

ORDINANCE NO. 18-08

**AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 3-17 OF THE CODE OF ORDINANCES OF HENRY COUNTY, GEORGIA ENTITLED "NOISE CONTROL"; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES**

**WHEREAS**, Article IV of Chapter 3-17 (Sections 3-17-40 - 3-17-49) of the Code of Ordinances of Henry County, Georgia (hereinafter "Code"), entitled "Noise Control" contains regulations seeking to prevent excessive sound which may jeopardize the health, safety and welfare of the citizens of Henry County; and

**WHEREAS**, the adoption of an amendment to the Noise Control Ordinances by the Board of Commissioners of Henry County, Georgia would permit the County to regulate and define the times during which consumer or commercial fireworks may be used or ignited; and

**WHEREAS**, the Board of Commissioners deems it necessary and finds that it is in the public interest to amend the Noise Control Ordinance of Henry County, Georgia to regulate and define the times during which consumer or commercial fireworks may be used or ignited.

**NOW THEREFORE, BE IT ORDAINED** that it is the intention of the Board of Commissioners and it hereby is ordained by the authority of same that **ARTICLE IV of Chapter 3-17** of the Code of Ordinances of Henry County, Georgia; be and is amended to read as shown on Exhibit "A" attached hereto and incorporated herein by this reference.


**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon its adoption.

**BE IT FURTHER ORDAINED** that all ordinances and parts of ordinances or resolutions, or parts thereof, in conflict herewith, are hereby repealed.

**SO ORDAINED, ADOPTED AND APPROVED** by the Board of Commissioners of Henry County, Georgia this 4th day of December 2018.

HENRY COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
BRUCE HOLMES, VICE-CHAIR

ATTEST:   
STEPHANIE BRAUN  
COUNTY CLERK

## ARTICLE IV. - NOISE CONTROL

### Sec. 3-17-40. - Policy and purpose.

It is the public policy of the county and purpose of this article to prevent excessive sound which may jeopardize the health, welfare, safety, or peace and tranquility of its citizens, degrade the quality of human life, or constitute a nuisance.

(Ord. No. 00-08, § 1, 8-1-2000)

### Sec. 3-17-41. - Definitions.

Unless the context indicates otherwise, the meaning of the terms used in this article is as set forth in this section.

*General:* All definitions in all applicable publications of the American National Standards Institute (ANSI) (SI.1-1976, Acoustical Terminology) or its successor body.

*A-weighted sound level (dBA):* The sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated "dBA."

*Construction:* Any site, preparation, assembly, erection, substantial repair, alteration or similar action but excluding demolition, for or of public or private right-of-way, structures, utilities or similar property.

*Daytime:* That period of time covering the hours of 7:00 a.m. (0700) to 10:00 p.m. (2200).

*dBA:* See "A-weighted sound level."

*Decibel (db):* A unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

*Emergency:* Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

*Impulsive sound:* Any sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay, e.g., explosions, blasting, fireworks and discharge of firearms.

*Land use categories:* For the purpose of this article the land use categories shown on Table 1 as "residential," "commercial" and "industrial" shall have their ordinary and customary meaning provided further that the residential classifications shall include the following classification from the county zoning ordinance: RA, R-1, R-2, R-3, RD, RM, RMH, and PD (for all residential uses). The commercial classifications shall include the following classification from the county zoning ordinance: C-1, C-2, C-3, M-1, M-2, and OI (for all commercial uses). The industrial classifications shall include the following classification from the county zoning ordinance: M1 and M2 (for all industrial uses).

*Level L (1):* That noise (A-weighted sound level) exceeded one (1) percent of a measurement time equivalent to at least thirty (30) minutes.

*Level L (10):* That noise (A-weighted sound level) exceeded ten (10) percent of a measurement time equivalent to at least thirty (30) minutes.

*Level L (50):* That noise (A-weighted sound level) exceeded fifty (50) percent of a measurement time equivalent to at least thirty (30) minutes.

