

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF MOULTRIE RELATING TO ENVIRONMENT; TO PROVIDE FOR NOISE REGULATIONS; TO PROVIDE PROCEDURES; TO PROVIDE FOR ENFORCEMENT; TO PROVIDE FOR VIOLATIONS; TO PROVIDE PENALTIES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Council of the City of Moultrie, Georgia, and it is hereby ordained by authority of same that:

Section 1. Chapter 36 of the Moultrie Code of Ordinances is hereby amended by adding a new Article to be numbered Article VI, which shall include the following language:

ARTICLE VI. - NOISE REGULATION

"Sec. 46-120. - Purpose and standards.

- (a) Purpose. This section is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the City of Moultrie through the control of noise. It is the intent of this section to establish standards that will reduce excessive community noises, which are harmful, disruptive, distracting, 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 and code enforcement personnel. For the purposes of this article, "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 and bass reverberations are included."

"Sec. 46-121. - Prohibited conduct.

- (a) Restrictions of 300 feet for 7:00 a.m. through 11:00 p.m. Sunday through Thursday and 7:00 a.m. through 12:00 midnight on Friday and Saturday.
 - (1) Sound and noise making devices. It is unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated any device capable of producing, reproducing, or amplifying any 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 more than 300 feet beyond the property boundary of the property from which the noises and/or sounds emanate between the hours of 7:00 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 7:00 a.m. and 12:00 midnight on Friday and Saturday.
 - (2) Human-produced sounds. It is unlawful for any person or persons to yell, shout, hoot, holler, whistle or sing on the public streets, sidewalks or on private property so as to create, or cause to be created, any noises or sounds which are plainly audible more than 300 feet beyond the property boundary of the property from which the noises and/or sounds emanate between the hours of 7:00 a.m. and

- 11:00 p.m. on Sunday through Thursday and between the hours of 7:00 a.m. and 12:00 midnight on Friday and Saturday.
- (3) 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 more than 300 feet beyond the property boundary of the property from which the noises and/or sounds emanate between the hours of 7:00 a.m. and 11:00 p.m. on Sunday through Thursday and between the hours of 7:00 a.m. and 12 midnight on Friday and Saturday.
- (4) Party noise. It is unlawful for any person or persons in charge of a party, gathering, or other social event that occurs on any private property to allow that party, gathering, or social event, including any individual in attendance, to produce noise in such a manner that such noise is plainly audible at a distance of 300 feet or more from the property boundary on which the party or social event is located, between the hours of 7:00 a.m. and 11:00 p.m. on Sunday through Thursday and between the hours of 7:00 a.m. and 12:00 midnight on Friday and Saturday. For the purposes of this subsection, a "person in charge of a party or other social event" shall mean any 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 (1) or (2) above.
- (b) Restrictions of 100 feet for 11:00 p.m. through 7 a.m. Sunday through Thursday and 12:00 midnight through 7:00 a.m. on Saturday and Sunday.
- (1) Sound and noise making devices. It is unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated any device capable of producing, reproducing, or amplifying any 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 more than 100 feet beyond the property boundary of the property from which the noises and/or sounds emanate between the hours of 11:00 p.m. and 7:00 a.m. on Sunday through Thursday and between the hours of 12:00 midnight and 7:00a.m. on Saturday and Sunday.
- (2) Human-produced sound. It is unlawful for any person or persons to yell, shout, hoot, holler, 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 more than 100 feet beyond the property boundary of the property from which the noises and/or sounds emanate between the hours of 11:00 p.m. and 7:00 a.m. on Sunday through Thursday and between the hours of 12:00 midnight and 7:00 a.m. on Saturday and Sunday.

- (3) 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 100 feet or more from the source of the sound cast upon the public streets or other public property, or more than 100 feet beyond the property boundary of the property from which the noises and/or sounds emanate, between the hours of 11:00 p.m. and 7:00 a.m. on Sunday through Thursday and between the hours of 12:00 midnight and 7:00 a.m. on Saturday and Sunday.
- (4) Party noise. It is unlawful for any person or persons in charge of a party, gathering, or other social event that occurs on any private property to allow that party, gathering, or other social event, including any individual in attendance, to produce noise in such a manner so as to such noise is plainly audible at a distance of 100 feet or more from the property boundary on which the party or social event is located between the hours of 11:00 p.m. and 7:00 a.m. on Sunday through Thursday and between the hours of 12:00 midnight and 7:00 a.m. on Saturday and Sunday. For the purposes of this subsection, a "person in charge of a party or other social event" shall mean any 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 (1) or (2) above."

"Sec. 46-122 - Exceptions.

The prohibitions of section 46-121 shall not apply to the following:

- (a) Noises and/or sounds caused to be made by manufacturing, governmental, or commercial entities in the normal course of their business;
- (b) Noises or sounds made by domestic animals, which noises or sounds are controlled by Chapter 14 [Animal Control];
- (c) Noises or sounds made by law enforcement and other public safety officials performing their public functions;
- (d) Organized school and college sporting events or practice, including marching bands;
- (e) Consumer fireworks, as defined in O.C.G.A. § 25-10-1(a)(1), on January 1, the last Saturday and Sunday in May, July 3, July 4, the first Monday in September, and December 31 of each year after the time of 10:00 A.M. and up to and including the time of 11:59 P.M.; and on January 1 of each year beginning at the time of 12:00 Midnight and up to and including the ending time of 1:00 A.M."

