

1    **STATE OF GEORGIA**

2    **CITY OF LITHONIA**

3                                    **ORDINANCE NO. 2021-04-15**

4    **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF LITHONIA,**  
5    **GEORGIA, BY AMENDING, ORDINANCE NO. 14-05-01,; TO PROVIDE FOR**  
6    **SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE AN ADOPTION**  
7    **AND EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.**

8            **WHEREAS**, the duly elected governing authority of the City of Lithonia, Georgia (the  
9    “City”) is the Mayor and Council thereof; and

10           **WHEREAS**, the City of Lithonia is authorized by O.C.G.A. §36-35-3 to adopt ordinances  
11 relating to its property, affairs, and local government; and

12           **WHEREAS**, the City’s Code of Ordinances should be amended and updated in order to  
13 provide for and comply with current Georgia law, and

14           **WHEREAS**, the Mayor and City Council have determined that it is appropriate to amend  
15 said sections of the Code of Ordinances of the City of Lithonia to be consistent with state law and  
16 to further protect the public health, safety, and welfare of the citizens of the City.

17           **NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR**  
18 **AND COUNCIL OF THE CITY OF LITHONIA, GEORGIA** and by the authority thereof:

19            **Section 1.** The City of Lithonia’s Code of Ordinances is hereby amended by adopting and  
20 replacing outdated references in Sections 27-762 set forth in Exhibit A and inserting new  
21 provisions Sections 27-762 through 27-762.11 to Article I set forth in Exhibit B.

22            **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby  
23 incorporated by reference as if fully set out herein.

24           **Section 3.** (a) It is hereby declared to be the intent of the Mayor and Council that all  
25 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their  
26 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

27           (b) It is hereby declared to be the intent of the Mayor and Council that, to the  
28 greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of  
29 this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this  
30 Ordinance. It is hereby further declared to be the intent of the Mayor and Council that, to the  
31 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance  
32 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this  
33 Ordinance.

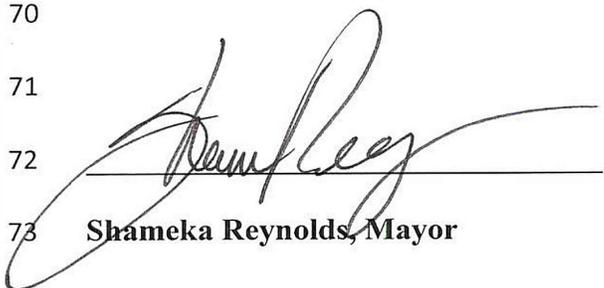
34           (c) In the event that any phrase, clause, sentence, paragraph, or section of this  
35 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise  
36 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the  
37 express intent of the Mayor and Council that such invalidity, unconstitutionality, or  
38 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional,  
39 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs, or  
40 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,  
41 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,  
42 enforceable, and of full force and effect.

43           **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly  
44 repealed.

45           **Section 5.** The effective date of this Ordinance shall be the date of adoption unless  
46 otherwise specified herein.



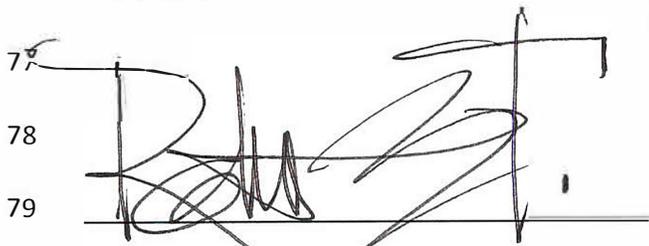
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**Shameka Reynolds, Mayor**

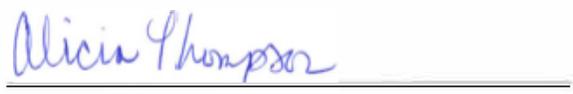


**ATTEST:**



**Robinette Blount, City Clerk**

**APPROVED AS TO FORM BY:**



**City Attorney**

**EXHIBIT A**  
**SEE ATTACHED**

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Sec. 27-762. Noise limitations.  
(a) Short title. This section shall be known and may be cited as the noise ordinance of The City of Lithonia,  
Georgia.

118 (b) General purposes.

119 (1) The City of Lithonia seeks to prevent excessive sound that may jeopardize the health, welfare, or safety of

120 the citizens or degrade the quality of life, by adopting this section. Nothing in this section is intended to deter

121 individuals from lawfully exercising the individual right to freedom of speech or any other freedom

122 guaranteed under the Constitutions of the United States of America or of the State of Georgia.

123 (2) This section applies to all noises, sounds, and tones emitting from all property categories originating

124 within the incorporated limits of the city. Such property categories include, specifically:

125 a. Residential districts;

126 b. Commercial districts;

127 127

128 Re-adopted Zoning Ordinance—April 2014

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130 (Re-adopted with amendments May 5, 2014)

131 c. Multi-use properties;

132 d. Public and private right-of-ways;

133 e. Public uses;

134 f. Multi-family dwelling units; and

135 g. Public and private parks and open spaces.

136 (3) This section applies to all noises, sounds, and tones received at all property categories that originate

137 within the incorporated limits of the city.