*Motor vehicles:* All self-propelled vehicles as defined in the Georgia Motor Vehicle Code, specifically including but not limited to mini-bikes, recreational vehicles, trail bikes and go-carts.

*Nighttime:* That period of time cover the hours from 10:00 p.m. (2200) to 7:00 a.m. (0700).

*Noise:* Any sound which endangers or injures the safety or health of humans or animals, which annoys or disturbs a reasonable person of normal sensitivities or endangers or damages real or personal property.

*Real property boundary:* An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person from that owned by another, but not including intra-building real property divisions.

*Receiving land use category:* That parcel of real property onto which noise travels or is received from any source on another parcel of real property.

*Sound:* An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including, but not limited to duration, intensity and frequency.

(Ord. No. 00-08, § 1, 8-1-2000)

#### **Sec. 3-17-42. - Maximum permissible sound levels.**

- (a) It shall be unlawful, except as expressly permitted herein, to make, cause or allow the making of any noise or sound which violates the provisions of this article.
- (b) No person shall operate or cause to be operated 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 (zoning classification) as measured at any point along the real property boundary separating the real property from which the sound emanates from the receiving land use category.
- (c) Sound level measurement shall be made with a sound level meter using the A-weighting scale in accordance with the standards promulgated by the American National Standards Institute (ANSI) for a Type 2 or better sound level instrument and with the measurement period being a minimum of thirty (30) minutes continuous duration.
- ~~(d) Impulsive sounds as herein defined shall be permitted provided such impulsive sounds do not create a sound level which exceeds the limits set forth in Table 1 for the receiving land use category as measured at the real property boundary when measured at or beyond the property boundary of the land use category from which the sound emanates.~~

(Ord. No. 00-08, § 1, 8-1-2000)

#### **Sec. 3-17-43. - Exemptions.**

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

- (1) Domestic power tools, chain saws, lawn mowers, blowers, agricultural equipment and other domestic power-operated equipment when operated with a property functioning muffler meeting manufacturer's standards, between the hours of 8:00 a.m. and 9:00 p.m. on weekdays and 10:00 a.m. and 9:00 p.m. on weekends and holidays.
- (2) Noises resulting from any authorized emergency vehicles when responding to an emergency.
- (3) Noises made by persons having obtained a parade, concert or construction permit from the county.
- (4) Any noise 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.
- (5) Aircraft-related noises associated with aircraft while in flight and while under the jurisdiction of the Federal Aviation Administration or the Department of Defense.

**(6) Impulsive sounds e.g., explosions, blasting, fireworks and discharge of firearms.**

**Consumer fireworks or commercial fireworks to be used or ignited at the following times:**

- (A) Consumer fireworks on any day beginning at 5:00 P.M. and ending at 10:00 P.M. and Commercial fireworks on any day beginning at 5:00 P.M. and ending at 11:30 P.M.**
- (B) The enforcement of a noise ordinance as provided in (A) would not be effective on January 1st, the last Saturday and Sunday in May (before Memorial Day), July 3rd, July 4th, the first Monday in September (Labor Day), and December 31st during such 10:00 a.m. to 11:59 p.m. time period; and**
- (C) The enforcement of a noise ordinance or any other ordinance preventing use or ignition of consumer fireworks or fireworks would not be effective on January 1st from 12:00 a.m. (midnight) to 1:00 a.m.**

(Ord. No. 00-08, § 1, 8-1-2000)

**Sec. 3-17-44. - 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 county continuously and/or incessantly for a period in excess of sixty (60) seconds, except as a danger warning.
- (2) *Radios, televisions, loudspeakers, musical instruments and similar amplified devices.* 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.
- (3) *Street sales.* The offering for sale by shouting or outcry within any residential, commercial or noise-sensitive area except by permit issued by the county.
- (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 annoy or disturb an ordinary reasonable person of normal sensitivities across a residential or commercial boundary line or within a noise-sensitive area. For the purpose of this article, "barking dog" shall mean a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of fifteen (15) minutes, or barks intermittently for one-half (½) hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "barking dog" if, at the time the dog is barking making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.
- (5) *Emergency signaling devices.*
  - a. Except in a case of an emergency, the intentional sounding of any alarm between the hours of 9:00 p.m. and 8:00 a.m.
  - b. The testing of any alarm for a period in excess of sixty (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 said emergency signaling system for a period in excess of fifteen (15) minutes.

