

ORDINANCE NO. 23-11

**AN ORDINANCE AMENDING SECTION 46-62(14) OF THE CODE OF ORDINANCES
REGARDING TIMES FOR THE PROVISION OF
GARBAGE SERVICE**

STATE OF GEORGIA

COUNTY OF PAULDING

WHEREAS, the Board of Commissioners of Paulding County is authorized to enact resolutions and ordinances governing activities and properties in the unincorporated areas of Paulding County, Georgia;

WHEREAS, the Board of Commissioners has previously enacted a noise ordinance which generally prohibits anyone from “creat[ing] any unreasonably loud, disturbing and unnecessary noise within the unincorporated area of the county.” Paulding County Code Section 46-61;

WHEREAS, Paulding County Code Section 46-62(14) specifically provides that due to concerns with noise, garbage and trash service may not be conducted in any residentially zoned areas during certain evening and morning hours;

WHEREAS, the Board of Commissioners desires to amend the above-referenced prohibition to limit its application to “neighborhood subdivisions” as opposed to residential zoning districts due to the fact that the majority of the County is zoned residential despite the actual presence or absence of residential structures thereon;

WHEREAS, with this amendment, the current restrictions will remain in place prohibiting the collection of garbage within neighborhood subdivisions during certain hours;

however, the collection of garbage will be permitted to occur without time restrictions in those areas that are located outside of neighborhood subdivisions.

NOW THEREFORE, be it ordained by the Paulding County Board of Commissioners as follows:

1.

Section 46-62(14) of the Code of Paulding County, including the section title, is hereby amended as set forth on the attached Exhibit A. Except as otherwise provided, ~~strike through~~ language indicates deletions and underlined language indicated additions.

2.

This amendment shall be effective upon passage.

3.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

4.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

5.

All other aspects of the Code of Ordinances of Paulding County, Georgia shall remain in full force and effect.

SO ORDAINED THIS 10th DAY OF October, 2023.

VOTE ON ORDINANCE

	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Chairman David L. Carmichael	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Post 1 Keith Dunn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Post 2 Sandy Kaecher	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Post 3 Virginia Galloway	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Post 4 Brian Stover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

Rebecca Merideth

Rebecca Merideth
Clerk, Paulding County Board of Commissioners



EXHIBIT A

Sec. 46-62. Illustrative enumeration Specific noise prohibitions.

The following acts are declared to be loud, disturbing and unnecessary noises and shall be noises in violation of this article:

...

- (14) *Residential domestic services.* The provision of, contracting for and operation of residential domestic services, including, trash, garbage, and/or debris removal, landscaping, yard maintenance, and the general operation of domestic power tools such as chainsaws, lawn mowers, blowers, trimmers and other domestic power-operated equipment when operated with a property functioning muffler meeting manufacturer's standards, other than between the hours of 6:00 a.m. and 10:00 p.m. Monday through Friday, 7:00 a.m. and 8:00 p.m. on Saturday and Sunday; ~~provided, however, that this paragraph shall not apply to property of any form zoned other than a "Residential" district or category as set forth and defined in the Paulding County Zoning Ordinance.~~ For the purpose of determining a responsible party for violations of this paragraph, the property owner and/or person residing upon the property that is the source of such related violation(s) will be considered the primary responsible party; while the provider of any such domestic services, if the provider is other than the owner and/or resident, may be considered a secondary responsible party. The prohibitions set forth in this paragraph shall not apply to the following:

a. Non-residential zoned property; or

b. Trash/garbage service in residential areas located outside of a neighborhood subdivision. For purposes of this provision a neighborhood subdivision is a subdivision shown on the Paulding Map maintained by the Paulding County Geographic Information Systems Division using the Land Parcels/Subdivisions Map Layer which may be accessed by the public at www.paulding.gov/156/GIS.