

ORDINANCE 2023-07
CITY OF KINGSLAND, GEORGIA

TO AMEND CHAPTER 14, ARTICLE 1, SECTION 14-7

AN ORDINANCE TO REPEAL AND REPLACE SECTION 8-301 THROUGH 8-307 OF THE 1968 CITY CODE IN ITS ENTIRETY.

- **14-7- NOISE CONTROL**

- **- Short title.**

This article shall be known as the City of Kingsland Noise Control Ordinance.

- **- Purpose and intent.**

This article is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the city through the control of noise, a recognized form of environmental pollution. It is the intent of this article to establish objective standards that will reduce excessive community noises, which are harmful and otherwise detrimental to individuals and to the community in the enjoyment of life and property and in the conduct of business. It is not the intent of this article to regulate noises based upon its source but based upon objective volume limitations at objective distances from the source, which for purposes of this article intentionally vary based upon the time of day and reasonable expectations of persons occupying the area during the relevant time period. It is not the intent of this article to regulate speech, under either the U.S. or Georgia Constitutions. This article has been narrowly tailored as a content-neutral time, place, and manner regulation to serve a significant governmental interest while leaving open ample opportunity for communication.

- **- Definitions.**

For purposes of this article, the words, terms and phrases which follow shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning. Generally, all definitions in all applicable publications of the American National Standards Institute (ANSI) S1.1-1994, Acoustical Terminology or its successor body shall be applicable.

Administrator means the city manager or his or her designee.

Ambient sound level means the background level of all sound in a given district area independent of the specific source being measured.

Commercial area is a group of commercial facilities and the abutting public right-of-way and public spaces.

Commercial facility is any premises, property, or facility involving traffic in goods or furnishing of services for sale or profit.

Construction means any site preparation, clearing, grading, assembly, erection, demolition, substantial repair, alteration or similar action taken upon any public or private property or any structure attached hereto.

Day or daytime, for the purposes of this article, shall be the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday and between 8:00 a.m. and 8:00 p.m. on Saturday, Sunday and national holidays.

dB(A) is a unit of measurement which describes the sound level measured, using the "A" weighting scale which reflects the response characteristics of the human ear to sound. Said unit is also known as a decibel.

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

Equipment means any stationary, mobile, self-powered, or portable device or any part thereof capable of generating sound.

Farm animals means those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family, bovine family, sheep, poultry, fowl, swine, goats, llamas, vicunas, ostriches, bees, and other animals which are commonly cultured for agricultural commodities.

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the recommended maximum loaded weight of a single vehicle.

Land use the land use categories shown in "Quantitative Standard for Sound" of this article shall have the meanings ascribed to them in the city zoning ordinance. Residential classification shall include all residential districts defined in the city zoning ordinance, including but not limited to agricultural reserve (A-R). The commercial classification shall include all commercial districts defined in the city zoning ordinance. The industrial classification shall include all industrial districts defined in the city zoning ordinance.

Motor vehicle means any vehicle which relies on an engine, motor, or similar apparatus for propulsion and is used primarily for transporting persons or property upon land.

Muffler means a device designed to dissipate sound emitted by an internal combustion engine, receiving exhaust gas from the engine, or for the purpose of introducing water to the flow of the exhaust gas from the engine.

Night or nighttime, for the purposes of this article, shall be the hours between and including times between 9:01 p.m. and 12:00 a.m. Monday through Thursday, 12:01 a.m. and 6:59 a.m. Monday through Thursday, between 12:01 a.m. 6:59 a.m. on Friday, between 10:01 p.m. to 12:00 a.m. on Friday, between 12:01 a.m. and 7:59 a.m. on Saturday, between 10:01 p.m. to 12:00 a.m. on Saturday, between 12:01 a.m. and 7:59 a.m. on Sunday, and between 9:01 p.m. and 12:00 a.m. on Sunday. National holidays shall comply with Sunday hours. See "day or daytime" for complementing definition.

Noise for purposes of this article, "noise" means a sound or sounds of any kind, that is repetitive or continuous, and of sufficient duration, that a person of reasonable auditory sensitivity would consider loud, unpleasant, unexpected, or undesirable.

Noise sensitive area means a property or combination of properties that include a use where quiet is expected and noise would be disruptive to operations and use. For the purposes of this article, these uses shall include residential areas, hospitals, nursing homes, schools, courthouses, places of worship, libraries, cemeteries, and public parks.

Periodic sound is a sound having a sound level which varies repetitively with a period of one minute or less, which has a peak value of more than five dB(A) above the ambient level.

Person means any individual, firm, association, partnership, corporation, company, society, political subdivision, or any other entity, public or private.

Property means an interest or aggregate of rights in land which is guaranteed and protected by law including a leasehold interest.

Property boundary means an imaginary line along the ground surface and its vertical extension, which separates the real property of one or more persons from that of others. In the case of separate tenancies or ownerships which share a common wall, floor, or ceiling, the term "property boundary" means the edge of the wall, floor, or ceiling which is on the side of the receiving tenancy or ownership.

