

99-0-1383

**AN ORDINANCE BY
COUNCILMEMBER C.T. MARTIN
AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

TO AMEND ARTICLE IV ENTITLED "NOISE CONTROL" BY RESCINDING THE CITY OF ATLANTA'S EXISTING NOISE ORDINANCE AND SUBSTITUTING IN LIEU THERE OF THE ARTICLE CONTAINED HEREIN; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, it is the policy of the City to prohibit noise disturbances or unreasonable noise from all sources, subject to its police power in order to secure and promote the public health, comfort, convenience, safety, welfare, and prosperity of the City of Atlanta and its inhabitants; and

WHEREAS, the City of Atlanta desires to have an enforceable Noise Ordinance that will adequately protect the citizens of the city of Atlanta; and

WHEREAS, the provisions and prohibitions herein are enacted for the purpose of preventing noise disturbances or unreasonable noise; and

WHEREAS, the city finds that above certain levels, unreasonable noise or noise disturbance is detrimental to the health and welfare of the citizenry.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA GEORGIA HEREBY ORDAINS that:

SECTION 1.

That the current noise ordinance entitled "Article IV Noise Control" be repealed and substituted in lieu thereof a new Article IV as stated below:

ARTICLE IV. NOISE CONTROL

This Chapter shall be known and may be referred to as the Atlanta Noise Control Code or the Atlanta Noise Ordinance.

Section 1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

"A" level is the total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit of measurement is the dBA.

Ambient Noise is the total sound pressure level in the area of interest including the noise source of interest.

Commercial area means an area defined in Part 16, Chapters 11--15 of this Code.

Commercial facility means any premises, property or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to: a) banking and other financial institutions b) dining establishments c) establishments for providing retail services d) establishments for recreation

and entertainment e) establishments for recreation and entertainment f) office buildings g) transportation and h) warehouses.

Construction means any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for public or private rights-of-way, structures, utilities or similar property.

Contracting agency. As used in this Section, the term "contracting agency" means any board, bureau, department, commission or other agency of the government of the city of Atlanta, or any official thereof, who or which is authorized to and does, on behalf of the city, provide for, enter into, award or administer contracts or any other public agency which enters into, awards or administers contracts pursuant to which funds authorized by the city of Atlanta are expended.

Decibel means the practical unit of measurement for sound pressure level abbreviated "dBA."

Dwelling means any building occupied in whole or in part as the temporary or permanent residence of one or more natural persons.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

Emergency vehicle means a motor vehicle belonging to a fire department or certified private volunteer firefighter or firefighting association, partnership or corporation, an ambulance, a motor vehicle belonging to a private security agency or a motor vehicle belonging to a federal, state, county or municipal law enforcement agency, provided such vehicles are in use as emergency vehicles by one authorized to use such vehicles for that purpose.

Emergency signal devices means any gong, siren, whistle, air horn or any similar device the use of which on emergency vehicles is permitted by this Section or by Section _____.

Emergency work means any work for the purpose of preventing or alleviating the physical trauma damage threatened or caused by an emergency, or is any work or action necessary to deliver essential services including, but not limited to, repairing water, gas, electric, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, or abating life threatening conditions.

Industrial area means an area as defined in Part 16, Chapters 16 and 17 of this Code.

Industrial Facility means any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacture, or production of durable or nondurable goods.

Motor Vehicle is any vehicle that is propelled or drawn on land by an engine or motor.

Multifamily dwelling means a building or other shelter that has been divided into separate units to house more than one family or where there are two or more dwelling units.

Noise Control Officer means an officer of the municipality or a designated enforcement person empowered to issue a citation for violation of this chapter.

Noise Disturbance means any unwarranted intrusions or unnecessary, excessive, loud and/or raucous sounds that: 1) endangers the safety or health of any person;

2) unreasonably interferes with the comfort, health, or safety of others; or 3) endangers the personal or real property of others.

Noise-sensitive area means an area where a school, hospital, hospice, nursing home, church, court or public library is located.

Person means any individual, corporation, company, association, society, firm, partnership or joint stock company.

Powered model vehicle means any self-propelled airborne, waterborne or landborne plane, vessel or vehicle which is not designed to carry persons, including but not limited to any model airplane, boat, car or rocket.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley or similar place normally accessible to the public that is leased, owned or controlled by a governmental entity.

Public space means any real property or structures thereon that are either owned, leased, or controlled by a governmental entity and normally accessible to the public, including but not limited to parks, sports or entertainment venues, lots, or any public recreational areas.

