

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2014-102

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 62 "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE I "GENERAL" BY AMENDING SECTION 62-3.4 "EXCEPTIONS"; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT ORDAINED BY THE CLAYTON COUNTY

BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED

**Section 1.** The Code of Clayton County, Georgia, as amended, is hereby further amended by amending Part II, Chapter 62 "Offenses and Miscellaneous Provisions", Article I "General", by amending Section 62-3.4 "Exceptions" to read as follows:

**Sec. 62-3.4 Exceptions.**

Loud, disturbing, and unnecessary noises do not include noise or sound generated by the following:

- (1) Cries for emergency assistance and warning calls.
- (2) Radios, sirens, horns and bells on any emergency response vehicle.
- (3) Parades, fireworks displays, concerts and other special events for which a permit has been obtained from the County, within such hours and sound level limits as may be imposed as a condition for the issuance of the permit. Clayton County reserves the right to set limits on sound levels as well as the duration of sounds emanating from these activities.
- (4) Activities on or in County and school athletic facilities and on or in publicly owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agent. Provided further that this exception for activities on or in County facilities or on or in county owned property and facilities shall not apply where the noise level for the activity measures 110

decibels or more between the hours of 8:01 a.m. and 9:00 p.m. or where the noise level for the activity measures 110 decibels or more between the hours of 9:01 p.m. and 8:00 a.m. In all cases the measurement shall be taken at the point of origin of the noise and with an instrument approved for such measurement by the Director of Parks and Recreation. The first reading in violation of this part shall cause a warning to be issued to the activity. Any subsequent reading in violation of this part taken after the required warning has been issued shall result in the immediate revocation of any permit or other permission issued by the County for the activity and the activity must immediately cease and all participants disperse from County property. Failure to comply with any provisions of this part shall be a misdemeanor punishable as provided for in Part II, Chapter 1 "General Provisions" Section 1-12 "General Penalty" of the Clayton County Code of Ordinances. Notwithstanding the language contained in the foregoing provision, nothing in this subparagraph is intended directly or indirectly reflect the prohibition of any sound emanating from any regularly scheduled programming event, service or activity as authorized by the Department of Parks and Recreation.

- (5) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
- (6) Religious worship activities, including but not limited to bells and organs, as long as such noise, because of its volume level, duration and character does not annoy, disturb, injure or endanger the comfort, health, peace or safety of a reasonable person of ordinary sensibilities.
- (7) Locomotives and other railroad equipment.
- (8) Aircraft-related noises associated with aircraft while in flight and while under the jurisdiction of the Federal Aviation Administration or the Department of Defense. Also, aircraft-related noises associated with the takeoffs and landings of aircraft with technical difficulties, in any kind of distress, under emergency orders of air traffic control, or being operated in accordance with a declaration of an emergency under federal air regulations.
- (9) The operation of lawn mowers, edgers, trimmers and power driven hedge shears, and other domestic power-operated equipment when operated with a properly functioning muffler meeting manufacturer's standards, and when such operation is between the hours of 8:00 a.m. and 9:00 p.m. on weekdays and 10:00 a.m. and 9:00 p.m. on weekends and holidays.
- (10) Operation of water craft upon any watercourse, lake, river, or swamp which is operated in accordance with Georgia laws.

- (11) Farm equipment, farm machinery or other noise consistent with a lawfully permitted use within an AG zoning classification; however, this exception shall not apply to animal noise within 500 feet of a residential zoned district.
- (12) Noise created in the ordinary course of existing lawfully permitted businesses in industrial zone classifications.
- (13) The operation of two trucks while assisting motorists or towing disabled vehicles.
- (14) Noises resulting from activities of a temporary duration, and for which a special permit has been granted pursuant to this Code section, and which conforms to the conditions and limitations stated thereon. Clayton County reserves the right to set limits on sound levels as well as the duration of sounds emanating from these activities. Clayton County reserves the right to set limits on sound levels and well as the duration of sounds emanating from these activities.

**Section 2.** All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

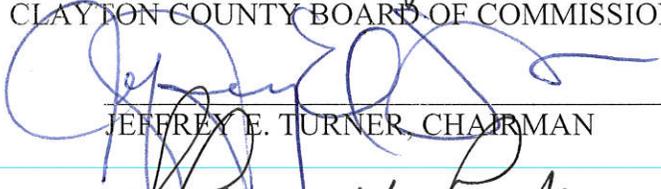
**Section 3.** If any part of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

**Section 4.** This Ordinance shall become effective upon its approval by the Board of Commissioners.

**SIGNATURES ON FOLLOWING PAGE**

SO ORDAINED, this the 6<sup>th</sup> day of May, 2014.

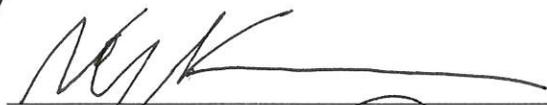
CLAYTON COUNTY BOARD OF COMMISSIONERS



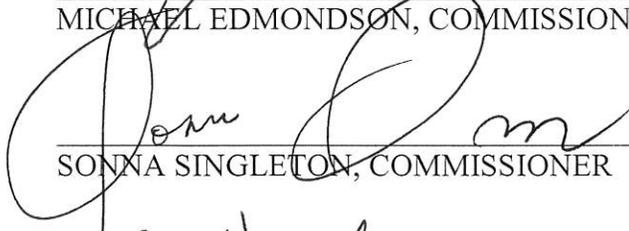
JEFFREY E. TURNER, CHAIRMAN



SHANA M. ROOKS, VICE CHAIRMAN



MICHAEL EDMONDSON, COMMISSIONER

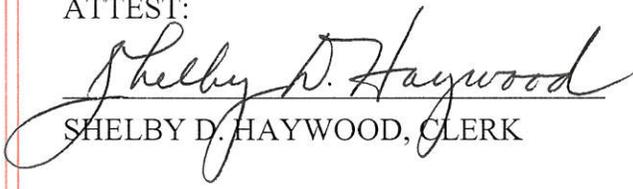


SONNA SINGLETON, COMMISSIONER



GAIL B. HAMBRICK, COMMISSIONER

ATTEST:



SHELBY D. HAYWOOD, CLERK