

ORDINANCE NO. 2012-22

AN ORDINANCE BY THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA, GEORGIA, OF CHAPTER 46 SECTIONS 46-1 NOISE REGULATION BE AMENDED AS FOLLOWS:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SMYRNA, GEORGIA:

That Section 46-1 of the Code of Ordinances of the City of Smyrna, Georgia, be removed in its entirety and amended to read as follows:

All terminology used in this article, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

Sec. 46.1 – Noise Regulation

- (a) *Definitions.* The following words and terms, when used in this section, shall have the following meanings:

A-weighting is the electronic filtering in sound level meters that models human hearing frequency sensitivity.

Ambient sound level shall mean the A- weighted should level of all sounds associated with a given environment, exceeded by ninety (90) percent if the time (L90) measured and being a composite of sounds from many sources during the period of observation while the sound from the noise source of interest is not present.

Background sound level is the total sound pressure level in the area of interest excluding the noise source of interest.

Commercial or business property category includes all property which is used primarily for the sale of merchandise or goods, or for the performances of service, or for office or clerical work.

Construction is any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

Continuous sound is a sound that has a constant or regular duration exceeding two minutes of time.

Decibel (dB) is the unit of measurement for sound pressure level at a specified location.

dBA is the A-weighted unit of sound pressure level.

Emergency is any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

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

Impulsive sound is a sound having duration of less than one minute with an abrupt onset and rapid decay and an occurrence of three times in thirty (30) minutes.

Industrial or manufacturing property category included any property which is used primarily for manufacturing or processing.

Institutional property category includes any property which is used primarily for public purposes such as city hall or a city park.

Legal holidays recognized by Smyrna include New Years Day, Martin Luther King Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day.

Mixed use district is established to provide locations for planned mixed use development of commercial, office and residential uses. The proper definition can be found Sec. 720. - [MU], mixed use district.

Muffler is a sound-dissipative device or system for attenuating the sound of escaping gases of an internal combustion engine.

Multi-family dwelling is any building or other shelter that has been divided into separate units to house more than one family.

Noise is any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance is any sound that (a) endangers the safety or health of any person, (b) disturbs a reasonable person of normal sensitivities, or (c) endangers personal or real property.

Octave band is all of the components in a sound spectrum whose frequencies are between two sine waves components separated by an octave.

Premises shall mean any building, structure, land, utility or portion thereof, including all appurtenances, and shall also include yards, lots, courts, inner yards and real properties without buildings or improvements, owned and controlled by a person.

Public space property category includes any real property or structures thereon that is owned, leased, or controlled by a governmental entity.

Real property line is the line, including its vertical extension that separates one parcel of real property from another.

Receptor premises shall mean all real property including appurtenances thereon which is owned or controlled by any governmental entity and shall include streets, alleys, parks and waterways.

Residential property category includes all property on which people live and sleep or parks or hospitals or schools or nursing homes or that which is not commercial or industrial.

Source premises shall mean the premises (residential, commercial, industrial, and multi use district) as listed in Table 1 that is emitting noise that is crossing one (1) or more property lines and impacting the receptor premises.

Sound level meter (SLM) is an instrument used to measure sound pressure levels conforming to Type 1 or Type 2 standards as specified in ANSI Standard S1.4-1983 or the latest version thereof.

Sound pressure level (SPL) is 20 multiplied by the logarithm, to the base ten, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.

Weekday is any day, Monday through Friday, which is not a legal holiday.

(b) *Scope.* The provisions of this ordinance shall apply to the control of all sound originating within the geographical limits of the city and outside the city limits, within all territory to which the jurisdiction of the city extends.

(c) *Sound level limitations*

(1) No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the continuous and impulsive sound level limits set forth in Table 1. Sound will be measured at 40 feet or the real property line of the source premise to the real property line of the receptor premise, whichever is the greatest distance. If the sound is greater than the limits contained in Table 1, the sound source would constitute a noise disturbance.

	Receptor Premises								
	Residential		Commercial		Industrial		Mixed Use District		
Source Premises	7 am – 11 pm	11:01 pm – 6:59 am	7 am – 11 pm	11:01 pm – 6:59 am	7 am – 11 pm	11:01 pm – 6:59 am	7 am – 11 pm	11:01 pm – 4:00 am	4:01 am – 6:59 am
Residential Property	65	60	65	60	65	60	65	60	60
Commercial Property	65	60	70	65	70	65	70	65	65
Industrial Property	70	65	75	70	80	75	75	75	65
Mixed Use District	70	65	70	65	80	75	75	75	65

(3) *Exemptions.* The following are exempt from the sound level limits of section (c)(1-2):

- a. Noise from emergency signaling devices, trains, airplanes;
- b. Sound from church bells and chimes when a part of a religious observance or service;
- c. Noise from landscape and yard equipment when operated between 7:00 a.m. and 9:00 p.m. on weekdays and between 8:00 a.m. and 9:00 p.m. on weekends and legal holidays, provided all motorized equipment are equipped with functioning mufflers.
- d. The erection (including excavation and site development), demolition, alteration or repair of any building in or within 300 feet of any property zoned residential within the city, and the excavation of streets and highways in or within 300 feet of any residential zoning district in the city, other than between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday

and between the hours of 9:00 a.m. and 6:00 p.m. Saturday, unless such operations which are carried on in such a manner or in such a location as not to create sound exceeding 60 dB(A), when measured at or beyond the property boundary of the property from which the sound emanates.

- e. Noise generated from municipally sponsored celebrations or events shall be exempt from the provisions of this section.

(4) Enforcement procedures

1. 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 in city Code Section 1-8. If the violation is of a continuing nature, each day during which it occurs shall constitute a separate violation.
2. In lieu of issuing a fine as provided in section (d)(1), the city judge may issue an order requiring immediate abatement of any sound source alleged to be in violation of this section.
3. No provision of this section shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this section or from other law.

Approved by Mayor and Council this 17th day of December, 2012

Attest:

A. Max Bacon, Mayor

Susan D. Hiott, City Clerk

City of Smyrna

Approved as to form:

Scott A. Cochran, City Attorney

City of Smyrna