

NOISE REGULATIONS
ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF REMERTON, GEORGIA, TO AMEND THE REMERTON CODE OF ORDINANCES TO ADDRESS THE ADVERSE EFFECTS OF EXCESSIVE AND DISTURBING NOISE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, excessive and disturbing sound is a serious hazard to the public health and welfare, safety, and the quality of life; and,

WHEREAS, a substantial body of science and technology exists by which excessive and disturbing sound may be substantially abated; and,

WHEREAS, the people have a right to and should be ensured an environment free from excessive and disturbing sound that may jeopardize their health, safety, or welfare or degrade the quality of life; and,

WHEREAS, the City of Remerton is more likely to attract permanent residents and commercial enterprises if it improves and maintains appropriate noise quality, and the residents will ultimately gain financial improvements and increases in their quality of life as a result of these regulations; and

WHEREAS, the Mayor and Council of the City of Remerton desire to address the adverse effects of excessive and disturbing sound;

IT IS HEREBY ORDAINED by the Mayor and Council of the City of Remerton, and it is hereby ordained by authority thereof, as follows:

THAT THE CODE OF THE CITY OF REMERTON, GEORGIA, IS AMENDED BY ADDING A CHAPTER TO BE NUMBERED “CHAPTER 45”, WHICH CHAPTER READS AS FOLLOWS:

ARTICLE I. IN GENERAL

Secs. 45-1—45-20. Reserved.

ARTICLE II. NOISE

DIVISION 1. GENERALLY

Sec. 45-21. Purpose.

The purpose of this article is to insure that public health, safety and welfare shall not be abridged by the making and creating of public nuisances from disturbing, excessive or offensive noises in the city. The residents of the city recognize that uncontrolled noise

represents a damage to the health and welfare of themselves and their neighbors and that each resident of the community is entitled to live in an environment in which the level of impulse and amplified noise is minimized for the community good. This article attempts to foster mutual respect among all residents and to establish a community position against noise pollution.

Sec. 45-22. Scope.

This article applies to all persons, property, animals, equipment, appliances, instruments and other sound-emitting devices, as regulated herein.

Sec. 45-23. Repeal of Chapter 46, Article II.

This article hereby repeals Chapter 46, Article II of this Code.

Sec. 45-24. Definitions.

All terminology used in this article, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boom Box means any self-contained, portable, hand-held music or sound amplification or reproduction equipment capable of emitting sound.

Construction is any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

Decibel (dB) is the unit of measurement for sound pressure level at a specified location.

dBA is the A-weighted unit of sound pressure level.

dBC is the C-weighted unit of sound pressure level.

Emergency is any occurrence or set of circumstances involving actual or imminent physical trauma or property damage threatened or caused by an emergency.

Emergency Work is any work or action performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Entertainment District means that certain area lying within the boundaries of the City of Remerton, Georgia and being defined as all of the properties lying within an area bounded on the north by Baytree Road on the west by West Gordon Street on the east by Melody Lane and which also have frontage on either Baytree Road or Baytree Place. In addition, the City Council, may, upon application, amend this Ordinance to include additional properties within the district, from time to time.

Equivalent level (L_{eq}) is the constant sound level that, over the measurement period, expends the same amount of energy as the fluctuating level over the same time period.

Exceedance level (L_5) is the dBC level that is exceeded for at least five percent (5%) of the measurement period.

Landscaping means altering or maintaining the physical appearance of outdoor property.

Legal holiday means New Year's Day, Martin Luther King, Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, or Christmas Day.

Muffler is a sound-dissipative device or system for attenuating the sound of escaping gases of an internal combustion engine where such a device is part of the normal configuration of the equipment.

Noise is any sound that is emitted by a person, animal, appliance, equipment, instrument or other device.

Noise control is the act of regulating the sound levels within the community of the City of Remerton pursuant to the provisions of this article.

Noise control officer is a law enforcement officer, or any other person meeting the criteria established by the Noise Control Administrator, trained in the measurement of sound using a sound level meter.

Noise disturbance is any sound that (a) endangers the safety or health of any person, (b) disturbs a reasonable person of normal sensitivities, or (c) endangers personal or real property.

Person means any individual, firm, association, organization, partnership, trust, company, business establishment, corporation or any similar entity. For purposes of this article, the president, manager, host or other person in charge of a group, association or organization shall be responsible for requiring said group, association or organization to comply with this article and shall likewise be subject to penalties imposed herein for violation of this article by said group, association or organization.