138 (4) This section applies only to noises, sounds, and tones about which a complainant has lodged a complaint.

139 Sound level measurements for determining compliance shall be conducted only on the property of the

140 complainant regardless of the existence of other receptors in closer proximity to the noise source under

141 investigation.

142 (c) Maximum permissible sound levels.

143 (1) Maximum permissible sound level limits by receptor property dB(A)

144 TABLE INSET:

145 Residential district 7:00 a.m.--10:00 p.m. Noise Sensitive facility 24 hours

146 Residential district 10:00 p.m.--7:00 a.m.

147 Commercial district 24 hours

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151 a. Continuous sound:

152 1. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property

153 within residential districts, commercial districts, multi-use properties, public and private right-of-ways, public

154 uses and multi-family dwelling units in such a manner as to create a sound level that exceeds the sound level

155 limits listed in subsection (c)(1) of this section as measured at any location at or within the property line of

156 the receptor property. Sound pressure levels in excess of those established in subsection (c)(1) of this section

157 shall constitute prima facie evidence that such sound is in violation of this section.

158 2. If the residential receptor property or noise sensitive facility is within two hundred (200) feet of a

159 commercial or industrial zone, or within an OCR district, the permissible sound level limit of the residential

160 receptor property or noise sensitive facility is increased by five (5) dB(A) between the hours of 7:00 a.m.--

161 10:00 p.m.

162 b. Impulsive sound:

163 1. Between 7:00 a.m. and 10:00 p.m., impulsive sounds which occur less than ten (10) times in an hour shall

164 not equal or exceed twenty (20) decibels above the permissible sound level limits in subsection (c)(1) of this

165 section. Impulsive sound which repeats ten (10) or more times in any hour shall not exceed the permissible

166 sound level limits in subsection (c)(1) of this section.

167 2. Between the hours of 10:00 p.m. and 7:00 a.m., impulsive sounds which occur less than four (4) times in

168 an hour shall not equal or exceed twenty (20) decibels above the permissible sound level limits in subsection

169 (c)(1) of this section. Impulsive sound which repeats four (4) or more times in any hour shall not exceed the

170 permissible sound level limits in subsection (c)(1) of this section.

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172 Re-adopted Zoning Ordinance—April 2014  
173 ORDINANCE NO. 14-05-01  
174 (Re-adopted with amendments May 5, 2014)  
175 e. Steady pure tones: If the sound source under investigation is a mechanical device, and is emitting a sound  
176 with a steady tonal quality, the permissible sound level limits in subsection (c)(1) of this section shall be  
177 reduced by five (5) dB(A). Such sound sources include, but are not limited to heating, ventilating or air-  
178 conditioning units, refrigeration units, and transformers; however, this provision shall not apply to residential  
179 air conditioning units.  
180 (2) Amplified sound reproduction device maximum permissible sound level limits indoors across a real  
181 property line dB(C) above ambient.  
182 TABLE INSET:  
183 Week Nights 10:00 p.m.--7:00 a.m. Weekend Nights 11:00 p.m.--8:00 a.m.  
184 Week Nights 8:00 p.m.--10:00 p.m. Weekend Nights 9:00 p.m. to 11:00 p.m.  
185 All Other Times  
186 3  
187 5  
188 10  
189 a. Amplified sound:  
190 1. If the source of sound is an amplified sound reproduction device, and the complainant states that the use of  
191 the device is disturbing within their residence then the noise enforcement officer may take sound level  
192 measurements within the residence of the complainant.  
193 2. No person shall cause, suffer, allow, or permit the operation of any amplified source of sound in such a  
194 manner that it raises the total sound levels by the permissible sound level limits set forth in subsection (c)(2)  
195 of this section when measured within the residence of a complainant. These sound level measurements shall  
196 be conducted with the sound level meter set for "C" weighting, "fast" response. Such measurements shall not  
197 be taken in areas that receive only casual use such as hallways, closets and bathrooms.  
198 3. For the purposes of these measurements, the ambient sound level is that sound level which is measured in  
199 the residence when the sound source under investigation is not prominent, or in a room on the same floor that  
200 is relatively unaffected by the sound source under investigation.  
201 (d) Noise control administrator. There shall be created a noise control administrator who shall be the police  
202 chief or designee who shall have the power to:  
203 (1) Coordinate the noise control activities of all departments in The City of Lithonia and cooperate with all  
204 other public bodies and agencies to the extent practicable;  
205 (2) Review the actions of The City of Lithonia and advise the city of the effect, if any, of such actions on  
206 noise control;  
207 (3) Review public and private projects, subject to mandatory review or approval by other departments or  
208 boards, for compliance with this section;  
209 (4) Promulgate and publish rules and procedures to establish techniques for measuring noise, and to provide  
210 for clarification, interpretation, and implementation of this section;  
211 (5) Review at least every three (3) years the provisions of this section and recommend revisions consistent  
212 with technology to reduce noise, or to address new sound sources within The City of Lithonia, provided,  
213 however, that failure to review and/or recommend revisions shall not affect the validity of the provisions then  
214 in effect; 129  
215 Re-adopted Zoning Ordinance—April 2014  
216 ORDINANCE NO. 14-05-01  
217 (Re-adopted with amendments May 5, 2014)  
218 (6) Delegate the duties of the noise control officer to any duly qualified individual according to the provisions  
219 of subsection (e) of this section.  
220 (e) Noise control officers.  
221 (1) Where the provisions of this section require the measurement of sound with the use of a sound level  
222 meter, noise control officers shall make such measurement. A person shall be qualified to be a noise control  
223 officer if the person meets the criteria set forth by the noise control administrator and completes, at a