Real property line means a line along the surfaces, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, or the vertical and horizontal boundaries of a dwelling unit that is one in a multiunit dwelling building.

Residential area means any real property which contains a structure or building in which one or more persons reside, provided that such structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the city's zoning ordinance.

Sound Reproduction Device (Sound Amplification Device) means a device that produces or reproduces sound, including but not limited to any musical instrument, radio receiver, television receiver, tape recorder, phonograph, compact disc player or sound amplifying system.

Sound level (noise level) means the sound pressure level measured in decibels is the measure on the A-weighted scale as defined in the most recent version of the American National Standard Specification ("ANSI") expressed in "dBA."

Sound level meter means an instrument used to measure sound level.

Unreasonable noise means any excessive or unusually loud or raucous sound or noise that conflicts with the criteria, standards, or levels set forth in this Article for permissible noise or any noise that disturbs the peace, comfort, or repose of a reasonable person.

Section 2. Scope

The provisions of this article shall apply to the control of all sound originating within the geographical limits of the city and outside the city limits, within all territory to which the jurisdiction of the city extends.

Section 3. Declaration of Policy

The provisions hereinafter contained are enacted for the purpose of preventing noise disturbances or unreasonable noise. Above certain levels, unreasonable noise or noise disturbance is detrimental to the health and welfare of the citizenry. It is hereby declared to be the policy of the City to prohibit noise disturbances or unreasonable noise from all sources, subject to its police power in order to secure and promote the public health, comfort, convenience, safety, welfare, and prosperity of the citizens of Atlanta.

Section 4. General Provisions

1. It shall be unlawful for any person to make, continue, cause, permit or allow, verbally or mechanically, any noise disturbance or unreasonable noise from all sources within the jurisdiction of the city.
2. It shall be unlawful to operate any sound production or reproduction device, radio receiving set, musical instrument, machine, loud speaker and sound amplifier or similar machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building structure, or vehicle in which it is located or when operated in such a manner as to cause a person to be aware of vibration accompanying the sound at a distance of fifty (50) feet from the source.
3. It shall be unlawful for any person, except those participating in a parade or public assembly for which a permit has been obtained, to generate any sound by any means so that at any time:
 - (a) the sound pressure level on the public right of way measured at a distance of 10 feet or further from the source exceeds 80 dBA;
 - (b) the sound is audible at a distance of 300 feet or more from the point of generation. Any person participating in a parade or public assembly for which a permit has been obtained may generate sounds in excess of these limitations only if a permit is obtained. Nothing in this Section is intended to prohibit incidental sounds emanating from a sporting or entertainment or a public event for which a permit under Section _____ of the Code has been issued.

4. Except as provided in Section _____ of the Code of Ordinances, no person shall operate or use or cause to be operated or used any sound reproduction or sound amplification device in such a manner as to create any unreasonable noise or noise disturbance.
5. No person shall cause or permit the creation of any unreasonable noise or noise disturbance through the use of any device on any street adjacent to any school or court while the same is in session, or adjacent to any hospital.
6. No person shall operate or use any radio, phonograph, or tape recorder or any other similar products in or on any public transportation in such a manner that the sound emanating from such sound reproduction device is audible to another person.
7. No person shall make, cause, or permit to be made or caused any music originating from or in connection with the operation of any commercial establishment or enterprise when the level of sound of such music, as measured inside any residential unit, in excess of 45 dBA as measured with a sound level meter.

Section 5. Maximum Permissible Sound Levels by Receiving Land Use Category

1. No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth in this Ordinance (See Table.) for the receiving land use category more than ten (10) percent of any measurement period, period shall not be less than ten (10) minutes, when measured at or within the property line of the land use category, the sound level shall be measured within an intrabuilding dwelling.
2. For any source of sound, the sound level shall not exceed the maximum permissible sound level limits set forth in Table I by 15 dBA for all land use categories.