Premises means any building, structure, land, utility or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards, common hallways in multiple-family dwellings, and common areas of one (1) or more multiple family dwellings, and real properties without buildings or improvements, owned or controlled by a person.

Real property line is the line, including its vertical extension, which separates one parcel of real property from another.

Residential district means all portions of the City of Remerton outside of the Entertainment District as that term is defined herein.

Residential property is all property on which a person lives or sleeps or that which is not commercial or industrial.

Sound level meter (SLM) is an integrating averaging sound level meter manufactured by Cirrus, model number CR: 811C; or an instrument used to measure sound pressure levels conforming to Type 1 or Type 2 standards as specified in ANSI Standard S1.4-1983 or the latest version thereof.

Sound pressure level (SPL) is 20 multiplied by the logarithm, to the base ten, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.

Weekday is any day, Monday through Friday, which is not a legal holiday.

Secs. 45-25—45-44. Reserved.

DIVISION 2. REGULATIONS

Sec. 45-45. Prohibited noises.

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, or unusually loud noise or any noise that either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the limits of the city. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive:

- (a) *Unlawful noise from premises located in the entertainment district.* It shall be unlawful within the Entertainment District of the City of Remerton for any person to emit, cause to be emitted, or permit the emission of a noise which leaves the premises on which it originates in excess of the sound limits, using either a dBA or dBC sound measurement, set forth in the following table:

Time	dBA, L_{eq}	dBA, L_5	dBC, L_{eq}	dBC, L_5
7:00 a.m. to 8:00 p.m.	55	60	65	70
8:00 p.m. to 2:00 a.m.	60	65	70	75
2:00 a.m. to 7:00 a.m.	45	50	55	60

- (b) *Unlawful noise from premises located in the residential district.* It shall be unlawful for any person to emit, cause to be emitted, or permit the emission of a noise which leaves the premises on which it originates in excess of the sound limits, using a dBA or dBC sound measurement, set forth in the following table:

Time	dBA, L _{eq}	dBA, L ₅	dB(C), L _{eq}	dB(C), L ₅
7:00 a.m. to 8:00 p.m.	55	60	65	70
8:00 p.m. to 2:00 a.m.	50	55	60	65
2:00 a.m. to 7:00 a.m.	45	50	55	60

- (c) *Location of measurement; measuring instrument; measurement period.* For the purpose of subsections (a) and (b) above, sound shall be measured at the real property line of the property from which the sound originates. All sound measurements shall be made on a sound level meter calibrated in the manner required by the manufacturer's specifications and taking into account all outside noise unrelated to the originating property.
- a. The measurement period for the purpose of subsections (a) and (b) shall be five (5) minutes. Insofar as practicable, sound will be measured while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions, including, but not limited to, design, maximum and fluctuating rates.

Sec. 45-46. Other noise disturbances.

Other acts declared to be loud, disturbing, and unnecessary noises in violation of this article, include, but are not limited to, the following:

- (1) *Horns.* The sounding of any horn, whistle, or signal device on any automobile, motorcycle, bus or other vehicle, while in motion or not in motion, except as a danger signal; the creation of any unreasonably loud or harsh sound by means of such signaling device; the sounding of such device for an unnecessary and unreasonable period of time; the use of any signaling device, horn, or other device operated by engine exhaust; and the use of such signaling device when traffic is held up for any reason.
- (2) *Loudspeakers, amplifiers.* Any use of loudspeakers, megaphones, amplifiers, other mechanical or electrical devices for increasing the volume of sound remotely or on moving or standing vehicles or by pedestrians, upon the streets, sidewalks, parks, or other public places in the city.
- (3) *Radios; musical instruments.* Playing, using or operating, or permitting to be played, used or operated, any musical instrument, radio receiving set, phonograph, stereo, tape or disk player, boom box, speaker, or other like machine or device that produces or reproduces sound in such manner as or with such volume, particularly between the hours of 11:00 p.m. and 7:00 a.m., to disturb the peace, quiet, comfort, or repose of persons in any office, hospital, or any dwelling, hotel, or other type of residence, or any persons in the vicinity; provided, however, that this prohibition shall not apply to schools of music between the hours of 7:00 a.m. and 10:00 p.m., specifically:

