

**Ordinance: 225**

**AN ORDINANCE AMENDING CHAPTER 11 (OFFENSES AND MISCELLANEOUS PROVISIONS) OF THE GROVETOWN CODE OF ORDINANCES**

**BE IT ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GROVETOWN, GEORGIA**, that Chapter 11 (Offenses and Miscellaneous Provisions) of the Grovetown Code of Ordinances, is hereby amended as follows:

**Section 1.** Chapter 11 (Offenses and Miscellaneous Provisions) is amended by adding the following Sections:

**Sec. 11-21. Unnecessary noise—Prohibited generally.**

It shall be unlawful for any person to create or assist in creating any unreasonably loud, disturbing and unnecessary noise in the city. Noise of such character, intensity and duration as to be detrimental to the public health, welfare and peace is hereby prohibited.

**Sec. 11-22. Same—Prohibited specifically.**

The following acts, among others, are hereby declared to create loud, disturbing and unnecessary noises in violation of this Code, but such enumeration shall not be deemed to be exclusive:

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal, so as to create any unreasonably loud or harsh sound, or the sounding of such device for an unnecessary and unreasonable period of time.
- (2) The playing of any radio or television, or phonograph or other musical instrument in such manner or with such volume, particularly during hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of resident.
- (3) The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.
- (4) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded, or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (5) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.

(6) The conducting, operating or maintaining of any garage or service station in any residential area so as to cause loud or offensive noises to be emitted therefrom between the hours of 10:00 p.m. and 7:00 a.m. on Monday through Saturday or at any time on Sunday or a holiday.

(7) The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same are in session, or within one hundred fifty (150) feet of any hospital, which unreasonably and unnecessarily interferes with the working of such institutions, provided conspicuous signs are displayed in such streets indicating that such area is a school, court or hospital area.

(8) Construction activity is allowed during the following times:

a. Eastern Standard Time.

Monday through Friday, 7:00 a.m. to 7:00 p.m.

Saturday, 9:00 a.m. to 7:00 p.m.

Sunday, no construction work of any kind shall be permitted.

b. Eastern Daylight Savings Time.

Monday through Friday, 7:00 a.m. to 8:00 p.m.

Saturday, 9:00 a.m. to 8:00 p.m.

Sunday, no construction work of any kind shall be permitted.

Any contractor or any employee of said contractor found to be violating the work times outlined in this subsection shall be guilty of a misdemeanor.

The Director of the Planning and Zoning Department shall be authorized to grant a variance to said time requirements upon a showing that a state of emergency exists or in the case of urgent necessity in the interest of public safety and then only with a permit from the building inspector, which permit may be renewed for a period of three (3) days or less while the emergency continues. Should the work constituted as an emergency exceed the three-day permit, the contractor shall renew the permit for a period of no longer than (3) days at a time.

The maximum penalty for violation of this subsection is a fine not to exceed one thousand dollars (\$1,000.00) monetary fine, six (6) months in jail and twelve (12) months probation or combination of any of the afore-mentioned penalties.

In addition to the penalties outlined above, the Director of the Planning and

Zoning Department shall be authorized to issue an order to prohibit any further work on the site in question until such time as this matter may be heard in the Municipal Court of City of Grovetown, GA.

(9) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

**Sec. 11-23. Same—Tests and standards.**

(a) Factors to consider: The standards which shall be considered in determining whether a violation of sections 11-21 and 11-22 exists shall include but shall not be limited to the following:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or unnatural.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature and zoning of the area within which the noise emanates.
- (8) The density of inhabitation of the area within which the noise emanates.
- (9) The time of day or night the noise occurs.
- (10) The duration of the noise.
- (11) Whether the noise is recurrent, intermittent or constant.
- (12) Whether the noise is produced by a commercial or noncommercial activity.

|  | Maximum permissible sound pressure (levels in decibels re 0.0002 microbars) |            |               |
|--|---|------------|---------------|
| Octave band (center frequency cycles per second) | Residential   | Commercial | Manufacturing |
| Below 75   | 65  | 79         | 80            |
| 75—150   | 60  | 74         | 75            |
| 150—300  | 55  | 66         | 70            |
| 300—600  | 55  | 59         | 64            |
| 600—1200   | 45  | 53         | 58            |
| 1200—2400  | 45  | 47         | 53            |
| 2400—4800  | 40  | 41         | 49            |
| Above 4800                                       | 40  | 49         | 46            |

(b) Tables:

TABLE 1. LIMITING NOISE LEVELS FOR USE DISTRICTS

If the noise is not smooth and continuous, one (1) or more of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given in Table I.

TABLE II—TYPE OF OPERATION IN CHARACTER OF NOISE

(Correction in Decibels)

Noise source operated less than 20% of any one-hour period; plus 5\*.

Noise source operated less than 5% of any one-hour period; plus 10\*.

Noise source operated less than 1% of any one-hour period; plus 15\*.

Noise of impulsive character (hammering, etc.): minus 5.

Noise of periodic character (hum, screech, etc.): minus 5.

\*Apply one (1) of these corrections only.

If the noise occurs between the hours of 10:00 p.m. and 7:00 a.m. on Monday through Saturday or at any time on Sunday or a holiday, seven (7) shall be subtracted from each of the decibel levels given in Table I.

(c) Motorized vehicles: It shall be unlawful to operate a motorized vehicle within

the city limits which creates a noise or sound which exceeds the noise level limits set out in Table III below.

TABLE III—LIMITING NOISE LEVELS FROM VEHICLES

Trucks and buses:

Over 10,000 pounds:

93 dB(A) measured at 50 feet—Maximum allowable limit

97 dB(A) measured at 25 feet—Maximum allowable limit

Under 10,000 pounds:

80 dB(A) measured at 50 feet—Maximum allowable limit

86 dB(A) measured at 25 feet—Maximum allowable limit

Passenger cars:

78 dB(A) measured at 50 feet—Maximum allowable limit

84 dB(A) measured at 25 feet—Maximum allowable limit

Motorcycles, including other vehicles:

87 dB(A) measured at 50 feet—Maximum allowable limit

93 dB(A) measured at 25 feet—Maximum allowable limit

**Section 2.** Should any section, subsection, or provision of this ordinance be ruled invalid by a court of competent jurisdiction, then all other sections, subsections, and provisions of this ordinance shall remain in full force and effect.

**Section 3.** All other ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 4.** The effective date of this ordinance is October 14, 2013.

Approved this the 15th day of April, 2013, by the Mayor and City Council of the City of Grovetown, Georgia

ATTESTED:

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Vicky Capetillo, Clerk

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George W. James, Mayor