

Toombs County Noise Control Ordinance

(A) *Purpose.* This section is enacted to protect, preserve and promote the health, safety and welfare of the citizens of Toombs County through the control of noise. It is the intent of this section to establish standards that will reduce excessive community noises, which are harmful and otherwise detrimental to individuals and to the community in the enjoyment of life and property and in the conduct of business.

(B) *Sound measurement standards for law enforcement personnel.* For the purposes of this ordinance, "plainly audible" shall mean any sound emanating from the specific sound-producing sources set forth below which can be heard from the distances set forth below, using the following sound measurement standards: Measurement shall be by the auditory senses of a person standing at a distance no less than the required minimum distance from the source of the sound. For music and other noise, words and phrases need not be discernable. For music and other noise, bass reverberations are included.

(C) *Prohibited conduct.*

(1) *Restrictions of 300 feet for Toombs County for all hours*

a. *Mechanical sound-making devices.* 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 for the producing, reproducing or amplifying of 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 at a distance of 300 feet or more from the building, structure or vehicle, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest.

b. *Human-produced sounds.* 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 of 300 feet or more from the place, building, structure, or in the case of real property, beyond the property limits, in which the person is located.

c. *Commercial advertising.* It is unlawful for any person or persons to use, operate, or permit to be used or operated any radio receiving device, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets or other public property for the purpose of commercial advertising or which serves to attract the attention of the public to any building, structure or vehicle in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 300 feet or more from the source of the sound cast upon the public streets or other public property or from the building, structure, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest.

d. *Party noise.* 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 social event to produce noise in such a

manner that such noise is plainly audible at a distance of 300 feet or more from the building or structure from which the noise is emanating or in the case of real property, beyond the property limits, on which the party or social event is located, whichever is farthest. For the purposes of this subsection, a "person in charge of a party or other social event" shall mean any adult person who resides in or on the premises involved in such party or social event and is present at such party or social event. For the purposes of this subsection, "noise" shall mean the same sounds, or any combination thereof, as described in paragraphs a. or b. above.

(2) *Restrictions for areas within apartments, condominiums, townhouses, duplexes, or other such residential dwelling units.* Except for persons within commercial enterprises that have an adjoining property line or boundary with a residential dwelling unit, it is unlawful for any person to make, continue, or cause to be made or continued 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 such residential dwelling units with adjoining points of contact.

For the purposes of this subsection, "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 subsection, "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.

(3) *Exclusions.* The prohibitions of this section shall not apply to the following:

- a. Noises and/or sounds caused to be made by manufacturing, governmental, construction or commercial entities in the normal course of their business between the hours of 7:00 AM and 9:00PM;
- b. Noises and/or sounds that are permitted by a special event permit pursuant to section 6-5-6; provided, however, that the producer or coordinator of the special event must comply with the terms, restrictions and conditions of the special event permit;
- c. Noises or sounds made by domestic animals,
- d. Noises or sounds caused by industrial or agricultural uses;
- e. 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 the O.C.G.A. § 40-6-14; or
- f. Noises or sounds made by law enforcement and other public safety officials performing their public functions.

(4) *Time restrictions on use of landscape maintenance motorized Devices such as leaf blowers, lawn mowers, or chain saws.* It is unlawful for any person to use or operate any noise-generating, motorized landscape maintenance devices, including but not limited to leaf blowers, lawn mowers, or chain saws, within any residential area or in areas within 300 feet of any

residential area from 8:00 p.m. to 8:00 a.m. except that within the agricultural-residential area no person shall use or operate any such devices within 300 feet of any residential dwelling on adjacent property between the hours of 9:00 p.m. and 7:00 a.m.

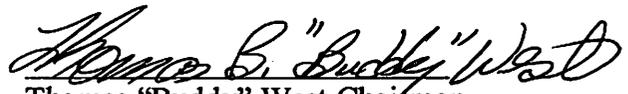
(D) *Registration of outdoor entertainment events.* Registration is required of all outdoor entertainment events that have commercial entertainment and/or electronic amplification. Registration of the event must be 72 hours prior to the event, and must be by the person or persons responsible for the event. Registration is to be with the Toombs County Sheriff's Department, Monday through Friday, from 9:00 a.m. to 4:00 p.m., on an application specified by the Sheriff and shall include the organization sponsoring the event, the location, the date and time of the event, and security provisions. Registration shall not be accepted for events that include the hours between 11:00 p.m. and 7:00 a.m. Failure to register may result in a fine, forfeiture of the right of future registrations, or both. Registration does not exempt the person or persons registering the event from ensuring that the event complies with the requirements of this section. Failure to register shall be a violation of this subsection.

(E) *Penalties.* Any person violating the provisions of this section shall be punished as provided by fines of \$500 per first offense and \$1000 for any second or subsequent offense; Commercial Enterprises licensed for operation by the County shall be subject to the loss of any Class A, B or C license including beer and wine consumption for a period of no less than one year.

(F) *Severability clause.* A determination of the invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, subsection or part of this section shall not affect the validity of the remaining parts of this section.

Amended this 9th day of February, 2010

Toombs County Board of Commissioners
Toombs County, Georgia


Thomas "Buddy" West Chairman

ATTEST:


Gail Widner, County Clerk