- a. Musical instruments, speakers, or singing performed outside a house, dwelling, or business establishment of the city, including on decks, porches, or any and all outside locations, must cease no later than at 11:00 p.m. on Sunday night through Thursday nights and at 12:00 midnight on Friday and Saturday nights.
 - b. Musical instruments, speakers, or singing from within or without a physical house, dwelling or business establishment of the city shall not at any time be audible from a distance exceeding 250 feet in any direction from the house, dwelling, or business establishment's front entrance.
 - c. Automobile stereos or speakers shall not be broadcast in such a manner as to be plainly audible from a distance of more than 50 feet from the automobile.
- (4) *Voices.* Yelling, shouting, hooting, whistling or singing on the public streets or in or about business establishments, particularly between the hours of 12:00 midnight 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 hospital, dwelling, hotel or other type of residence, or any persons in the vicinity.
- (5) *Animals, birds.* The keeping of any animal or bird that shall disturb the comfort or repose of any persons in the vicinity by making long, continual, or frequent noise.
- (6) *Noisy vehicle.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in any other way used or operated in such a manner as to create loud and unnecessary grating, grinding or rattling, or other noise.
- (7) *Construction work.* The erection, excavation, demolition, alteration or repair of any building in any residential district or section, the excavation of streets and highways in any residential district or section, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in cases of urgent necessity, and then only with a permit from the city, which permit may be granted for a period not to exceed 60 days while the emergency continues.
- (8) *Streets of institutions requiring quiet.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in session, or adjacent to any hospital, that unreasonably interferes with the workings or sessions thereof.

(Ord. of 7-1-2004, §§ A, B)

Sec. 45-47. Exceptions.

None of the terms or prohibitions set forth in this article shall apply to or be enforced against:

- (1) Any facility, vehicle, employee or authorized representative of the government of the United States, the state, the county, city, or other public agency while engaged upon necessary public business;

- (2) Excavations or repairs of bridges, streets or highways, by or on behalf of the city, county or state during the night, when the public welfare and convenience renders it impossible to perform that work during the day;
 - (3) Work performed by public utility companies under conditions and circumstances similar to those referred to in subsection (2) of this section, or when there is urgent necessity for such work;
 - (4) Any parade, celebration or performance for which a special variance has been obtained from the Noise Control Administrator pursuant to section 45-70 prior to such activity; provided, however, the prohibitions contained herein shall apply to block parties or other special promotional events of commercial establishments of the city that are being conducted for the purposes of business promotion;
 - (5) Sound by public safety vehicles, emergency signaling devices, or authorized public safety personnel for the purpose of alerting persons to the existence of an emergency;
 - (6) Noise from an exterior burglar alarm of any building, provided such burglar alarm shall terminate its operation within five (5) minutes of its activation if the sound is uninterrupted or ten (10) minutes if intermittent;
 - (7) Noise from any automobile alarm, provided such alarm shall terminate its operation within five (5) minutes of its activation if the sound is uninterrupted or ten (10) minutes if the sound is intermittent;
 - (8) Noise resulting from any practice or performance sponsored by or associated with the educational process administered by a recognized institution of learning, including, but not limited to, band, choir, and orchestral performances;
 - (9) Noise that results from the activities of an organized sports league;
 - (10) Unamplified bells, chimes, or carillons while being used in conjunction with religious services between the hours of 7:00 a.m. – 10:00 p.m.;
 - (11) Emergency work; and
 - (12) Surface carriers engaged in commerce by railroad.
- (Ord. of 7-1-2004, § C)

Secs. 45-48. Restricted uses and activities; landscaping.

Notwithstanding the other provisions of section 45-45 and the exceptions above, the following standards shall apply to the activities and sources of sound set forth below:

- (a) Non-commercial or non-industrial power tools used for landscaping shall not be operated between the hours of 10:00 p.m. and 7:00 a.m., unless such activities

can meet the applicable limits set forth in section 45-45. At all other times, the limits set forth in section 45-45 do not apply to non-commercial or non-industrial power tools used for landscaping, provided that all motorized equipment is operated with a functioning muffler.

- (b) Commercial or industrial power tools used for landscaping shall be operated with a muffler. All motorized equipment used in these activities shall not be operated on a residential property or within 250 feet of a residential property line, between the hours of 10:00 p.m. and 7:00 a.m., unless:
 - a. Such activities are deemed emergency work; or
 - b. Such activities meet the limits set forth in section 45-45.