(Ord. No. 00-08, § 1, 8-1-2000)

**Sec. 3-17-45. - Motor vehicles.**

- (a) *Maximum sound levels.* No person shall operate a motor vehicle or motorcycle at any time on a public or private road in such a manner as to exceed the sound level limits for the category of motor vehicle shown in Table 2. The sound level shall be measured at a distance of at least fifty (50) feet from the centerline of the path of the vehicle being monitored and at a height of at least four (4) feet above the immediately surrounding surface. This section shall apply to the total noise from a vehicle.
- (b) *Adequate mufflers or sound-dissipative devices.*
  - (1) No person shall operate or cause to be operated any motor vehicle or motorcycle on a public or private road which is not equipped with a muffler or proper working order and in constant operation.
  - (2) No person shall remove or render inoperative or cause to be removed or rendered inoperative any muffler or sound-dissipative device on a motor vehicle or motorcycle other than for purposes of maintenance, repair or replacement.
  - (3) The provisions of the subsections of this section apply to moving motor vehicles. Those motor vehicles operating in a stationary position or condition are governed by the provisions of section 3-17-42 and the levels specified in Table 1.

(Ord. No. 00-08, § 1, 8-1-2000)

**Sec. 3-17-46. - Special temporary permits.**

- (a) Any person desiring temporary relief from any provision of this article may apply for a special permit to cause or create a noise at sound levels which would otherwise be in violation of this article. Applications for a special permit shall be made in writing to the business license office on forms provided for that purpose. The business license office shall conduct an investigation and make a recommendation to the board of commissioners concerning such permit. In this connection, the business license office may require the applicant for the special permit to submit reports and documents showing noise levels customarily generated by such activity, proposed means for regulating or controlling such sounds, and other such information and data as may be deemed appropriate by the building official. A fee of twenty-five dollars (\$25.00) shall accompany the application.
- (b) The special permit herein provided may be granted to the applicant by the board of commissioners for a period of up to fifteen (15) days following a review of the report and information complied by the building official and upon a showing of any of the following:
  - (1) Additional time is necessary for the applicant to alter or modify the sound-producing activity in order to comply with the provisions of this article;
  - (2) The activity operation or noise source shall be of a temporary duration, and repetitive and continuous, and cannot be done in a manner that would comply with the provisions of this article; or
  - (3) No reasonable economic or technological alternative, as determined by the board of commissioners in its sole discretion, is currently available to the applicant.
- (c) Any permit granted pursuant to this section shall contain thereon all conditions upon which said permit shall have been granted, including but not limited to the effective date of the permit, the time of day when the noise-producing activities may be conducted by the applicant, the location in which said activities may be conducted, the duration of the permit, any sound, level limits imposed by the permit, and any equipment limitations that may be imposed.
- (d) Any special permit granted hereunder may be extended upon new application made for additional fifteen-day intervals by the board of commissioners provided good cause is shown.

(Ord. No. 00-08, § 1, 8-1-2000)

**Sec. 3-17-47. - Enforcement responsibility.**

- (a) Upon receipt of a complaint brought by a citizen or property owner or upon their own motion following independent investigation of possible infractions of this article, the Henry County Code Enforcement Director, or his or her authorized designees, and all county law enforcement personnel, including members of the Henry County Police Department, shall be authorized to enforce the provisions of this article.
- (b) The expenses of sound level testing performed by the county in checking the sound levels produced by a particular land use or activity may, at the discretion of the county, be assessed against the producer of such sound or against the complaining party if the complaint is found to be wholly frivolous and without merit.

