

AN ORDINANCE TO REGULATE NOISE IN RESIDENTIAL AREAS

WHEREAS, the making of noise audible in residential dwellings and proximate outdoor recreational areas is a detriment to the public health, comfort, safety, welfare and prosperity of the residents of Lowndes County, and

WHEREAS, the regulation of noise audible in residential dwellings and proximate outdoor recreational areas serves the public health, comfort, safety, welfare and prosperity of the residents of Lowndes County,

NOW THEREFORE, be it and it is hereby ordained by the Board of Commissioners of Lowndes County that:

Section 1. Purpose

The purpose of this Ordinance is to prevent noise from disturbing the residents of Lowndes County in their dwellings and proximate outdoor recreational areas for the reason that such noise jeopardizes the public health, comfort, safety, welfare, and prosperity of the residents of the County and degrades the quality of life in the County.

Section 2. Geographic Area

This Ordinance applies to the unincorporated area of Lowndes County.

Section 3. Definitions

For purpose of this Ordinance, the following terms shall have the following meanings.

“Dwelling” means one or more rooms designed and occupied as living quarters of a family, individual, or group of individuals. Dwellings include single-family detached dwellings and multifamily dwelling units.

“Multifamily dwelling” means a building containing more than one unit of one or more rooms designed as living quarters of a family, individual, or group of individuals. Multifamily dwellings include apartments, duplexes, triplexes, condominiums, and attached townhomes.

“Multifamily dwelling unit” means a unit of one or more rooms within a multifamily dwelling designed and occupied as living quarters of a family, individual, or group of individuals.

“Noise” means any sound audible to the human ear. Noise includes but is not limited to:

- a. sound produced by mechanical sound-making devices such as radios, stereos, boom boxes, portable media players, televisions, musical instruments, horns, whistles, bells,

chimes or carillons, phonographs, loudspeakers, sound amplifiers and other machines and devices for the producing, reproducing or amplifying of sound;

- b. human-produced sounds such as yelling, shouting, hooting, whistling, singing, speaking and arguing;
- c. commercial advertising sounds;
- d. party noise;
- e. sound coming from motorized landscape maintenance devices such as lawn mowers, edgers, weed-whackers, leaf blowers, and chain saws;
- f. animal vocalizations from pets or nondomesticated animals;
- g. burglar, fire or car alarms;
- h. noise coming from construction and demolition activities such as hammering, nailing, drilling, sawing and paving; and
- i. noise coming from any commercial property, including restaurants and bars.

“Plainly audible” means any noise which can be heard or detected by the unaided and unimpaired human ear. Words and phrases need not be discernable in order for them to be considered plainly audible.

“Proximate outdoor recreational area” means any porch, patio, deck, swimming pool deck, courtyard, garden or yard immediately proximate to a single family detached dwelling or multifamily dwelling.

“Residential area” means any area zoned for residential use.

“Sealed dwelling” means any dwelling that has all of its windows and doors closed.

“Single-family detached dwelling” means a building designed and occupied as living quarters of a family, individual, or group of individuals unattached to another building.

“Unreasonably loud” means annoying or disturbing to the peace, quiet and comfort of a reasonable person of ordinary sensitivities.

Section 4. Noise audible within dwellings.

It is unlawful for any person or entity, between the hours of 10:00 p.m. and 7:00 a.m., to make, cause, or allow any noise from a source within his or its ownership or control that is plainly audible in the interior of any sealed dwelling.

Section 5. Noise audible upon premises of proximate outdoor recreational areas.

It is unlawful for any person or entity, between the hours of 10:00 p.m. and 7:00 a.m., to make, cause, or allow any noise from a source within his or its ownership or control that is plainly audible and unreasonably loud upon the premises of any proximate outdoor recreational area.

Section 6. Exceptions.

The prohibitions of this Ordinance shall not apply to noises audible to noises emanating from:

- a. church bells and chimes;
- b. organized sports league team practices and events;
- c. customary functions and activities on the premises of schools, including athletic events and band practices and performances;
- d. public safety vehicles, emergency signaling devices, or authorized public safety personnel for the purpose of alerting persons to the existence of an emergency;
- e. exterior burglar or fire alarms of any building, provided any such burglar or fire alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted, or 10 minutes, if intermittent, but the testing of burglar and fire alarms shall not be allowed between the hours of 8:00 p.m. and 7:00 a.m.;
- f. automobile alarms, provided any such alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted, or 10 minutes, if the sound is intermittent;
- g. situations within the jurisdiction of the federal Occupational Safety and Health Administration;
- h. systems used to warn the community of attack or imminent public danger such as flooding, fire, explosion, tornado, hurricane, or other inclement weather;
- i. aircraft where federal regulations preempt the local regulation of such specific operations;

- j. parades, celebrations, festivals, protests, marches, and other events permitted by the federal, state or county government;
- k. surface carriers engaged in commerce by railroad;
- l. activities controlled and within the jurisdiction of federal or state law;
- m. motor vehicles the noise from which is regulated by Georgia statute;
- n. emergencies requiring immediate attention;
- o. agricultural activities;
- p. residential air conditioner units;
- q. swimming pool filtering systems; and
- r. activities for which a temporary or periodic variance has been issued pursuant to the provisions of this Ordinance.

