

ARTICLE V. - NOISE<sup>4</sup>

Footnotes:

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**Editor's note**—Ordinance No. 90-28, adopted April 10, 1990, did not specifically amend this code; hence, codification of §§ 1—9 of such ordinance as a new Art. V, §§ 14-201—14-209, was at the discretion of the editor.

**Cross reference**— Excessive noise at public assemblies prohibited, § 17B-1.

Sec. 14-201. - Purpose.

It is the intent of the governing body of the consolidated government of Columbus to ensure its citizens an environment free from such excessive sound as may jeopardize their health, welfare and safety, or degrade the quality of life.

(Ord. No. 90-28, § 1, 4-10-90)

Sec. 14-202. - Definitions.

For the purposes of this article:

"A" band level means the total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit is the db(A).

Ambient noise means the all-encompassing noise associated with a given environment, usually being a composite of sounds with many sources near and far.

Band-pressure level of a sound for a specified frequency band means the sound-pressure level for the sound contained within the restricted band.

Commercial district means the following:

- (1) An area where offices, clinics and the facilities needed to serve them are located;
- (2) An area with local shopping and service establishments;
- (3) A tourist-oriented area where hotels, motels, and gasoline stations are located;
- (4) A business strip along a main street containing offices, retail businesses, and commercial enterprises;
- (5) Other commercial enterprises and activities which do not involve the manufacturing, processing or fabrication of any commodity.

Commercial district shall include, but not be limited to, any parcel of land zoned commercial under the zoning ordinance of Columbus, Georgia.

Commercial purpose means and includes the use, operation or maintenance of any sound-amplifying equipment for the purpose of conducting a business operation or function, or for the purpose of advertising any business, any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for or soliciting the patronage of customers to or for any performance, show, entertainment, exhibition or event, or for the purpose of demonstrating any such sound equipment.

Construction activities means any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

Continuous noise means a steady, fluctuating, or impulsive noise which exists, essentially without interruption, for a period of ten minutes or more, with an accumulation of an hour or more over a period of eight hours.

Cycle means the complete sequence of values of a periodic quantity which occurs during a period.

Decibel (db) means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound.

Device means any mechanism which is intended to produce or which actually produces sound when operated or handled.

Dynamic braking device means a device used primarily on trucks for the conversion of the motor from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

Emergency vehicle means a motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

Emergency work means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or potential danger.

Fluctuating noise means the sound pressure level of a fluctuating noise which varies more than six db (A) during the period of observation when measured with the slow meter characteristic of a sound level meter.

Frequency of a function periodic in time means the reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

Industrial district means an area in which enterprises and activities which involve the manufacturing, processing or fabrication of any commodity are located. Industrial district shall include but not be limited to, any parcel of land zoned as an industrial district, under the Zoning Ordinance of Columbus, Georgia.

Microbar means a unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

Motor vehicle means any two or more wheeled vehicle or machine, propelled or drawn by mechanical power and used on the public roads and highways in the transportation of passengers or property, which is required to be licensed but does not include vehicles operated exclusively on rails.

Noncommercial purpose means the use, operation or maintenance of any sound equipment for other than a commercial purpose. Noncommercial purpose shall mean and include, but shall not be limited to, philanthropic, political, patriotic and charitable purposes.

Period, of a periodic quantity, means the smallest increment of time for which the function repeats itself.

Periodic quantity means oscillating quantity, the values of which recur for equal increments of time.

Plainly audible sound means any sound from which the information content of that sound is unambiguously transferred to the listener, such as but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythm.

Residential district means an area of single-or multiple-family dwellings and shall include areas where multiple-unit dwellings, high-rise apartments and high-density residential districts are located. Residential district also includes, but is not limited to, hospitals, nursing homes, homes for the aged, schools, courts and similar institutional facilities.

Sound analyzer means a device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.

Sound-amplifying equipment means any machine or device for the amplification of the human voice, music, or any other sound. Sound-amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. Sound-amplifying equipment, as used in this article, shall not include warning devices or authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

Sound-level meter means an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specified manner.

Sound-pressure level, in decibels of a sound means 20 times the logarithm to the base ten of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

Sound truck means any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound-amplifying equipment.

Spectrum, of a function of time, means a description of its resolution into components, each of a different frequency.

(Ord. No. 90-28, § 2, 4-10-90)

Sec. 14-203. - Decibel measurement criteria.

Any decibel measurement made pursuant to the provisions of this article shall be based on a reference sound pressure of 0.0002 microbars as measured in any octave band with center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000 and 8,000 or as measured with a sound level meter using the "A" weighting.

(Ord. No. 90-28, § 3, 4-10-90)

Sec. 14-204. - Special noise sources.

(a) Radio, television sets, and similar devices:

- (1) Use Restricted. It shall be unlawful for any person to use, operate or permit to be played any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.
- (2) Prima facie violation. The operation of any such set, instrument, television, phonograph, machine or device at any time in such a manner as to create a plainly audible sound at either the property line in a residential district or 50 feet from any such device located on public rights-of-way or public property or 25 feet from the property line of property located within a commercial district on which such device is operated or in such a manner to create any noise exceeding the ambient noise level at the property line of any property (or, if a condominium or apartment house, within any adjoining apartment) by more than five decibels shall be prima facie evidence of a violation of this subsection.

