

CODE OF ORDINANCES City of Euharlee, GEORGIA
PART II CODE OF ORDINANCES--GENERAL ORDINANCES
ARTICLE XXX NUISANCES – CHAPTER 1 – NOISE ABATEMENT

**CITY OF EUHARLEE
NOISE ABATEMENT ORDINANCE 2007**

ARTICLE XXX

CHAPTER 1

AN ORDINANCE OF THE CITY OF EUHARLEE, GEORGIA FOR THE PURPOSE OF PROTECTING THE QUALITY OF LIFE FOR EUHARLEE CITIZENS; PROVIDING FOR THE ABATEMENT OF EXCESSIVE NOISE WITHIN AND ADJACENT TO RESIDENTIAL DISTRICTS, AND PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; AND FOR OTHER PURPOSES AT A REGULAR MEETING OF THE EUHARLEE CITY COUNCIL HELD ON THE 6th DAY OF February, 2007.

WHEREAS, the frequency of excessive noise complaints within residential districts of the City has increased; and

WHEREAS, the amount and intensity of such noise is a public nuisance; and in some cases is detrimental to the public health, safety, welfare and quality of life of Euharlee residents; and

WHEREAS, it is the desire and intent of the Euharlee City Council to protect its citizens from disturbing and intrusive noise;

NOW THEREFORE BE IT ORDAINED AND IT IS HEREBY ORDAINED by the City Council of the City of Euharlee that pursuant to the authority vested in the City Council by law, the following Noise Abatement Ordinance be adopted as follows:

Section 1. Purpose

As the City of Euharlee population increases and residential communities are pushed further into areas that were formerly characterized as “rural”, the need for noise control has become a more prominent issue for our community. Noise pollution has been implicated in a variety of health disorders, including stress and hypertension.

Noise is one of the most localized forms of pollution and unlike most forms of pollution, its immediate short-term effects do not range beyond local jurisdictions. As a result, noise is almost never seen as a national or statewide issue. The U.S. Environmental Agency (“EPA”) indicated that noise pollution is a problem for local government to address.

The City Council recognizes that noise disturbance within the residential districts of the City is becoming more prominent and that a means of abatement is necessary.

Section 2. “Noise Disturbance” defined

Noises which classify as disturbances are regulated by this ordinance. A noise disturbance is sound that meets either of these two criteria:

- Disturbs a reasonable person of normal sensitivities.
- Is plainly audible a minimum of 200 feet from the real property line of its source. This type of noise includes amplified music, musical instruments televisions, radios, amplified and non-amplified human voices such as yelling, shouting, and singing.

Section 3. Examples of common Noise Disturbances

- Loud parties
- Band Practice
- Loud car stereos
- Domestic power tools
- Construction
- Barking dogs

Section 4. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm means any fire, burglary, motor vehicle or civil defense alarm, whistle or similar stationary emergency signaling device.

Construction means any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for public or private rights-of-way, structures, utilities or similar property.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

Emergency vehicle means a motor vehicle belonging to a fire department or certified private volunteer firefighter or firefighting association, partnership or corporation, an ambulance, a motor vehicle belonging to a private security agency or a motor vehicle belonging to a federal, state, county or municipal law enforcement agency, provided such vehicles are in use as emergency vehicles by one authorized to use such vehicles for that purpose.

Emergency work means any work for the purpose of preventing or alleviating the physical trauma damage threatened or caused by an emergency.

Multifamily dwelling means a building or other shelter that has been divided into separate units to house more than one family.

Noise-sensitive area means an area where a school, hospital, nursing home, church, court, public library, or residential area is located.

Powered model vehicle means any self-propelled airborne, waterborne or landborne plane, vessel or vehicle which is not designed to carry persons, including but not limited to any model airplane, boat, car or rocket.

Public right-of-way means any street, highway, sidewalk, alley or similar place normally accessible to the public which is owned or controlled by the City of Euharlee.

Public space means any real property or structures thereon owned by the City of Euharlee and normally accessible to the public, including but not limited to parks and other public recreational areas.

Real property line means a line along the surfaces, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person.

Residential area means any real property which contains a structure or building in which one or more persons reside, provided that such structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the city's Zoning Ordinance.

Sec. 5 Scope

The provisions of this article shall apply to the control of all sound originating within the geographical limits of the city limits, within all territory to which the jurisdiction of the city extends.

Sec. 6. Excessive noise.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud or excessive noise which unreasonably interferes with the comfort, response, health and safety of others within the jurisdiction of the city. Any noise that disturbs a reasonable person of normal sensitivities is considered excessive noise.

Sec. 7 Specific prohibitions.

The following specific acts are declared to be in violation of this article:

(1) *Horns, signaling devices.* The sounding of any horn or signaling device of a motor vehicle on any street or public place within the jurisdiction of the city continuously or intermittently for a period in excess of 60 seconds, except as a danger or emergency warning.