(Ord. No. 00-08, § 1, 8-1-2000)

**Sec. 3-17-48. - Penalties.**

- (a) Any person who violates any provision of this article may be assessed a fine of up to one thousand dollars (\$1,000.00) or imprisonment for sixty (60) days or both, as provided in O.C.G.A. § 36-1-20(b).
- (b) Each day any violation of this article shall continue shall constitute a separate offense.
- (c) In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any provisions of this article shall be deemed a public nuisance and may be abated by the county as provided by law or ordinance. Each day that such condition continues shall be regarded as new and separate offenses.

(Ord. No. 00-08, § 1, 8-1-2000)

**Sec. 3-17-49. - Cooperation of all departments.**

All departments and agencies of the county shall, to the fullest extent consistent with their authority, carry out their programs in such a manner as to further the policy of this article.

(Ord. No. 00-08, § 1, 8-1-2000)

**APPLICABLE NOISE LIMITS**

**TABLE 1**

Measurement period is one-half hour (continuous), as measured at the property boundary of the receiving parcel.

*Sound level in decibels  
A-scale (dBA)*

Zoning Classification	DAY (0700-2200 hours)			NIGHT (2200-0700 hours)		
	L1	L10	L50	L1	L10	L50

Residential	75	70	65	65	60	55
Commercial	80	75	70	70	65	60
Industrial	85	80	75	75	70	65

(Ord. No. 00-08, § 1, 8-1-2000)

TABLE 2

No person shall operate a motor vehicle or combination of vehicles of a type subject to registration by the motor vehicle laws of the State of Georgia at any time or under any conditions of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limits for the category of motor vehicle within the speed limits specified below:

*Sound level in decibels  
A-scale (dBA)*

Motor Vehicle Category	35 mph or less	More than 35 mph
Motor vehicles with a weight rating of 6,000 pounds or more	86	90
Any motorcycle or other than motor-driven cycle	82	86
All other motor vehicles and any combination of vehicles towed by such vehicle	72	

(Ord. No. 00-08, § 1, 8-1-2000)

# Henry County

## EXECUTIVE SUMMARY

### BOARD OF COMMISSIONERS MEETING

DIVISION: Public Safety

Meeting Date:

December 4, 2018

Department Requesting Agenda Item:

Fire

Action Type:

☒

Action requested by BOC

☐

For informational purposes only

Attachments/Exhibits for Agenda Item:

Resolution  
Current Charge  
New Ordinance  
Approval Sheet

Presenter:

Assistant Chief Joe Kelley

Agenda Item:

Approval of an amendment to the Noise Control ordinance regarding the use of Fireworks.

Background/Summary:

HCFD is updating Article IV.- Noise Control Ordinance  
The amendment is regarding the use of consumer and/or commercial fireworks to be used or ignited.

Additional Comments / Recommendation:



## HENRY COUNTY BOARD OF COMMISSIONERS

### Approval Sheet for Agenda Items

DEPARTMENT: \_ Fire

MEETING DATE: , December 4, 2018

**AGENDA ITEM:**

Approval of an amendment to the Noise Control ordinance regarding the use of Fireworks.

Department Director Signature: [Signature] DATE: 10-29-18  
Comments:

Grants (If Applicable): \_\_\_\_\_ DATE: \_\_\_\_\_

Budget Director (If Applicable): \_\_\_\_\_ DATE: \_\_\_\_\_  
Comments:

Purchasing Director (If Applicable): \_\_\_\_\_ DATE: \_\_\_\_\_  
Comments:

County Attorney Signature: [Signature] DATE: 11-26-2018  
Comments:

County Manager Signature: [Signature] DATE: 11.26.18  
Comments:

Received in County Clerk's Office by: \_\_\_\_\_ Date: \_\_\_\_\_