At all other times, the limits set forth in section 45-45 do not apply to commercial or industrial power tools used for landscaping.

45.49—45-68. Reserved.

DIVISION 3. ADMINISTRATION

Sec. 45-69. Noise Control Administrator.

There shall be created a Noise Control Administrator who shall be the Police Chief or designee who shall have the power and authority to:

- (a) Coordinate the noise control activities of all departments of the City of Remerton and cooperate with all other public bodies and agencies to the extent practicable;
- (b) Review the actions of the City of Remerton and advise the City of the effect, if any, of such actions on noise control;
- (c) Review public and private projects, upon request of other departments or boards, for compliance with this ordinance;
- (d) Promulgate and publish rules and procedures to establish techniques for measuring noise, and to provide for clarification, interpretation, and implementation of this article;
- (e) Establish criteria for the appointment of noise control officers and appoint such officers for the purpose of aiding in the enforcement of this article; and
- (f) Carry out all other duties necessary for the effective enforcement of this article.

Sec. 45-70. Special variances.

- (a) The Council of the City of Remerton shall have the authority, consistent with this section, to grant special variances.
- (b) Any person seeking a special variance pursuant to this section shall file a written request with the Noise Control Administrator or his designated representative no less than forty-five (45) days prior to the date on which the special variance is sought to be effective. The written request shall be made on a form to be provided by the Noise Control Administrator or his designated representative, which shall contain information which demonstrates that bringing the source of sound, or activity for which the special variance is sought, into compliance with this section would constitute an unreasonable hardship on the applicant, on the community, or on other persons. The Noise Control Administration shall deliver all such variance requests to the City Council for action at their next regular meeting.
- (c) In determining whether to grant or deny the request for special variance, the Council of the City of Remerton shall balance the hardship to the applicant, the community, and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact of granting the special variance.
- (d) The Council of the City of Remerton shall act upon the request for special variance within fourteen (14) days after the filing thereof or at the next regular Council Meeting. If the Council of the City of Remerton rejects the request for special variance, Council shall deliver to the applicant a notice of its action, stating the reasons for its denial of the request.
- (e) Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until the applicant agrees to all conditions. Noncompliance with any conditions of the special variance shall terminate it and subject the person holding it to those provisions of this article regulating the source of the sound or activity for which the special variance was granted.
- (f) A request for extension of time limit specified in a special variance or for modification of other substantial conditions shall be treated like the initial written request for the special variance.

Sec. 45-71. Appeals.

In the event any person's request for a special variance has been denied by the Council of the City of Remerton, such aggrieved person shall have the right to appeal the decision to the City Council. Such appeal shall be made within a period of ten (10) days following the issuance of the rejection of the request. To perfect the appeal, the aggrieved person

shall provide written notice of the appeal to the city clerk within the aforesaid ten-day period. The City Council shall conduct a hearing on such appeal within fourteen (14) days following the receipt of the written notice of appeal.

Secs. 45-72—45-91. Reserved.

DIVISION 4. ENFORCEMENT AND PENALTIES

Sec. 45-92. Enforcement.

Whenever a noise control officer observes a violation of this article, the officer shall issue a warning in writing to the individual, or individuals, responsible for the violation. For purpose of this Article, the responsible party shall be the owner or manager of any business entity. The warning shall state the dBC, L_{eq} and/or dBC, L_5 or, in the alternative, the dBA, L_{eq} and/or dBA, L_5 obtained by the officer during measurement, and the maximum dBC, L_{eq} and dBC, L_5 or, in the alternative, the dBA, L_{eq} and/or dBA, L_5 levels established by this article. The warning shall also inform the individual, or individuals, that the generated sound level on the property must be reduced within five (5) minutes. Thereafter, each remeasurement which exceeds the maximum permissible sound levels established by this article shall constitute a separate violation.

Sec. 45-93. Violation; penalties.

Any violation of this article by an individual, who has received a written warning within the past (12) months of the violation, shall be punished as provided in section 1-12 of the Code of Ordinances of the City of Remerton, Georgia.

Sec. 45-94—45.113. Reserved.

DIVISION 5. EFFECTIVE DATE AND SEVERABILITY

Sec. 45-114. Severability.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional.

Sec. 45-115. Effective date.

This ordinance shall become effective immediately upon execution by the Mayor and the City Council.

Chapter 45

NOISE REGULATIONS

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