

## ARTICLE II. NOISE CONTROL\*

**\*State law references:** Limits on sound volume produced by radio, tape player, or other mechanical sound-making device or instrument from within the motor vehicle, O.C.G.A. § 40-6-14; sale of muffler which causes excessive noise prohibited, O.C.G.A. § 40-8-71(c).

### Sec. 30-35. Definitions

- (1) **Emergency Vehicles:** vehicles of the fire, police, and public service departments and legally authorized ambulances and emergency vehicles of states departments and any political subdivision thereof, and vehicles of public service corporations.
- (2) **Emergency Work:** Work required to restore property or infrastructure to a safe condition following a natural or human caused disaster, work required to protect persons or property from an imminent exposure to danger, or work by public or private utilities for providing or restoring immediate necessary utility services.
- (3) **Noise:** Sound emitted from any and all sources and is typically characterized by intensity, duration of any kind.
- (4) **Motor Vehicle:** Any vehicle which is self propelled and is used primarily for transporting people or property.
- (5) **Muffler:** Part of the exhaust system of a motor vehicle that is intended to reduce noise.
- (6) **Person:** Individual, firm, association, partnership, corporation, or any other public or private entity.
- (7) **Outdoor Music Venue:** Property where sound equipment is used to amplify sound that is not fully enclosed by permanent, solid walls and a roof.
- (8) **Sound Equipment:** Loud speaker, public address system, amplification system, or other sound producing device.
- (9) **Decibel:** The unit of measurement for sound pressure level at a specified location.
- (10) **dB<sub>A</sub>:** The A-weighted unit of sound pressure level.

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- (11) **Sound Level Meter (SLM):** 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.
- (12) **Slow Response Setting:** A setting found on a sound level meter which allows the measurement to exclude rapid changes in sound level. This allows an average pressure level to be measured.
- (13) **Noise Sensitive Areas:** *Schools, courts, churches, hospitals, libraries.* 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, and which unreasonably interferes with the work of such institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed about such institutions indicating the presence of such institutions.

### **Sec. 30-36. Loud Noise**

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud noise or any noise that unreasonably or unnecessarily annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in the county. The provisions of this section shall not apply to or be enforced against:

- (1) Any vehicle of the county while engaged in necessary public business.
- (2) Excavations or repairs of streets by or on behalf of the county or state at night when public welfare and convenience renders it impossible to perform such work during the day.
- (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses between the hours of 8a.m. to 10p.m.

(Ord. of 9-1-81)

### **Sec. 30-37. Sound level limitations.**

- (1) No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the sound level limits set forth in Table 1 when measured at or within the real property line of the receiving property using the slow response setting unless otherwise noted. Such a sound source would constitute a noise disturbance.

### **TABLE 1--Sound Level Limits by Receiving Property**

<i>Receiving Property Category</i>	<i>Time</i>	<i>Sound Level Limit (dBA)</i>
Residential, public space, institutional, or noise sensitive facility	7:00 a.m.--11:00 p.m.	60
	11:00 p.m.--7:00 a.m.	50
Commercial or business	7:00 a.m.--11:00 p.m.	70
	11:00 p.m.--7:00 a.m.	60
Industrial or manufacturing	At all times	80

**Example decibel levels**

Normal Breathing	10dB
Soft Whisper	30dB
Normal Conversation	50dB
Busy Traffic	70dB
Average Factory	80dB

- (1) Any noise with a sustained maximum decibel level of 80 or above, outside of an industrial zoning, shall be considered in violation of this ordinance.
- (2) If the noise is an impulsive sound, the fast response setting shall be used and the daytime (7:00 a.m.--11:00 p.m.) limits of Table 1 shall be increased by ten (10) dBA.
- (3) In a multi-family dwelling, it shall be unlawful to create or permit to be created any noise that exceeds the daytime (7:00 a.m.--11:00 p.m.) limit of fifty-five (60) dBA and the nighttime (11:00 p.m.--7:00 a.m.) limit of forty-five (50) dBA as measured from the closest neighbor's dwelling.

**Sec. 30-38. Enumeration.**

The following acts, among others, shall constitute a violation of this article, but such enumeration shall not be deemed to be exclusive:

- (1) *Horns; signaling devices.*
  - (a) The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place in the county except as a danger warning.
  - (b) The creation of any unreasonably loud or harsh sound by means of any such signaling device and the sounding of any such device for an

unreasonable period of time.

- (c) The use of any horn, whistle, or other device operated by engine exhaust and the use of any such signaling device when traffic is held up for any reason.
- (2) *Radios, phonographs, other machines, or devices that produce or reproduce sound.* The using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle, or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, machine, or device between the hours of 11:00 p.m. and 7:00 a.m.
- (3) *Loudspeakers, amplifiers, other devices for production or reproduction of sound.* The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instruments, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound that is cast upon the public streets for attracting the attention of the public to any building or structure without a special permit from the county clerk or Board of Commissioners. Announcements over loudspeakers can only be made by the announcer, in person, and without the aid of any mechanical device.
- (4) *Yelling or Shouting.* Yelling or shouting in noise sensitive areas between 11:00 p.m. and 7 a.m.
- (5) *Animals.* Animals and birds in residential zoned areas (unless sound is made from animal shelters, veterinary hospitals, pet shops, pet kennels, or within an **agricultural residential zone**). A person is responsible for an animal if the person owns, controls, or cares for the animal or bird.
- (6) *Steam whistle.* The blowing of any train whistle or 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 or upon request of proper county authorities.
- (7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device that will effectively prevent loud or explosive noises there from.
- (8) *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise.

