

AN ORDINANCE  
ENTITLED 21-112  
AN ORDINANCE TO ESTABLISH A GENERAL NOISE AND  
SOUND ORDINANCE; REPEALING PRIOR ORDINANCES IN  
CONFLICT AND FOR OTHER PURPOSES.

WHEREAS, the City of Albany has separate Ordinances relating to noises and sounds, to-wit: City Code, Sections 36-179, 192, 193 and Sec. 47-12; and

WHEREAS, it is in the City's best interest to establish a General Noise and Sound Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

**Prohibited noise.**

(a) *Purpose.* This section is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the city through the control of noise. It shall be the intent of this section to establish standards that will reduce excessive community noises, which are harmful and otherwise detrimental to individuals and to the community in the enjoyment of life and property and in the conduct of business.

(b) *Sound measurement standards for code enforcement and law enforcement personnel.* For the purposes of this section, "plainly audible" shall mean any sound emanating from the specific sound-producing sources set forth in subsection (c) of this section which can be heard from the distance of 100 feet or more, using the following sound measurement standards: Measurement shall be by the auditory senses of a person standing at a distance no less than the required minimum distance from the source of the sound. For music and other noise, words and phrases need not be discernable. For music and other noise, bass reverberations are included.

(c) It shall be unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated, any radio, tape recorder, cassette player, or other machine or device for reproducing sound, if it is located in or on any of the following:

- (1) Any public or private property, including any building, public street, sidewalk, park, thoroughfare; or
- (2) Any motor vehicle on a public street, highway, public space, or private property within the corporate limits of the city; and if the sound generated is

audible at a distance of 100 feet from the device producing the sound or from the building in which the sound is produced.

(d) Possession by a person or persons of any of the machines or devices enumerated in subsection (c) of this section shall be prima facie evidence (which may be rebutted) that person operates, or those persons operate, the machine or device.

(e) Upon receipt by the police department of a complaint by any citizen providing his/her name, address and telephone number and willingness to testify in Municipal Court detailing an incident of excessive or annoying music emanating from a motor vehicle, either parked or mobile, which meets the criteria enumerated in subsection (c) of this section and any of its subsections, provided the complainant provides information including, but not limited to:

- (1) Date and time of the occurrence;
- (2) Location of the occurrence;
- (3) License tag number and state of issue;
- (4) Vehicle description, to include color, and make/model if known;
- (5) Description of the vehicle operator if known;

(f) It shall be unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated, any radio, recording player, musical instrument, or other machine or device for reproducing sound at any organized group event or program outside of a building between 10:00 p.m. and 9:00 a.m.

(g) *Exceptions.*

- (1) Any event held in the area known as the central business district (CBD).
- (2) Any event held on any of the Civic Center Complex properties.
- (3) Any other event that has obtained prior approval from the city board of commissioners, and the city manager, such as block parties, etc.
- (4) Nothing in this section shall apply to any event held or sponsored by any government agency or school.

**Special noise sources.**

(a) No person shall cause, suffer, allow, or permit the operation of any sound source in

such a manner as to create a sound level that exceeds the sound level limits set forth in table 1 when measured at or within the real property line of the receiving property using the slow response setting unless otherwise noted. Such a sound source would constitute a noise disturbance.

Table 1  
Sound Level Limits by Receiving Property

Receiving Property Category	Time	Sound Level Limit (dBA)
Residential or noise sensitive facility	7:00 a.m.—11:00 p.m.	60
	11:00 p.m.—7:00 a.m.	55
Commercial or business	7:00 a.m.—11:00 p.m.	65
	11:00 p.m.—7:00 a.m.	60
Industrial or manufacturing	At all times	70

(b) If the noise is an impulsive sound, the fast response setting shall be used and the daytime (7:00 a.m. to 11:00 p.m.) limits of table 1 shall be increased by ten dBA.