Public disturbance noise means any sound which, because of its random or infrequent occurrence, is not conducive to measurement under the quantitative standards established in this article and which endangers or injures the safety or health of humans or animals, or endangers or damages personal or real property, or annoys, disturbs or perturbs any reasonable person of normal sensitivities, or is specifically included in those listed in "Quantitative Standard for Sound."

Public park means property owned by the public containing facilities for active or passive recreational use. The path system and other paths owned by the public are considered to be public parks.

Public roadway means the entire width between the right-of-way lines of every roadway publicly maintained by the state or any county or city, when any part of the right-of-way is generally open to the use of the public for purposes of vehicular travel as a matter of right.

Receiving property means property within which sound originating beyond its property boundary is received.

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

Special construction vehicle means any vehicle which is designed and used primarily for grading, paving, earthmoving, and other construction work; which is not designed or used primarily for the transportation of persons or property on a public roadway; and which is only incidentally operated or moved over the roadway.

Temporary construction site means any location where site clearing, construction of plat improvements, or construction or remodeling of a structure, facility, improvement, or other feature attached to the land occurs including roadway, bikeway, trail, sidewalk, or other similar construction, repair, or improvement.

Warning device means any device intended to provide public warning of potentially hazardous, emergency or illegal activities, including but not limited to a burglar alarm or vehicle backup signal, but not including any fire alarm.

Water craft means any contrivance powered by an internal or external combustion engine or electrically powered engine used or capable of being used as a means of transportation or recreation on water.

Weekday means any day Monday through Friday which is not a legal holiday as defined by state law.

Weekend means Saturday and Sunday, or any legal holiday as defined by state law.

- **- Quantitative standards for sound.**

(a) *Unlawful sounds.* Except as otherwise provided in this article, it shall be unlawful for any person to make, continue or cause to be made or continued, or for any person in possession of property to allow to originate from the property, sound which intrudes into the property of another person and exceeds the maximum permissible sound levels established in table 1.

(b) *Maximum permissible sound levels.* Measurement of sound levels from all sources except motor vehicles on public roads, shall be made at or within the property boundary of the receiving property. Sound measurements shall be for a period of time not less than ten minutes, of which no more than ten percent of the measurement period shall exceed the limits set forth in table 1.

Table 1: Maximum Permissible Sound Levels By Receiving Property

DISTRICT OF RECEIVING PROPERTY	
SINGLE FAMILY RESIDENTIAL, NOISE SENSITIVE AREA, PUBLIC PARKS	65 dB(A) Day and Night
MULTIFAMILY DWELLING	60 dB(A)Day and 60 dB(A) Night
COMMERCIAL	70 dB(A)
INDUSTRIAL	75 dB(A)

(Ord. No. , 05/12/2023)

- **- Specific public disturbance noise prohibitions.**

In addition to the general prohibitions set forth above, it is unlawful for any person to cause, suffer, allow, or permit any of the following sounds.

(1) *Sounds occurring at any time of day or night and resulting from the following causes:*

a. *Animals and birds.*

Sounds resulting from the owning, possessing, keeping or harboring of any animal which frequently or for a continued duration, howls, barks, meows, squawks, or makes other sound which creates excessive noise across a residential or commercial real property line or within a noise sensitive area, except sounds emanating from farm animals in zones where farm animals are allowed and except the keeping or harboring of animals in commercial kennels, animal shelters, veterinary hospitals, and grooming parlors that are operating in conformance with a valid business license. For the purpose of this subsection, excessive noise shall mean an animal that makes any noise continuously and/or incessantly for a period of ten minutes, or intermittently for 20 minutes 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 barking dog making any noise at a person trespassing or threatening to trespass upon property in or upon which the dog is situated shall not be considered making excessive noise.

b. *Exhausts.*

Sounds resulting from the use of unmuffled exhaust systems on motor vehicles, off-road vehicles, and recreational watercraft.

c. *Disturbance of noise-sensitive uses.*

Sounds which are loud and raucous and are made within 1,000 feet of any school, institution of learning, place of worship, court, hospital, sanitarium, nursing, or convalescent facility, while the same are in use, and which unreasonably interfere with the workings or use of such facility, or which disturb the peace, comfort, or repose of persons therein; provided, conspicuous signs be posted which indicate the nature of the institution.

d. *Loudspeakers and amplifiers.*

Sounds created by the use of any sound amplifier whether mounted upon vehicle or not, for the purpose of broadcasting, advertising or attracting of attention to relay information to any party about any business or activity.

e. *Instrument or Amplifier.*

Sounds created through the use of a musical instrument, sound amplifier, or other device capable of producing or reproducing sound, including but not limited to television and radios, when said sounds are heard as comprehensible music lyrics or rhythms that are felt:

1. Within any residence or residential lot except the residence from whence the noise originates;

or

2. Outdoors in a commercial or residential district at a distance of 100 feet or more from the noise source. Such sounds include band sessions, sound systems, and electronic sound reproduction equipment whether the source of the sound is stationary, portable, or in a vehicle. This does not pertain to sound generated from permitted events.

f. *Hawkers and peddlers.*

Sounds which result from the selling of anything or otherwise attracting or attempting to attract attention for any reason by outcry or use of a drum or other instrument or device within residential areas.

