

FIRST READING 02/10/2020

PASSED 02/24/2020

AN ORDINANCE NO. 2020-0150

AN ORDINANCE TO ESTABLISH NOISE CONTROL REGULATIONS FOR THE CITY OF BALDWIN, GEORGIA; TO PROVIDE AMENDMENT TO THE POLICE POWERS ORDINANCE; TO ADOPT DEFINITIONS; TO ADOPT NEW NOISE REGULATIONS; TO PROVIDE FOR SPECIAL PERMITS; TO ADOPT PENALTIES FOR VIOLATION OF THE ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Baldwin, Georgia, pursuant to the authority of Art. IX, § II, ¶ III of the Georgia Constitution of 1983, may enact ordinances for the public health, safety, and welfare; and

WHEREAS, the City Council finds that it is necessary for the public health, safety, and welfare, that the offenses against public order regarding excessive noise within the municipal limits of the City of Baldwin, Georgia, be regulated;

BE IT ORDAINED by the City Council of the City of Baldwin, Georgia, and it is hereby ordained by the above-referenced authority, as well as by the City Charter, as amended, as follows:

SECTION 1. REVISION OF SECTIONS REGARDING NOISE CONTROL.

The Code of the City of Baldwin, Georgia, is hereby amended, by REPEALING Section 6 OF ARTICLE II of Ordinance Number 0029-1001-11-95 in its entirety, and PROVIDING a new Section 6 OF Article II with Ordinance Number 2020-0150 which shall read as follows:

SECTION 2. NOISE

(A). DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm means any fire, burglary, motor vehicle or civil defense alarm, whistle or similar stationary emergency signaling device.

Construction means any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for public or private rights-of-way, structures, utilities or similar property.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

Emergency vehicle means a motor vehicle belonging to a fire department or certified private volunteer firefighter or firefighting association, partnership or corporation, an ambulance, a motor vehicle belonging to a private security agency or a motor vehicle belonging to a federal, state, county or municipal law enforcement agency, provided such vehicles are in use as emergency vehicles by one authorized to use such vehicles for that purpose.

Emergency work means any work for the purpose of preventing or alleviating the physical trauma damage threatened or caused by an emergency.

Fireworks means “consumer fireworks” and “fireworks” as defined by O.C.G.A. §25-10-1, as amended.

Multifamily dwelling means a building or other shelter that has been divided into separate units to house more than one family.

Noise-sensitive area means an area where a school, hospital, nursing home, church, court or public library is located.

Powered model vehicle means any self-propelled airborne, waterborne or land borne plane, vessel or vehicle which is not designed to carry persons, including but not limited to any model airplane, boat, car, rocket or drone.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley or similar place normally accessible to the public which is owned or controlled by a governmental entity.

Public space means any real property or structures thereon owned by a governmental entity and normally accessible to the public, including but not limited to parks and other public recreational areas.

Real property line means a line along the surfaces, and its vertical place extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, excluding intra-building real property division.

Residential area means any real property which contains a structure or building in which one or more persons reside, provided that such structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the Town's zoning ordinance.

Weekdays mean any day that is followed by a normal scheduled work or school day as in Sunday through Thursday.

Weekends mean any day that is not followed by a normal scheduled work or school day, as in Friday and Saturday.

(B). SCOPE.

The provisions of this ordinance shall apply to the control of all sound originating within the geographical limits of the City.

(C). EXCESSIVE NOISE.

It shall be unlawful for any person to make, continue or cause to be made or continue any loud or excessive noise which unreasonably interferes with the comfort, repose, health and safety of others within the jurisdiction of the City.

(D). SPECIFIC PROHIBITIONS.

In addition to the general prohibition set out in subsection (C), the following specific acts are declared to be in violation of this ordinance.

(1) *Horns, signaling devices.* 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 30 seconds, except as a danger or emergency warning.

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

a. The operation or playing of any radio, television, 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, musical instrument or similar device which produces or reproduces sound in a manner as to be plainly audible at a distance of 50 feet to any person in a commercial, industrial, residential or noise-sensitive area, multifamily dwelling, motor vehicle or public space.

(3) *Loudspeakers and sound amplifiers.* The use or operation of any loudspeaker system, sound amplifier or other similar device between the hours of 9:00 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 such that the sound therefrom is plainly audible across the real property line of the source; provided that this shall not apply to any public school or hospital notification system or any public performance, gathering or parade for which a permit has been obtained from the City, or by contract as to acceptable levels of sound and as to hours.

