)(1) and the adjoining boundary line or county road remains undisturbed.

(d) With respect to any range that is open to the public and that begins operation after July 1, 2004, and for which there are no local zoning resolutions, ordinances or regulations affecting its establishment as a sport shooting range as of the date it began operation, the range shall not be protected by the exemptions from nuisance actions contained herein until one (1) year after the date the sport shooting range begins operation.

Tennessee Range Protection Act of 2004 now adds substantially more protection for new and existing ranges. Tennessee Code Annotated § 39-17-316, as rewritten in 2004, now provides:

(a) As used in this section, unless the context otherwise requires:

(1) "Local unit of government" means a county, municipality, metropolitan government, or other entity of local government;

(2) “Person” means an individual, proprietorship, partnership, corporation, club, or other legal entity; and

(3) “Sport shooting range” or “range” means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity.

(b)(1) A person who operates or uses a sport shooting range is not subject to civil or criminal liability for noise or noise pollution, nuisance or any other claim not involving physical injury to another human, resulting from the operation or use of the sport shooting range as a sport shooting range if the sport shooting range is in compliance with any applicable noise control laws, resolutions, ordinances or regulations issued by a unit of local government, that applied to the range at the time that the range began operation.

(2) A person or entity that operates or uses a sport shooting range is not subject to an action for nuisance, abatement, or any other type of action or proceeding which would have the effect of limiting, reducing, eliminating or enjoining the use or operation of the sport shooting range as a sport shooting range if the sport shooting range is in compliance with any applicable noise control laws, resolutions, ordinances or regulations issued by a unit of local government, that applied to the range and its operation at the time that the range began operation.

(3) A person who subsequently acquires title to or who owns real property adversely affected by the use of property with a sport shooting range shall not maintain any action against the owner of the range to restrain, enjoin, or impede the use of the range except to the extent allowed by this section.

(4) Rules or regulations adopted by any state department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this section.

(5) Notwithstanding any other provision of law to the contrary, nothing in this section shall be construed to limit civil liability for compensatory damage arising from physical injury to another human, physical injury to tangible personal property, or physical injury to fixtures or structures placed on real property.

(c) To the extent that any sport shooting range has been issued permission, whether by special exception, variance, or otherwise, by any entity having zoning or zoning appeal authority to operate as a range, the right to operate as a range shall not be amended, restricted, or terminated due to a change of circumstances regarding the use of adjacent or surrounding properties.

(d) With respect to any range that is open to the public and that begins operation after July 1, 2004, and for which there are no local zoning resolutions, ordinances or regulations affecting its establishment as a sport shooting range as of the date it began operation, such range shall not be protected by the exemptions from nuisance actions contained herein until one (1) year after the date the sport shooting range begins operation.

**55-7-117. Use of engine compression braking devices. —**

(a) Truck tractors and semitrailers, as defined in § 55-8-101, shall not use an engine compression braking device, unless the engine compression braking device is equipped with an operational, approved muffler.

(b) As used in this section, “approved muffler” means any muffler that complies with Federal Motor Carrier Safety Regulations on **noise** emissions, compiled in 49 C.F.R. 325.1 et seq.

(c) A violation of this section is a Class C misdemeanor.

(d) Any local or municipal government may request that the department of transportation place signage within the local or municipal government's jurisdiction, to effectuate the purposes of this section within its jurisdiction. The erection of these signs shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices. The department of transportation shall have the authority to develop appropriate signage, sign usage, and manufacture and installation guidelines regarding the signs. The local or municipal government shall remit to the department of transportation the cost of the manufacture and installation of the signs. The payment shall be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the local or municipal government paying for the signs within thirty (30) days of the erection of the signs. If the local cost exceeds the estimated cost, an amount equal to the difference in such costs shall be remitted to the department within thirty (30) days of the local or municipal government receiving an itemized invoice of the actual cost from the department.

(e) The commissioner of transportation is authorized to promulgate rules and regulations to effectuate the purposes of this section. All rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

**55-8-178. Regulations governing nonmotor vehicles and animals — Penalty.**

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(d) Drivers of nonmotor vehicles on public roads shall pass each other in a quiet, orderly, and peaceable manner, and shall not make any **noise** intended to disturb or frighten the driver or the animals drawing nonmotor vehicles.

(e) No person shall willfully, by **noise**, gesture or by other means, on or near public roads, disturb or frighten the driver or rider or the animals ridden or drawing vehicles thereon.

**55-8-193. Excessive noise from motor vehicles. —**

(a) No person operating or occupying a motor vehicle on any public street, highway, alley, parking lot, or driveway 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. For the purpose of this section, “plainly audible” means any sound that clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty feet (50 $\epsilon$ ) or more; however, words or phrases need not be discernible and the sound shall include bass reverberation.

(b) 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, school or community sponsored activities, auctioneers or auctioning activities, boats or other watercraft operated on waters 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.

(c) A violation of this section is a Class C misdemeanor punishable by a fine only of up to fifty dollars (\$50.00).

**55-9-202. Mufflers — Muffler cutouts prohibited — Penalty. —**

(a) No person shall drive a motor vehicle on any road, street or highway unless the motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(b) It is unlawful to use a “muffler cutout” on any motor vehicle upon any road, street or highway.

(c) A violation of this section is a Class C misdemeanor.