

**ORDINANCE 2026-05 (A-26-01)**

**AMENDMENT TO SECTION 10-65, SECTION 10-3, SECTION 4-30 AND SECTION 12-40 OF THE DORAVILLE CODE OF ORDINANCES REGARDING PERMITTED HOURS OF CONSTRUCTION AND DEMOLITION AND NOISE FROM CONSTRUCTION ACTIVITIES.**

- WHEREAS:** The Mayor and Council of the City of Doraville (“Council”) are charged with the protection of the public health, safety, and welfare of Doraville residents; and
- WHEREAS:** The City has the authority to regulate use and development of land within its jurisdiction; and
- WHEREAS:** This authority includes regulating the hours that construction and demolition activities may occur; and
- WHEREAS:** The Doraville Code of Ordinance had two conflicting sections, 10-3 and 10-65, which had differing permissible hours for construction activities; and
- WHEREAS:** The purpose of this text amendment is to delete Sec. 10-3 and amend Sec. 10-65 so that it is clear when construction activities are allowed; and
- WHEREAS:** A duly noticed public hearing was held;

**NOW THEREFORE,** the Mayor and Council of the City of Doraville, Georgia hereby ordain:

**Section 1:** That Sec. 10-65 shall be amended to read as follows:

**Sec. 10-65. Specific prohibitions.**

In addition to the general prohibitions set out above and unless specifically tied to the levels set forth in section 10-66, the following specific acts are declared to be in violation of this article regardless of the decibel levels.

- (1) *Horns, signaling devices.* The sounding of any horn or signaling device on any motor vehicle or any street or public place in the City continuously and/or incessantly for a period in excess of sixty (60) seconds, except as a danger warning.
- (2) *Radios, televisions, musical instruments and similar devices.*
  - a. 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.
  - b. The operating or playing of any radio, television, phonograph, musical instrument or similar device which produces or reproduces sound in a motor vehicle or public park in a manner as to be plainly audible at a distance of fifty (50) feet.
  - c. The operating or playing of any radio, television, phonograph, musical instrument or similar device which produces or reproduces sound in such a

manner as to exceed the levels set forth in section 10-66 for the land use category.

(3) *Commercial loudspeakers.*

- a. The using or operating of any commercial loudspeaker that is plainly audible at or beyond the closest residential property boundary between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 10:00 a.m. on weekends and holidays is prohibited.
- b. The use or installation of any commercial loudspeaker at any location which is within one thousand (1,000) feet of the property boundary of a residential area or noise sensitive area as defined in this article is prohibited unless a special use permit has been obtained from the Mayor and Council of the City of Doraville for the operation of such commercial loudspeaker.

Such special use permits shall be granted on a case-by-case basis. Those desiring to obtain such a special use permit shall make application to the planning and development department. The Planning and Development Department shall review the application and shall transmit it to the Mayor and Council with a recommendation. In reviewing the application, the Planning and Development Department and the Mayor and Council shall consider the following:

1. The volume of noise to be generated by the operation of the device;
  2. Whether the nature of the noise is usual or unusual;
  3. The volume and intensity of background noise in the area;
  4. The ability of noise from the device to be heard in the residential or noise sensitive areas;
  5. The nature and zoning of the applicant's property;
  6. The density of inhabitants in any residential area within one thousand (1,000) feet;
  7. The time of day or night proposed for use of the device;
  8. Whether the noise to be produced by the device is recurrent, intermittent, or constant; and
  9. The proposed placement of speakers to be operated in connection with the device. Should the Mayor and Council determine that the applicant is entitled to a special use permit, said permit may be conditioned upon limitations of the time of day or night that the device may be used, the position of the placement of speakers to be used in connection with the device, and such other limitations or restrictions as the Mayor and Council may deem necessary and appropriate to enforce the spirit and purpose of this section.
- (4) *Motor vehicles.* The operating of any motor vehicle or motorcycle not equipped with a muffler in good working order and in constant operation. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle, when measured at a distance of fifty (50) feet or more, exceeds the level set forth in the following table:

| Vehicle Class                | Speed limit 35 MPH or less | Speed limit over 35 MPH |
|------------------------------|----------------------------|-------------------------|
| All vehicles over 6,000 GVWR | 86dB(A)                    | 90dB(A)                 |
| Any motorcycle               | 82dB(A)                    | 86dB(A)                 |
| Any other motor vehicle      | 76dB(A)                    | 82dB(A)                 |