224 frequency specified by the noise control administrator, a noise certification and re-certification course which  
225 has been approved by the administrator. When no measurement of the sound level is necessary to determine  
226 whether a sound is in violation of the provisions of this section, or when the level of sound measured by a  
227 noise control officer is in violation of the provisions of this section, any noise control officer or police officer  
228 having jurisdiction in the area where the violation takes place, may issue a citation/summons for the violation  
229 of this section returnable to the recorder's court of The City of Lithonia. Penalties for violations of this section  
230 will be governed by subsection (e) of this section.

231 (2) Noise control officers shall cooperate and assist any police officer in measuring sound to determine if  
232 same is in violation of this section.

233 (f) Procedures for the determination of sound levels.

234 (1) Insofar as practicable, sound will be measured while the source under investigation is operating at normal,  
235 routine conditions and, as necessary, at other conditions, including but not limited to, design, maximum and  
236 fluctuating rates. All noise measurements shall be made at or within the property line of the impacted site,  
237 unless otherwise directed in this section. When instrumentation cannot be placed at or within the property  
238 line, the measurement shall be made as close thereto as is reasonable. For the purposes of this section, noise  
239 measurements are measured on the A- or C-weighted sound scale, as applicable, of a sound level meter of  
240 standard design and quality having characteristics established by ANSI.

241 (2) The sound level meter and calibrator must be re-certified annually at a laboratory approved by the noise  
242 control administrator. A field check of meter calibration and batteries must be conducted before and after  
243 every set of measurements, and at least every hour as necessary.

244 (3) Total and neighborhood residual sound level measurements shall be taken in accordance with procedures  
245 established and approved by the noise control administrator. Calculation of source sound levels shall conform  
246 with accepted practice established by ANSI.

247 (g) Exceptions. The maximum decibel levels established in subsections (c)(1) and (c)(2) of this section shall  
248 not apply to any of the following noise sources:

249 (1) Agricultural activities;

250 (2) Sound by public safety vehicles, emergency signaling devices, or authorized public safety personnel for  
251 the purpose of alerting persons to the existence of an emergency;

252 (3) Noise from an exterior burglar alarm of any building, provided such burglar alarm shall terminate its  
253 operation within five (5) minutes of its activation if the sound is uninterrupted or ten (10) minutes if  
254 intermittent;

255 (4) Noise from any automobile alarm, provided such burglar alarm shall terminate its operation within five

256 (5) minutes of its activation if the sound is uninterrupted or ten (10) minutes if the sound is intermittent;

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260 (Re-adopted with amendments May 5, 2014)

261 (5) The generation of sound in situations within the jurisdiction of the Federal Occupational Safety and  
262 Health Administration;

263 (6) Noise resulting from any practice or performance sponsored by or associated with the educational process  
264 administered by a recognized institution of learning, including, but not limited to band, choir, and orchestral  
265 performances between the hours of 7:00 a.m. and 11:00 p.m.;

266 (7) Noise that results from, arises out of or stems from the occurrence of a professional sporting event or  
267 organized sports league;

268 (8) Unamplified bells, chimes or carillons while being used in conjunction with signaling the time of the day  
269 between the hours of 7:00 a.m.--10:00 p.m.;

270 (9) Unamplified bells, chimes or carillons while being used in conjunction with on-going religious services  
271 between the hours of 7:00 a.m.--10:00 p.m.;

272 (10) Emergency work;

273 (11) National Warning System (NAWAS): systems used to warn the community of attack or imminent public  
274 danger such as flooding, explosion or hurricane;

275 (12) Noise of aircraft operations, where federal regulations preempt the local regulation of such specific  
276 operations;

