

ORDINANCE

The Mayor and City Council of the City of Sugar Hill, Georgia, hereby ordain that the Code of the City of Sugar Hill, Georgia and the City of Sugar Hill Noise Control Ordinance shall be amended as follows:

By repealing the previous Noise Control Ordinance and any amendments thereto and enacting the ordinance contained below as its replacement:

ARTICLE III.

NOISE CONTROL

Sec. 38-86. Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise. All terminology used herein and not defined shall be defined in accordance with the American National Standards Institute publication S.1.1.-1960 as revised in 1971 published by the American Standards Institute, 1930 Broadway, New York, NY 10018.

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

A-weighted sound pressure level means the sound pressure level as measured with a sound level meter using the A-weighted network. The standard notation is dB(A) or dBA.

Commercial area means an area as defined by the city zoning ordinance.

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

Domestic Power Tool means any mechanically powered saw, sander, drill, grinder, generator, lawnmower, hedge trimmer, edger, or any other similar tool or device (other than leaf blowers).

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 an ambulance, or a motor vehicle belonging to a federal, state, county or municipal law enforcement agency; provided said vehicles are in use as an emergency vehicle by one authorized to use the vehicle for that purpose.

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

Industrial area means an area as defined by the city zoning ordinance.

Land use category means the classification of an area, such as residential, multifamily dwelling, commercial, industrial, noise-sensitive area or public space, according to its use. Any area not otherwise classified shall be considered a commercial area. In case of multiple use, the more restrictive use category shall apply.

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 or public library is located.

Person means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of the state or of the United States.

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, avenue, boulevard, highway, sidewalk, alley or similar place normally accessible to the public which is owned or controlled by a governmental entity.

Public space means any real property or structures thereon owned by a governmental entity 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 surface, 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, excluding intrabuilding real property division.

Residential area means an area as defined in the city zoning ordinance.

Sound level means the A-weighted sound pressure level obtained by use of a sound level meter as specified in American National Standards Institute specifications for sound level meters (ANSI SI. 4-1971, as amended).
(Code 1988, § 12-91; Ord. of 12-11-1989, § 1)

Sec. 38-87. Excessive noise prohibited.

No person shall make, continue or cause to be made or continued any loud, unnecessary or excessive noise which unreasonably interferes with the comfort and repose of others within the jurisdiction of the city.
(Code 1988, § 12-92; Ord. of 12-11-1989, § 2)

Sec. 38-88. Maximum permissible sound levels.

- (a) No person shall operate, suffer, allow or permit any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth in Table 1 for the receiving land use category more than ten percent of any measurement period, which period shall not be less than ten minutes. Sound levels in excess of those established for the land use districts of the city, in times herewith listed, shall constitute prima facie evidence that such sound is excessive and unnecessary noise.
- (b) For any source of sound, the sound level shall not exceed the maximum permissible sound level limit set forth in Table 1 by 15 dB(A) for all land use categories.
- (c) When a source of sound can be identified and its sound measured in more than one land use district, the sound level limits of the most restrictive land use district shall apply.

Table 1

Land Use Category	Time	Sound Level Limit (dB(A))
Residential, noise-sensitive area or public space.	7:01 a.m. – 9:00 p.m.	60
	9:01 p.m. – 7:00 a.m.	55
Commercial.	At all times	65
Industrial.	At all times	75

(Code 1988, § 12-93; Ord. of 12-11-1989, § 3, Amd. of 4-10-06)

Sec. 38-89. Exemptions to sound limits.

The following are exempt from the sound level limits of Table 1;

- (a) Domestic power tools, lawn mowers and agricultural equipment, when operated with a muffler, between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 9:00 p.m. on weekends and holidays.
- (b) Sound from public safety vehicles, emergency signaling devices, or authorized public safety personnel for the purpose of alerting persons to the existence of an emergency;

- (c) Any sound resulting from activities of a temporary duration, for which a special permit has been granted pursuant to this article, and which conforms to the conditions and limits stated thereon.
- (d) Unamplified bells, chimes or carillons while being used in conjunction with religious services.
- (e) Sound from construction activity, except within 500 feet of a residential or noise sensitive area after 7:00 p.m. Sunday through Thursday; after 9:00 p.m. Friday, Saturday and the day prior to a holiday; before 7:00 a.m. Monday through Friday; and before 9:00 a.m Saturday, Sunday and holidays.
- (f) Emergency construction activity.
- (g) Sound from municipally sponsored or approved celebrations or events.
- (h) Excavation, demolition, or construction necessary to repair public facilities, infrastructure or utilities by or on behalf of a municipality, county or state government.
- (i) Sound from an exterior alarm of any building, provided such alarm shall terminate its operation within five (5) minutes of its activation if the sound is uninterrupted or ten (10) minutes if intermittent;
- (j) The generation of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Administration;
- (k) Sound from any practice or performance sponsored by or associated with the educational process administered by a recognized institution of learning, including, but not limited to band, choir, and orchestral performances; and
- (l) Sound from activities of an organized sports league.

