

**Sec. 27-762. Noise limitations.**

- (a) *Short title.* This section shall be known and may be cited as the noise ordinance of DeKalb County, Georgia.
- (b) *General purposes.*
  - (1) DeKalb County seeks to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life, by adopting this section. Nothing in this section is intended to deter individuals from lawfully exercising the individual right to freedom of speech or any other freedom guaranteed under the Constitutions of the United States of America or of the State of Georgia.
  - (2) This section applies to all noises, sounds, and tones emitting from all property categories originating within the unincorporated limits of the county. Such property categories include, specifically:
    - a. Residential districts;
    - b. Commercial districts;
    - c. Industrial districts;
    - d. Multi-use properties;
    - e. Public and private right-of-ways;
    - f. Public uses;
    - g. Multi-family dwelling units; and
    - h. Public and private parks and open spaces.
  - (3) This section applies to all noises, sounds, and tones received at all property categories, except industrial districts, that originate within the unincorporated limits of the county.
  - (4) This section applies only to noises, sounds, and tones about which a complainant has lodged a complaint. Sound level measurements for determining compliance shall be conducted only on the property of the complainant regardless of the existence of other receptors in closer proximity to the noise source under investigation.
- (c) *Maximum permissible sound levels.*
  - (1) *Maximum permissible sound level limits by receptor property dB(A)*

TABLE INSET:

Residential district 7:00 a.m.--10:00 p.m.			
Noise Sensitive facility 24 hours	Residential district 10:00 p.m.--7:00 a.m.	Commercial district 24 hours	Industrial district 24 hours
60	50	65	75

- a. *Continuous sound:*
1. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property within residential districts, commercial districts, industrial districts, multi-use properties, public and private right-of-ways, public uses and multi-family dwelling units in such a manner as to create a sound level that exceeds the sound level limits listed in subsection (c)(1) of this section as measured at any location at or within the property line of the receptor property. Sound pressure levels in excess of those established in subsection (c)(1) of this section shall constitute prima facie evidence that such sound is in violation of this section.
  2. If the residential receptor property or noise sensitive facility is within two hundred (200) feet of a commercial or industrial zone, or within an OCR district, the permissible sound level limit of the residential receptor property or noise sensitive facility is increased by five (5) dB(A) between the hours of 7:00 a.m.--10:00 p.m.
- b. *Impulsive sound:*
1. Between 7:00 a.m. and 10:00 p.m., impulsive sounds which occur less than ten (10) times in an hour shall not equal or exceed twenty (20) decibels above the permissible sound level limits in subsection (c)(1) of this section. Impulsive sound which repeats ten (10) or more times in any hour shall not exceed the permissible sound level limits in subsection (c)(1) of this section.
  2. Between the hours of 10:00 p.m. and 7:00 a.m., impulsive sounds which occur less than four (4) times in an hour shall not equal or exceed twenty (20) decibels above the permissible sound level limits in subsection (c)(1) of this section. Impulsive sound which repeats four (4) or more times in any hour shall not exceed the permissible sound level limits in subsection (c)(1) of this section.
- c. *Steady pure tones:* If the sound source under investigation is a mechanical device, and is emitting a sound with a steady tonal quality, the permissible sound level limits in subsection (c)(1) of this section shall be reduced by five (5) dB(A). Such sound sources include, but are not limited to heating, ventilating or air-conditioning units, refrigeration units, and transformers; however, this provision shall not apply to residential air-conditioning units.
- (2) *Amplified sound reproduction device maximum permissible sound level limits indoors across a real property line dB(C) above ambient.*

TABLE INSET:

Week Nights 10:00 p.m.-- 7:00 a.m.		
Weekend Nights 11:00 p.m.-- 8:00 a.m.Nights		
8:00 p.m.-- 10:00 p.m.		
Weekend Nights 9:00 p.m. to 11:00 p.m.Other Times		
3		

a. *Amplified sound:*

1. If the source of sound is an amplified sound reproduction device, and the complainant states that the use of the device is disturbing within their residence then the noise enforcement officer may take sound level measurements within the residence of the complainant.
2. No person shall cause, suffer, allow, or permit the operation of any amplified source of sound in such a manner that it raises the total sound levels by the permissible sound level limits set forth in subsection (c)(2) of this section when measured within the residence of a complainant. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response. Such measurements shall not be taken in areas that receive only casual use such as hallways, closets and bathrooms.
3. For the purposes of these measurements, the ambient sound level is that sound level which is measured in the residence when the sound source under investigation is not prominent, or in a room on the same floor that is relatively unaffected by the sound source under investigation.