277 (13) Public celebrations such as marches, parades or any other event sanctioned by federal, state or local  
278 government(s);  
279 (14) Surface carriers engaged in commerce by railroad;  
280 (15) Sound from the travel of properly muffled motor vehicles on a public right-of-way;  
281 (16) Events with amplified sound that are operating within the time and volume parameters set forth in an  
282 approved special administrative permit.  
283 (h) Restricted uses and activities. Notwithstanding the provisions of subsection (c)(1) of this section and the  
284 exceptions above, the following standards shall apply to the activities or sources of sound set forth below:  
285 (1) Non-commercial or non-industrial power tools used for landscaping and yard maintenance shall not be  
286 operated between the hours of 10:00 p.m. and 7:00 a.m., unless such activities can meet the applicable limits  
287 set forth in subsection (c)(1) of this section. All motorized equipment used in these activities shall be operated  
288 with a muffler. At all other times, the limits set forth in subsection (c)(1) of this section do not apply to non-  
289 commercial or non-industrial power tools and landscaping and yard maintenance equipment.  
290 (2) Commercial or industrial power tools used for landscaping and yard maintenance shall be operated with a  
291 muffler. All motorized equipment used in these activities shall not be operated on a residential property or  
292 within two hundred fifty (250) feet of a residential property line, between the hours of 10:00 p.m. and 7:00  
293 a.m. on weekdays, or between the hours of 10:00 p.m. and 8:00 a.m. on weekends, unless:  
294 a. Such activities are deemed emergency work; or  
295 b. Such activities meet the limits set forth in subsection (c)(1) of this section.  
296 At all other times, the limits set forth in subsection (c)(1) of this section do not apply to commercial or  
297 industrial power tools and landscaping and yard maintenance equipment.  
298 (3) Construction and demolition activity shall not be performed between the hours of 10:00 p.m. and 7:00  
299 a.m. on weekdays, or between the hours of 10:00 p.m. and 8:00 a.m. on weekends, unless: 131  
300 Re-adopted Zoning Ordinance — April 2014  
301 ORDINANCE NO. 14-05-01  
302 (Re-adopted with amendments May 5, 2014)  
303 a. Such activities are deemed emergency work; or  
304 b. Such activities meet the limits set forth in subsection (c)(1) of this section.  
305 c. This provision shall not apply if the noise control administrator determines that the loss or inconvenience  
306 that would result to any party in interest is of such a nature as to warrant special consideration. In such cases,  
307 the noise control administrator may grant a renewable permit for a period not to exceed ten (10) days for this  
308 work to be done within the hours of 10:00 p.m. to 7:00 a.m.  
309 (4) The testing of burglar or fire alarms shall not exceed five (5) minutes in duration, and shall not occur  
310 between the hours of 10:00 p.m. and 8:00 a.m. Fire drills may be conducted outside of these hours no more  
311 than once a month, and with prior notification to all residential properties within two hundred fifty (250) feet  
312 of the property line where the testing will take place. At all times during these tests, the limits set forth in  
313 subsection (c)(1) of this section do not apply.  
314 (5) Domesticated or caged non-farm animals may not make any vocalizations for more than fifteen (15)  
315 minutes without interruption or more than thirty (30) minutes if intermittent. These time limits do not apply if  
316 the vocalizations are given as a warning to the presence of an intruder. At all times, the limits set forth in  
317 subsection (c)(1) of this section do not apply.  
318 (6) Personal or commercial vehicular music amplification or reproduction equipment, including, but not  
319 limited to boom cars, shall not be operated in such a manner as to be plainly audible at a distance of fifty (50)  
320 feet in any direction from the equipment between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of  
321 10:00 p.m. and 8:00 a.m. such equipment shall not be operated in such a manner that it is plainly audible at a  
322 distance of twenty-five (25) feet in any direction.  
323 (7) Boom boxes, or any similar device, shall not be operated in a public place or public right-of-way in such a  
324 manner as to be plainly audible at a distance of fifty (50) feet in any direction from the operator between the  
325 hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., such equipment shall not  
326 be operated in such a manner that it is plainly audible at a distance of three (3) feet in any direction.  
327 (8) The provisions of subsections (h)(1) and (2) of this section do not apply to power tools or motorized  
328 equipment operated in association with the upkeep and maintenance of any public or private golf course,  
329 provided that all such power tools and motorized equipment are equipped with mufflers or are operated in

330 conjunction with a device or system for lessening the sounds produced.

331 (i) Initiation of applications; requests for temporary relief or stays; requests for variances.

332 (1) Any person requesting temporary relief or a stay from the enforcement of this section shall apply for a

333 special administrative permit for a period of time not to exceed thirty (30) days. The noise control

334 administrator has discretion to consider and grant or deny the special administrative permit, pursuant to the

335 procedures and standards contained in this section if strict enforcement of this section will result in

336 exceptional and undue hardship to the applicant. Under no circumstances shall the noise control administrator

337 grant a stay of enforcement of this section for more than sixty (60) days within any six-month period.

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341 (Re-adopted with amendments May 5, 2014)

342 (2) All requests for variances shall be filed with the mayor and city council and shall be governed by section

343 27-915 et seq. No variance shall be issued for amplified noise measured under subsection (c)(2) of this

344 section.

345 (3) No special administrative permit or variance shall be granted for amplified noise described in subsection

346 (h)(6) and (7) of this section.

347 (4) No special administrative permit or variance shall be authorized to delete, modify, or change in any

348 manner any requirement enacted as a condition of zoning or as a condition of a special land use permit

349 imposed by the mayor and city council.

350 (j) Successive applications. An application for a variance affecting all or a portion of the same property shall

351 not be submitted more than once every twenty-four (24) months measured from the date of the final decision

352 by the mayor and city council. The mayor and city council may waive or reduce this twenty-four-month time

353 interval if the time interval between the date of said denial and any subsequent application affecting the same

354 property is no less than six (6) months. The limitations in this section shall not apply to special administrative

355 permits.