(2) Nighttime sounds in residential districts.

Sounds resulting from the following activities are determined to be public disturbance noise when they occur at night and are received on property in any residential district.

a. *Tools.* Operation within any residential district of any mechanically powered saw, drill, sander, grinder, blower, fan, garden tool or similar device, except devices engaged in emergency work specifically exempted by this article.

b. *Equipment.* Operating or permitting someone to operate any internal combustion powered equipment.

c. *Construction.* Construction activity, including blasting, unless a permit has been obtained or the work is specifically exempted by this article.

d. *Idling.* The operation or idling, for more than ten minutes at a time, of stationary trucks weighing in excess of 10,000 pounds GVWR, except vehicles engaged in emergency work exempted by this article.

e. *Garbage.* The collection of trash or refuse shall not be permitted between the hours of 11:00 p.m. and 6:00 a.m.

- **- Exemptions.**

(a) Sounds exempt at all times.

The following sounds are exempt, at all times, from the maximum permissible sound levels established in this article.

(1) Sounds originating from aircraft in flight and sounds which originate at airports and are directly related to flight operations.

(2) Sounds created by the operation of equipment or facilities of surface carriers engaged in interstate commerce by railroad.

(3) Noise resulting from the use of any emergency equipment and vehicle necessary for law enforcement or for the health, safety and welfare of the community, when said equipment or vehicle is used for these purposes.

(4) Sounds created by the discharge of firearms by law enforcement or similar organizations during training exercises or by anyone in an indoor rifle range, which is sited, developed and operated in accordance with all laws applicable to such activity, or firearm discharge by said organizations in the line of duty.

(5) Noises created by safety, protective, and warning devices, where noise suppression would defeat the safety purpose of the device.

(6) Sounds caused by farm animals and similar in agricultural zoning districts where said animals are permitted to be harbored or kept.

(7) Noise from any building or automobile burglar alarm provided such alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted or ten minutes if the sound is intermittent.

(8) Sounds originating from persons holding a permit for parades and other public events.

(9) Sounds created by back-up beepers, provided that at night these sounds shall not be allowed to exceed the noise level necessary to comply with the provisions of this article.

(10) Activities necessary for clean-up and site protection when weather conditions create an emergency.

(11) Activity necessary for construction or repair projects, which for reasons of public safety require that the work be done at night.

(12) Sounds created by or incident to the use of a public amphitheater, sporting arena, public park, stadium or recreation field, which is owned by a school (public or private), the city or the county and is used for its intended uses.

(13) Sounds originating from electrical substations and transmission lines.

(14) Sounds originating from stationary equipment used in the conveyance of water by a utility.

(b) Sounds exempt during daytime hours.

The following sounds are exempt during daytime hours, from the maximum permissible sound levels established in this article.

(1) Sounds created by construction equipment, including special construction vehicles, at temporary construction sites.

(2) Sounds created by bells, chimes, or carillons not operating for more than five minutes in any one hour.

(3) Sounds created by powered equipment which is engaged in temporary or periodic maintenance or repair of residential property.

(4) Sounds created by the installation or repair of essential utility services.

(5) Sounds created by aircraft engine testing and maintenance.

(c) Sounds exempt during nighttime hours.

The following sounds are exempt from the nighttime reduction provisions of this article.

(1) The use or ignition of consumer fireworks as defined in O.C.G.A. § 25-10-1 shall be permitted as set forth in Sec. 15-31 of the Kingsland Code of Ordinances.

- **- Enforcement and appeals.**

(a) Administrative and enforcement personnel.

The city manager or a person designated by the city manager is authorized and directed to administer and enforce the provisions of this article including, but not limited to, the conducting of investigation for issuance of disturbance permits. The officers of the police department and code enforcement are authorized and directed to enforce the provisions of this article through citation for violation of the provisions hereof. All city departments are authorized to assist the administrator in the administration and enforcement of this article.

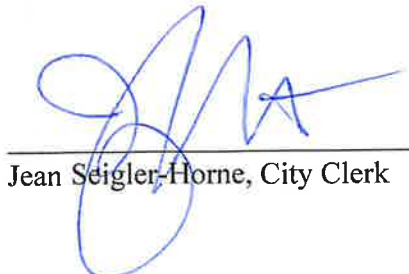
(b) Whenever the police department or code enforcement department determines that a violation of any of the provisions of this article has occurred, the police department or code enforcement department may cause the issuance of a citation for infraction of this article.

Adopted this 22nd day of May, 2023



Dr. C. Grayson Day, Jr., Mayor

ATTEST:



Jean Seigler-Horne, City Clerk