

## **NOISE AND SOUND CONTROL**

### **1.1 - Title.**

This ordinance shall be entitled and called the “Noise and Sound Control Ordinance”.

### **2.1 - Purpose.**

It is declared to be the public policy and purpose of the Board of Commissioners of Candler County, Georgia (“governing authority”) to utilize its police powers to protect and promote the health, safety, and general welfare of the people of Candler County, Georgia (“County”). The governing authority recognizes that its citizens derive numerous economic and personal benefits from the use of devices that emit noises and sounds. There are, nonetheless, measurable damages and injuries to the environment and to the public health which may be directly attributable to excessive, loud, persistent unnecessary, and/or unusually disturbing noise or sound, which has a detrimental effect on the health and welfare of the citizenry and an individual’s right to peaceful and quiet enjoyment. Accordingly, the governing authority finds that this ordinance is necessary for the immediate preservation of the peace, health, safety, welfare, and prosperity of the citizens of the county. However, nothing in this ordinance is intended to deter individuals from lawfully exercising the individual right to freedom of speech or any other freedom guaranteed under the Constitutions of the United States of America or of the State of Georgia.

The provisions of this ordinance shall apply in the unincorporated areas of the County.

### **3.1 - General prohibition.**

It shall be unlawful for any person at any time to operate or use, or cause or allow the operation or use of, a radio, a tape player, compact disk player, DVD player, a MP3 player, a cellular telephone, a computer, a speaker, an amplifier, or any other similar device or machine, so as to create, produce, maintain or amplify any noise that is plainly audible at a distance of 100 feet or more from the point of origin of the noise or sound.

### **4.1 - Specific prohibitions.**

In addition to the general prohibition of this ordinance, the following acts, when done so as to create, produce, maintain or amplify a noise or sound that is plainly audible at a distance of 100 feet or more from the point of origin of the noise or sound, are deemed to be a violation of this ordinance:

- (a) Sounding any horn or signaling device in or on any automobile, motorcycle, or other vehicle on a public road or street or in a public place, except as a danger warning;
- (b) Operating or using any musical instrument on any day between the hours of 11:00 p.m. and 7:00 a.m.;
- (c) Yelling, shouting, hooting, whistling, or singing in or on a public road or street, or in a public place, on any day between the hours of 11:00 p.m. and 7:00 a.m.;
- (d) Blowing any steam whistle that is attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger;
- (e) Discharging into the open air the exhaust of any steam engine, internal combustion engine or motor-boat, except through a muffler or other device which effectively prevents excessive noise or sound therefrom;
- (f) Creating or maintaining of a noise or sound on any public road or street adjacent to any school, institution of learning, place of worship, hospital or nursing home; or
- (g) Operation of any airplane, helicopter, and other flying machine and device, unless the noise or sound therefrom is in connection with a take-off and landing from a licensed public or private airport, heliport or helipad, or unless the noise or sound is associated with the crop-dusting of commercial agriculture.

## **5.1 - Firework Activities**

It shall be lawful for any person, firm, corporation, association or partnership to use or ignite or cause to be ignited any consumer fireworks on January 1<sup>st</sup>, July 3<sup>rd</sup>,

July 4<sup>th</sup>, and December 31<sup>st</sup> of each year after the time of 10:00 a.m. and up to and included the time of 11:59 p.m.; and on January 1<sup>st</sup> of each year beginning at the time of 12:00 midnight and up to and included the ending time of 1:00 a.m. subject to the following exceptions:

- (a) In any location where such person, firm, corporation, association, or partnership is not lawfully present or is not otherwise lawfully permitted to use or ignite or cause to be ignited any consumer fireworks;
- (b) In any location where such person, firm, corporation, association, or partnership is not lawfully present or is not otherwise lawfully permitted to use or ignite or cause to be ignited any consumer fireworks;
- (c) Within 100 yards of an electric plant; water treatment plant; waste-water treatment plant; a facility engaged in the retail sale of gasoline or other flammable or combustible liquids or gases where the volume stored is in excess of 500 gallons for the purpose of retail sale; a facility engaged in the production, refining, processing, or blending of any flammable or combustible liquids or gases for retail purposes; any public or private electric substation; or a jail or prison;
- (d) Within 100 yards of the boundaries of any public use air facility provided for under Title 6 of the Georgia Code or any public use landing area or platform marked and designed for landing use by helicopters;
- (e) Within any park, historic site, recreational area, or other property which is owned by or operated by, for, or under the custody and control of a governing authority of a county or municipal corporation;
- (f) Within any park, historic site, recreational area, or other property which is owned by or operated by, for, or under the custody and control of the State of Georgia, except pursuant to any rules and regulations of the agency or department having control of such property which may allow for such use or ignition of consumer fireworks;
- (g) Within 100 yards of a hospital, nursing home, or other health care facility regulated under Chapter 7 of Title 31; provided, however, that an owner or operator of such facility may use or ignite or cause to be ignited consumer fireworks on the property of such facility or may grant written permission to any person, firm, corporation, association, or partnership to use or ignite or cause to be ignited consumer fireworks on the property of such facility; or

- (h) While under the influence of alcohol or any drug or any combination of alcohol and any drug to the extent that it is less safe or unlawful for such person to ignite consumer fireworks as provided for in Code Section 25-10-2.1.

## **6.1 - Exceptions.**

The prohibitions of this ordinance shall not apply to:

- (a) Any noise or sound made for the purpose of alerting persons to the existence of an emergency or any noise or sound that is made in the performance of emergency work;
- (b) Any noise or sound emanating from any school activity or event or any organized athletic activity or event, including but not limited to any game, match, practice and performance;
- (c) Any noise or sound made by law enforcement personnel or a public employee in the performance of a public function or duty;
- (d) Any noise or sound made by domestic animals;
- (e) Any noise or sound made by a burglar or vehicle alarm;
- (f) Any noise or sound made by any religious worship activity, chime or bell produced from or by a church or other house of worship;
- (g) Any noise or sound emanating from any activity, concert, event, festival or performance as may be permitted by the governing authority or its designee;
- (h) Any noise or sound produced by radio, tape player, or other mechanical noise or sound making device or instrument from within a motor vehicle on a street or highway, which noise or sound is controlled by the O.C.G.A. § 40-6-14, as amended;
- (i) Any noise or sound created or produced in connection with any government construction, demolition or maintenance project or any utility company construction, demolition or maintenance project;
- (j) Any noise or sound emitted by a lawn mower, edger, trimmer,

blower, power-driven hedge shear, and other lawn maintenance equipment when such noise or sound occurs on any day between the hours of 6:00 a.m. and 10:00 p.m.;

(k) Any noise or sound emitting by any watercraft upon any watercourse, lake, pond, creek, river, or swamp when operated in accordance with applicable Georgia laws; and

(l) Any noise or sound emitted by any machinery used in the ordinary course of a commercial or industrial business on any day between the hours of 6:00 a.m. and 10:00 p.m.

### **7.1 - Preemption.**

This ordinance shall not apply to any activity, noise or sound otherwise permitted by state or federal law.

### **8.1 - Enforcement.**

The sheriff and his or her deputies, and any code enforcement officer of the county, is authorized to enforce the provisions of this ordinance.

### **9.1 - Penalties.**

Any person who violates any provision of this ordinance shall be punishable by a fine not exceed a fine of \$1,000.00, or six months' imprisonment, or both; provided that, the judge shall probate not less than 120 days of any sentence imposed, except as otherwise provided by general law, and shall not exceed the maximum punishment specified by the ordinance. In the event a sentence is revoked, a defendant shall not serve more than 60 days in a county jail. Jurisdiction for citations issued under this ordinance shall lie with the Magistrate Court and/or State Court of Candler County.

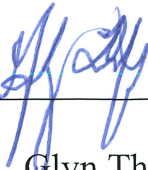
### **10.1 - Enumeration.**

The activities, noises and sounds contained in this ordinance, among others, shall constitute a violation of this ordinance, but such enumeration shall not be deemed to be exclusive.

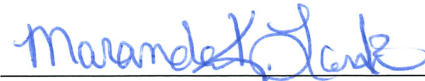
Adopted, approved and enacted this 18 day of March, 2024, at the called Meeting of the Board of Commissioners of Candler County.

CANDLER COUNTY BOARD OF  
COMMISSIONERS



By: 

Glyn Thrift, Chairman

Attest: 

Kellie Lank, Clerk