(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.* The owning, possessing or harboring of any animal which frequently or continuously howls, barks, meows, squawks or makes other sounds which create excessive noise across a residential or commercial real property line or within a noise-sensitive area. For the purpose of this article, barking dogs shall include a dog that barks, bays, cries, howls or makes any other noise continuously for a period of ten minutes, or barks intermittently for one-half 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.

(6) *Construction and demolition.* The operating of any equipment used in construction work within 500 feet of any residential or noise-sensitive area between the hours of 9:00 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; and to prohibit pile driving, jackhammering, and blasting on weekends and holidays, and for all other days between 6:00 p.m. and 7:00 a.m. For purposes of this subsection, distances are to be measured from the property line of the nearest residence in a noise-sensitive area in any direction to the prohibited construction operation.

(7) *Emergency signaling devices.*

a. Except in case of an emergency, the intentional sounding of any alarm between the hours of 9:00 p.m. and 7:00 a.m.

b. The testing of any alarm for a period in excess of 30 seconds at any time.

c. The testing of a complete emergency signaling system, including the signaling device 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 15 minutes.

(8) *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 any radio, musical instrument or similar device which produces sound in a motor vehicle in such a manner as to be plainly audible to any person other than the operator of the motor vehicle.

(9) *Blowers, engines, machinery, etc.* The operation by any person 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 1,500 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 it is not plainly audible to a person of normal hearing ability in the residential or noise-sensitive area

nearest the source of such noise, between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 10:00 a.m. on weekends and holidays.

(10) *Commercial garbage collection.* The servicing of a private, commercial garbage dumpster by any person using garbage collection vehicles and equipment within 1,500 feet of any multifamily dwelling, residential area or noise-sensitive area between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and between the hours of 10:00 p.m. and 10:00 a.m. on weekends and holidays, or within 500 feet of any multi-family dwelling, residential area or noise-sensitive area, between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and between the hours of 10:00 p.m. and 10:00 a.m. on weekends 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 public works director or designee that the collection of garbage during the establishment's hours of operation would be a safety hazard.

(11) *Fireworks.* The use or ignition of consumer fireworks or fireworks, or both, during days and times not in compliance with the City's Fireworks Ordinance.

(E). SPECIAL PERMITS.

Any person desiring relief from the provisions of Section 2, subsection D, number 3 (*loudspeakers and sound amplifiers*) or Section 2, subsection D, number 6 (*construction and demolition*) of this ordinance shall apply for a special permit to cause or create noise which would otherwise be in violation of this ordinance at least 10 days prior to the date for which the relief is requested. Applications for a special permit shall be made in writing to the City Clerk or his/her designee, on forms provided for that purpose. Payment of a fee of \$35.00 shall accompany the application. The City Clerk or his/her 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 article; or

(2) The activity, event, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with the provisions of this ordinance; and

(3) No reasonable alternative is available to the applicant.

Any permit granted pursuant to this section shall contain 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 15 consecutive days. Any special permit granted pursuant to this section may be renewed upon application to the City Clerk, or his/her designee, upon a showing that the reasons for which the permit was granted still exist.

(F) PENALTIES.

A person who violates any provision of this article shall be subject to the maximum penalties allowed by the City Charter as determined by any court of competent jurisdiction.

(G) EFFECTIVE DATE.

The effective date of this ordinance shall be upon its passage by the City Council.

(H) SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent.

**(J) REPEAL OF CONFLICTING ORDINANCES TO THE
EXTENT OF THE CONFLICT.**


All parts of prior ordinances, in conflict with the terms of this Ordinance are hereby repealed to the extent of the conflict, but it is hereby provided, that any ordinance or any provision of any ordinance, or any provision of any ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally constructed to be in favor of upholding this Ordinance on behalf of the City of Baldwin, Georgia.

This 24th day of February, 2020.

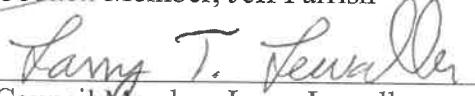
BALDWIN CITY COUNCIL

By: _____

Mayor, Joe Elam



Council Member, Jeff Parrish



Council Member, Larry Lewallen



Council Member, Theron Ayers



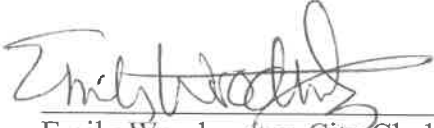
Council Member, Alice Venter



Council Member, Stephanie Almagno



Attest:



Emily Woodmaster, City Clerk