

**AN ORDINANCE BY COUNCILMEMBER CLAIR MULLER
AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

**AN ORDINANCE TO AMEND THE CITY OF ATLANTA NOISE
ORDINANCE SECTION 74-137 OF THE CITY OF ATLANTA CODE OF
ORDINANCES TO PROVIDE MAXIMUM AUDIBLE SOUND LEVELS
FOR HEATING AND AIR CONDITIONING EQUIPMENT ON
COMMERCIAL PROPERTY ADJOINING RESIDENTIAL PROPERTY.**

WHEREAS, large heating and air conditioning units used for commercial developments are often placed in close proximity to residential property lines; and

WHEREAS, the Noise Ordinance does not specifically address the allowed sound level for such equipment when used close to residential property; and

WHEREAS, large HVAC equipment can reach noise levels between 80 dBA and 86 dBA; and

WHEREAS, according to the Occupational Safety and Health Administration's (OSHA) hearing conservation program which sets required noise limits for the workplace, employers are required to monitor noise levels that go above 85 dBA that workers are exposed to an average of eight (8) hours per day because such repeated exposure has been proven to cause hearing loss; and

WHEREAS, the National Institute for Occupational Safety and Health (NIOSH) has also stated that exposure to noises at levels of 85 dBA may cause hearing loss; and

WHEREAS, mixed-use developments are becoming more common throughout the city causing more residential properties to adjoin commercial uses.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That Section 74-137 be amended by adding the following Section 74-137 (6) to read as follows:

Mechanical heating and air conditioning equipment on commercial property and churches and schools on residential property that adjoins residential property shall not exceed a noise level of 90 dBA in accordance with Air Conditioning and Refrigeration Institute (ARI) Standard 275, entitled Application of Sound Rating Levels of Outdoor Unitary Equipment, 1997 edition, if said equipment is 50 feet or more from the adjoining residential property line. If the heating and air conditioning equipment is 50 feet or less from the adjoining residential property line, such equipment shall not exceed 65 dBA when measured from the receiving residential property line. If the aforementioned heating and air conditioning equipment is found to exceed these levels, the party responsible for the maintenance of the equipment shall install the necessary sound barriers to reduce the noise emitted to the allowable level.

Section 2: All ordinances and parts of this ordinance in conflict herewith are hereby rescinded.

AN ORDINANCE BY:

04-0-1628

COUNCILMEMBER CLAIR MULLER

AN ORDINANCE TO AMEND THE CITY OF ATLANTA NOISE ORDINANCE SECTION 74-129 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE MAXIMUM AUDIBLE SOUND LEVELS FOR HEATING AND AIR CONDITIONING EQUIPMENT ADJOINING A PROPERTY LINE IN A RESIDENTIAL ZONING DISTRICT.

WHEREAS, the Noise Control Ordinance does not specifically address large mechanical equipment with respect to sound levels.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. That Section 74-131, entitled Definition of Noise which reads as follows be deleted in its entirety.

Noise means any sound of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the city or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazard within the confines of a place of employment, and the following amended definition be substituted in lieu thereof:

Noise means any sound of such level and duration, including mechanical heating and air conditioning equipment, as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the city or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazard within the confines of a place of employment, and the following amended definition be substituted in lieu thereof.

Section 2: That Section 74-136, entitled Sound Level Limitations, shall be amended by adding the following Section 74-136(a)(5), to read as follows:

Mechanical heating and air conditioning equipment shall produce a maximum noise level of 65 dBA measured at a residential receiving property line. Provided, however, where such equipment is installed at least 50 feet from a residential property line, the maximum noise rating of the equipment (assuming no sound barriers installed) shall not exceed 90 dBA measured in accordance with Air Conditioning and Refrigeration Institute (ARI) Standard 275, entitled Application of Sound Rating Levels of Outdoor Unitary Equipment, 1997 edition, unless otherwise authorized.

Section 3: All ordinances and parts of this ordinance in conflict herewith are here by rescinded.

RCS# 6391
1/03/05
3:54 PM

Atlanta City Council

Regular Session

MULTIPLE

0502 0503 0504 0931 1270
1271 1628-SUB 1806 1923 1924 2023
FILE

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
NV Young	Y Shook	NV Maddox	Y Willis
Y Winslow	Y Muller	NV Sheperd	NV Borders

MULTIPLE

04-0-1628
 (Do Not Write Above This Line)

AN ORDINANCE BY
 COUNCILMEMBER CLAIR MULLER
 AN ORDINANCE TO AMEND THE CITY
 OF ATLANTA NOISE ORDINANCE
 SECTION 74-129 OF THE CITY OF
 ATLANTA CODE OF ORDINANCES TO
 PROVIDE MAXIMUM AUDIBLE SOUND
 LEVELS FOR HEATING AND AIR
 CONDITIONING EQUIPMENT
 ADJOINING A PROPERTY LINE IN A
 RESIDENTIAL ZONING DISTRICT.

FILED BY
 CITY COUNCIL

JAN 03 2005

SUBSTITUTE

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

Date Referred 09/07/04

Referred To: Public Safety & Legal Affairs

Date Referred

Referred To:

Date Referred

Referred To:

Committee Date _____
 Chair _____
 Referred To _____

First Reading

PSLA Committee
 Date 1/14/05
 Chair _____

Action Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____

Committee

Date

Chair

Action Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____

Refer To

Refer To

PSLA Committee
 Date 12/14/04
 Chair _____

Action Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____

Committee

Date

Chair

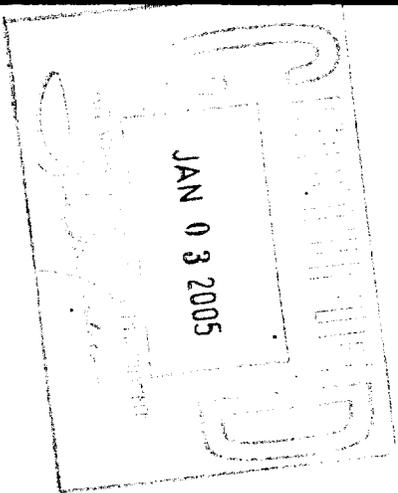
Action Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____

Refer To

Refer To

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED



CERTIFIED
 JAN 03 2005
 Individual Clerk

MAYOR'S ACTION