

Noise Ordinance
Gwinnett County,
Georgia

GWINNETT COUNTY CODE

ARTICLE I. IN GENERAL

Secs. 42-1 - 42-25. Reserved.

ARTICLE II. NUISANCES.*

*Cross reference Manufactured homes and trailers. ch. 70.

State law reference—Nuisances, O.C.G.A. § 41-1-1 et seq.

Sec. 42 26. Abatement.

Where it is determined that there exists in the county a dwelling or other building or structure which is unfit for human habitation or for commercial, industrial, or business occupancy or use, or where there exists in the county a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation; and where such determination is made by the director of the department of planning and development or his designated enforcement official, such Official shall have the power to have repaired, closed or demolished any such dwelling, building or structure, or to cause to be abated any such unsafe or unsanitary conditions which create a public health hazard or general nuisance in accordance with the provisions of O.C.G.A. §§ 41-2-7 through 41-2-17, which are hereby adopted and incorporated by reference within this section.(Code 1978, § 9-1009)

Secs. 42 27 – 42-45. Reserved.

ARTICLE III. NOISE*

*State law reference—Limits on sound volume produced by radio, tape player or other mechanical sound making device or instrument from within the motor vehicle, O.C.G.A. 40-6-14

Sec. 42 46. Loud, unnecessary or unusual noise—Prohibited.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual sound or noise which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the county, and which is audible to a person of normal hearing ability more than 50 feet from the point of origin of this sound or noise. (Code 1978, § 9-1001(a))

Sec. 42 47. Same—Enumeration.

The following acts among others are declared to be loud, disturbing and unnecessary sounds or noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

(1) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the county, except as a danger warning; the creation of any unreasonably loud or harsh sound by means of this signaling device and the sounding of this device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of this signaling device when traffic is for any reason held up is prohibited.

(2) Radios, phonographs, similar devices. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to unreasonably disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is reasonably necessary for convenient hearing for the person who is in the room, vehicle or chamber in which this machine or device is operated and who is a voluntary listener thereto. The operation of the set, instrument, phonograph machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the room, building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure is prohibited. Announcements over loudspeakers shall only be made by the announcer in person and without the aid of any mechanical device.

(4) Yelling, shouting, and the like. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to unreasonably annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or other type of residence or of any persons in the vicinity, is prohibited.

(5) Noisy animals or birds. Anyone who keeps or maintains an animal or bird that unreasonably disturbs the comfort or repose of any person, because the animal or bird is emitting frequent or long continued sound or noise, and who continues to keep, maintain or allow any animal or bird to so disturb the comfort or repose of any person or persons shall be deemed in violation of this section, provided that the person keeping or maintaining the animal or bird has been first notified in writing by certified mail, return receipt requested, by the complaining party that this animal or bird being kept by the addressee is unreasonably disturbing his or her comfort or repose. This section shall be

liberally construed to accomplish the objective of the section, and the person making this written notification need not use the exact words of this section to the addressee so long as the notification sufficiently informs the addressee of the nature of the disturbing noise emitted by the animal or bird. Upon receipt of a certified letter notifying the person keeping or maintaining such animal or bird, such person shall be required to immediately comply with this section. This section shall not apply to horses, livestock, poultry or other farm animals, provided they are maintained in accordance with county zoning regulations or ordinances.

(6) Construction or repair of buildings. The erection, excavating, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays is hereby prohibited, except that the building inspector may determine when the loss or inconvenience that would result to any party in interest is of such a nature as to warrant special consideration, then the building inspector may grant a permit for a period not to exceed ten days or less for this work to be done between the hours of 10:00 p.m. and 7:00 a.m.

(7) Transportation of metal rails, similar materials. The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any manner so loaded as to cause unreasonably loud noises or as to unreasonably disturb the peace and quiet of those streets or other public places is prohibited.

(8) Pile drivers, hammers, similar equipment. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by unreasonably loud or unusual sounds or noises is prohibited.

(9) Blowers and motors. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noises due to the explosion of operating gases or fluids is prohibited, unless the noise from this blower or fan is muffled and the engine is equipped with a muffler device reasonably sufficient to deaden the noise.

(10) Sound trucks. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes is prohibited. The use of sound trucks for noncommercial purposes during such hours, and with such unreasonable volume as would constitute a public nuisance is prohibited.

(11) Steam whistles. The blowing of any steam whistle attached to any stationary boiler is prohibited, except to give notice of the time to begin or stop work or as a warning of fire or danger upon request of proper authorities.

(12) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, or motor boat is prohibited,

except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(13) Defect in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create unreasonably loud and unnecessary grating, grinding, rattling or other noises is prohibited.

(14) Loading, unloading, opening boxes. The creation of unreasonably loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers is prohibited.

(15) Schools, courts, churches, hospitals. The creation of any unreasonably excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of the institution, or which disturbs or unduly annoys patients in the hospitals is prohibited, provided that conspicuous signs are displayed in the streets indicating that it is a school, hospital or court street.

(16) Hawkers, peddlers, vendors. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood is prohibited.

(17) Noises to attract attention The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show car sale is prohibited.

(18) Operation of motor vehicles. The operation of motor vehicles, including cars, trucks, motorcycles, upon any parking facility, public or private, vehicle access or pedestrian walkway, or street, public or private, so as to create unreasonable noise and to disturb the peace, quiet and comfort of the inhabitants of the neighborhood is prohibited.

(Code 1978, § 9-1001(b))

Sec. 42-48 Same—Exceptions.

The provisions of this section shall not apply to or be enforced against:

(1) Any vehicle of the county while engaged in necessary public business.

(2) Excavations or repairs of streets by or on behalf of the county or state at night when public welfare and convenience renders it impossible to perform this work during the day.

(3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial.

(Code 1978, § 9-1001(c); Res. of 10-4-94, § 1)

Secs. 42-49~12-70. Reserved.

ARTICLE IV. PHOSPHORUS REDUCTION*

*State law reference--Sale or rise of cleaning agents containing phosphorus, O.C.G.A § 12-5-27.1

Sec. 42-71. Declaration of policy.

O.C.G.A. § 12-5-27.1 provides that whenever a local government entity is required by the environmental protection division to reduce phosphorus in its waste water being discharged into the waters of the state, such local government entity shall pass an ordinance mandating the retail sale of low phosphorus household laundry detergent as part of its phosphorus reduction process. It is hereby declared to be the public policy of the county to encourage the use of clean, phosphate-free. household laundry detergents and to prohibit the sale of household laundry detergents which contain more than 0.5 percent phosphorus by weight.