

AN ORDINANCE

BY: COUNCILMEMBERS CLAIR MULLER AND DERRICK BOAZMAN

AN ORDINANCE TO AMEND SECTION 74-134 (3) AND TO ADD SECTION 74-137 TO CHAPTER 74, ARTICLE IV OF THE CITY OF ATLANTA'S CODE OF ORDINANCES TO PROVIDE FOR SOUND LEVEL PROHIBITIONS AND A SYSTEM FOR FINES AND PENALTIES FOR CHASTAIN PARK AND LAKEWOOD AMPHITHEATERS; AND FOR OTHER PURPOSES.

WHEREAS, at the time contracts were negotiated for the rental of Chastain Park and Lakewood Amphitheaters, it was not possible to set an acceptable decibel level for the performances at these sites; and

WHEREAS, over the years, many complaints have been received from residential neighborhoods in close proximity to both Chastain Park and Lakewood Amphitheaters concerning excessively loud noise from acts and concert performances; and

WHEREAS, in 1992 Accentech (sound consultants) performed a "Temporary Sound System Analysis" at Chastain Park Amphitheater and in their "Summary and Recommendations" stated that the City of Atlanta should insist on observance of sound levels for performances of not more than "85 dBa interim 8 minute Leq"; and

WHEREAS, although the performances at both Chastain Park and Lakewood Amphitheaters are enjoyed by many people—not only citizens of Atlanta but people from other cities and states—and the amphitheaters have generally been a positive venture—the quality of life for residents who live in close proximity to Chastain Park and Lakewood Amphitheaters is greatly diminished by excessively loud noise generated by some acts and and concert performances at these sites.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ATLANTA, GEORGIA that Section 74-134 shall be amended and Section 74-137 shall be added to Chapter 74, Article IV of the City of Atlanta's Code of Ordinances as follows:

SECTION 1. In Section 74-134, paragraph (3), amend the last sentence to read as follows:

...nor shall it apply to performances at Chastain Park or Lakewood Amphitheaters whenever the same is governed by another ordinance or by contract as to hours.

Add this sentence to the end of paragraph (3):

With respect to sound levels at Chastain Park and Lakewood Amphitheaters, Section 74-1367 shall govern.

SECTION 2. A new section, Section 74-137, shall be added to Article IV of Chapter 74 and shall read as follows:

With respect to acts and concert performances at Chastain Park and Lakewood Amphitheater, the maximum sound level permitted shall be 85 decibels, as measured and read at 10 minute intervals, under the current system (herein referred to as the "Monitor") for monitoring sound at such venues.