

ARTICLE II. - NOISE ABATEMENT

Sec. 20-17. - Findings of fact.

It is found and declared that:

- (1) The making and creation of excessive, unnecessary or unusually loud noises within the city is a condition which has existed for some time, and the extent and volume of such noise is increasing.
- (2) The making, creation or maintenance of such excessive unnecessary, unnatural or unusually loud noises, which are prolonged, unusual and unnatural in their time, place and use, affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the city.
- (3) The necessity in the public interest for the provisions and prohibitions contained and enacted in this article is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained and enacted in this article are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the city and its inhabitants.

State law reference— 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).

(Ord. No. 100-46, § 01, 6-3-2002)

Sec. 20-18. - Excessive, unnecessary or unusually loud noises prohibited.

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 which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the city limits.

(Ord. No. 100-46, § 02, 6-3-2002)

Sec. 20-19. - Specific prohibitions enumerated.

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:

- (1) *Horns, signaling devices.* The sounding of any horn or signaling device on any vehicle on any city street or public place, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device

for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

- (2) *Radios, phonographs.* 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 a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (4) *Yelling, shouting, whistling or singing.* Yelling, shouting, hooting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (5) *Animals, birds.* The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any person in the vicinity.
- (6) *Engine exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (7) *Defects in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair or so loaded in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (8) *Loading and unloading vehicles; 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 other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays.
- (9)

Building construction or repair during certain hours; exception for emergency. The erection, including excavation, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the city clerk, 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 for periods of three days or less while the emergency continues. If the city clerk should determine 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 within the hours of 6:00 p.m. and 7:00 a.m. on weekdays, and if the clerk shall further determine that loss or inconvenience would result to any party in interest if such work were to be prohibited, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m. on weekdays, upon application being made at the time the permit for the work is awarded or during the progress of the work.

- (10) *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 are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
- (11) *Hawkers, peddlers, vendors.* The shouting and crying of peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.
- (12) *Drums, other musical instruments.* The use of any drum or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show or sale.
- (13) *Pile drivers, hammers, steam shovels.* The operation between the hours of 10:00 p.m. and 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.
- (14) *Blowers and power fans.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the 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, other than between 9:00 a.m. and 9:00 p.m.

(Ord. No. 100-46, § 03, 6-3-2002)

Sec. 20-20. - Fines.

Any person found guilty of violating the terms of this article shall be fined in the amount of \$100.00 for the first offense. Any person found guilty of a second or subsequent offense of violating this article shall be fined in an amount up to \$200.00.

(Ord. No. 100-46, § 04, 6-3-2002)

Secs. 20-21—20-38. - Reserved.