

ARTICLE B. - NOISE CONTROL^[4]

Footnotes:

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Cross reference— Noise abatement procedures for aircraft operations, § 4-7506; loudspeakers and recorded messages for tour service, § 6-1545.

Sec. 9-2031. - Title.

This article shall be known as the noise control ordinance for the City of Savannah, Georgia.

(Code 1977, § 9-2031)

Sec. 9-2032. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated. Definitions of technical terms used which are not herein defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI) or its successor body.

- (1) *Ambient sound level.* The noise associated with a given environment, exclusive of a particular noise being tested, being usually a composite of sounds from many sources, near and far, exclusive of intruding noises from isolated identifiable sources.
- (2) *A-weighted sound level.* The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level is designated dB(A) or dBA.
- (3) *Construction.* Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar property.
- (4) *Decibel (dB).* A logarithmic and dimensionless unit of measure used in describing the relative loudness or level of sound.
- (5) *Demolition.* Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
- (6) *Emergency.* Any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.
- (7) *Emergency work.* Any work performed for the purpose of alleviating or resolving an emergency.
- (8) *Impulsive sound.* Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts and the discharge of firearms.
- (9) *Motorboat.* Any vessel which operates on water and which is propelled by a motor, including but not limited to boats, barges, amphibious craft, water ski towing devices and hovercraft.
- (10) *Motorcycle.* Any motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term shall include motorized bicycles and motor scooters.
- (11) *Motor vehicle.* Any motor-operated vehicle licensed for use on the public highways, but not including a motorcycle.

- (12) *Noise*. Any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- (13) *Noise control officer*. The person designated by the city having responsibility for the enforcement of any provision of this article.
- (14) *Noise disturbance*. Any sound which endangers or injures the welfare, safety or health of human beings, or disturbs a reasonable person of normal sensitivities, or devalues or injures personal or real property, or as hereinafter defined.
- (15) *Noise-sensitive activities*. Activities which should be conducted under conditions of exceptional quiet, including but not limited to operation of schools, libraries open to the public, churches, hospitals and nursing homes.
- (16) *Noise-sensitive area*. Any area designated for the purpose of ensuring exceptional quiet and clearly posted with "noise-sensitive area" signs, because of the noise-sensitive activities conducted therein.
- (17) *Person*. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, operative, state agency, municipality or other political subdivisions of this state, any interstate body or any other legal entity.
- (18) *Powered model vehicle*. Any self-propelled airborne, waterborne or landborne model plane, vessel or vehicle which is not designed to carry persons, including but not limited to any model airplane, boat, car or rocket.
- (19) *Public right-of-way*. Any street, avenue, boulevard, highway, sidewalk, lane or similar place which is owned or controlled by a governmental entity.
- (20) *Public space*. Any real property, including any structure thereon, which is owned or controlled by a governmental entity.
- (21) *Pure tone*. Any sound which can be distinctly heard as a single pitch or a set of single pitches.
- (22) *Real property boundary*. An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.
- (23) *Receiving land use*. The use or occupancy of the property which receives the transmission of sound as hereinafter defined.
- (24) *Recreational vehicle*. Any race car, motorcycle or any other motorized vehicle equipped for use in racing or other recreational events or uses off of public right-of-way on public or private property.
- (25) *Residential*. Any property on which is located a building or structure used wholly or partially for living or sleeping purposes.
- (26) *Sound*. An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- (27) *Sound level*. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
- (28) *Sound level meter*. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output or display meter, and weighting networks used to measure sound pressure levels, which complies with American National Standards Institute standard 1.4-1971 as revised.

- (29) *Sound pressure.* The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.
- (30) *Used or occupied.* Either word shall be deemed to include the words "intended, designed or arranged to be used or occupied."

(Code 1977, § 9-2032)

Sec. 9-2033. - Exceptions.

The provisions of this article shall not apply to:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency.
- (2) The emission of sound in the performance of emergency work.
- (3) Agricultural activities, exclusive of those involving the ownership or possession of animals or birds.
- (4) Rail and air transportation and public mass transportation vehicles.
- (5) Church or clock carillons, bells or chimes.
- (6) The emission of sound in the discharge of weapons or in fireworks displays for which a permit has been issued.

(Code 1977, § 9-2033)

Sec. 9-2034. - Noise disturbance prohibited.

- (a) No person shall make, continue or cause to be made or continued, except as permitted, any noise disturbance, or any noise in excess of the limits for such noise established in this section.
 - (1) Maximum permissible sound levels. With the exception of sound levels elsewhere specifically authorized by this article, table I sets forth the maximum permissible sound levels allowed at or within the real property boundary of a receiving land use. Any activity or use that produces a sound in excess of such noise levels for a receiving land use shall be deemed a "noise disturbance" and is in violation of this article.
 - (2) Measurement of sound. The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute or its successor body. The instrument shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specification. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

The measurement of all sound levels shall be made as close to the property line of the receiving land use as is practical. The measurement period shall not be less than ten minutes, and the sound levels measured shall not exceed the sound levels set forth in table I by more than ten percent of any measurement period.