356 (k) Application forms; filing of applications; application fees. Applications for special administrative permits

357 and variances shall be filed on forms provided by the noise control administrator and shall not be considered

358 authorized or accepted unless complete in all respects. The mayor and city council shall establish application

359 fees.

360 (l) Application forms; criteria. Applications for special administrative permits shall include all of the

361 following information:

362 (1) The nature and location of the noise source for which such application is made;

363 (2) The reason for which the permit or variance is requested, including the hardship that will result to the

364 applicant, his/her client, or the public, if the permit or variance is not granted;

365 (3) The nature and intensity of noise that will occur during the period of the permit or variance; and

366 (4) A description of the noise control measures to be taken by the applicant to minimize noise and the impacts

367 occurring therefrom.

368 (5) The name, address and means of contacting a responsible party during the hours of operation for which

369 the permit or variance is issued.

370 (m) Issuance of special administrative permits; required enumerated conditions. Upon issuance of a special

371 administrative permit, the noise control administrator shall enumerate the conditions of the permit including,

372 but not limited to:

373 (1) Specific dates and times for which the permit is valid, not to exceed thirty (30) days;

374 (2) Sound level limits that may not be exceeded at the nearest affected residential district or noise sensitive

375 property.

376 (n) Revocation.

377 (1) The noise control administrator may revoke special administrative permits if the terms of the permit are

378 violated.

379 (2) A special administrative permit may be revoked by the noise control administrator, and the issuance of

380 future special administrative permits withheld, if there is a:

381 a. Violation of one (1) or more conditions of the permit;

382 b. Material misrepresentation of fact in the permit application; or,

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384 Re-adopted Zoning Ordinance—April 2014  
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386 (Re-adopted with amendments May 5, 2014)  
387 e. Material change in any of the circumstances relied upon by the noise control administrator in granting the  
388 permit.  
389 (o) Fines:  
390 (1) A conviction of a violation of the provisions of this section shall be punished by a minimum fine of one  
391 hundred dollars (\$100.00), which may be combined with any other penalty authorized within this Code of  
392 Ordinances.  
393 (2) If the activity or condition constituting the violation has been the subject of an enforcement action against  
394 the violator in the immediately preceding six (6) months, the minimum fine shall be five hundred dollars  
395 (\$500.00), which may be combined with any other authorized penalty within this Code of Ordinances.  
396 (3) If the activity or condition constituting the violation has been the subject of three (3) or more enforcement  
397 actions against the violator in the immediately preceding twelve (12) months, the minimum fine shall be eight  
398 hundred dollars (\$800.00), which may be combined with any other authorized penalty within this Code of  
399 Ordinances.  
400 (4) Violations of this section are continuous with respect to time; therefore, each day the violation continues  
401 is a separate offense.  
402 (p) Appeals. Appeals of any special administrative permit decision made by the noise control administrator,  
403 his or her designee, or any officer authorized to enforce the provisions of this section shall be to the mayor  
404 and city council.  
405 (q) Inconsistent provisions. Insofar as the provisions of this section are inconsistent with any other provision of  
406 any other title of the ordinance or any rule or regulation of any government agency of the city, then the  
407 provisions of this section shall control.  
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**EXHIBIT B**

**SEE ATTACHED**

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**Sec. 27-762. - Purpose and intent.**

(a) *Short title.* This section shall be known and may be cited as the noise ordinance of the City of Lithonia, Georgia.

458 (b) Excessive sound is a serious hazard to the public health, welfare, safety, and the quality of  
459 life, and a substantial body of science and technology exists by which excessive sound may  
460 be substantially abated, and the people have a right to, and should be ensured an  
461 environment free from excessive sound.

462 (c) In order to ensure attractive residential and commercial areas, it is necessary that an  
463 audibly satisfying environment be maintained. It is the policy of the mayor and council to  
464 prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or  
465 degrade the quality of life. The city is more likely to attract permanent residents and  
466 commercial enterprises if it controls and maintains appropriate noise quality, and the residents  
467 will ultimately gain financial improvements and protection in their quality of life as a result  
468 of these regulations.

469 **Sec. 27-762.1. - Applicability.**

470 This article shall apply to the control of sound originating from sources within the limits of  
471 the city. This article applies to any sound projected, emitted or transmitted between 11:00 p.m.  
472 and 7:00 a.m., such that the sound is plainly audible anywhere within the interior of a dwelling.

473 (a) Noises deemed a nuisance. It shall be unlawful for any person to make or cause to be made  
474 a noise plainly audible at a distance of 100 feet or more from the property on which the noise  
475 originates. Such noise along with any other noise disruptions according to decibel meter  
476 readings in this code section shall be deemed to be a public nuisance.  
477

478 (b) Noises deemed a nuisance. It shall be unlawful for any person to make or cause to be made  
479 a noise plainly audible at a distance of 50 feet or more from the motor vehicle on which the  
480 noise originates. Such noise along with any other noise disruptions according to decibel meter  
481 readings in this code section shall be deemed to be a public nuisance.  
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483 **Sec. 27-762.2. - Definitions.**

484 For the purposes of this article, certain phrases and words are defined below. Words or  
485 phrases not defined in this article, but defined in applicable state law or elsewhere in this Code,  
486 shall be given that meaning. All other words or phrases shall be given their common ordinary  
487 meaning unless the context requires otherwise. The following words, terms and phrases, when  
488 used in this article, shall have the meanings ascribed to them below except where the text clearly  
489 indicates a different meaning:

490 *A-weighted sound level* means the sound level reported in units of dB(A) approximating the  
491 response of human hearing when measuring sounds of low to moderate intensity as measured  
492 using the A-weighting network with a sound level meter meeting the standards set forth in ANSI  
493 S1.4-1983 or its successors.