- (9) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- (10) *Construction or repairing of buildings.* The erection, including excavation, demolition, alteration, or repair of any building other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, except on urgent necessity in the interest of public health and safety, and then only with a permit from the county building official, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed by the Board of Commissioners for periods of three days or less while the emergency continues. If the board of commissioners 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 streets and highways from 6:00 p.m. to 7:00 a.m., and further determines that loss or inconvenience would result to any party in interest if such work is not done, the board of commissioners may grant permission for such work to be done from 6:00 p.m. to 7:00 a.m., upon application made at the time the permit for the work is applied for or during the progress of the work.
- (11) *Schools, courts, churches, 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, and which unreasonably interferes with the work of such institution, or which disturbs or unduly annoys patients in the hospital.
- (12) *Hawkers, peddlers, vendors.* The shouting and crying of peddlers, hawkers, and vendors that disturbs the peace and quiet of the neighborhood.
- (13) *Noises to attract attention.* The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show, or sale by creation of noise.
- (14) *Transportation of metal rails, pillars, or columns.* The transportation of rails, pillars, or columns of iron, steel, or other material over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
- (15) *Pile drivers, hammers, other such appliances.* The operation from 6:00 p.m. to 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam, or electric hoist, or other appliance, the use of which is attended by loud or unusual noise, without a special permit from the board of commissioners.
- (16) *Blowers.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the

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explosion of operating gases or fluids, unless the noise from such blower or fan is muffled, and such engine is equipped with a muffler device sufficient to deaden such noise.

- (17) *Sound trucks.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes; the use of sound trucks for noncommercial purposes during such hours or in such places or with such volume as would constitute such use a public nuisance.

(Ord. of 9-1-81; Ord. of 12-6-88(1))

**Sec. 30-39. Broadcasting permits.**

Permits may be granted to responsible organizations to broadcast programs of music, speeches, or general entertainment as a part of a community celebration of national, state, or city events, public festivals, or outstanding events of a noncommercial character, or to responsible religious, civic, or fraternal organizations, if not audible over 100 feet distant from the speaker, and provided that traffic on the streets is not obstructed by reason thereof.

(Ord. of 9-1-81)

**Sec. 30-40. Noise Control Administrator.**

There shall be created a noise control administrator who shall be the Sheriff or designee who shall have the power and authority to:

- (1) Coordinate the noise control activities of all departments of the county and cooperate with all other public bodies and agencies to the extent practicable;
- (2) Review the actions of the county and advise the county of the effect, if any, of such actions on noise control;
- (3) Review public and private projects, upon request of other departments or boards, for compliance with this ordinance.
- (4) Promulgate and publish rules and procedures to establish techniques for measuring noise, and to provide for clarification, interpretation, and implementation of this article;
- (5) Delegate the duties and functions of noise control officer to any duly qualified individual.

**Sec. 30-41. Noise Control Officers.**

- (1) Where the provisions of this article require the measurement of sound with the use of a sound level meter, noise control officers shall make such measurement.
- (2) A person shall be qualified to be a noise control officer in the person meets criteria established by the noise control administrator and receives appropriate training in the measurement of sound using a sound level meter.
- (3) Upon occurrence of a violation of this article, noise control officers having

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jurisdiction in the area where the violation takes place, may issue a summons for the violation for the Magistrate Court of Effingham County. Penalties for violations of this article will be governed by section 30-43.

**Sec. 30-42. Procedures for Determination of Sound Levels.**

- (1) In so far 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. All noise measurements shall be made at or within the property line of the impacted site, unless otherwise directed in this article. When instrumentation cannot be placed at or within the property line, the measurement shall be made as close thereto as is reasonable. For the purposes of this article, noise measurements are measurements are measured on the A- or C- weighted sound scale, as applicable, of a sound level meter of standard design and quality having characteristics established by ANSI.
- (2) The sound level meter and calibrator must be re-certified annually at a laboratory approved by the noise control administrator. A field check of meter calibration and batteries must be conducted before and after every set of measurements, and at least every hour as necessary.
- (3) Total and neighborhood residual sound level measurements shall be taken In accordance with procedures established and approved by the noise control administrator. Calculation of source sound levels shall conform to accepted practice established by ANSI.

**Sec. 30-43. Enforcement Procedures.**

- (1) The County may prosecute noise related violations by issuance of an ordinance citation, in which case, the penalty for a violation shall be as set forth in section.
- (2) In addition to issuing a fine or in lieu thereof, the municipal court judge may issue an order requiring immediate abatement of any sound source alleged to be in violation of this section.
- (3) No provision of this section shall be construed to impair any common law or statutory cause of action, or legal remedy therefore, of any person for injury or damage arising from any violation of this section or from other law.

**Secs. 30-44-110. Reserved.**