(b) Hawkers and peddlers. It shall be unlawful for any person within the city to sell anything by outcry within any area of the city zoned for residential uses. The provisions of this subsection shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events.

- (c) Animals. No person shall keep or maintain or permit the keeping of, on any premises owned, occupied or controlled by such person, any animal or bird otherwise permitted to be kept, which by frequent or habitual howling, barking, meowing, squawking, or other noise unreasonably disturbs the peace and quiet of any neighborhood or causes discomfort or annoyance to any person.
- (d) Machinery, equipment, pumps and fans. It shall be unlawful for any person to operate any machinery, equipment, pump, fan, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five decibels based on a reference sound pressure of 0.0002 microbars as measured in any octave band center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000, and for the combined frequency bands, "A" band. The provisions of this paragraph shall not apply to machinery and equipment being used for on-site construction.
- (e) Vehicle repairs. It shall be unlawful for any person within any residential area of the city to repair, rebuild or test any motor vehicle (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in that area is caused discomfort or annoyance.
- (f) Train horns and whistles. It shall be unlawful for any person to operate or sound, or cause to be operated or sounded between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day, a train horn or train whistle which creates a noise in excess of 89 db(A) at any place or point 300 feet or more distant from the source of such sound, unless such sound is required as a warning device under state or federal law.
- (g) Mufflers. No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motorboat, motor vehicle, or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass, or similar device.
- (h) Trucks. No person shall load any garbage, trash on compactor truck, or any other truck, whereby the loading, unloading or handling of boxes, crates, equipment or other objects is conducted within a residential district or within 300 feet of any hotel or motel between the hours of 10:00 pm. and 7:00 a.m.
- (i) Exhausts. The maximum permissible sound pressure levels of any continuous source of sound shall be as herein established for the time period and district listed in Table A of this section. This includes, but is not limited to, sound from such activities as production, processing, cleaning, servicing, testing, operating, or repairing either vehicles, materials, goods, products or devices. Sound pressure levels in excess of those established for the zoned districts of the city, in times herewith listed, shall constitute prima facie evidence that such sound is an unnecessary noise and a violation of this subsection. Sound pressure levels shall be measured at the approximate location of the property line or the boundary of the public right-of-way, at a height of at least four feet above the immediate surrounding surface, on a sound level meter of standard design and operated on the "A" weighting network.

**TABLE A**

	Noise Levels [db(A)]	
Land Use Category	Daytime 7:00 a.m. to 10:00 p.m.	Nighttime 10:00 p.m. to 7:00 a.m.

Residential	60	55
Commercial	75	70*
Industrial	85	85*
*Industrial district abutting a residential district	85	65
*Industrial district abutting a commercial district	85	70

The sound pressure level limits, and provision hereof, applicable to commercial districts shall also apply to any parcel of land zoned as an agricultural district under the Zoning Ordinance of Columbus, Georgia.

The provisions of this subsection shall not apply to motor vehicles operating on public rights-of-way; and bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school; the loading of any trucks; domestic power equipment and commercial power equipment.

- (j) Construction. Except as otherwise provided in this article, no person shall engage in, cause or permit any person to be engaged in construction activities in any residential or commercial district between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day.

Construction activities directly connected with the abatement of an emergency are excluded from the provisions of this subsection.

- (k) Small power equipment. No person shall operate or permit to be operated on private property or on the public right-of-way within any residential or commercial district(s) any power equipment rated five horsepower or less and used for home and building repair or grounds maintenance between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day. Such power equipment shall include, but not be limited to, lawn mowers, garden tools, snow removal equipment, electric or chain saws or any other power equipment used for home or building repair or grounds maintenance. Noise sound pressure levels shall be measured at a distance of 25 feet from the noise source.
- (l) Power tools. No person shall operate on any property within a residential or commercial district or on any public right-of-way within a residential or commercial district, any power equipment rated more than five horsepower used for constructions, including but not limited to, chain saws, pavement breakers, log chippers, riding tractors, or powered hand tools, between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day.

- (m) Sound amplifiers. The commercial and noncommercial use of sound amplifying equipment shall be subject to the following regulations:
- (1) The sound amplifying equipment shall be operated only between the hours of 7:30 a.m. and 6:00 p.m. of each day unless an extension of such hours is authorized by the chief of police after consideration of the standards set forth in subsection (p).
  - (2) The maximum sound emanating from sound-amplifying equipment shall not exceed the sound pressure levels established in subsection (i) as measured at least 25 feet from the noise source.
  - (3) In any event, the intensity of sound shall be so controlled that it will not be unreasonably loud, raucous, annoying, disturbing, or a nuisance to any person or persons.
  - (4) The provisions of this subsection shall not apply to any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school.
- (n) Warning signals. No person shall sound any horn or signalling device on any truck, automobile, motorcycle, or other vehicle on any street or highway within the city, except as a danger warning, and then only for a reasonable period of time.
- (o) Emergency work. Noise caused in the performance of emergency work for the immediate safety, health or welfare of the citizens located in the city, or to restore property to a safe condition following a public calamity shall not be subject to the provisions of this article.
- (p) Additional regulations. It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