494 *ANSI* means the American National Standards Institute.

495 *C-weighted sound level* means the sound level reported in units of dB(C) as measured using  
496 the C-weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-  
497 1983 or its successors.

498        *Commercial area* means any parcel of land which is zoned for any commercial use,  
499 including regional commercial centers, neighborhood- and community-oriented stores, shopping  
500 centers and other developed centers where commercial land uses predominate.

501        *Common area* means any portion of residential property that is either commonly used or  
502 owned by its residents, is intended for the common enjoyment of its residents, or is accessible to  
503 residents of more than one dwelling located on the property and, includes, but is not limited to,  
504 closed and open hallways, stairwells, stairways, elevators, lobbies, parking lots, parking garages,  
505 indoor and outdoor recreational areas within the development, laundry rooms, mailbox areas,  
506 yards, and open space that is the central organizing feature of a development.

507        *Decibel (dB)* means the unit for the measurement of sound pressure based upon a reference  
508 pressure of 20 micropascals (zero decibels), i.e., the average threshold of hearing for a person  
509 with very good hearing.

510        *Dwelling* means one or more rooms, designed, occupied or intended for occupancy as  
511 separate living quarters for humans.

512        *Industrial area* means any parcel of land which is zoned for industrial use, including  
513 property used for light and heavy distribution, warehouses, assembly, manufacturing, quarrying,  
514 truck terminals and landfills.

515        *Mixed-use development* means a development which incorporates a variety of two or more  
516 different land uses, buildings or structures that include both primary residential uses and primary  
517 nonresidential uses as part of the same development. Such uses may include, but not be limited  
518 to, residential, office, commercial, institutional, recreational, or public open space in a compact  
519 urban setting that encourages pedestrian-oriented development that can result in measurable  
520 reductions in traffic impacts. Such a development would have interconnecting pedestrian and  
521 vehicular access and circulation.

522        *Multifamily dwelling* means a building designed for and containing more than one dwelling,  
523 and shall include single-family attached dwellings, multifamily dwelling units, apartments,  
524 duplexes, triplexes, condominiums and attached townhomes.

525        *Plainly audible* means any sound which can be heard or detected by the unaided and  
526 unimpaired human ear. Words and phrases need not be discernable in order for them to be  
527 considered plainly audible.

528        *Residential area* means any parcel of land which is zoned for any residential use, including  
529 single-family detached or attached dwellings, multifamily dwellings, or mobile home parks.

530        *Sealed dwelling* means any dwelling that has all of its windows and doors closed.

531        *Single-family detached dwelling* means a dwelling on an individual lot unattached to another  
532 dwelling.

533        *Sound* means any oscillation in pressure, particle displacement, particle velocity or other  
534 physical parameter, in a medium with internal forces that causes compression and rarefaction of  
535 that medium. The description of sound may include any characteristic of such sound, including  
536 duration, intensity and frequency. Bass reverberations constitute sound. The term "sound,"  
537 includes, but is not limited to, the following:

- 538 (1) Mechanical sound-making devices such as radios, stereos, boom boxes, televisions,  
539 musical instruments, horns, whistles, bells, chimes or carillons, phonographs, sound  
540 amplifiers or other machines or devices for the producing, reproducing or amplifying of  
541 sound;
- 542 (2) Human-produced sounds such as yelling, shouting, hooting, whistling, singing,  
543 speaking or arguing;
- 544 (3) Commercial advertising sounds;
- 545 (4) Party noise;
- 546 (5) Sound coming from motorized landscape maintenance devices such as lawn mowers,  
547 weed-whackers, leaf blowers, and chain saws;
- 548 (6) Animal vocalizations from pets or domesticated animals;
- 549 (7) Testing of burglar, fire or car alarms; and
- 550 (8) Sound coming from construction and demolition activities such as hammering, nailing,  
551 drilling, sawing, or paving.

552 *Sound level meter* means an instrument that conforms to ANSI S1.4-1983 or its successors.

553 **Sec 27-762.3. Noise in residential hours – sound between the hours of 11:00 pm and 7:00**  
554 **am.**

555 (a) *Dwelling*. It is unlawful for any person, between the hours of 11:00 p.m. and 7:00 a.m., to  
556 make, cause, or allow any sound from a source within his/her ownership or control that projects,  
557 emits or transmits into a dwelling owned or occupied by another, such that the sound is plainly  
558 audible anywhere within the interior of a sealed dwelling.

