

ORDINANCE

An Ordinance to amend the Code of Ordinances of the City of McIntyre, Georgia, to govern the regulation and transmission of loud noise within the city limits.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCINTYRE, GEORGIA,

THAT this ordinance is enacted to protect, preserve, and promote the health, safety, and welfare of the citizens of the City of McIntyre, Georgia through the control of noise. It is the intent of this ordinance to establish standards that will reduce excessive community noises, which are harmful and otherwise detrimental to individuals, businesses and the community as a whole through loss of enjoyment of life and property and disruption to the conduct of business.

For the purposes of this section, "plainly audible" shall mean any sound emanating from specific sound producing sources set forth below which can be heard from the distances set forth below during the specified timeframes, using the following sound measurement standards: Measurements shall be by the auditory senses of a person standing at a distance no less than the required minimum distance from the source of sound. For music and other noise, words and phrases need not be discernable. For music and other noise, bass, reverberations are included.

The following conduct is prohibited in accordance with the timeframes below. Additionally, the determination that the sound and/or noise is plainly audible should be made from the specified distance indicated by the appropriate time.

SUNDAY

12:00 midnight – 7:00 a.m.:	100 feet
7:01 a.m. – 10:59 p.m.:	300 feet
11:00 p.m. – 11:59 p.m.:	100 feet

MONDAY

12:00 midnight – 7:00 a.m.:	100 feet
7:01 a.m. – 10:59 p.m.:	300 feet
11:00 p.m. – 11:59 p.m.:	100 feet

TUESDAY

12:00 midnight – 7:00 a.m.:	100 feet
7:01 a.m. – 10:59 p.m.:	300 feet
11:00 p.m. – 11:59 p.m.:	100 feet

WEDNESDAY

12:00 midnight – 7:00 a.m.:	100 feet
7:01 a.m. – 10:59 p.m.:	300 feet
11:00 p.m. – 11:59 p.m.:	100 feet

THURSDAY

12:00 midnight – 7:00 a.m.:	100 feet
7:01 a.m. – 10:59 p.m.:	300 feet
11:00 p.m. – 11:59 p.m.:	100 feet

FRIDAY

12:00 midnight – 7:00 a.m.:	100 feet
7:01 a.m. – 11:59 p.m.:	300 feet

SATURDAY

12:00 midnight – 7:00 a.m.:	100 feet
7:01 a.m. – 11:59 p.m.:	300 feet

It is unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated any radio receiving device, television, stereo, musical instrument, phonograph, sound, amplifier, or other machines or devices producing, reproducing or amplifying sound and/or noise at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible and heard at or more than the specified distances above from the building, structure, motor vehicle on private property unless the

property boundaries from which the sound originates is a greater distance than those specified above. In that event, the sound shall not be plainly audible beyond the property boundary.

It is unlawful for any person or persons to yell, shout, hoot, whistle, or sing on the public streets or sidewalks or on private property so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance at or more than the specified distances above from the place, building, structure, or in the case of real property, beyond the property limits, in which the person is located, whichever is farthest.

It is unlawful for any person or persons to use, operate, or permit to be used or operate any radio receiving device, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for production or reproduction of a sound which is cast upon the public streets or other public property for the purpose of commercial advertising or which serves to attract attention of the public to any building, structure or vehicle in such a manner as to create, or cause to be created, any noises or sounds which are plainly audible at or more than the specified distances above from the building, structure, or motor vehicle on private property.

It is unlawful for any person or persons in charge of a party or other social event that occurs on any private property to allow that party or event to produce noise in such a manner so as to cause such noise to be plainly audible at or more than the specified distances above from the building or structure from which the party noise is emanating or in the case of real property, beyond the property limits, on which the party or social event is located, which ever farthest.

Except for dwellings within commercial zones that have an adjoining property line or boundary with a residential dwelling unit, it shall be unlawful for any person to make, continue, or cause to be made any noise in such a manner as to be plainly audible to any other

person a distance of five feet beyond the adjoining property line wall or boundary of any apartment, condominium, townhouse, duplex, or other similar residential dwelling units with adjoining points of contact.

For the purposes of this section, "noise" shall mean human produced sounds of yelling, shouting, hooting, whistling, singing, or mechanically produced sounds made by radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing, or amplifying of sound, or any combination thereof.

For the purposes of this section, "property line or boundary" shall mean an imaginary line drawn through the points of contact of (1) adjoining apartments, condominiums, townhouses, duplexes or other such residential dwelling units with adjoining points owned, rented, or leased by different persons; or (2) adjoining common areas or adjoining exterior walls. Said property line or boundary includes all points of a plane formed by projecting the property line or boundary including the ceiling, the floor, and the walls.

The prohibitions of this section shall not apply to the following: Sound volumes produced by radio, tape player, or other mechanical sound making device or instrument from within a motor vehicle on a street or highway, which sound is controlled by O.C.G.A Section 40-6-14; noises or sounds made by law enforcement and other public safety officials performing their public functions; organized school and college sporting events or practice including marching bands; burglar alarms; church chimes or church bells; or outdoor concerts and special events or festivals permitted by the City. Special events, festivals or similar events may be permitted by the City upon application giving the exact date, time and place of said event.


Violations of this ordinance shall be punishable by a fine of \$250.00 for each violation.

All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict hereby repealed.

SO ORDAINED this 2nd day of March, 2015.



Mayor



City Clerk