(2) *Radios, televisions, musical instruments and similar devices.*

a. The operation or playing of any radio, musical instrument or similar device which produces sound on the public right-of-way in such a manner as to be plainly audible to any person other than the player or operator of the device.

b. The operating or playing of any radio, television, phonograph, musical instrument or similar device which produces or reproduces sound in a manner as to be plainly audible at a distance of 200 feet across the real property line to any person in a commercial, industrial, residential or noise-sensitive area, multifamily dwelling, motor vehicle or public space.

(3) *Loudspeakers and sound amplifiers.* The use or operation of any loudspeaker system, sound amplifier or other similar device within or adjacent to residential or noise-sensitive areas, public rights-of-way or public space such that the sound therefrom is plainly audible across the real property line of the source a minimum of 200 feet; provided that this shall not apply to any public performance, gathering or parade for which a permit has been obtained from the city, nor shall it apply to performances at the Howard Osborne Park or the Frankie Harris Park.

(4) *Street sales.* The offering for sale by shouting or outcry within any residential, commercial or noise-sensitive area, public rights-of-way or public space except by permit issued by the city.

(5) *Animals.* The owning, possessing or harboring of any animal which frequently or continuously howls, barks, meows, squawks or makes other sounds which create excessive noise across a residential or commercial real property line or within a noise-sensitive area. For the purpose of this article, barking dogs shall include a dog that barks, bays, cries, howls or makes any other noise continuously for a period of ten minutes, or barks intermittently for one-half hour or more to the disturbance at any time of day or night regardless of whether the dog is physically situated in or upon private property.

(6) *Construction and demolition.* The operating of any equipment used in construction work within 1000 feet of any residential or noise-sensitive area between the hours indicated in Table 1 below, except for emergency work. For purposes of this subsection, distances are to be measured from the property line of the nearest residence in a noise-sensitive area in any direction to the prohibited construction operation.

(7) *Powered model vehicles.* The operation of, or permitting the operation of, powered model vehicles between the hours indicated in Table 1 below within or adjacent to residential or noise-sensitive areas, public rights-of-way or public space such that the sound therefrom is plainly audible across the real property line of the source.

(8) *Emergency signaling devices.*

a. Except in case of an emergency, the intentional sounding of any alarm between the hours indicated in Table 1 below.

b. The testing of any alarm for a period in excess of 60 seconds at any time.

c. The testing of a complete emergency signaling system, including the signaling device and the personnel response to the signaling device, more than once in each calendar month, and the sounding of the emergency signaling system for a period in excess of 15 minutes.

(9) *Motor vehicles.*

a. No person shall operate or cause to be operated any motor vehicle, motorcycle or off-road vehicle not equipped with a muffler or other device in good working order so as to effectively prevent loud or explosive noises therefrom.

(10) *Blowers, engines, machinery, etc.* The operation by any person of any noise-creating power blower, power fan, power tool, air compressor, internal-combustion engine (except trains, motor vehicles or motorcycles), or other similar equipment or machinery which causes noise due to its operation, within 1000 feet of any residential or noise-sensitive area, unless the blower, fan, tool, compressor, engine or other machine is equipped with a functional muffler device or is contained or housed within a structure sufficient to deaden the noise to the point that it is not plainly audible to a person of normal hearing ability in the residential or noise-sensitive area nearest the source of such noise, between the hours indicated in Table 1 below.

TABLE 1

	PM		AM	
			Week Days	Weekends/Holidays
Jan.	7:00		7:30	8:30
Feb.	7:00		7:30	8:30
Mar.	7:30		7:00	8:00
Apr.	9:00		7:30	8:30
May	9:00		7:00	8:00
June	10:00		6:30	8:00
July	10:00		6:30	8:00
Aug.	10:00		7:00	8:00
Sept.	9:00		7:00	8:00
Oct.	8:30		7:30	8:30
Nov.	8:00		8:00	9:00
Dec.	7:00		7:30	8:30

Section 8 Citation and Penalties

Violations of this ordinance shall be by warnings and citations, served personally on the violator, and shall be heard in the Municipal Court of Euharlee. In the event the charge is against a parent for the actions of their minor child, the parent shall be served personally. In the event a minor is charged, such charges shall be heard in Bartow County Juvenile Court if the minor falls into that court’s jurisdiction. The municipal or juvenile court is authorized to levy a fine of up to \$500 and to impose other criminal penalties in accordance with the court’s authority, up to and including jail time of 60 days or less, for violations of this ordinance. Other remedies, penalties and enforcement mechanisms as allowed under general law for a municipal ordinance, including civil actions brought by the City for injunctive and other relief, shall be authorized as enforcement of this ordinance.

Section 9. Conflicts & Severability

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. It is intended the provisions of these regulations be severable and should any portions be held invalid, such invalidity shall not affect any other portions of these regulations.

Section 10. Effective Date

This ordinance shall be effective on the date of adoption of this ordinance by the City Council.

SO ADOPTED this 6th day of February, 2007.

ATTEST:

CITY OF EUHARLEE, GEORGIA

Liz H. Dempsey, City Clerk

Kathy S. Foulk, Mayor