559 **Sec 27-762.4. Exclusions.**

560 The prohibitions of this section shall not apply to the following sounds:

- 561 (1) Sound by public safety vehicles, emergency signaling devices, or authorized public  
562 safety personnel for the purpose of alerting persons to the existence of an emergency;
- 563 (2) Sound from an exterior burglar or fire alarm of any building, provided such burglar or  
564 fire alarm shall terminate its operation within five minutes of its activation if the sound is  
565 uninterrupted, or ten minutes, if intermittent, but the testing of burglar and fire alarms  
566 shall not be allowed between the hours of 8:00 p.m. and 7:00 a.m.;
- 567 (3) Sound from any automobile alarm, provided such alarm shall terminate its operation  
568 within five minutes of its activation if the sound is uninterrupted, or ten minutes, if the  
569 sound is intermittent;
- 570 (4) The generation of sound in situations within the jurisdiction of the federal Occupational  
571 Safety and Health Administration;
- 572 (5) National Warning System (NAWAS) sounds used to warn the community of attack or  
573 imminent public danger such as flooding, explosion or hurricane;
- 574 (6) Sound of aircraft operations, where federal regulations preempt the local regulation of  
575 such specific operations;

- 576 (7) Protests, marches, parades, or an event sanctioned by the federal, state or county  
577 governments;
- 578 (8) Surface carriers engaged in commerce by railroad;
- 579 (9) Any other activity solely controlled and within the jurisdiction of federal or state law;
- 580 (10) Sound projected, emitted or transmitted from motor vehicles, as such sound is  
581 regulated by O.C.G.A. § 40-6-14(a);
- 582 (11) Sounds or alarms associated with an emergency which is a serious urgent situation or  
583 occurrence that happens unexpectedly and requires immediate attention;
- 584 (12) Sound from agricultural activities;
- 585 (13) Sound from the travel of properly muffled motor vehicles on a public right-of-way;
- 586 (14) Sound from residential air conditioner units;
- 587 (15) Sound from swimming pool filtering systems; and
- 588 (16) Sound resulting from activities for which a special administrative permit has been  
589 issued pursuant to the terms of this article.

590 **Sec 27-762.5. – Residential areas - Animal vocalizations, construction and landscaping**  
591 **activities, and the testing of burglar and fire alarms.**

- 592 (a) *Residential areas.* Instead of the limitations set forth in section 27-762.5 the sound  
593 limitations set forth in section 27-762.6 apply to the activities listed in this section in all  
594 residential areas.
- 595 (b) *Animal vocalizations.* Animal vocalizations in a residential area during the hours from 7:01  
596 a.m. until 10:59 p.m. shall be regulated as follows. Household pets and domesticated animals  
597 may not make any vocalizations for more than 15 minutes without interruption or more than  
598 30 minutes if intermittent. The limitations in subsections 27-762.6 (a) and (b) apply to animal  
599 vocalizations between 11:00 p.m. and 7:00 a.m. The limitations in this subsection and in  
600 section 27-762.5 do not apply if the vocalizations are given as a warning to the presence of an  
601 intruder.
- 602 (c) *Landscaping.* Power tools used for landscaping or yard maintenance shall only be operated  
603 between the hours of 7:01 a.m. and 9:00 p.m. on weekdays, or between the hours of 9:01 a.m.  
604 and 9:00 p.m. on weekends. Power tools used for landscaping or yard maintenance shall not  
605 be operated between the hours of 9:01 p.m. and 7:00 a.m. on weekdays, or between the hours  
606 of 9:01 p.m. and 9:00 a.m. on weekends. All motorized equipment used in these activities  
607 shall be operated with a muffler.
- 608 (d) *Construction and demolition activity.* Construction and demolition activity or deliveries  
609 shall only be performed between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, or  
610 between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. There shall be no construction or  
611 demolition activity or deliveries on Sundays or New Year's Day, Thanksgiving Day,  
612 Christmas Day, Memorial Day, July 4, or Labor Day unless such activity arises from an  
613 emergency which puts the site or neighboring property owners and their property at risk of  
614 harm or loss.

615 (e) *Testing burglar and fire alarms.* The testing of burglar or fire alarms shall not exceed five  
616 minutes in duration, and shall not occur between the hours of 8:00 p.m. and 7:00 a.m. Fire  
617 drills may be conducted outside of these hours no more than once a month, and with prior  
618 notification to all properties within 250 feet of the property line where the testing will take  
619 place.

620  
621 **Sec. 27-762.6. - NOISE IN COMMERCIAL AND INDUSTRIAL AREAS AND IN**  
622 **MIXED-USE DEVELOPMENTS - Maximum permissible sound levels and sound during**  
623 **certain hours**

624 (a) This section applies to all sound emitting from property in all commercial and industrial  
625 areas and all mixed-use developments within the city.

626 (b) No person shall cause, suffer, allow, or permit the operation of any source of sound on any  
627 property within commercial areas, industrial areas, or mixed-use developments that exceeds  
628 70 dB(A) in commercial areas; 80 dB(A) in industrial areas; and 70 dB(A) or 73 dB(C) in  
629 mixed-use developments from the hours of 7:01 a.m. until 10:59 p.m. or 60 dB(A) or 63 dB(C)  
630 from the hours of 11:00 p.m. until 7:00 a.m. Sound shall be measured at any location at or  
631 within the property line of the affected property, and sound levels in excess of those  
632 established in this section shall constitute prima facie evidence that such sound is in violation  
633 of this article.