(d) *Noise control administrator.* There shall be created a noise control administrator who shall be the police chief or designee who shall have the power to:

- (1) Coordinate the noise control activities of all departments in DeKalb County and cooperate with all other public bodies and agencies to the extent practicable;

- (2) Review the actions of DeKalb County and advise the county of the effect, if any, of such actions on noise control;
  - (3) Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this section;
  - (4) Promulgate and publish rules and procedures to establish techniques for measuring noise, and to provide for clarification, interpretation, and implementation of this section;
  - (5) Review at least every three (3) years the provisions of this section and recommend revisions consistent with technology to reduce noise, or to address new sound sources within DeKalb County, provided, however, that failure to review and/or recommend revisions shall not affect the validity of the provisions then in effect;
  - (6) Delegate the duties of the noise control officer to any duly qualified individual according to the provisions of subsection (e) of this section.
- (e) *Noise control officers.*
- (1) Where the provisions of this section require the measurement of sound with the use of a sound level meter, noise control officers shall make such measurement. A person shall be qualified to be a noise control officer if the person meets the criteria set forth by the noise control administrator and completes, at a frequency specified by the noise control administrator, a noise certification and re-certification course which has been approved by the administrator. When no measurement of the sound level is necessary to determine whether a sound is in violation of the provisions of this section, or when the level of sound measured by a noise control officer is in violation of the provisions of this section, any noise control officer or police officer having jurisdiction in the area where the violation takes place, may issue a citation/summons for the violation of this section returnable to the recorder's court of DeKalb County. Penalties for violations of this section will be governed by subsection (o) of this section.
  - (2) Noise control officers shall cooperate and assist any police officer in measuring sound to determine if same is in violation of this section.
- (f) *Procedures for the determination of sound levels.*
- (1) Insofar as practicable, sound will be measured while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions, including but not limited to, design, maximum and fluctuating rates. All noise measurements shall be made at or within the property line of the impacted site, unless otherwise directed in this section. When instrumentation cannot be placed at or within the property line, the measurement shall be made as close thereto as is reasonable. For the purposes of this section, noise measurements are measured on the A- or C- weighted sound scale, as applicable, of a sound level meter of standard design and quality having characteristics established by ANSI.

- (2) The sound level meter and calibrator must be re-certified annually at a laboratory approved by the noise control administrator. A field check of meter calibration and batteries must be conducted before and after every set of measurements, and at least every hour as necessary.
  - (3) Total and neighborhood residual sound level measurements shall be taken in accordance with procedures established and approved by the noise control administrator. Calculation of source sound levels shall conform with accepted practice established by ANSI.
- (g) *Exceptions.* The maximum decibel levels established in subsections (c)(1) and (c)(2) of this section shall not apply to any of the following noise sources:
- (1) Agricultural activities;
  - (2) Sound by public safety vehicles, emergency signaling devices, or authorized public safety personnel for the purpose of alerting persons to the existence of an emergency;
  - (3) Noise from an exterior burglar alarm of any building, provided such burglar alarm shall terminate its operation within five (5) minutes of its activation if the sound is uninterrupted or ten (10) minutes if intermittent;
  - (4) Noise from any automobile alarm, provided such burglar alarm shall terminate its operation within five (5) minutes of its activation if the sound is uninterrupted or ten (10) minutes if the sound is intermittent;
  - (5) The generation of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Administration;
  - (6) Noise resulting from any practice or performance sponsored by or associated with the educational process administered by a recognized institution of learning, including, but not limited to band, choir, and orchestral performances between the hours of 7:00 a.m. and 11:00 p.m.;
  - (7) Noise that results from, arises out of or stems from the occurrence of a professional sporting event or organized sports league;
  - (8) Unamplified bells, chimes or carillons while being used in conjunction with signaling the time of the day between the hours of 7:00 a.m.--10:00 p.m.;
  - (9) Unamplified bells, chimes or carillons while being used in conjunction with on-going religious services between the hours of 7:00 a.m.--10:00 p.m.;
  - (10) Emergency work;
  - (11) National Warning System (NAWAS): systems used to warn the community of attack or imminent public danger such as flooding, explosion or hurricane;
  - (12) Noise of aircraft operations, where federal regulations preempt the local regulation of such specific operations;
  - (13) Public celebrations such as marches, parades or any other event sanctioned by federal, state or local government(s);
  - (14) Surface carriers engaged in commerce by railroad;