"Sec. 46-123. - Time restrictions on use of landscape maintenance motorized devices.

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, weed trimmers,

trimmers, hedge clippers, chain saws, or similar device, within any residential zoning district or in areas within 300 feet of any residential zoning district from 8:00 p.m. to 8:00 a.m. Monday through Friday or 10:00 p.m. to 8:00 a.m. on the weekends. The time restrictions contained herein shall not apply to the City of Moultrie in the conduct of its governmental functions.”

“Sec. 46-124. - Motor vehicles sound volumes.

Personal or commercial vehicular music amplification or reproduction equipment, including, shall not be operated in such a manner as to be plainly audible at a distance of 50 feet in any direction from the vehicle.”

“Sec. 46-125. - Sound volumes public rights-of-way.

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 50 feet in any direction from device.”

“Sec. 46-126. - Construction noise.

- (a) Between the hours of 10:00 p.m. and 7:00 a.m. Monday through Friday and 10:00 p.m. to 8:00 a.m. on the weekends, construction noise of any type, including, but not limited to, noise caused by the erection (including excavation), demolition, alteration, or repair of any building, as well as the operation of any earth-moving equipment, crane, saw, drill, pile driver, steam shovel, pneumatic hammer, hoist, automatic nailer or stapler, or any similar equipment, shall not be plainly audible within any residential zoning district more than 100 feet beyond the property boundary of the property from which the noise emanates.
- (b) A variance from the above-referenced hours of operation for construction noise may be requested, in writing, at least 48 hours prior to the proposed construction operation, for consideration by the CITY MANAGER. Such a request shall state:
 - (1) The reasons that support a claim of urgent need based on specific loss or inconvenience for such a variation from the allowable work hours;
 - (2) The impact that the denial of this request would have on the applicant's project and the surrounding properties;
 - (3) The steps which have been taken by the applicant to communicate those needs and impacts to owners of surrounding and nearby properties;
 - (4) The steps that have or will be taken to limit the impact of the proposed activity upon surrounding and nearby properties; and
 - (5) The possible risks to public health and safety.
 - (6) If the CITY MANAGER finds that the application adequately demonstrates the urgent need for a variance from the above allowable work hours, adequately provides for mitigation of the impact upon surrounding and nearby properties, and poses no additional risk to public health and safety, then permission shall be granted for a variance to alter the allowable work hours during one ten-day period.

- (c) The prohibitions of this section shall not apply to government road, water, sewer, storm water construction or maintenance projects or to utility company construction or maintenance projects."

"Sec. 46-127. - Commercial entities located in commercial downtown or near single-family residential zoning districts.

- (a) Notwithstanding any provisions of this article concerning noises and/or sounds caused to be made by commercial entities in the normal course of their business, the provisions and prohibitions of Section 46-121, "Prohibited Conduct," subsection (a), concerning "Restrictions of 300 feet for 7:00 a.m. through 11:00 p.m. on Sunday through Thursday and 7:00 a.m. through 12:00 midnight on Friday and Saturday" shall apply to noises and/or sounds generated by a commercial entity that are plainly audible within any single-family residential zoning district or a residence within the commercial downtown zoning district more than 300 feet beyond the property boundary of the property from which the noises and/or sounds emanate.
- (b) Notwithstanding any provisions of this section concerning noises and/or sounds caused to be made by commercial entities in the normal course of their business, the provisions and prohibitions of Section 46-121, "Prohibited conduct," subsection (b), concerning "Restrictions of 100 feet for 11:00 p.m. through 7:00 a.m. on Sunday through Thursday and 12:00 midnight through 7:00 a.m. on Saturday and Sunday," shall apply to noises and/or sounds generated by a commercial entity that are plainly audible within any single-family residential zoning district or a residence within the commercial downtown zoning district more than 100 feet beyond the property boundary of the property from which the noises and/or sounds emanate.
- (c) Commercial entities allowing music shall be required to keep all doors closed during hours of operation while music is playing except for the ingress and egress of patrons. Doors shall not be propped open or be allowed to remain open."

"Sec. 46-128. - Enforcement procedures.

- (a) The city may prosecute noise related violations by issuance of a city ordinance citation, in which case, the penalty for a violation shall be as a misdemeanor.
- (b) In addition to issuing a fine or in lieu thereof, the municipal court judge may issue an order requiring immediate abatement of any sound source alleged to be in violation of this section.
- (c) No provision of this section shall be construed to impair any common law or statutory cause of action, or legal remedy therefore, of any person for injury or damage arising from any violation of this section.
- (d) A determination of the invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, subsection or part of this article shall not affect the validity of the remaining parts of this article."

Section 2.


a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.


b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

c. In the event any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses and phrases of this Ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses and phrases of the Ordinance shall remain valid, constitutional, enforceable and of full force and effect.

BE IT FURTHER ORDAINED that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Moultrie, Georgia and the sections of this Ordinance may be renumbered or relettered to accomplish such intention and that all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed and that this Ordinance be codified in a manner consistent with the laws of the State of Georgia and City of Moultrie.

CITY OF MOULTRIE

By: 
Mayor

Attest: 
Clerk

Read first and second times

10.20.2020

Read third time and passed

11.3.2020