TABLE I. SOUND LEVELS BY RECEIVING LAND USE

Zoning Category of Receiving Land Use ¹	Sound Level	
	Time ³	Limit dBA ⁴
Residential ²	7:00 a.m.—7:00 p.m.	60
	7:00 p.m.—7:00 a.m.	50
Business	At all times	65
Industrial	At all times	75
Noise-sensitive area	At all times	55

1	As set forth in the zoning ordinance for the City of Savannah [part 8, chapter 3].
2	Any zoning district containing the letter "R."
3	Unless otherwise stated in the article.
4	For any source of sound which emits a pure tone, the maximum sound level limits set shall be reduced by five dBA.

(b) The provisions of this section shall not apply to the operation of the following domestic power tools or equipment between the hours of 7:00 a.m. and 10:00 p.m.:

- (1) Electrical power tools.
- (2) Motor-powered, muffler-equipped lawn, garden, and tree trimming equipment.

(Code 1977, § 9-2034; Ord. of 12-14-2000, § 1)

Sec. 9-2035. - Specific activities prohibited.

(a) *Emergency signaling devices.* No person shall operate or permit the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device except for emergency purposes or for testing. Such devices shall be equipped with an automatic cutoff terminating the signal 15 minutes after activation.

- (b) *Sales by hawking or barking.* No person shall offer for sale or sell anything by shouting or outcry within any residential or business area unless authorized by the City of Savannah.
- (c) *Loading and unloading.* No person shall so load, unload, open, close or handle boxes, crates, containers, building materials, refuse, garbage cans, motor vehicles, or similar objects between the hours of 8:00 p.m. and 7:00 a.m. the following day as to create a noise disturbance across a residential real property boundary or within a noise-sensitive area.
- (d) *Vehicle or motorboat repairs and testing.* No person shall repair, rebuild, modify or test any motor vehicle, motorcycle or motorboat in such a manner as to create a noise disturbance across a residential real property boundary or outdoors within a noise-sensitive area.
- (e) *Powered model vehicles.* No person shall operate or permit the operation of powered model vehicles in a public or private space out-of-doors within 150 feet of a residential or noise-sensitive real property boundary or between the hours of 9:00 p.m. and 8:00 a.m. the following day.
- (f) *Musical instruments and similar devices.* No person shall operate, play or permit the operation or playing of any drum, musical instrument or similar device which produces sound in such a manner as to create a noise disturbance across a residential real property boundary or within a noise-sensitive area, subject to the provisions of section 9-2033 and section 9-2036 of this article.

(Code 1977, § 9-2035)

Sec. 9-2036. - Regulation of sound equipment and sound-amplifying equipment.

- (a) Except for activities for which a permit has been issued by the city under this section, no person shall so operate, play or permit the operation or playing of any radio, television, phonograph, amplifier, loudspeaker, or similar device so as to:
 - (1) Create a noise disturbance across a real property boundary or within a noise-sensitive area. However, bars, taverns, lounges, nightclubs, dancehalls, game rooms and similar activities which produce a noise that is plainly audible beyond the premises shall be deemed a noise disturbance in violation of this article.
 - (2) Create a noise which is plainly audible other than to the occupants, when such device is operated in or on a private motor vehicle on a public right-of-way or public space, or in a private boat on public waters.
 - (3) Create a noise which is plainly audible to any person other than the operator of the device, when operated on a common carrier or public right-of-way or public place or space.
- (b) *Sound equipment permitted.* Except as hereafter provided, no person shall use, operate or cause to be used or operated any radio, record player, tape deck or player, loudspeaker, amplifier, soundtrack or other device for producing, reproducing, or amplifying sounds, hereinafter referred to as "sound equipment," upon the public streets or in any building or upon any premises, public or private, so as to produce a noise disturbance. However, the following activities where authorized by the City of Savannah may use sound equipment which produces a sound not to exceed 90 dB(A)'s when measured at a distance of 50 feet from such equipment. Where the receiving land is residential, such equipment may be used only from 9:00 a.m. to 11:00 p.m.:
 - (1) Public health and safety purposes;
 - (2) Fairs, carnivals and similar activities;
 - (3) Parades, processions, excursions and associated festivities;
 - (4) Outdoor concerts and theatrical performances;
 - (5) Outdoor neighborhood functions such as lawn and pool parties, street dances and similar activities;
 - (6) Civic and religious celebrations;

(7) Recreational and athletic activities.