- (15) Sound from the travel of properly muffled motor vehicles on a public right-of-way;
  - (16) Events with amplified sound that are operating within the time and volume parameters set forth in an approved special administrative permit.
- (h) *Restricted uses and activities.* Notwithstanding the provisions of subsection (c)(1) of this section and the exceptions above, the following standards shall apply to the activities or sources of sound set forth below:
- (1) Non-commercial or non-industrial power tools used for landscaping and yard maintenance shall not be operated between the hours of 10:00 p.m. and 7:00 a.m., unless such activities can meet the applicable limits set forth in subsection (c)(1) of this section. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in subsection (c)(1) of this section do not apply to non-commercial or non-industrial power tools and landscaping and yard maintenance equipment.
  - (2) Commercial or industrial power tools used for landscaping and yard maintenance shall be operated with a muffler. All motorized equipment used in these activities shall not be operated on a residential property or within two hundred fifty (250) feet of a residential property line, between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 10:00 p.m. and 8:00 a.m. on weekends, unless:
    - a. Such activities are deemed emergency work; or
    - b. Such activities meet the limits set forth in subsection (c)(1) of this section.

At all other times, the limits set forth in subsection (c)(1) of this section do not apply to commercial or industrial power tools and landscaping and yard maintenance equipment.
  - (3) Construction and demolition activity shall not be performed between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 10:00 p.m. and 8:00 a.m. on weekends, unless:
    - a. Such activities are deemed emergency work; or
    - b. Such activities meet the limits set forth in subsection (c)(1) of this section.
    - c. This provision shall not apply if the noise control administrator determines that the loss or inconvenience that would result to any party in interest is of such a nature as to warrant special consideration. In such cases, the noise control administrator may grant a renewable permit for a period not to exceed ten (10) days for this work to be done within the hours of 10:00 p.m. to 7:00 a.m.
  - (4) The testing of burglar or fire alarms shall not exceed five (5) minutes in duration, and shall not occur between the hours of 10:00 p.m. and 8:00 a.m. Fire drills may be conducted outside of these hours no more than once a month, and with prior notification to all residential properties within two hundred fifty (250) feet of the property line where the testing will take

place. At all times during these tests, the limits set forth in subsection (c)(1) of this section do not apply.

- (5) Domesticated or caged non-farm animals may not make any vocalizations for more than fifteen (15) minutes without interruption or more than thirty (30) minutes if intermittent. These time limits do not apply if the vocalizations are given as a warning to the presence of an intruder. At all times, the limits set forth in subsection (c)(1) of this section do not apply.
  - (6) Personal or commercial vehicular music amplification or reproduction equipment, including, but not limited to boom cars, shall not be operated in such a manner as to be plainly audible at a distance of fifty (50) feet in any direction from the equipment between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m. such equipment shall not be operated in such a manner that it is plainly audible at a distance of twenty-five (25) feet in any direction.
  - (7) Boom boxes, or any similar device, shall not be operated in a public place or public right-of-way in such a manner as to be plainly audible at a distance of fifty (50) feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., such equipment shall not be operated in such a manner that it is plainly audible at a distance of three (3) feet in any direction.
  - (8) The provisions of subsections (h)(1) and (2) of this section do not apply to power tools or motorized equipment operated in association with the upkeep and maintenance of any public or private golf course, provided that all such power tools and motorized equipment are equipped with mufflers or are operated in conjunction with a device or system for lessening the sounds produced.
- (i) *Initiation of applications; requests for temporary relief or stays; requests for variances.*
- (1) Any person requesting temporary relief or a stay from the enforcement of this section shall apply for a special administrative permit for a period of time not to exceed thirty (30) days. The noise control administrator has discretion to consider and grant or deny the special administrative permit, pursuant to the procedures and standards contained in this section if strict enforcement of this section will result in exceptional and undue hardship to the applicant. Under no circumstances shall the noise control administrator grant a stay of enforcement of this section for more than sixty (60) days within any six-month period.
  - (2) All requests for variances shall be filed with the zoning board of appeals and shall be governed by section 27-915 et seq. No variance shall be issued for amplified noise measured under subsection (c)(2) of this section.
  - (3) No special administrative permit or variance shall be granted for amplified noise described in subsection (h)(6) and (7) of this section.
  - (4) No special administrative permit or variance shall be authorized to delete, modify, or change in any manner any requirement enacted as a condition

of zoning or as a condition of a special land use permit imposed by the board of commissioners or the zoning board of appeals.

