

STATE OF GEORGIA
CITY OF SPRINGFIELD

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE CITY OF SPRINGFIELD AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRINGFIELD, GEORGIA TO AMEND CHAPTER 9 – NOISE; TO PROVIDE FOR NOTICE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND RESOLUTIONS AND PARTS THEREOF IN CONFLICT HERewith; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Springfield, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

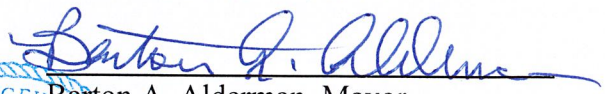
WHEREAS, the Mayor and Council of the City of Springfield have the authority to amend the City's ordinances from time to time and, where necessary, to maintain adequate regulations;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SPRINGFIELD in a regular meeting assembled and pursuant to lawful authority thereof, as follows:

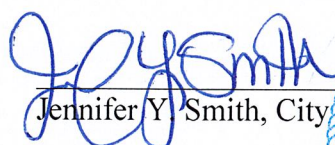
- Section 1. Adoption. The Mayor and Council of the City of Springfield hereby adopt the noise ordinance attached hereto as Exhibit A, which is incorporated by reference as if set forth verbatim herein and shall be codified in the Code of Ordinances of the City of Springfield as "Chapter 9 – Noise."
- Section 2. Severability. If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.
- Section 3. Repealer. All ordinances and resolutions parts of thereof in conflict with this ordinance are hereby repealed.
- Section 4. Effective Date. This ordinance shall become effective immediately upon its adoption by the City Council.

SO ORDAINED this 14 day of January, 2025.

CITY OF SPRINGFIELD


Barton A. Alderman, Mayor

ATTEST:


Jennifer Y. Smith, City Clerk



Chapter 9 NOISE

Sec. 9-1 Definitions

All terminology used in this chapter, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. The following words and terms, when used in this chapter, shall have the following meanings:

A-weighting is the electronic filtering in sound level meters that models human hearing frequency sensitivity.

Background sound level is the total sound pressure level in the area of interest excluding the noise source of interest.

Boom box means any self-contained, portable, hand-held music or sound amplification or reproduction equipment capable of emitting sound.

Boom car means any vehicle with loudspeakers, amplifiers, radio receiving sets, musical instruments, phonographs or other equipment capable of producing, reproducing or emitting sound which is cast upon the public street for personal or commercial purposes.

Commercial or business property category is all property which is used primarily for the sale of merchandise or goods, or for the performances of service, or for office or clerical work.

Construction is any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

Decibel (dB) is the unit of measurement for sound pressure level at a specified location.

dBA is the A-weighted unit of sound pressure level.

Emergency is any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work is any work or action performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Impulsive sound is a sound having a duration of less than one second with an abrupt onset and rapid decay.

Industrial or manufacturing property category is any property which is used primarily for manufacturing or processing.

Institutional property category is any property which is used primarily for public purposes such as city hall or a city park.

Legal holidays include all federal holidays and New Year's Eve, New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, and Christmas Day.

Multi-family dwelling is any building or other shelter that has been divided into separate units to house more than one family.

Noise is any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance is any sound that (a) endangers the safety or health of any person, (b) disturbs a reasonable person of normal sensitivities, or (c) endangers personal or real property.

Noise sensitive facility means any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include, but are not limited to, schools, hospitals, and places of worship.

Octave band is all the components in a sound spectrum whose frequencies are between two sine wave components separated by an octave.

Public space property category is any real property or structures thereon that is owned, leased, or controlled by a governmental entity.

Real property line is the line, including its vertical extension, that separates one parcel of real property from another.

Residential property category is all property on which people live and sleep or that which is not commercial or industrial.

Sound level meter (SLM) is an instrument used to measure sound pressure levels conforming to Type 1 or Type 2 standards as specified in ANSI Standard S1.4-1983 or the latest version thereof.

Sound pressure level (SPL) is 20 multiplied by the logarithm, to the base ten, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.

Weekday is any day, Monday through Friday, that is not a legal holiday.

Sec. 9-2 - Sound level limitations.

- (a) No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the sound level limits set forth in Table 1 of this section when measured at or within the

real property line of the receiving property using the slow response setting of the sound level meter unless otherwise noted. Such a sound source would constitute a noise disturbance.

TABLE 1. Sound Level Limits by Receiving Property

Receiving property category	Time	Sound level limit (dBA)
Residential, public space, institutional, or noise sensitive facility	7:00 a.m.—11:00 p.m.	80
	11:00 p.m.—7:00 a.m.	60
Commercial or business	7:00 a.m.—11:00 p.m.	80
	11:00 p.m.—7:00 a.m.	60
Industrial or manufacturing	At all times	80

- (a) If the noise is an impulsive sound, the fast response setting of the sound level meter shall be used and the daytime (7:00 a.m.—11:00 p.m.) limits of Table 1 shall be increased by ten dBA.
- (b) In a multi-family dwelling, it shall be unlawful to create or permit to be created any noise that exceeds the daytime (7:00 a.m.—11:00 p.m.) limit of 80 dBA and the nighttime (11:00 p.m.—7:00 a.m.) limit of 60 dBA as measured from the closest neighbor's dwelling.

Sec. 9-3 - Exemptions.