MAXIMUM PERMISSIBLE SOUND LEVEL LIMIT BY LAND USE CATEGORIES

| LAND USE | TIME | SOUND LEVEL | MEASUREMENT LOCATION |
|-----------------------------|---------------------|--------------------|---------------------------------|
| RESIDENTIAL | | | |
| NOISE SENSITIVE | 8AM-10PM | 55 | AT/WITHIN PROPERTY LINE |
| | 10PM-8AM | 50 | AT/WITHIN PROPERTY LINE |
| MULTIFAMILY DWELLING | 8AM-10PM | 50 | WITHIN ADJACENT DWELLING |
| | 10PM-8AM | 45 | WITHIN ADJACENT DWELLING |
| INDUSTRIAL | AT ALL TIMES | 75 | AT/WITHIN PROPERTY LINE |
| PUBLIC STREET | | | |
| PUBLIC SPACE | | | |
| ALL OTHER | 8AM-10PM | 65 | 100 FEET FROM SOURCE |
| | 10PM-8AM | 60 | 100 FEET FROM SOURCE |

3. No person shall cause, suffer, allow, or permit the operation of any sound source on a particular category of property or any public space or right-of way in such a manner as to create a sound level that exceeds the background sound level by at least 10 dBA during daytime (8:00 a.m. to 10 p.m.) hours and by at least 5 dBA during nighttime (10:00 p.m. to 8:00 p.m.) hours when measured at or within the real property line of the receiving property, except as provided in Section 6.1.1 Such a sound source would constitute a noise disturbance.

Section 6. Measurement

All noise measurements shall be made at or within the property line of the impacted site, unless otherwise directed in this Noise Ordinance. When instrumentation cannot be placed at or within the property line, the measurement shall be made as close thereto as is reasonable. However, noise measurements shall not be made at a distance of less than twenty-five feet from the edge of a noise source. For the purposes of this Article, noise measurements are measured on the A-weighting scale of a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.

Section 7. Sound Amplification/ Production/Reproduction Devices

1. Loudspeakers and sound amplifiers – Proximity to Residential, Noise Sensitive Areas

No person shall use or operate of any loudspeaker system, sound amplifier or other similar device on weekdays between the hours of 10:00 p.m. and 8:00 a.m., and on weekends and holidays between the hours of 10:00 p.m. and 8:00 a.m., within or adjacent to residential or noise-sensitive areas, public rights-of-way or public space such that the sound therefrom is plainly audible at or within the real property line of the source; provided that this shall not apply to any public performance, gathering or parade for which a permit has been obtained from the city, nor shall it apply to performances at the Chastain Park Amphitheater or at any amphitheater constructed upon the Lakewood Fairgrounds whenever the same is governed by another ordinance or by contract as to maximum levels of sound specified in dBA and hours of operation.

- a. Such a contract or agreement, with specific noise levels in excess of those designated in this Section for public entertainment, must specify the amount of damages to be paid when limitations on sound levels are exceeded at any time.
- b. The contract must be specifically approved yearly by the governing authority.
- c. These provisions contained herein for sound amplification/production/reproduction devices are not intended, nor shall they be construed to supersede, supplant or nullify any contract existing as of the effective date of this ordinance in which the city of Atlanta is a party, but shall pertain to any renewal of any contract after the effective date of this ordinance.

2. Public Entertainment - Proximity to Residential

It shall be unlawful to operate or allow the operation of any sound amplification equipment, in a place having a capacity of one thousand (1,000) persons or more, so as to create sounds exceeding fifty-five (55) dBA between 10:00 p.m. and 8:00 a.m. on weekdays or sounds exceeding fifty (50) dBA between 10:00 p.m. and 10:00 a.m. on weekends as measured at or within the property line of the nearest residentially occupied property, except in accordance with a permit obtained from the city of Atlanta.

3. Commercial music – Proximity to Residential

No person shall make, cause or permit to be made or caused any music originating from or in connection with the operation of any commercial establishment or enterprise when the level of sound of such music, as measured inside any residential unit is in excess of forty-five (45) dBA.

4. Residential Property

It shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds exceeding fifty-five (55) dBA between 8:00 a.m. and 10:00 p.m. and sounds exceeding fifty (50) dBA from 10:00 p.m. to 8:00 a.m., as measured at or within the property line of the nearest residentially occupied property, except in accordance with a permit obtained from the city of Atlanta.

5. Multifamily Structures

It shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds exceeding fifty (50) dBA between 8:00 a.m. and 10:00 p.m. and forty-five (45) dBA between 10:00 p.m. and 8:00 a.m. as measured from any point within the interior of another residential unit in the same complex; or fifty-five (55) dBA between 8:00 a.m. and 10:00 p.m. and fifty (50) dBA

between 10:00 p.m. to 8:00 a.m., as measured at or within the property line of the nearest residentially occupied property, except as in accordance with a permit obtained from the city of Atlanta.