Section 7. Animal vocalizations and landscaping and construction activities.

Instead of the limitations set forth in Sections 4 and 5, the noise limitations set forth in this Section 7 apply to the following noises audible in residential areas:

- a. **Animal vocalizations.** Animal vocalizations plainly audible in a residential area between the hours of 7:00 a.m. and 7:00 p.m. shall be regulated as follows: vocalizations of pets and nondomesticated animals for more than 15 minutes without interruption or more than 30 minutes if intermittent are prohibited. The limitations in Sections 4 and 5 apply to animal vocalizations between 7:00 p.m. and 7:00 a.m. The limitations in this subsection and in Sections 4 and 5 do not apply if the vocalizations are given as a warning to or of the presence of an intruder.
- b. **Landscaping.** Power tools used for landscaping or yard maintenance which result in noise plainly audible in a sealed dwelling or unreasonably loud upon the premises of a proximate outdoor recreational area shall be operated only between the hours of 6:00 a.m. and 9:00 p.m.
- c. **Construction and demolition activity.** Construction and demolition activity or deliveries which result in noise plainly audible in a sealed dwelling or unreasonably loud upon the premises of a proximate outdoor recreational area shall only be performed between the hours of 6:00 a.m. and 7:00 p.m. on weekdays, or between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. There shall be no construction or demolition activity or deliveries which result in noise plainly audible in a sealed dwelling or unreasonably loud upon the premises of a proximate outdoor recreational area on Sundays, unless such

activity arises from an emergency which puts any person or property at risk of harm or loss.

Section 8. Temporary or periodic variances.

a. Any person or entity requesting temporary or periodic relief from this Ordinance shall apply for a temporary or periodic variance. The County Manager, or his designee, may issue a temporary or periodic variance pursuant to the following procedures and standards.

b. Applications for temporary or periodic variances shall state:

1. the nature and location of the noise source for which such application is made;
2. the reason for which a variance is requested, including any unnecessary hardship that will result to the applicant or the public if the variance is not granted;
3. an explanation of how the noise, if a variance is granted, will affect neighboring residents;
4. the times, nature and intensity of noise that will occur during the period of the variance;
5. a description of the noise control measures to be taken by the applicant to minimize the noise and the impact therefrom; and
6. the name, address, and means of contacting a responsible party who will have control over the noise for which a variance is requested.

c. Temporary or periodic variances shall be granted or denied based on consideration of the following criteria:

1. the times and duration of the noise for which a variance is requested;
2. the effect of the noise for which a variance is requested on neighboring residents;
3. any undue hardship application of this Ordinance will impose on the applicant or the public;
4. the social or economic value of the activity that will generate the noise for which a variance is requested; and
5. whether there is a reasonable alternative to the applicant.

d. A temporary or periodic variance must be in writing. The County Manager, or his designee, may not verbally grant a temporary or periodic variance.

e. Each temporary or periodic variance shall specifically state the time period for which the variance is applicable and shall be effective only for the time period stated in the variance.

f. Temporary or periodic variances may be granted subject to conditions imposed by the County Manager, or his designee, for the purpose of minimizing the effect of the noise permitted by the variance.

g. A temporary or periodic variance may be revoked by the County Manager, or his designee, and the issuance of future temporary or periodic variances withheld, if there is a:

1. violation of one or more conditions of the variance;
2. material misrepresentation of fact in the variance application; or
3. material change in any of the circumstances relied upon by the County Manager in granting the variance.

Section 9. Penalties for Violations.

Penalties for violations of this Ordinance may be imposed by the Magistrate Court of Lowndes County in accordance with the provisions of Article 4, Chapter 10, Title 15 of the Official Code of Georgia Annotated governing violations of county ordinances which provide that any ordinance violation may be punished by a fine up to \$1,000 or imprisonment up to six months.

Section 10. Repealer.

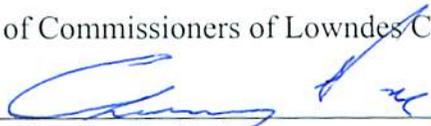
All ordinances or parts of ordinances in conflict with this Ordinance shall be and are repealed.

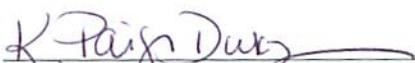
Section 11. Effective Date.

This Ordinance shall become effective November 1, 2011.

IT IS SO ORDAINED, this 27th day of September, 2011

Board of Commissioners of Lowndes County

By: 
Ashley Paulk, Chairman

Attest: 
K. Paige Dukes, Clerk