- (a) Noise generated from municipally hosted events shall be exempt from the provisions of this chapter.
- (b) The following are exempt from the sound level limits of Section 9-2:
 - (1) Sound by public safety vehicles, emergency signaling devices, or authorized public safety personnel for the purpose of alerting persons to the existence of an emergency;
 - (2) Noise from an exterior burglar alarm of any building, provided such burglar alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted or ten minutes if intermittent;

- (3) Noise from any automobile alarm, provided such alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted or ten minutes if the sound is intermittent;
- (4) The generation of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Administration;
- (5) Noise resulting from any practice or performance sponsored by or associated with the educational process administered by a recognized institution of learning, including, but not limited to band, choir, and orchestral performances;
- (6) Noise that results from the activities of an organized sports league;
- (7) Unamplified bells, chimes or carillons while being used in conjunction with religious services between the hours of 7:00 a.m.—10:00 p.m.;
- (8) Emergency work;
- (9) Surface carriers engaged in commerce by railroad;
- (10) Noise that results from activities related to events approved by the Springfield City Council.

Sec. 9-4. - Restricted uses and activities.

- (a) Notwithstanding the provisions of section Sec 9.2 and the exceptions above, the following standards shall apply to the activities or sources of sound set forth below:
 - (1) Non-commercial or non-industrial power tools used for landscaping and yard maintenance shall not be operated between the hours of 11:00 p.m. and 7:00 a.m., unless such activities can meet the applicable limits set forth in section 9.2. At all other times, the limits set forth in section 9.2 do not apply to non-commercial or non-industrial power tools and landscaping and yard maintenance equipment, provided that all motorized equipment is operated with a functioning muffler.
 - (2) Commercial or industrial power tools used for landscaping and yard maintenance shall be operated with a muffler. All motorized equipment used in commercial landscaping and yard maintenance activities shall not be operated on a residential property or within 250 feet of a residential property line, between the hours of 11:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 11:00 p.m. and 9:00 a.m. on weekends, unless: (a) Such activities are deemed emergency work; or (b) Such activities meet the limits set forth in section 9.2. At all other times, the limits set forth in section 9.2 shall not apply to commercial or industrial power tools and landscaping and yard maintenance equipment.

(3) Construction and demolition activity shall not be performed between the hours of 9:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 9:00 p.m. and 9:00 a.m. on weekends, unless: (a) Such activities are deemed emergency work; or (b) Such activities meet the limits set forth in section 9.2. This provision shall not apply if the City Manager or his/her designee determines that the loss or inconvenience that would result to any party in interest is of such a nature as to warrant special consideration.

(4) Domesticated animals may not make any vocalizations (including barking, baying, howling, crying, or making any other noise) for more than ten minutes without interruption or more than 20 minutes if intermittent.

(5) Personal or commercial vehicular music amplification or reproduction equipment, including, but not limited to boom cars, shall not be operated in such a manner as to be plainly audible at a distance of 100 feet or more in any direction.

Sec. 9-5. - Noise control officers.

- (a) Where the provisions of this ordinance require the measurement of sound with the use of a sound level meter, POST certified officers of the Springfield Police Department, or their designee(s) shall make such measurement.
- (b) Officers or their designees shall be qualified to be a noise control officer if the person receives appropriate training in the measurement of sound using a sound level meter.
- (c) Upon occurrence of a violation of this chapter, police officers having jurisdiction in the area where the violation takes place may issue a citation/summons for the violation returnable to the Municipal Court of Springfield. Penalties for violations of this chapter will be governed by section 1-7 of the Code of the City of Springfield, Georgia.

Sec. 9-6. - Procedures for the determination of sound levels.

- (a) Insofar as practicable, sound will be measured while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions, including but not limited to, design, maximum and fluctuating rates. All noise measurements shall be made at or within the property line of the impacted site, unless otherwise directed in this ordinance. When instrumentation cannot be placed at or within the property line, the measurement shall be made as close thereto as is reasonable. For the purposes of this ordinance, noise measurements are to be measured on the A- or C- weighted sound scale, as applicable, of a sound level meter of standard design and quality having characteristics established by ANSI.
- (b) A field check of the meter and batteries must be conducted before and after every set of measurements.

- (c) Total and neighborhood residual sound level measurements shall be taken in accordance with procedures established and approved by the City Manager or his/her designee. Calculation of source sound levels shall conform with accepted practices established by ANSI.

Sec. 9-7. - Requests for temporary relief or stay due to hardship.

- (a) Any person requesting temporary relief or a stay from the enforcement of this ordinance shall apply to the City Manager or his/her designee for a special administrative permit for a period of time not to exceed 30 days. The City Manager has discretion to consider and grant or deny the special administrative permit (with such conditions as may be warranted), if strict enforcement of this chapter will result in exceptional and undue hardship to the applicant. Under no circumstances shall the City Manager grant a stay of enforcement of this chapter for more than 60 days within any six-month period.
- (b) Applications for special administrative permits shall, among other matters, address the nature of the noise, attenuation measures, and the hardships to the applicant and others if the permit is not granted.
- (c) A special administrative permit may be revoked and the issuance of future permits withheld, if there is a:
 - (1) Violation of any conditions of the permit;
 - (2) Material misrepresentation of fact in the permit application; or,
 - (3) Material change in any of the circumstances relied upon by the City Manager in granting the permit.
- (d) No special administrative permit shall be authorized to delete, modify, or change in any manner any requirement imposed as a condition of zoning or as a condition of a special or conditional use permit imposed by the City Council.
- (e) Appeals of any special administrative permit decision made by the City Manager or his or her designee shall be to the City Council.

Sec. 9-8. - 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 set forth in section 1-7 of the Code of the City of Springfield, Georgia.
- (b) In addition to issuing a fine as provided in Section 1-7 of the Code of the City of Springfield, Georgia, or in lieu thereof, the judge of the Municipal Court of the City of Springfield may issue an order requiring immediate abatement of any sound source alleged to be in violation of this Chapter.

- (c) No provision of this Chapter 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 Chapter or from other law.