(Code 1988, § 12-94; Ord. of 12-11-1989, § 4)

Sec. 38-90. Specific prohibitions.

In addition to the general prohibitions set out above, 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 on any motor vehicle or any street or public place in the city continuously and/or incessantly for a period in excess of 60 seconds, except as a danger warning.

- (2) *Radios, televisions, musical instruments and similar devices.*
 - a. The operating or playing of any radio, musical instrument or similar device which produces or reproduces sound on the public rights-of-way in such a manner as to be plainly audible to any person other than the 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 motor vehicle or public park in a manner as to be plainly audible at a distance of 50 feet.
 - c. The operating or playing of any radio, television, phonograph, musical instrument or similar device which produces or reproduces sound in such a manner as to exceed the levels set forth in Table 1 for the land use category.
- (3) *Loudspeakers and sound amplifiers.* The using or operation of any loudspeaker, loud- speaker system, sound amplifier or other similar device between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, and 9:00 p.m. and 9:00 a.m. on weekends and holidays, within or adjacent to residential or noise-sensitive areas such that the sound therefrom is plainly audible across the real property line of the source; provided, however, that this shall not apply to any public performance, gathering or parade from which a permit has been obtained from the city.
- (4) *Animals.* The owning, possessing or harboring of any animal which frequently, or for continued duration, howls, barks, meows, squawks or makes other sounds which create excessive and unnecessary noise across a residential or commercial real property line or within a noise-sensitive area. For the purpose of this subsection, excessive and unnecessary noise shall mean an animal that makes such noise, bays, cries, howls or makes any other noise continuously and or incessantly for a period of ten minutes, or intermittently for one - half hour or more to the disturbance of any person at any time of day or night, regardless of whether the animal is physically situated in or upon private property; provided, however, that a dog shall not be deemed making an excessive and unnecessary noise if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.
- (5) *Powered model vehicles.* The operating of, or permitting the operation of, powered model vehicles between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and 9:00 p.m. and 9:00 a.m. on weekends and holidays.
- (6) The collection of trash or refuse within 100' of a residential area is prohibited between the hours of 7:00 p.m. and 7:00 a.m.

(Code 1988, § 12-95; Ord. of 12-11-1989, § 5)

Sec. 38-91. Procedures for the determination of sound levels.

- (a) Insofar 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 measured on the A-weighted sound scale, as applicable, of a sound level meter of standard design and quality having characteristics established by ANSI.
- (b) Measurements shall be taken by code enforcement officers appropriately trained in the use of a sound level meter.

Sec. 38.92. - Enforcement procedures; miscellaneous.

- (a) Except as provided in subsection (b) of this section, the City may prosecute noise related violations by issuance of a City ordinance citation, in which case, the penalty for a violation shall be as set forth in section 7.13 of the Code. In addition to issuing a fine as provided in section 7.13, 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.
- (b) Whenever any City resident shall complain to the City that a dog which habitually barks, howls or yelps, or a cat which habitually cries or howls, is being kept by any person in the City, a City code enforcement officer, prior to the issuance of a citation, shall notify the owner of such dog or cat that a complaint has been received. If the notice given to the owner alleged to be keeping a dog or a cat in violation of this article is ineffective, then the City shall issue a formal warning to the owner of such dog or cat that the owner shall take whatever steps necessary to alleviate the barking, howling, yelping or crying. If the warning given to the owner is ineffective, a citation shall be issued to the owner of the dog or cat.
- (c) 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.

Sec. 38-93. Penalty for violation of article.

Any person who violates any provision of this article shall be guilty of a misdemeanor. (Code 1988, § 12-96; Ord. of 12-11-1989, § 6)

Sec. 38-94. Responsibility for enforcement of article.

The city manager or his designee shall have the responsibility for the enforcement of this article.
(Code 1988, § 12-97; Ord. of 12-11-1989, § 8)

Secs. 38-95.--38-150. Reserved.

IT IS FURTHER ORDAINED that the effective date of this ordinance shall be the date of adoption by the Mayor and Council of the City of Sugar Hill.

IT IS SO ORDAINED this 14 day of September, 2015.

Brandon Hembree
Council Member – Brandon Hembree

Marc Cohen
Council Member – Marc Cohen *Curtis Northrup*

Susie Gajewski
Council Member – Susie Gajewski

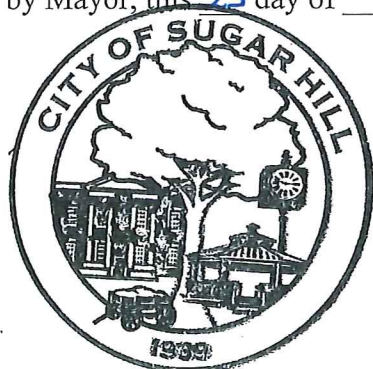
Curtis Northrup
Council Member – Curtis Northrup *Marc Cohen*

Mike Sullivan
Council Member – Mike Sullivan

ATTEST:

Jane Whittington
City Clerk, Jane Whittington

Approved by Mayor, this 23 day of September, 2015.



Steve Edwards
Mayor Steve Edwards