

## **ORDINANCE NO. 2023-18**

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF GRANTVILLE TO PROVIDE FOR THE OFFENSE OF NOISE; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and City Council of the City of Grantville are charged with safeguarding the safety, health and welfare of the citizens of the City, and

WHEREAS, the Mayor and City Council have determined that the safety, health and welfare of the citizens of the City is better safeguarded by establishing standards that will reduce excessive community noises, which are harmful and otherwise detrimental to individuals and to the community in the enjoyment of life and property and in the conduct of business;

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Grantville, Georgia, and it is hereby ordained by the authority of the same that the following ordinance is hereby adopted:

### **SECTION ONE**

Chapter 29- Offenses and Miscellaneous Provisions is hereby amended by adding the following:

### **ARTICLE V. NOISE**

#### **Sec. 29-70 Prohibited conduct.**

(a) Restrictions of 300 feet for 7:00 a.m. through 11:00 p.m. Sunday through Thursday and 7:00 a.m. through 12:00 midnight on Friday and Saturday.

(1) Mechanical sound-making devices. It is unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated any radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing or amplifying of sound and/or noise at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 300 feet or more from the building, structure or vehicle, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 7:00 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 7:00 a.m. and 12:00 midnight on Friday and Saturday.

(2) Human-produced sounds. It is unlawful for any person or persons to yell, shout, hoot, whistle, or sing on the public streets or sidewalks or on private property so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 300 feet or more from the place, building, structure, or in the case of real property, beyond the property limits, in which the person is located, whichever is farthest, between the hours of 7:00 a.m. and 11:00

p.m. Sunday through Thursday and between the hours of 7:00 a.m. and 12:00 midnight on Friday and Saturday.

(3) Commercial advertising. It is unlawful for any person or persons to use, operate, or permit to be used or operated any radio receiving device, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets or other public property for the purpose of commercial advertising or which serves to attract the attention of the public to any building, structure or vehicle in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 300 feet or more from the source of the sound cast upon the public streets or other public property or from the building, structure, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 7:00 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 7:00 a.m. and 12 midnight on Friday and Saturday.

(4) Party noise. It is unlawful for any person or persons in charge of a party or other social event that occurs on any private property to allow that party or social event to produce noise in such a manner that such noise is plainly audible at a distance of 300 feet or more from the building or structure from which the noise is emanating or in the case of real property, beyond the property limits, on which the party or social event is located, whichever is farthest, between the hours of 7:00 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 7:00 a.m. and 12 midnight on Friday and Saturday. For the purposes of this subsection, a "person in charge of a party or other social event" shall mean any adult person who resides in or on the premises involved in such party or social event and is present at such party or social event. For the purposes of this subsection, "noise" shall mean the same sounds, or any combination thereof, as described in paragraphs a. or b. above.

(b) Restrictions of 100 feet for 11:00 p.m. through 7 a.m. Sunday through Thursday and 12:00 midnight through 7:00 a.m. on Saturday and Sunday.

(1) Mechanical sound-making devices. It is unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated any radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing or amplifying of sound and/or noise at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 100 feet or more from the building, structure, or motor vehicle or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 11:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 12:00 midnight and 7:00 a.m. on Saturday and Sunday.

(2) Human-produced sound. It is unlawful for any person or persons to yell, shout, hoot, whistle, or sing on the public streets or sidewalks or on private property so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 100 feet or more from the place on public streets and sidewalks, or in the case of private real property, beyond the property limits, on which the person is located, whichever is farthest, between the hours of 11:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 12:00 midnight and 7:00 a.m. on Saturday and Sunday.

(3) Commercial advertising. It is unlawful for any person or persons to use, operate, or permit to be used or operated any radio receiving device, musical instrument, phonograph, loud

speaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets or other public property for the purpose of commercial advertising or which serves to attract the attention of the public to any building, structure or vehicle in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 100 feet or more from the source of the sound cast upon the public streets or other public property or from the building, structure, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 11:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 12:00 midnight and 7:00 a.m. on Saturday and Sunday.