- (5) *Street sales.* The offering for sale by shouting or outcry within any residential, commercial or noise-sensitive area except by permit issued by the City.
- (6) *Animals.* The owning, possessing or harboring of any animal which frequently, or for continued duration, howls, barks, meows, squawks or makes other sounds which create excessive and unnecessary noise across a residential or commercial real property 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 or incessantly for a period of ten (10) minutes, or barks intermittently for one-half hour (30 minutes) 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; however, a dog shall not be deemed a "barking dog" if, at the time the dog is barking or making any other noise a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.
- (7) *Construction and demolition.* ~~The operating of any equipment used in construction work within five hundred (500) feet of any residential or noise sensitive area between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 10:00 a.m. on weekends and holidays, except for emergency work.~~
  - a. The operating of any equipment used in construction work within five hundred (500) feet of any residential or noise-sensitive area on the following:
    - 1. Between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, and
    - 2. Before the hour of 9:00 a.m. or after the hour of 5:00 p.m. on weekends and federal or other major holidays.
    - 3. Exception. Emergency work as defined elsewhere in the Code of Ordinances.
  - b. Pile driving, jack hammering, and blasting on the following:
    - 1. Weekends and federal or other major holidays; and
    - 2. For all other days between 7:00 p.m. and 7:00 a.m.
  - c. For purposes of this subsection, distances are to be measured from the property line of the nearest residence in a noise-sensitive area in a straight line, by the shortest route to the property line where the operating of any equipment used in construction work is occurring.
- (8) *Powered model vehicles.* The operating of, or permitting the operation of, powered model vehicles between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends or holidays.
- (9) *Emergency signaling devices.*
  - a. Except in case of an emergency, the intentional sounding of any alarm between the hours of 10:00 p.m. and 7:00 a.m.

- b. The testing of any alarm for a period in excess of sixty (60) seconds at any time.

(10) *Exceptions:*

- a. The provisions of this section shall not apply to any public performance, gathering or parade for which a permit has been obtained from the City or to any event, public performance, or gathering held on public property, including public parks or other areas designated for city events, if the event has been approved and authorized by the City provided such event is not occurring between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 11:00 p.m. and 10:00 a.m. on weekends and holidays. For purposes of this provision, Friday night and Saturday morning and Saturday night and Sunday morning shall be considered weekends.
- b. The provisions of this section shall not apply to the DeKalb County School District when the signaling device, radio, television, musical instrument(s) or loudspeaker is being used in conjunction with a school sponsored event or as part of a school activity.

(11) *Special Permit:*

- a. Any person desiring relief from the provisions of subsection (7) of this section shall apply for a special permit to cause or create noise which would otherwise be in violation of this section at least twenty-one (21) days prior to the date for which the relief is requested.
- b. Applications for a special permit shall be made in writing to the City Manager or their designee.
- c. The City Manager, or designee, shall grant a special permit upon a showing by the applicant of the following:
  - 1. Additional time is necessary for the applicant to alter or modify the activity in order to comply with the provisions of this section; or
  - 2. The activity, operation or noise source will be a temporary duration and cannot be done in a manner that would comply with the provisions of this section; and
  - 3. No reasonable alternative is available to the applicant
- d. Any permit granted pursuant to this section shall obtain thereon all conditions upon which the permit has been granted, including but not limited to the effective date, time of day, location and equipment limitation. No special permit shall be issued for a period in excess of fifteen (15) consecutive days. Any special permit granted hereunder may be renewed upon application to the City Manager or designee upon a showing that the reasons for which the permit was granted still exist.

(Ord. No. 2021-95, § II, 5-19-21)

Section 2: That Sec. 10-3 shall be removed in its entirety as follows:

**Sec. 10-3. Noise. - Reserved**

~~*Definition.* Noise shall mean a maximum constant sound level of seventy (70) decibels as measured on the "A" scale of a sound meter. Any sound above seventy (70) decibels shall be deemed to annoy, disturb, injure, endanger or unreasonably interfere with the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the jurisdiction of the City as such term is used in this article. Sounds below such threshold shall not be deemed violations of this article unless other relevant provisions of this article are violated.~~

~~(a) *Certain noises prohibited.*~~

~~(1) It shall be unlawful and a violation of this section for any person to make, continue or cause to be made or continued, any loud or excessive noise which, because of its volume level, vibration, duration and character, annoys, disturbs, injures, endangers or unreasonably interferes with the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within the jurisdiction of the City.~~

~~(2) It shall be unlawful and a violation of this section for the owner, operator, or manager of any business establishment located within the City to knowingly cause, permit or allow on the premises from which the business is located any loud or excessive noise which, because of its volume level, vibration, duration and character, annoys, disturbs, injures, endangers, or unreasonably interferes with the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within the jurisdiction of the City. It shall further be unlawful and a violation of this section for the owner, operator, or manager of any business establishment located within the City to knowingly cause, permit, or allow on the premises from which the business is located any of the specifically prohibited conduct set forth in subsections 10-3(b)(1) through (11), below.~~

~~(b) *Specific prohibitions.* In addition to the general prohibition set out above, the following specific acts are declared to be in violation of this section:~~