6. Advertising in Proximity to Public Street, Park, Place or Outside any Building

a. It shall be unlawful to operate or allow the operation of any sound amplification/ reproduction equipment for advertising purposes or to otherwise attract customers for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show or sale or display of merchandise, in connection with any commercial or business enterprise in front or outside of any building, place or premises abutting or adjacent to a public street or space, or in or upon any vehicle operated, standing or being in or on any public street or space, where the sound may be heard upon any public street or space and where:

1. these sounds constitute an unreasonable noise or a noise disturbance; or
2. it creates a sound exceeding sixty (60) dBA at fifty (50) feet or more from any electromechanical speaker between the hours of 10:00 a.m. and 8:00 p.m., or fifty (50) dBA at fifty (50) feet or more from any electromechanical speaker between the hours of 8:00 p.m. and 10:00 a.m.

7. Emergencies

The foregoing limitations on the operation of sound amplification equipment shall not apply to the operation of horns, sirens, or other emergency warning devices actually being used in emergency.

Section 8. Specific prohibitions

1. Horns, signaling devices.

No person shall sound any horn or signaling device of a motor vehicle on any street or public place at any time within the jurisdiction of the city continuously or intermittently for a period in excess of 60 seconds, except as a danger or emergency warning.

2. Emergency signaling devices

No person shall operate or use or cause to be operated or used any emergency signal device except on an emergency vehicle when such vehicle is in the immediate act of responding to an emergency; provided that such device shall not be operated so as to create any unreasonable noise for a period longer than is strictly necessary to respond to such emergency. Except in case of an emergency or testing by a public entity of the personnel response to a signalling device. No person shall intentionally sound an alarm between the hours of 10:00 p.m. and 8:00 a.m.

3. Street sales.

No person shall offer for sale by shouting or outcry within any residential, commercial or noise-sensitive area, public rights-of-way or public space so as to create unreasonable noise or noise disturbance except by permit issued by the city.

4. Animals

No person shall permit an animal including a bird, under his or her control to cause a loud, unreasonable noise or noise disturbance continuously for a period of ten (10) minutes, or intermittently for one-half hour or more at any time of day or night at or within a residential or commercial real property line or within a noise-sensitive area, regardless of whether the animal is physically situated in or upon private property.

5. Construction and demolition

No person shall operate or cause the operation of any equipment used in construction work within 1,500 feet of any residential or noise-sensitive area between the hours of 10:00 p.m. and 8:00 a.m. on weekdays and 10:00 p.m. and 10:00 a.m. on weekends and holidays, except for emergency work; and to prohibit pile driving, jackhammering, and blasting on weekends and holidays, and for all other days between 6:00 p.m. and 6:00 a.m. For purposes of this subsection, distances are to be measured from the property line of the nearest residence in any direction to the prohibited construction operation. No person shall operate, use or cause to be operated or used a construction device in such a way as to create an unreasonable noise or noise disturbance.

a. Construction Activities - Special permits; Emergency Permits

The commissioner of public works is authorized to issue permits authorizing the conduct of activities otherwise prohibited by this Ordinance by issuing special permits as follows:

1. Persons shall apply in writing for such permits, on forms provided for this purpose, at least 21 days prior to the date for which such authorization is requested, and shall pay an administrative fee of \$100.00 when submitting their applications. All permits issued shall state all conditions which, in the judgment of the commissioner, are necessary to minimize the adverse impact of construction activities on residential or noise-sensitive areas, including but not limited to naming an effective date, time of day, location and use of equipment permitted. No such permit shall be valid for more than ~~45~~ 15 consecutive days of construction activity, provided that the commissioner is further authorized to renew such permits, and a fee not to exceed one hundred dollars (\$100) for each application for a renewal thereof, upon subsequent applications accompanied by a showing that the grounds for issuance still exist.
2. Such conditions shall be clearly marked on the permit and shall be prominently posted at the site of such construction activities. The commissioner is authorized to issue such permits if the applicant has demonstrated to his or her satisfaction the following:
 - a. The activity, operation or noise source will be of a temporary duration, and cannot be conducted in compliance with the provisions of this article and no reasonable alternative is available; or
 - b. The applicant requires additional time to alter or modify the activity to comply with the provisions of this article, and no reasonable alternative is available.
- b. In the case of an emergency, construction activities directly connected to remedy such emergency may be undertaken without a permit for a period not to exceed 36 hours from the commencement of such construction during which time application for a permit shall be made. Such permits may be issued with an effective date retroactive to the initiation of the construction, and the administrative fee otherwise required may be waived.