(4) Party noise. It is unlawful for any person or persons in charge of a party or other social event that occurs on any private property to allow that party or event to produce noise in such a manner so as to such noise is plainly audible at a distance of 100 feet or more from the building or structure from which the party noise is emanating or in the case of real property, beyond the property limits, on which the party or social event is located, whichever is farthest, between the hours of 11:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 12:00 midnight and 7:00 a.m. on Saturday and Sunday. For the purposes of this subsection, a "person in charge of a party or other social event" shall mean any adult person who resides in or on the premises involved in such party or social event and is present at such party or social event. For the purposes of this subsection, "noise" shall mean the same sounds, or any combination thereof, as described in paragraphs a. or b. above.

(c) 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 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, hooting, 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.

#### **Sec. 29-71 Exclusions.**

The prohibitions of Section 29-70 shall not apply to the following:

(a) The generation of noise by public safety vehicles, emergency signaling devices, or authorized public safety personnel performing their public functions.

- (b) Noise from an exterior burglar alarm of any building, or from any automobile alarm, provided such alarm shall terminate its operation within 30 minutes of its activation.
- (c) The generation of noise in the performance of any work or action necessary to deliver essential services including, but not limited to, water or sewer projects, and other related public works projects; repairing gas, electric, telephone, and/or public transportation facilities; removing fallen trees on public rights-of-way; or abating emergency conditions threatening the public health, safety or general welfare.
- (d) Noise from snow blowers, snow throwers, and snowplows.
- (e) Noise generated from celebrations, outdoor festivals, and/or municipally sponsored or approved events which were approved by contract, permit or otherwise.
- (f) Any noise resulting from activities of a temporary duration, for which a permit for temporary variance has been granted pursuant to this article, and which conforms to the conditions and limits stated in the variance and reasonably related activities.
- (g) Noises resulting from any event sponsored by, associated with, or approved by a recognized institution of learning.
- (h) Noises that result from or arise out of or stem from the occurrence of a professional sporting event or organized sports league.
- (i) Noises and/or sounds caused to be made by manufacturing, governmental, or commercial entities in the normal course of their business.
- (j) Any noise arising out of construction, maintenance, repair or renovation activities related to city infrastructure will be monitored so as to ensure that all work is performed in a manner that will result in the creation of the least amount of noise disturbance.

**Sec. 29-72 Time restrictions on landscape maintenance motorized devices.**

It is unlawful for any person to use or operate any noise-generating, motorized landscape maintenance devices, including but not limited to leaf blowers, lawn mowers, or chainsaws, any single-family residential, two-family residential, multi-family residential, or mixed-use zoning district or in areas within 300 feet of any single-family residential, two-family residential, multi-family residential, or mixed-use zoning district from 9:30p.m. to 6:30 a.m.

**Sec. 29-73 Construction noise; loading and unloading activity.**

- (a) Construction noise that does not otherwise qualify under any of the exclusions listed in Section 29-71 shall comply with the following: between the hours of 9:00 p.m. and 6:30 a.m. the following day on a weekday or between 10:00 p.m. and 8:00 a.m. on a weekend day or legal holiday, 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 single-family residential, two-family residential, or multi-family residential zoning district more than 100 feet beyond the property boundary of the property from which the noise emanates.
- (b) Noise related to the standing of trucks or other vehicles on a street for the purpose of loading or unloading, and noise related to such loading or unloading that does not otherwise qualify under any of the exclusions listed in Section 29-71 shall comply with the following: between the

hours of 8:00 p.m. and 7:00 a.m. the following day, shall not be plainly audible within any single-family residential, two-family residential, multi-family residential, or mixed-use zoning district more than 100 feet beyond the source from which the noise emanates; provided that between the hours of 7:00 a.m. and 8:00 p.m., the prohibitions of this article shall not apply to noise as described in this subsection.

**Sec. 29-73 Conditions for permits for temporary variance; notice of approval or denial; hearings and appeals.**

(a) Any person who owns the real property from which a noise source emanates or operates any noise source may, with the permission of the owner, apply with a designee of the commissioner of the department of city planning for a temporary variance from one or more of the provisions of this article, unless such noise source is specifically exempted according to the provisions of section \_\_\_\_ This application, and the procedures for completing this process, shall be posted on the City of Grantville's website. Failure to supply the information required thereby be cause for rejection of the application.