634 (c) It is unlawful for any person between the hours of 11:00 p.m. and 7:00 a.m. to make, cause  
635 or allow any sound from a source within his or her ownership or control that projects, emits  
636 or transmits from a commercial area, industrial area, or a mixed-use development if such  
637 sound is plainly audible within the interior of a dwelling in a residential area.

638 (d) The exclusions listed in subsection 27-762.4 apply as exclusions in all commercial and  
639 industrial areas and all mixed-use developments as if fully set forth in this section.

640 **Sec. 27-762.7.– Commercial and Industrial Areas in Mixed- Use Developments - Animal**  
641 **vocalizations, construction and landscaping activities, and the testing of burglar and fire**  
642 **alarms.**

643 (a) *Time limitations.* Instead of the limitations set forth in Section 27- 762.5, the time limitations  
644 set forth in this section apply as specified in this section.

645 (b) *Animal vocalizations in commercial and industrial areas and mixed-use developments.*  
646 Animal vocalizations in commercial and industrial areas and in mixed-use developments  
647 during the hours from 7:01 a.m. until 10:59 p.m. shall be regulated as follows. Household pets  
648 may not make any vocalizations for more than 15 minutes without interruption, or more than  
649 30 minutes, if intermittent. The limitations in 27-762.5 and (b) apply to animal vocalizations  
650 between 11:00 p.m. and 7:00 a.m. The limitations in this subsection and in 27-762.5 do not  
651 apply if the vocalizations are given as a warning to the presence of an intruder.

652 (c) *Landscaping in commercial, industrial and mixed-use developments.* The limitations in  
653 subsection 27-762.5(c) apply.

654 (d) *Construction and demolition activity in commercial, industrial and mixed-use developments.*  
655 The limitations in subsection 27-762.5(d) apply.

656 (e) *Testing burglar and fire alarms in a mixed-use development.* The testing of burglar or fire  
657 alarms in a mixed-use development shall not exceed five minutes in duration, and shall not  
658 occur between the hours of 8:00 p.m. and 7:00 a.m. Fire drills may be conducted outside of  
659 these hours no more than once a month, and with prior notification to all property owners or  
660 residents within 250 feet of the property line where the testing will take place.

661

662 **Sec. 27-762.8. - Enforcement officers.**

663 Where the provisions of this division require the measurement of sound with the use of a  
664 sound level meter, a code enforcement officer, and/or an authorized agent or designee thereof,  
665 who is trained in the use of a sound level meter shall make such measurement.

666 **Sec. 27-762.9. - Procedures for the determination of sound levels.**  
667

668 Insofar as practicable, sound will be measured while the source under investigation is  
669 operating at normal, routine conditions and, as necessary, at other conditions, including, but not  
670 limited to, design, maximum and fluctuating rates. All sound measurements shall be made at or  
671 within the property line of the affected property, unless otherwise directed in this article. When  
672 instrumentation cannot be placed at or within the property line, the measurement shall be made  
673 as close thereto as is reasonable. For the purposes of this section, sound measurements are  
674 measured on the A- or C-weighted sound scale, as applicable, of a sound level meter of standard  
675 design and quality having characteristics established by ANSI.

676 **Sec. 27-772.10. - Variances; application and approval.**

- 677 (a) The City Council, or a designated representative thereof, shall have the authority, consistent  
678 with this article, to grant variances.
- 679 (b) Any person seeking a variance pursuant to this article shall file an application with the City  
680 Council. The application shall contain information which demonstrates that bringing the  
681 source of sound into compliance with this article would constitute an unreasonable hardship  
682 on the applicant, on the community, or on the other persons. Notice of an application for a  
683 variance shall be given by the City Council, or a representative thereof, to persons who  
684 frequent the area of the sound or activity and who may be adversely affected by the granting  
685 of the variance. Any individual who claims to be adversely affected by allowance of the  
686 variance may file a statement with the City Council containing any information to support  
687 such individual's claim.
- 688 (c) In determining whether to grant or deny the application, the City Council shall balance the  
689 hardship to the applicant, the community, and other persons of not granting the variance  
690 against the adverse impact on the health, safety and welfare of persons affected, the adverse  
691 impact on property affected, and any other adverse impact of granting the variance. Applicants  
692 for variances may be required to submit any information reasonably required by the City  
693 Council. In granting or denying an application, the City Council shall place on public file a  
694 copy of the decision and the reasons for denying or granting the variance.
- 695 (d) Variances shall be granted by notice to the applicant containing all necessary conditions,  
696 including a time limit on the permitted activity. The variance shall not become effective until  
697 all conditions are agreed to by the applicant. Noncompliance with any condition of the  
698 variance shall terminate the variance and subject the person holding it such variance to those  
699 provisions of this article regulating the source of sound or activity for which the variance was  
700 granted.
- 701 (e) Application for extension of time limits specified in variances or for modification of other  
702 substantial conditions shall be treated like applications for initial variances.