(c) *Commercial advertising—Sound equipment prohibited.* No sound equipment shall be permitted to be used on public streets or public places or in any building or upon any premises if the sound therefrom may be plainly audible from any public street or public place when any such use is for commercial advertising purposes or for the purpose of attracting the attention of the public to any building or structure for monetary gain.

(Code 1977, § 9-2036)

Sec. 9-2037. - Motorized vehicles.

The following provisions shall apply to all motor vehicles requiring registration by the State of Georgia department of public safety:

- (1) No person shall operate the engine providing motive power, or an auxiliary engine, of a motor vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or more for a consecutive period longer than 20 minutes while such vehicle is standing and located within 150 feet of property zoned and used for residential purposes except where such vehicle is standing within a completely enclosed structure. This section shall not apply to delivery or pickup vehicles that require the operation of the engine to unload or load their vending loads.
- (2) No person shall drive or move or cause or knowingly permit to be driven or moved a motor vehicle or combination of vehicles at any time in such a manner as to exceed the following noise limits for the category of motor vehicle shown below. Noise shall be measured at a distance of at least 25 feet (7.5 meters) from the near side of the nearest lane(s) being monitored and at a height of at least four feet above the immediate surrounding surface.

Source	Sound Pressure Level, dB(A)	
	Speed Limit 35 mph or Less	Speed Limit Over 35 mph
Motor vehicles with a manufacturer's gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,000 pounds or more, or any combination of vehicles towed by such motor vehicle, except those operated by an interstate motor carrier	91	95
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	76	80

(a) This section shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this article relating to motor vehicle mufflers for noise control.

- (b) No person shall operate or cause to be operated any motor vehicle unless the exhaust system of such vehicle is:
 - 1. Free from defects which affect sound reduction;
 - 2. Equipped with a muffler or other noise-dissipative device; and
 - 3. Not equipped with any cutout, bypass or similar device.

(Code 1977, § 9-2037)

Sec. 9-2038. - Construction.

- (a) No person shall operate or permit the operation of any tools or equipment in construction, drilling, demolition work, or in preventive maintenance work for public service utilities:
 - (1) Between the hours of 7:00 p.m. and 7:00 a.m., in any manner which creates a noise disturbance across a real property boundary or within a noise-sensitive area;
 - (2) At any other time, in any manner which creates a noise disturbance across a real property boundary or within a nonsensitive area; for purposes of this subparagraph [subsection], a sound level at or across a real property boundary or within a noise-sensitive area in excess of 85 dBA shall be deemed a noise disturbance.
- (b) The provisions of this section shall not apply to:
 - (1) Emergency work or repair work performed by or for governmental entities or public service utilities.
 - (2) The use of domestic power tools or equipment as set forth in section 9-2034(b) of this article.
 - (3) Construction equipment that has attached in good operative condition the best noise-attenuating device as recommended by the manufacturer.

(Code 1977, § 9-2038; Ord. of 12-14-2000, § 1)

Sec. 9-2039. - Animals and birds.

No person shall own, possess or harbor any animal or fowl which howls, barks or emits audible sounds that are unreasonably loud or disturbing and which are of such character, intensity and duration as to disturb the peace and quiet of the neighborhood. For the purposes of this article, "barking dog" shall mean a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of ten minutes or barks intermittently for one-half hour or more to the disturbance of any person at any time of day or night regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "barking dog" for purposes of this regulation, if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog.

(Code 1977, § 9-2039)

Sec. 9-2040. - Variance.

- (a) *Variance permit.* A variance permit to cause or create a noise at sound levels which would otherwise be in violation of this article may be granted by the city manager [provided] that:
 - (1) Additional time is necessary for the applicant to alter or modify the activity in order to comply with the provisions of this article; or

- (2) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with the provisions of this article; and
- (3) No reasonable alternative is available to the applicant.
- (b) *Conditions.* Any person [permit] granted pursuant to this section shall contain thereon all conditions upon which said permit has been granted, including but not limited to the effective date, time of day, location, sound level or equipment limitation. Application for such a permit shall be made through the city manager's office.

(Code 1977, § 9-2040; Ord. of 12-14-2000, § 1)

Sec. 9-2041. - Administration, appeals and penalties.

- (a) The noise control officer shall implement, administer and enforce the provisions of this article and shall issue orders requiring the abatement of all violations and the revocation of permits issued.
- (b) Any person aggrieved by a decision or order rendered by the noise control officer, after exhausting all administrative remedies, shall have the right to appeal to the superior court of Chatham County.
- (c) Any person in violation of this article, upon conviction, shall be guilty of a misdemeanor and shall be subject to such penalties as are provided by law for other misdemeanors. Each and every day a violation continues shall be deemed a separate offense.

(Code 1977, § 9-2041)

Cross reference— Government and administration, pt. 2.

Secs. 9-2042—9-2050. - Reserved.