6. Powered model vehicles.

No person shall operate or permit the operation or cause the operation of powered model vehicles between the hours of 10:00 p.m. and 8:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends or holidays within or adjacent to residential or noise-sensitive areas, public rights-of-way or public space such that the sound therefrom is plainly audible at or within the real property line of the source.

7. Motor vehicles.

- (a) No person shall operate or permit the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle for a period of longer than five (5) minutes in any sixty (60) minute period while the vehicle is stationary for reasons other than traffic congestion or emergency work on a public right of way or public space within one hundred fifty (150) feet of a residential area so as to create unreasonable noise or a noise disturbance.
- (b) No person shall cause the action of spinning tires, racing engines, or other operations which creates unreasonable noise or noise disturbance.
- (c) No person shall operate or permit to be operated any motor vehicle at any time or under any condition whatsoever, including but not limited to grade, load, idling, velocity, acceleration or deceleration, in such manner as to create unreasonable noise or noise disturbance.
- (d) No person shall operate or permit the operation of any motor vehicle with a muffler, exhausts, and/or other noise-control equipment removed, altered or maintained in such disrepair as to create unreasonable noise or noise disturbance.

(8) Motor Vehicle Alarms.

No owner of a building or a motor vehicle shall have in operation a burglar alarm that does not automatically terminate its operation within fifteen (15) minutes its being activated in the building, and ten minutes of its being activated in a vehicle.

(9) Blowers, engines, machinery and similar devices.

No person shall operate or permit the operation any power blower, power fan, power tool, air compressor, internal-combustion engine (except trains, motor vehicles or motorcycles), or other similar equipment or machinery which causes unreasonable noise or noise disturbance due to its operation, within 1,500 feet of any residential or noise-sensitive area, unless the blower, fan, tool, compressor, engine or other machine is equipped with a functional muffler device or is contained or housed within a structure sufficient to deaden the noise to the point that it is not plainly audible to a person of normal hearing ability in the residential or noise-sensitive area nearest the source of such noise, between the hours of 10:00 p.m. and 8:00 a.m. on weekdays and 10:00 p.m. and 10:00 a.m. on weekends and holidays.

(10) Commercial garbage collection or refuse compacting, processing.

It shall be unlawful for any commercial garbage collector or waste disposal service to operate vehicles and/or equipment within 1,500 feet of any multifamily dwelling, residential area or noise-sensitive area between the hours of 11:00 p.m. and 8:00 a.m. on weekends and holidays, or within 500 feet of any multi-family dwelling, residential area or noise-sensitive area, between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and between the hours of 11:00 p.m. and 8:00 a.m. on weekends and holidays; however, this shall not apply to the collection of garbage from any establishment which has a plastic lid on its dumpster and where it has been determined by the commissioner of public works or designee that the collection of garbage during the establishment's hours of operation would be a safety hazard.

(11) Lawn Care Devices.

(a) No person shall operate, use or cause to be operated or used any lawn care device: (i) before 8 a.m. and after 7 p.m. or sunset, whichever occurs later; or (ii) at any time in such a way as to create an unreasonable noise or noise disturbance.

(b) The provisions contained in this subsection shall not apply to an employee of the Department of Parks and Recreation who operates or uses or causes to be operated or used any lawn care device.

Section 9. Permits for Additional Amplification

(a) Application.

The application for a permit for additional amplification under Section _____ shall be submitted to the noise control officer at least fifteen (15) working days in advance of the planned use except in case of emergency. The application shall designate an individual person or persons who shall be in control of the sound amplification equipment and assure that its use complies with the terms of the permit.

(b) Not permitted in residentially occupied boundaries.

In no event shall a permit be granted which allows the creation of sounds registering more than seventy (70) dBA at or within the property line of the nearest residentially occupied property.

Section 10. Cooperation of City Departments

All city of Atlanta department and agencies shall, to the fullest extent consistent with their authority, carry out their programs according to law and in such a manner as to further the policy and provisions of this Article. All departments charged with new projects or changes to existing projects that may result in the production of noise shall evaluate or obtain an evaluation of the project prior to the approval of the project to ensure that such activities comply with the provisions of this ordinance.

Section 11. Exemptions

The following are exempt from this Noise Ordinance:

1. Noises resulting from any authorized emergency vehicles when responding to an emergency.
2. Noises resulting from the operation of the Hartsfield Atlanta International Airport.
3. Noises made by persons having obtained a parade or concert permit from the city.