(c) In a multifamily dwelling, it shall be unlawful to create or permit to be created any noise that exceeds the daytime (7:00 a.m. to 11:00 p.m.) limit of 55 dBA and the nighttime (11:00 p.m. to 7:00 a.m.) limit of 45 dBA as measured from the closest neighbor's dwelling.

(d) In places of public entertainment, it shall be unlawful to create or permit to be created any noise that exceeds an average of 95 dBC in any ten-minute period when operating in accordance with section 8-109 of this Code. The sound level limit for all other times shall be 55 dBC. The sound shall be measured at a point which is found by traveling a straight-line distance from the center of the sound board through to the inside center rear of the facility. The measurement assumes that the sound board is not more than 100 feet from the center stage.

**Riverfront district restrictions.**

With the exclusion of special events approved by the city, such as city parades, festivals and ceremonies; and in addition to the general noise ordinances of the city, special Riverfront District noise requirements apply as follows. It is the intent of the Riverfront District regulations to ensure that the quality of life of residents, workers, visitors and tourist is not diminished by excessive or inappropriate noise from any source, whether amplified or not amplified. Additional fines may be levied for violations of noise restrictions in the Riverfront District, and violations may result in loss of alcohol or business licenses. Noise sources include boom boxes and car stereos, or radios and similar devices audible outside of a vehicle at a distance greater than 20 feet in the Riverfront District, and such violations may be punished by greater fines, loss of driving license, and/or confiscation of vehicle.

- (1) Amplified or live music from any source shall be permitted at a maximum of ten decibels above background sound level in the area, which shall be known as the ten-decibel rule.
- (2) As a general rule amplified music shall be permitted only during the hours of 10:00 a.m. to 10:00 p.m. Monday through Thursday and to 10:00 a.m. to 12:00 p.m. Friday, Saturday and locally observed holidays. The following exceptions to the general rule for amplified music hours may be extended to 2:55 a.m. Friday, Saturday and locally observed holidays, when there are no proximate residences to the establishment and when the establishment has demonstrated that the music will not adversely affect residences because of distance. Additionally, the establishment will be permitted extend hours, if it is able to demonstrate that structural noise/sound impeding material has been included in the facility to ensure that amplified music/sound emanating from the structure can meet the "Ten decibels rule".
- (3) External speakers are prohibited except at restaurants with outdoor seating, provided noise levels do not exceed the ten decibel rule to a 100 square foot area. Restaurants and bars which are located in the Riverfront District are specifically directed to manage the level of noise emanating from these



businesses such that they do not impede traffic or annoy neighboring business or residences. Restaurants and bars with live or amplified music may be required to include sound reducing material, so as to ensure that maximum sound levels do not exceed the ten decibels above background sound and/or 100-foot sound rule.

- (4) Businesses that will or have provided for live and/or amplified, are required to report the same when applying for alcohol license or making occupational tax payment to the issuing office, the finance or marshal's office. Additionally, the noise restrictions will be considered and shall impact the approval of licensing of alcohol for such establishments that provide live or amplified sound.

**Consumer fireworks.**

(1)"Consumer fireworks" means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally, shall mean Roman candles.

(2)"Consumer fireworks retail sales facility" shall have the same meaning as provided for by NFPA 1124; provided, however, that such term shall not include a tent, canopy, or membrane structure.

(3)"Consumer fireworks retail sales stand" shall have the same meaning as provided for by NFPA 1124.

(4)"Distributor" means any person, firm, corporation, association, or partnership which sells consumer fireworks.

(4.1)"Electric plant" shall have the same meaning as provided for in *Code Section 46-3A-1*.

(5)"Fireworks" means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedoes, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance.

(6)"NFPA 1124" means the National Fire Protection Association Standard 1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 Edition*.

(7)"Nonprofit group" means any entity exempt from taxation under *Section 501(c)(3) of the Internal Revenue Code of 1986*, any entity incorporated under Chapter 3 of Title 14, the "Georgia Nonprofit Corporation Code," or a sponsored organization of a public or private elementary or Secondary school in this state.