- (j) *Successive applications.* An application for a variance affecting all or a portion of the same property shall not be submitted more than once every twenty-four (24) months measured from the date of the final decision by the zoning board of appeals. The zoning board of appeals may waive or reduce this twenty-four-month time interval by board action if the time interval between the date of said denial and any subsequent application affecting the same property is no less than six (6) months. The limitations in this section shall not apply to special administrative permits.
- (k) *Application forms; filing of applications; application fees.* Applications for special administrative permits and variances shall be filed on forms provided by the noise control administrator and shall not be considered authorized or accepted unless complete in all respects. The board of commissioners shall establish application fees.
- (l) *Application forms; criteria.* Applications for special administrative permits shall include all of the following information:
  - (1) The nature and location of the noise source for which such application is made;
  - (2) The reason for which the permit or variance is requested, including the hardship that will result to the applicant, his/her client, or the public, if the permit or variance is not granted;
  - (3) The nature and intensity of noise that will occur during the period of the permit or variance; and
  - (4) A description of the noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom.
  - (5) The name, address and means of contacting a responsible party during the hours of operation for which the permit or variance is issued.
- (m) *Issuance of special administrative permits; required enumerated conditions.* Upon issuance of a special administrative permit, the noise control administrator shall enumerate the conditions of the permit including, but not limited to:
  - (1) Specific dates and times for which the permit is valid, not to exceed thirty (30) days;
  - (2) Sound level limits that may not be exceeded at the nearest affected residential district or noise sensitive property.
- (n) *Revocation.*
  - (1) The noise control administrator may revoke special administrative permits if the terms of the permit are violated.
  - (2) A special administrative permit may be revoked by the noise control administrator, and the issuance of future special administrative permits withheld, if there is a:
    - a. Violation of one (1) or more conditions of the permit;

- b. Material misrepresentation of fact in the permit application; or,
- c. Material change in any of the circumstances relied upon by the noise control administrator in granting the permit.

(o) *Fines.*

- (1) A conviction of a violation of the provisions of this section shall be punished by a minimum fine of one hundred dollars (\$100.00), which may be combined with any other authorized penalty within section 1-10 of the Code.
  - (2) If the activity or condition constituting the violation has been the subject of an enforcement action against the violator in the immediately preceding six (6) months, the minimum fine shall be five hundred dollars (\$500.00), which may be combined with any other authorized penalty within section 1-10 of the Code.
  - (3) If the activity or condition constituting the violation has been the subject of three (3) or more enforcement actions against the violator in the immediately preceding twelve (12) months, the minimum fine shall be eight hundred dollars (\$800.00), which may be combined with any other authorized penalty within section 1-10 of the Code.
  - (4) Violations of this section are continuous with respect to time; therefore, each day the violation continues is a separate offense.
- (p) *Appeals.* Appeals of any special administrative permit decision made by the noise control administrator, his or her designee, or any officer authorized to enforce the provisions of this section shall be to the zoning board of appeals pursuant to section 27-912 et seq.
- (q) *Inconsistent provisions.* Insofar as the provisions of this section are inconsistent with any other provision of any other title of the ordinance or any rule or regulation of any government agency of the county, then the provisions of this section shall control.

(Ord. No. 20-03, Pt. I, 10-8-02)

**Editor's note:** Ord. No. 20-03, Pt. I, adopted Oct. 8, 2002, in part deleted former § 27-762 of the Code which pertained to noise limitations and derived from Ord. No. 99-11, Pt. 1, adopted April 13, 1999; Ord. No. 14-02, Pt. 1(I), (II), adopted Dec. 20, 2001; and Ord. No. 20-02, Pt. I, adopted April 9, 2002. Part I of Ord. No. 20-03 also added new provisions to the Code as §§ 27-762.1--27-762.17; for purposes of cross-referencing within the zoning chapter, said provisions have been redesignated as § 27-762(a)--(q) at the direction of the city in consultation with the editor.