~~(1) *Horns, signaling device.* The sounding of any horn or signaling device of a motor vehicle on any street or public place within the jurisdiction of the City continuously or intermittently for a period in excess of sixty (60) seconds, except as a danger or emergency warning.~~

~~(2) *Radios, televisions, musical instruments and similar devices:*~~

~~a. The operation or playing of any radio, musical instrument or similar device which produces sound on the public right of way in such a manner as to be plainly audible to any person other than the player or operator of the device.~~

~~b. The operating or playing of any radio, television, phonograph, musical instrument or similar device which produces or reproduces sound in a manner as to be plainly audible at a distance of fifteen (15) meters (fifty (50) feet) to any~~

~~person in a commercial, industrial, residential or noise-sensitive area, multifamily dwelling, motor vehicle or public place.~~

~~(3) Loudspeakers and sound amplifiers.~~

~~a. Except for activities for which a permit has been issued by the City under this section, no person shall so operate, play or permit the operation or playing of any radio, television, phonograph, amplifier, loudspeaker, or similar device so as to:~~

- ~~1. Create a noise disturbance across a real property boundary or within a noise-sensitive area. However, bars, taverns, lounges, nightclubs, dance halls, game rooms and similar activities which produce a noise that is plainly audible beyond the premises shall be deemed a noise disturbance in violation of this article.~~
- ~~2. Create a noise which is plainly audible other than to the occupants, when such device is operated in or on a private motor vehicle on a public right-of-way or public space.~~
- ~~3. Create a noise which is plainly audible to any person other than the operator of the device, when operated on a common carrier, or public right-of-way or public place or space.~~

~~b. Loudspeakers and sound amplifiers. The use or operation of any loudspeaker, sound amplifier or other similar device between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays within or adjacent to residential or noise-sensitive areas, public rights-of-way or public space if such sound therefrom or bass vibration therefrom is plainly audible or perceptible across the real property line of the source; provided that this shall not apply to any public performance, gathering or parade for which a permit has been obtained from the City.~~

~~(4) Street sales. The offering for sale by shouting or outcry within any residential, commercial or noise-sensitive area, public rights-of-way, or public space except by permit issued by the City.~~

~~(5) Animals.~~

~~a. The owning, possessing or harboring of any animal which frequently or continuously howls, barks, meows, squawks or makes other sounds which creates excessive noise across a residential or commercial real property line or within a noise-sensitive area. For the purpose of this section, barking dogs shall include dogs that bark, bay, cry, howl or makes any other noise continuously for a period of ten (10) minutes, or barks intermittently for one-half (½) hour or more to the disturbance at any time of day or night regardless of whether the dog is physically situated in or upon private property.~~

~~b. When it is impossible or impracticable to serve the owner or possessor of said animal with a copy of the citation for the violation, a citation may be attached to the front door of the owner/possessor's residence in such manner as to more likely attract the attention of the owner/possessor and pursuant to the requirements of section 1-12 of this Code. The fine for the violation shall be a~~

civil fine in the amount of fifty dollars (\$50.00) and no additional fees shall be charged.

~~(6) Construction and demolition.~~

~~a. The operating of any equipment used in construction work within one thousand five hundred (1,500) feet of any residential or noise sensitive area on the following:~~

- ~~1. Between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, and~~
- ~~2. Before the hour of 9:00 a.m. or after the hour of 5:00 p.m. on weekends and federal or other major holidays.~~
- ~~3. Exception. Emergency work as defined elsewhere in the Code of Ordinances.~~

~~b. Pile driving, jack hammering, and blasting on the following:~~

- ~~1. Weekends and federal or other major holidays; and~~
- ~~2. For all other days between 7:00 p.m. and 7:00 a.m.~~

~~c. For purposes of this subsection, distances are to be measured from the property line of the nearest residence in a noise sensitive area in a straight line, by the shortest route to the property line where the operating of any equipment used in construction work is occurring.~~

~~(7) Powered model vehicles. The operation of, or permitting the operation of, powered model vehicles between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends or holidays within or adjacent to residential or noise sensitive areas, public rights of way or public space such that the sound therefrom is plainly audible across the real property line of the source.~~

~~(8) Emergency signaling devices:~~

~~a. Except in case of an emergency, the intentional sounding of any alarm, between the hours of 10:00 p.m. and 7:00 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 devices and the personnel response to the signaling device, more than once in each calendar month, and the sounding of the emergency signaling system for a period in excess of fifteen (15) minutes.~~

~~(9) Motor vehicles:~~

~~a. No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other device in good working order so as to effectively prevent loud or explosive noises therefrom.~~

~~b. No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other device in good working order so as to effectively prevent loud or explosive noises therefrom.~~

~~(10) Blowers, engines, machinery, etc. The operation by any person(s) of any noise-creating power blower, power fan, power tool, air compressor, internal combustion~~