4. Any noise resulting from activities of a temporary duration, for which a special permit has been granted pursuant to this Ordinance, and which conforms to the conditions and limits stated thereon.
5. Noises from church bells and chimes as part of a religious observance or service.
6. Noises from any exterior burglar alarm of any building provided such burglar alarm shall terminate its operation within 5 minutes of its activation.

Section 12. Enforcement

- 1. Any noise control officer who is authorized to enforce the provisions of this Noise Ordinance and who encounters evidence of a violation of this Section is empowered to confiscate and impound as evidence, any or all of the components amplifying or transmitting the sound.
2. Any noise control officer who encounters evidence of a violation of this Noise Ordinance whereby the component(s) amplifying and/or transmitting component(s) cannot be readily removed from the vehicle without damaging the component(s) or vehicle, can impound the vehicle, as containing evidence of an offense.
3. Nothing in this Noise Ordinance shall prevent a noise control officer from making efforts to obtain voluntary compliance by way of warning, notice, or educational means. However, such noncompulsory methods are not required under any circumstance before proceeding by way of compulsory enforcement. Where there is a violation of any provision of this article, the city, at its discretion, may take one(1) or more of the following enforcement actions:
 - (a) A noise control officer or animal control officer may issue a citation as provided in Section ____ subjecting the violator to a \$____ dollar fine payable within thirty (30) days. After thirty days, any fines will be subject to delinquency fees and penalties for nonpayment and may be recovered by the city in a civil action.
 - (b) A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same. Misdemeanors shall be punishable by a fine of up to five hundred dollars per incident and/or imprisonment of up to thirty (30) days.
 - (c) A civil action seeking a penalty of ____ dollars (\$____) per day of violation plus injunction and order or abatement may be directed toward any person creating or allowing the creation of any unreasonable noise or noise disturbance, including the owner or person otherwise having legal or actual control of the premises from which it emanates.

Section 13. Inconsistent Provisions

Insofar as the provisions of this Code are inconsistent with any provision of any other title of the Code, or any rule or regulation of any government agency of the city of Atlanta, the provisions of this Noise Control Code shall be controlling.

Section 14. Severability

If any provision, clause, sentence or paragraph of this Code, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Article which can be given effect without the invalid provisions or application and, to this end, the provisions of this Code are hereby declared to be severable.

SECTION 2.

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

99-0 -1383

(Do Not Write Above This Line)

AN ORDINANCE

BY:

C.T. Nash

AN ORDINANCE TO AMEND SUBSECTION (3), SECTION 17-134 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA ENTITLED "SPECIFIC PROHIBITIONS" BY REPEALING SAID SUBSECTION IN ITS ENTIRETY FOR PURPOSES OF AN EFFECTIVE MEANS OF REGULATING AND CONTROLLING SOUND AND NOISE WITHIN THE CITY OF ATLANTA TO THE ENDS THAT THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC ARE PROMOTED AND MAINTAINED THROUGH PEACE AND GOOD ORDER; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith, AND FOR OTHER PURPOSES

FILED BY
CITY COUNCIL
JUN 04 2001

with objection

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

8/2/99

Referred To:

Public Safety & Food Hygiene

Date Referred

Referred To:

Date Referred

Referred To:

Committee
Date
Chair
Referred to

P.S. & L.H.

Date
8/10/99

Chair

Action:

Fav. Adv. Hold (see rev. side)

Other:

Members

*8/31/99
9/28/99
10/26/99
11/9/99*

Refer To

11/29/99

P.S. & L.H.

Date

Chair

Action:

Fav. Adv. Hold (see rev. side)

Other:

Members

*1/11/00
2/15/00
2/29/00
3/14/00*

Refer To

3/28/00

First Reading

Committee
Date
Chair
Referred to

P.S. & L.H.

Date
4/14/00

Chair

Action:

Fav. Adv. Hold (see rev. side)

Other:

Members

4/14/00

Refer To

Committee

Date

Chair

Action:

Fav. Adv. Hold (see rev. side)

Other:

Members

*6/13/00
6/27/00
7/11/00
8/11/00
8/16/00*

Refer To

9/12/00

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED

JUN 4 2001

ATLANTA CITY COUNCIL PRESIDENT

Robert J. Parker

CERTIFIED

JUN 04 2001

MUNICIPAL CLERK

MAYOR'S ACTION