
Sec. 22-112. Noise disturbance prohibited.

(a) *Prohibited conduct—Residential and related zones (R1, R1b, RT, R2 and PUD).*

- (1) Except as otherwise provided by state law in connection with consumer fireworks as described below, and notwithstanding any other provision herein, it shall be unlawful and a violation of this article for the occupant, occupants, guests or visitors to a property in any residential zone to create sound, noise, or noise disturbance at any time from 10:00 p.m. on any night until 7:00 a.m. the following day, which is plainly audible beyond the boundary lines of the property which is the source of the sound, noise, or noise disturbance.
- (2) For all other times all sounds shall not be plainly audible beyond 200 feet from the source of the sound, noise, or noise disturbance.
- (3) Restrictions regarding noise produced by consumer fireworks between 10:00 a.m. and up to and including 11:59 p.m. on all days.

It is unlawful for any person to use, explode or cause to be exploded any consumer fireworks to produce noise in such a manner that such noise is plainly audible at a distance of 100 feet or more from the place, or in the case of real property, beyond the property limits in which the fireworks are being used, exploded or caused to be exploded, whichever is farthest, between the hours of 10:00 a.m. and 11:59 p.m. on all days. For the purposes of this section, the term "consumer fireworks" shall have the meaning set forth in O.C.G.A. § 25-10-1(a)(1), but such term shall not include those items excluded therefrom in O.C.G.A. § 25-10-1(b) as such code section is enacted as of July 1, 2018 or as may be amended in the future.

- (4) Restrictions for areas within apartments, condominiums, townhouses, duplexes, or other such residential dwelling units.

Except for persons within commercial enterprises that have an adjoining property line or boundary with a residential dwelling unit, it is unlawful for any person to make, continue, or cause to be made or continued any excessive noise or impulsive noise in such a manner as to be plainly audible to any other person a distance of five feet beyond the adjoining property line wall or boundary of any apartment, condominium, townhouse, duplex, or other such residential dwelling units with adjoining points of contact.

For the purposes of this subsection, "noise" shall mean human-produced sounds of yelling, shouting, whistling, singing, or mechanically-produced sounds made by radio-receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing, or amplifying of sound, or any combination thereof.

For the purposes of this subsection, "property line or boundary" shall mean an imaginary line drawn through the points of contact of (1) adjoining apartments, condominiums, townhouses, duplexes or other such residential dwelling units with adjoining points owned, rented, or leased by different persons; or (2) adjoining common areas or adjoining exterior walls. Said property line or boundary includes all points of a plane formed by projecting the property line or boundary including the ceiling, the floor, and the walls.

(b) *Prohibited conduct—Commercial and related Zones (C1, C2, MD and neighborhood grocery store district).*

- (1) No person shall make, continue, or cause to be made or continued, except as permitted, any noise disturbance, or any noise in excess of the limits for such noise established in this section.
- (2) Maximum permissible sound levels. With the exception of sound levels elsewhere specifically authorized by this article, table 1 below sets forth the maximum permissible sound levels allowed at or within the real property boundary of a receiving land use. Any activity or use that produces a sound in

excess of such noise levels for a receiving land use shall be deemed a noise disturbance and is in violation of this article.

- (3) Measurement of sound. The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute or its successor body. The instrument shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specification. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone used during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured. It is the intention that this sound to be measured is what is being created by the subject sound or the sound being investigated excluding intruding noises from isolated identifiable sources, but including ambient sound level. The measure of all sound levels shall be made as close to the property line of a receiving land use as is practical.

Zoning Category of Receiving Land	Time(3) Use(1)	Sound Level Limit, dBA(4)
Residential(2)	At all times	60
Commercial	At all times	75

- (1) As set forth in the Land Development Code.
 - (2) Any zoning district containing the letter "R."
 - (3) Unless otherwise stated in this article.
 - (4) For any source of sound which emits a pure tone, the maximum sound level limits set shall be reduced by five dBA.
- (c) *Equipment use restrictions.* Regardless of the other provisions of this article, the following equipment may not be operated between the time of sunset and 7:00 a.m., Monday-Friday, and on Saturday and Sunday from the time of sunset to 10:00 a.m.
- (1) Electrical power tools.
 - (2) Motor powered, muffler equipped lawn, garden, and tree trimming equipment except residential lawn mowers.
 - (3) Construction equipment, which includes landscaper's lawn mowers and other landscaping motorized equipment.
 - (4) Construction noise. Between the hours of 11:00 p.m. and 6:00 a.m., construction noise of any type, including, but not limited to, noise caused by the erection (including excavation), demolition, alteration, or repair of any building, as well as the operation of any earth-moving equipment, crane, saw, drill, pile driver, steam shovel, pneumatic hammer, hoist, automatic nailer or stapler, or any similar equipment, shall not be plainly audible within any residential zoning district more than 100 feet beyond the property boundary of the property from which the noise emanates.

A variance from the above-referenced hours of operation for construction noise may be requested, in writing, at least 48 hours prior to the proposed construction operation, for consideration by the Director of the Building Inspections and Permit Department. Such a request shall state:

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- a. The reasons that support a claim of urgent need based on specific loss or inconvenience for such a variation from the allowable work hours;
 - b. The impact that the denial of this request would have on the applicant's project and the surrounding properties;
 - c. The steps which have been taken by the applicant to communicate those needs and impacts to owners of surrounding and nearby properties;
 - d. The steps that have or will be taken to limit the impact of the proposed activity upon surrounding and nearby properties; and
 - e. The possible risks to public health and safety.

If the director finds that the application adequately demonstrates the urgent need for a variance from the above allowable work hours, adequately provides for mitigation of the impact upon surrounding and nearby properties, and poses no additional risk to public health and safety, then permission shall be granted for a variance to alter the allowable work hours during one ten-day period.

- (d) For any property in any zoning district not expressly covered or referred to above, the noise restrictions shall be those contained in section 22-112(a) (residential and related zones) at the times and the days indicated in such sub-section. In the event any conditionally zoned property has specific sound or noise restrictions as part of its conditional zoning, those specified restrictions shall be applicable and such restrictions shall have the same enforcement process as specified therein. In the event no specific sound or noise restrictions are imposed on any conditionally zoned property existing as of the date of enactment of the ordinance from which this section is derived or hereafter created, such restrictions shall be as specified in section 22-112(a) for the times and days specified therein.
- (e) Enforcement of violations hereof may be designated as administrative civil penalties and addressed pursuant to the ordinances in chapter 43 of this Code and/or the orderly house provisions, chapter 22, section 33 et seq. or by cited ordinance violation through the citation system depending upon the severity of the violation.

(Code 1983, § 11-3-4; Ord. of 4-29-2005; Ord. of 7-26-2007; Ord. No. 2019-05 , § 1, 3-28-2019; Ord. No. 2021-05 , § I, 5-27-2021)