~~engine (except trains, motor vehicles or motorcycles), or other similar equipment or machinery which causes noise due to its operation, within five thousand (5,000) feet of any residential or noise sensitive area, unless the blower, fan, tool, compressor, engine, or other machine is equipped with a functional muffler device or is contained or housed within a structure sufficient to deaden the noise to the point that is not plainly audible to a person of normal hearing ability in the residential or noise-sensitive area nearest the source of said noise, between the hours of 10:00 p.m. and 7:00 a.m. on weekends and 10:00 p.m. and 10:00 a.m. on weekends and holidays.~~

~~(11) Commercial garbage collections. The servicing of private, commercial garbage dumpster by any person(s) using garbage collection vehicles and equipment within one thousand five hundred (1,500) feet of any multifamily dwelling, residential area, or noise sensitive area, between the hours of 11:00 p.m. and 6:00 a.m. on weekdays and holidays; however, this shall not apply to the collection of garbage from any establishment which has a plastic lid on its dumpster and where it has been determined by the City Manager or its designee that the collection of garbage during the establishments hours of operation would be a safety hazard.~~

~~(12) Multifamily dwellings. In a multifamily dwelling, it shall be unlawful to create or permit to be created, any noise that exceeds the daytime (7:00 a.m.—11:00 p.m.) limit of fifty five (55) dBA and the nighttime (11:00 p.m.—7:00 a.m.) limit of forty five (45) dBA as measured from the closest neighbor's dwelling.~~

~~(c) Special permits. Any person desiring relief from the provisions of subsection (b)(6) of this section shall apply for a special permit to cause or create noise which would otherwise be in violation of this section at least twenty one (21) days prior to the date for which the relief is requested. Applications for a special permit shall be made in writing to the City Manager, or the designee of such City Manager on forms provided for that purpose. Payment of a fee of one hundred dollars (\$100.00) shall accompany the application. The City Manager or designee shall grant a special permit upon a showing by the applicant of the following:~~

- ~~(1) Additional time is necessary for the applicant to alter or modify the activity in order to comply with the provisions of this section; or~~
- ~~(2) The activity, operation or noise source will be a temporary duration and cannot be done in a manner that would comply with the provisions of this section; and~~
- ~~(3) No reasonable alternative is available to the applicant~~

~~Any permit granted pursuant to this section shall obtain thereon all conditions upon which the permit has been granted, including but not limited to the effective date, time of day, location and equipment limitation. No special permit shall be issued for a period in excess of fifteen (15) consecutive days. Any special permit granted hereunder may be renewed upon application to the City Manager or designee upon a showing that the reasons for which the permit was granted still exist.~~

~~(Code 1969, § 9-44; Ord. No. 96-21, § 1, 12-2-96; Ord. No. 01-06, § 1, 11-19-01; Ord. No. 2010-07, §§ 1, 2, 3-1-10; Ord. No. 2013-11, § 3, 6-17-13; Ord. No. 2015-07, § 4, 4-20-15; Ord. No. 2023-50 (A-23-14), § 1, 12-18-23)~~

**Section 3:** That Sec. 4-30 shall be amended to read as follows:

**Sec. 4-30. Standards for kennels and pet daycares.**

- (a) All kennels and pet daycare facilities shall be within enclosed soundproof buildings and shall otherwise comply with section 10-~~365~~ regarding noise violations.
- (b) All pet waste shall be properly disposed of in accordance with section 10-7 of the Doraville Code of Ordinances and other local regulations.
- (c) Outdoor storage is prohibited.

(Ord. No. 2023-17 (A-23-03), § 1, 3-13-23)

**Section 4:** That Sec. 12-40 shall be amended to read as follows:

**Sec. 12-40. Public address systems.**

See ~~subsection 10-3(b)(3)~~ section 10-65.

(Ord. No. 2022-10, 2-16-22)

**Section 5:** This Amendment shall become effective immediately upon its adoption by the City Council. This Amendment hereby repeals any and all conflicting ordinances and amendments.

**Waived**

**March 18, 2026**

**First Reading**

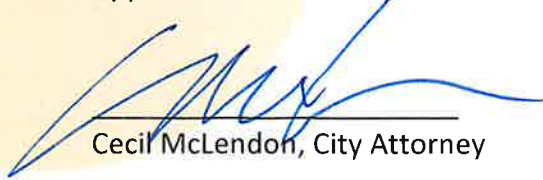
**Second Reading**

So effective this 18<sup>th</sup> day of March, 2026.

Approved by:

  
\_\_\_\_\_  
Joseph Geierman, Mayor

Approved as to Form:

  
\_\_\_\_\_  
Cecil McLendon, City Attorney

So signed and witnessed this 18<sup>th</sup> day of March, 2026

Attest:

\_\_\_\_\_  
Shanta J. Bingham, City Clerk

SEAL