

CHAPTER 14: NOISE REGULATION

Section

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Section 14-101 Noise Regulation In General

It shall be unlawful for any person to willfully make, continue, or cause to be made or continued any excessive, unnecessary, or unusually loud noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing within the city limits.

Section 14-102 Noises Prohibited

*see Amendment
Attached pages ✓*

The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exhaustive.

1. Motor Vehicle Horns. The sounding of any horn on any automobile, motorcycle, or other motor vehicle on any street or public place of the city except as a warning signal.
2. Radios, Television Sets, and Similar Devices. The using, operating, or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound between the hours of 10:00 p.m. and 7:00 a.m. in such manner as to disturb the peace, quiet, and comfort of neighboring residents.
3. Loudspeakers and Amplifiers. The using or operating of any loudspeaker or sound-amplifier device mounted upon any vehicle within the city for the purpose of broadcasting or advertising any information about any business or activity for any other purpose, unless a permit for such sound amplification has been obtained from the Mayor or Police Chief.
4. Construction Equipment and Activity. The operating of any equipment or the performing of any outside construction or repair work on buildings, structures, roads or projects within the city between the hours of 10:00 p.m. and 7:00 a.m. unless a permit for such construction or repair work between such hours has been obtained from the Mayor or Police Chief.
5. Exhausts. The discharging into the open air of the exhaust of any internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
6. Animals and Birds. The keeping of any animal or bird which by frequent or continuous barking, chirping, or other means of communication disturbs the comfort or repose of the residents of any residential neighborhood.
7. Vehicle Repair In Residential Areas. The repairing, rebuilding, or testing of any motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. within any residential area in such a manner as to disturb the peace, quiet, and comfort of the residents of the area.

AN ORDINANCE TO AMEND THE DANIELSVILLE NOISE ORDINANCE

THE COUNCIL OF THE CITY OF DANIELSVILLE
HEREBY ORDAINS THAT:

WHEREAS, the Mayor and City Council have determined that it is in the best interests of and consistent with the convenience and necessity of the City of Danielsville to amend its city code, the following action is taken:

THEREFORE, the Mayor and City Council ordain as follows:

SECTION 1. THE CODE OF THE CITY OF DANIELSVILLE, GEORGIA, IS HEREBY AMENDED BY DELETING SECTIONS 14-102.2, 14-102.4, and 14-102.7, AND BY ADDING NEW SECTIONS 14-102.2, 14-102.4, and 14-102.7, TO READ AS FOLLOWS:

Section 14-102 Noises Prohibited

2. Radios, Television Sets, and Similar Devices. The using, operating, or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to disturb the peace, quiet, and comfort of neighboring residents.
4. Construction Equipment and Activity. The operating of any equipment or the performing of any outside construction or repair work on buildings, structures, roads or projects within the city between the hours of 11:00 p.m. and 7:00 a.m. unless a permit for such construction or repair work between such hours has been obtained from the Mayor or Police Chief.
7. Vehicle Repair In Residential Areas. The repairing, rebuilding, or testing of any motor vehicle between the hours of 11:00 p.m. and 7:00 a.m. within any residential area in such a manner as to disturb the peace, quiet, and comfort of the residents of the area.

Section 2. Liability

Neither the approval of any action under the provisions of this ordinance, nor the compliance with provisions of this ordinance, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Mayor or City Council for damage to any person or property.

Section 3. Conflicts between Specific and General Provisions.

Where there is an apparent conflict in this Ordinance between specific and general provisions, it is the intention hereof that the specific shall control.

Section 4. Severability.

If any section, provision, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, 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 individuality 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 as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.


Section 5. Repeal of Conflicting Provisions.

All ordinances or parts of ordinances in conflict with this ordinance, and not preserved hereby, are hereby repealed.

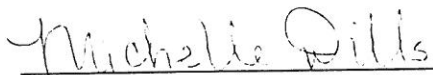
Section 6. Effective Date

This Ordinance shall become effective immediately after its passage and approval in the manner prescribed by law.


Passed and approved this 3rd day of May, 2004, at a meeting of the Mayor and Council of the City of Danielsville, Georgia.


Glenn Cross, Mayor, City of Danielsville

Attest:


Michelle Dills, City Clerk

Approved as to Legal Form:


Victor Y. Johnson, City Attorney

8. Schools, Courts, Religious Institutions, Hospitals. The creating of any excessive noise on any street adjacent to any school, institution of learning, religious institution, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the working of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street.
9. Hawkers and Peddlers. The selling of anything by outcry within the residential areas of the city, except at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events.
10. Drums. The using of any drum or other instrument or device for the purpose of attracting attention by the creation of noise within the city, unless a permit for such use has been obtained from the Mayor or Police Chief.

Section 14-103 **Exemptions**

The following uses and activities shall be exempt from the noise regulations set forth in this chapter:

1. Noises of safety signals and warning devices;
2. Noises resulting from any authorized emergency vehicle, when responding to an emergency call acting in time of emergency; and
3. Noises resulting from emergency work, to be construed as work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.

Section 14-104 **Penalties**

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be fined in an amount not exceeding One Thousand Dollars (\$1,000.00) or imprisonment for a period not exceeding one (1) year, or both such fine and imprisonment. A separate offense shall be deemed to have been committed each day during or upon which a violation occurs or is permitted to continue.

Section 14-105 **Injunctions**

The operation or maintenance of any device, vehicle, or machinery in violation of any provision of this chapter which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health, or peace of residents of this city shall be deemed, and is declared to be a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

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THE COUNCIL OF THE CITY OF DANIELSVILLE
HEREBY ORDAINS THAT:

WHEREAS, the Mayor and City Council have determined that it is in the best interests of and consistent with the convenience and necessity of the City of Danielsville to amend its city code, the following action is taken:

THEREFORE, the Mayor and City Council ordain as follows:

SECTION 1. THE CODE OF THE CITY OF DANIELSVILLE, GEORGIA, IS HEREBY AMENDED BY ADDING A NEW SECTION 14-102.11, TO READ AS FOLLOWS:

11. Tractor Trailers. The running of tractor-trailer engines, or of refrigerator or reefer units, between the hours of 7:00 p.m. and 7:00 a.m. This prohibition shall not apply to trucks travelling on the highways and roads of the City of Danielsville. This prohibition is based upon continuing complaints by citizens that tractor-trailer engines and refrigerator and reefer units disturb their peace and quiet enjoyment of their property during the prohibited hours.

Section 2. Liability

1. Neither the approval of any action under the provisions of this ordinance, nor the

compliance with provisions of this ordinance, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Mayor or City Council for damage to any person or property.

Section 3. Conflicts between Specific and General Provisions.

Where there is an apparent conflict in this Ordinance between specific and general provisions, it is the intention hereof that the specific shall control.

Section 4. Severability.

If any section, provision, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, 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 individuality 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 as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

Section 5. Repeal of Conflicting Provisions.

All ordinances or parts of ordinances in conflict with this ordinance, and not preserved hereby, are hereby repealed.

Section 6. Effective Date

This Ordinance shall become effective immediately after its passage and approval in the manner prescribed by law.

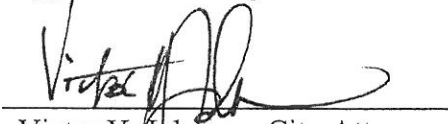
Passed and approved this 4th day of March, 2002, at a meeting of the Mayor and Council of the City of Danielsville, Georgia.


Glenn Cross, Mayor, City of Danielsville

Attest:


Michelle Dills, City Clerk

Approved as to Legal Form:


Victor Y. Johnson, City Attorney