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## Sec. 34-153. Enumeration of prohibited noise.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article; but this enumeration shall not be deemed to be exclusive:

- (1) *Radios, phonographs, cassette and compact disc players, musical instruments.* The using, operating or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is reasonably necessary for convenient hearing for the person who is in the room, vehicle or chamber in which this machine or device is operated and who is a voluntary listener thereto is prohibited. The operation of the set, instrument, phonograph, or other machine or device, between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this paragraph.
- (2) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the purpose of producing or reproducing sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure is prohibited. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- (3) *Noisy animals.* Anyone who keeps or maintains an animal that emits sound or noise frequently or for a continuous lengthy period so as to unreasonably disturb the comfort or repose of any person is prohibited. For further definition of an unreasonable disturbance, please see the Forsyth County Animal Control Ordinance, section 14-35. This section shall not apply to horses, livestock, poultry or other farm animals emanating from a legitimate farming operation on property zoned for agricultural use.
- (4) *Construction or repair of buildings.* The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment, attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 9:00 p.m. is prohibited.
- (5) *Dumpsters.* The creation of a loud and excessive noise in connection with emptying dumpsters other than between the hours of 7:00 a.m. and 9:00 p.m. is prohibited.
- (6) *Schools, courts, places of worship, hospitals.* The creation of any unreasonably excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of the institution, or which disturbs or unduly annoys patients in the hospitals is prohibited, provided that conspicuous signs are displayed in the streets indicating that it is a school, hospital or court.
- (7) *Noises to attract attention.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance show or sale is prohibited.
- (8) *Operation of motor vehicles, motorcycles, all-terrain vehicles, motor driven cycles and mopeds.* The operation of motor vehicles, including, but not limited to, cars, trucks, motorcycles, all-terrain vehicles, motor driven cycles, and mopeds, in a manner that creates excessive noise, including the continuous riding of any such vehicle past, around or near an inhabited dwelling place, so as to disturb or unduly annoy the inhabitants is prohibited.
- (9) *Compression brake or engine brake.* It shall be unlawful for the driver of any motor vehicle to use or operate any engine brake, compression brake or mechanical exhaust device designed to aid in the

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braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, unless such use is necessary to avoid imminent danger. Such devices are commonly referred to as “Jake brakes,” “exhaust brakes,” or “engine brakes.”

- a. *Signage.* Signs may be installed along county or state route right of ways or any other location deemed appropriate by the director of engineering to advise motorists of the prohibitions contained in this section. The provisions of the ordinance codified in this section shall be in full force and effect even if no signs are installed.
  - b. *Enforcement.* The enforcement of this section shall be within the jurisdiction of Forsyth County Sheriff’s Office and Forsyth County Code Compliance who may issue a citation for prosecution in Forsyth County Magistrate Court for each violation of this article. Penalties for cases prosecuted in Magistrate Court are governed by the maximum identified in O.C.G.A. § 15-10-60.
  - c. *Exceptions.* Emergency vehicles shall be exempt from the application of this section.
- (10) *Maximum sound levels in residential zones.* For purposes of this subsection (10), the limits below apply only to noise originating from and entering onto a residentially zoned property.
- a. *Nighttime.* Notwithstanding any provision in this article to the contrary, no person shall permit, operate or cause any source of sound to create a sound level in a residential zone or within any residential building during the hours between 11:00 p.m. and 7:00 a.m. in excess of 60 dB(A) or ten dB(A) above ambient levels (whichever is more), when measured at or outside the property boundary.
  - b. *Daytime.* Notwithstanding any provision in this article to the contrary, no person shall permit, operate or cause any source of sound to create a sound level in a residential zone or within any residential building during the hours between 7:00 a.m. and 11:00 p.m. in excess of 70 dB(A) or ten dB(A) above ambient levels (whichever is more), when measured at or outside the property boundary.
  - c. *Measurements in multifamily structures.* In a structure used as a multifamily dwelling, any code enforcement officer or officer of the Forsyth County Sheriff’s Office may take measurements to determine sound levels from common areas within or outside the structure or from other dwelling units within the structure, when requested to do so by the owner or tenant in possession and control thereof. Such measurement shall be taken at a point at least four feet from the wall, ceiling or floor nearest the noise source, with doors to the receiving area closed and windows in the normal position for the season.
  - d. *Discretion.* An enforcement officer shall have discretion, even if the decibel thresholds in paragraphs (a) and (b) are satisfied, to not take enforcement action if the enforcement officer believes the noise is not of a sort, given the totality of the situation, that would disturb an individual of reasonable sensitivities.
  - e. *Exemptions.* The following activities or sources of noise shall be exempt from the daytime prohibition set forth in subsection (b) of this section:
    - 1. Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools.
    - 2. Athletic contests and other officially sanctioned activities in county parks.
    - 3. Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property, except as further regulated pursuant to section 34-153(4) above.
    - 4. Gardening, lawn care, tree maintenance or removal and other landscaping activities.

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5. Church bells or carillons.
  6. Religious or political gatherings and other activities protected by the First Amendment to the United States Constitution.
  7. Activities for which the regulation of noise has been preempted by state or federal law.
  8. Public and private transportation, refuse collection and sanitation services.
- (11) *Conflicts.* If a conflict or arguable conflict occurs between the noise standards identified in subsections 34-153(1)—(9), and the noise standards identified in subsection 34-153(10), the standards identified in subsection (10) shall control. By way of example only, if noise is generated during the nighttime hours from a machine for the production of sound located on a residentially zoned property that is in excess of the db(A) standards in subsection 34-153(10)a., but where it is contended the noise does not otherwise "disturb the peace, quiet and comfort of the neighboring inhabitants," the prohibitions in subsection 34-153(10)a. shall control and a violation of this code will be deemed to have occurred.
- (12) *Enforcement of section 34-153(10)a., b., and c.* Any citation or warning, as applicable, issued by an enforcement officer for a noise violation under section 34-153(10)a., b., and c. shall be issued to the owner of the residential dwelling or property from which the noise originated.

(Amendment of 10-20-2003, § II; Ord. No. 80-A, § 1, 7-19-2018)