(b) Applications for a permit of temporary variance shall supply information including, but not limited to:

- (1) The nature and location of the noise source for which such application is made;
- (2) The reason for which the permit of temporary variance is requested, including the hardship that will result to the applicant, his/her client, or the public if the permit of temporary variance is not granted;
- (3) The section or sections of this article for which the permit of temporary variance shall apply;
- (4) A description of interim noise control measures to be taken for the applicant to minimize noise and the impacts occurring from the noise for which the variance is sought; and
- (5) A specific schedule of the noise control measures that shall be taken to bring the source into compliance with this article within a reasonable time; and
- (6) An affidavit stating that notice has been provided to the Mayor and the councilmembers.

(c) The applicant shall pay a fee of \$25.00 to cover expenses resulting from the processing of the application for a permit of temporary variance.

(d) Any permit of temporary variance shall be effective no longer than 14 days. Any person holding a permit of temporary variance may request an extension of time through the process for applying for a new permit of temporary variance according to the provisions of this section.

(e) The city of Grantville shall notify the applicant in writing of the mayor's and city council determination on the application within 30 days after receipt of the application. This notification shall inform the applicant of whether a permit for temporary variance has been approved or denied; and, if approved, shall set forth the location, dates and times of temporary variance.

(f) The permit of temporary variance may be revoked by the city of Grantville if the terms of the permit of temporary variance are violated.

(g) In the event a permit for temporary variance shall be denied, or revoked, the aggrieved applicant shall have the right to a hearing before the mayor and city council at the next available council meeting.

**Sec. 29-74. Commercial entities near single-family residential, two-family residential, and multi-family residential zoning districts; commercial entities near mixed-use zoning districts.**

(a) Notwithstanding any provisions of this section concerning noises and/or sounds caused to be made by commercial entities in the normal course of their business, the provisions and prohibitions of Section 29-70, "Prohibited Conduct," subparagraph (a), concerning "Restrictions of 300 feet for 7:00 a.m. through 11:00 p.m. Sunday through Thursday and 7:00 a.m. through 12:00 midnight on Friday and Saturday" and its subparts 1. through 3. shall apply to noises and/or sounds generated by a commercial entity that are plainly audible within any single-family residential, two-family residential, or multi-family residential zoning district more than 300 feet beyond the property boundary of the property from which the noises and/or sounds emanate.

(b) Notwithstanding any provisions of this section concerning noises and/or sounds caused to be made by commercial entities in the normal course of their business, the provisions and prohibitions of Section 29-70, "Prohibited Conduct," subparagraph (b), concerning "Restrictions of 100 feet for 11:00 p.m. through 7:00 a.m. Sunday through Thursday and 12:00 midnight through 7:00 a.m. on Saturday and Sunday," and its subparts 1. through 3. shall apply to noises and/or sounds generated by a commercial entity that are plainly audible within any single-family residential, two-family residential, or multi-family residential zoning district more than 100 feet beyond the property boundary of the property from which the noises and/or sounds emanate.

(c) Notwithstanding any provisions of this section concerning noises and/or sounds caused to be made by commercial entities in the normal course of their business, the provisions and prohibitions of Section 29-70, "Prohibited Conduct," subparagraph (a), concerning "Restrictions of 300 feet for 7:00 a.m. through 11:00 p.m. Sunday through Thursday and 7:00 a.m. through 12:00 midnight on Friday and Saturday" and its subparts 1. through 3. shall apply to noises and/or sounds generated by a commercial entity that are plainly audible within any mixed-use zoning district more than 500 feet beyond the property boundary of the property from which the noises and/or sounds emanate.

(d) Notwithstanding any provisions of this section concerning noises and/or sounds caused to be made by commercial entities in the normal course of their business, the provisions and prohibitions of Section 29-70, "Prohibited Conduct," subparagraph (b), concerning "Restrictions of 100 feet for 11:00 p.m. through 7:00 a.m. Sunday through Thursday and 12:00 midnight through 7:00 a.m. on Saturday and Sunday," and its subparts 1. through 3. shall apply to noises and/or sounds generated by a commercial entity that are plainly audible within any mixed-use zoning district more than 300 feet beyond the property boundary of the property from which the noises and/or sounds emanate.

**Sec. 29-75 Violations and Offenses.**

Each day during which any violation occurs shall constitute an additional, separate and distinct offense.

**SECTION TWO**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION THREE**

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

**First Reading:** \_\_\_\_\_

SO ORDAINED in lawfully assembled open session this \_\_\_\_ day of August, 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
Clerk