The standards which shall be considered in determining whether a violation of the provisions of this subsection exists shall include, but not be limited to, the following:

- (1) The volume of the noise;
- (2) The intensity of the noise;
- (3) Whether the nature of the noise is usual or unusual;
- (4) Whether the origin of the noise is natural or unnatural;
- (5) The volume and intensity of the background noise, if any;
- (6) The proximity of the noise to residential sleeping facilities;
- (7) The nature and zoning of the area within the noise emanates;
- (8) The density of the inhabitation of the area within which the noise emanates;
- (9) The time of the day or night the noise occurs;
- (10) The duration of the noise;
- (11) Whether the noise is recurrent, intermittent or constant;
- (12) Whether the noise is produced by a commercial or noncommercial activity.

(Ord. No. 90-28, § 4, 4-10-90; Ord. No. 96-17, §§ 1, 2, 3-5-96)

Sec. 14-205. - Amplified sound.

- (a) Registration required. It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use, or operate within the city a loudspeaker or sound-amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or

assemblages of persons in or upon any street, alley, sidewalk, park, or public property without first filing a registration statement and obtaining approval thereof as set forth in this section.

(b) Registration requirements and duties:

- (1) Registration statements—Filing. Every user of sound-amplifying equipment shall file a registration statement with the chief of police five days prior to the date on which the sound-amplifying equipment is intended to be used, which statement shall contain the following information:
    - a. The name, address and telephone number of both the owner and user of the sound amplifying equipment;
    - b. The maximum sound-producing power of the sound-amplifying equipment which shall include the wattage to be used, the volume in decibels of sound which will be produced, and the approximate distance for which sound will be audible from the sound-amplifying equipment;
    - c. The license and motor number if a sound truck is to be used;
    - d. A general description of the sound-amplifying equipment which is to be used; and
    - e. Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes.
  - (2) Registration statements—Approval. The chief of police shall return to the applicant an approved certified copy of the registration statement unless he finds that:
    - a. The conditions of the motor vehicle movement are such that use of the equipment would constitute a detriment to traffic safety; or
    - b. The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; or
    - c. The registration statement reveals that the applicant would not be able to comply with the provisions of this article.
  - (3) Registration statements—Disapproval. In the event the registration statement is disapproved, the chief of police shall endorse upon the statement his reasons for disapproval and return it forthwith to the applicant, who may appeal such disapproval to the Columbus council.
- (c) Fees. Prior to the issuance of the registration statement, a fee in the amount of \$25.00 per day, or any portion thereof, shall be paid to the city, if the loudspeaker or sound-amplifying equipment is to be used for commercial purposes. No fee shall be required for the operation of a loudspeaker or sound-amplifying equipment for noncommercial purposes.
- (d) Regulations. The commercial and noncommercial use of sound-amplifying equipment shall be subject to the following regulations:
- (1) The only sounds permitted shall be either music or human speech, or both.
  - (2) The operation of sound-amplifying equipment shall only occur between the hours of 8:00 a.m. and 10:00 p.m. each day except on Sundays and legal holidays. No operation of sound-amplifying equipment for commercial purposes shall be permitted on Sundays or legal holidays. The operation of sound-amplifying equipment for noncommercial purposes on Sundays and legal holidays shall only occur between the hours of 10:00 a.m. and 10:00 p.m.
  - (3) No sound emanating from sound-amplifying equipment shall exceed 15 db(A) above the ambient as measured at any property line.
  - (4) It shall be unlawful to operate any sound-amplifying equipment within 200 feet of churches, schools, hospitals or city buildings.

- (5) In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.

(Ord. No. 90-28, § 5, 4-10-90)

Sec. 14-206. - Periodic review.

The provisions of this article shall be reviewed from time to time by the Columbus Health Department, and the health department shall make recommendations at least once each year to whether the regulations set out in this article shall be amended or expanded.

(Ord. No. 90-28, § 6, 4-10-90)

Sec. 14-207. - Exceptions.

The prohibitions of this article shall not apply to air traffic at the Columbus Metropolitan Airport, parades, chimes, bells, cultural events, athletic games, or recreational activities or other functions authorized or licensed by the consolidated government or other governmental agency.

(Ord. No. 90-28, § 7, 4-10-90)

Sec. 14-208. - Existing businesses.

Businesses are allowed one year from April 10, 1990, to come into compliance.

(Ord. No. 90-28, § 8, 4-10-90)

Sec. 14-209. - Violations; penalties.

Any violations of the provisions of this article shall be punished as provided in section 1-8 of this Code.

(Ord. No. 90-28, § 9, 4-10-90; Ord. No. 97-58, 6-10-97)

Secs. 14-210—14-220. - Reserved.