

**FORSYTH COUNTY, GEORGIA
ORDINANCE NUMBER 80**

**AN ORDINANCE
BY THE BOARD OF COMMISSIONERS
OF FORSYTH COUNTY**

An Ordinance of Forsyth County, Georgia, to amend regulations the maximum sound levels in residential zones and residential buildings during specified hours; to repeal conflicting ordinances; and for other purposes.

Section 1.

The Forsyth County Noise Ordinance is hereby amended by modifying Section II (codified as Section 34-153 of the Code of Forsyth County, Georgia), to add the following:

“Sec. 34-153. – Enumeration of prohibited noise.

...

(9) Maximum sound levels in residential zones. For purposes of this Section (9), the limits below apply only to noise originating from and entering onto a residentially zoned property.

- (a) Nighttime.** Notwithstanding any provision in this ordinance 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 sixty (60) dB(A) or ten (10) dB(A) above ambient levels (whichever is more), when measured at or outside the property boundary.
- (b) Daytime.** Notwithstanding any provision in this ordinance 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 seventy (70) dB(A) or ten (10) 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 (4) 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.
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.”

(10) **Conflicts.** If a conflict or arguable conflict occurs between the noise standards identified in Sec. 34-153(1 – 8), and the noise standards identified in 34-153(9), the standards identified in paragraph (9) 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 Sec. 34-153(9)(a), but where it is contended the noise does not otherwise “disturb the peace, quiet and comfort of the neighboring inhabitants,” the prohibitions in Sec. 34-153(9)(a) shall control and a violation of this code will be deemed to have occurred.

(11) **Enforcement of Sec. 34-153(9)(a, b, and c).** Any citation or warning, as applicable, issued by an enforcement officer for a noise violation under Sec. 34-153(9)(a, b, and c) shall be issued to the owner of the residential dwelling or property from which the noise originated.

Section 2.

The Forsyth County Noise Ordinance is hereby amended by modifying Section VI (codified as Section 34-157 of the Code of Forsyth County, Georgia), to replace it in its entirety with the following:

“Sec. 34-157. – Sound level measurement.

- (a) The decibel level of any noise regulated by this ordinance may be measured by the use of a sound level meter which measures sound pressure levels. Such measurements shall be accepted as prima facie evidence of the level of noise at issue in any court or legal proceeding to enforce the provisions of this ordinance.**
- (b) The accuracy of the sound level meter may be tested by a calibrator. Any sworn report of the results of any test of the calibrator for the accuracy of a sound level meter shall be admissible in court or legal proceeding to enforce the provisions of this ordinance as evidence of the facts therein stated.**
- (c) Any code enforcement officer or officer of the Forsyth County Sheriff’s Office operating a sound level meter pursuant to the provisions of this ordinance shall issue a certificate to indicate:**
 - a. That the sound level meter used to take the decibel level reading was operated in accordance with the manufacturer’s specifications;**
 - b. That the county has on file a sworn report which states that the sound level meter has been tested within the past twelve (12) months and has been found to be accurate;**
 - c. The name of the accused;**
 - d. The location of the noise;**
 - e. The date and time that the reading was made; and**
 - f. The decibel level reading.**

Such certificate, when attested by the officer taking the decibel level reading, shall be admissible in any court or legal proceeding to enforce the provisions of this ordinance as evidence of the facts therein stated and of the decibel level reading. A copy of the certificate shall be delivered to the accused upon request.”

Section 3.

Severability

Should any section, subsection, clause, sentence, phrase, or part of this Ordinance for any reason be held, deemed or construed to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions thereof and the Board of Commissioners hereby declares that it would have passed this ordinance, each section, subsection, clause, sentence, phrase, and part thereof irrespective to the fact that one or more sections, subsections, clauses, sentences, phrases, or parts thereof, be declared unconstitutional or invalid.

Section 4.

Effective Date and Repealer Provision

This Ordinance shall become effective immediately upon its adoption and any and all existing or pre-existing Forsyth County ordinances, amendments, and resolutions in conflict with the terms of this Ordinance are hereby repealed.

Adopted this _____ day of _____, 2018.

FORSYTH COUNTY BOARD OF COMMISSIONERS

Todd Levent, Chairman

Laura Semanson, Vice-Chairman

Dennis Brown, Secretary

Cindy J. Mills, Member

Ralph (Pete) Amos, Member

Attest:

Clerk to the Board