(8)"Proximate audience" means an audience closer to pyrotechnic devices than permitted by the National Fire Protection Association Standard 1123, *Code for Fireworks Display*, as adopted by The Safety Fire Commissioner.

(9)"Pyrotechnics" means fireworks.

(10) "Store" shall have the same meaning as provided for by NFPA 1124; provided, however, that Such term shall only include such buildings with at least 4,000 square feet of retail display space And wherefrom:

(A) No more than 25 percent of such retail display space is used for consumer fireworks and items

(B) or products as provided for under paragraph (2) of subsection (b) of this Code section; and Other items or products which are not consumer fireworks or items or products as provided for under paragraph (2) of subsection (b) of this Code section are sold; and provided, further, that such term means a person, firm, corporation, association, or partnership with more than one mercantile location, where all such mercantile locations are collectively known to the public by the same name or share central management.

(11) "Waste-water treatment plant" shall have the same meaning as provided for in *Code Section 43-51-2*.

(12) "Water treatment plant" shall have the same meaning as provided for in *Code Section 43-51-2*.

(b) As used in this chapter, the term "consumer fireworks" or "fireworks" shall not include:

(1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term "consumer fireworks" or "fireworks" include ammunition consumed by weapons used for sporting and hunting purposes; and

(2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party poppers, string poppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

(13) 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 any day between the hours of 10:00 A.M. and 9:00 P.M. *ONLY*; provided; however, in accordance with O.C.G.A. § 25-10-2(b)(3)(B)(ii) and (iii), 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, the last Saturday and Sunday in May, July 3, July 4 and December 31 of each year after the time of 10:00 P.M. and up to and including the time of 11:59 P.M.; and on January 1 of each year beginning at the time of 12:00 midnight and up to and including the ending time of 1:00 A.M. The intent of this paragraph is to impose the

same restrictions as to time of consumer fireworks as are applied to other special noise sources except where state law requires additional leniency.

**Exempt from special noise sources.**

(a) Noise generated from government sponsored or approved celebrations or events shall be exempt from the provisions of this division.

(b) The following are exempt from the sound level limits of section 36-192:

- (1) Sound by public safety vehicles, emergency signaling devices, or authorized public safety personnel for the purpose of alerting persons to the existence of an emergency;
- (2) Noise from an exterior burglar alarm of any building, provided such burglar alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted or ten minutes if intermittent;
- (3) Noise from any automobile alarm, provided such alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted or ten minutes if the sound is intermittent;
- (4) The generation of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Administration;
- (5) Noise resulting from any practice or performance sponsored by or associated with the educational process administered by a recognized institution of learning, including, but not limited to, band, choir, and orchestral performances;
- (6) Noise that results from the activities of an organized sports league;
- (7) Unamplified bells, chimes or carillons while being used in conjunction with religious services between the hours of 7:00 a.m. and 10:00 p.m.;
- (8) Emergency work;

- (9) Events with amplified sound that are operating within the time and volume parameters set forth in an approved special administrative permit.

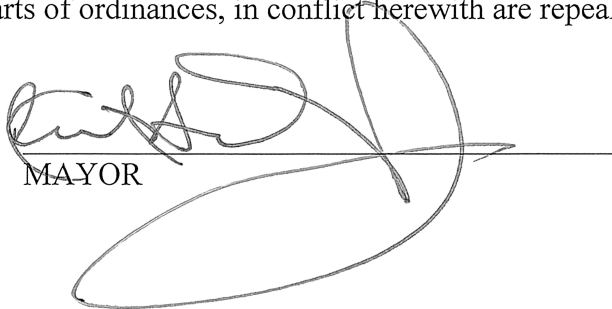
**Punishment.**

Any person, firm or corporation found in violation of any section of this Ordinance may be penalized in accordance with sections 1-17 and 1-18 of the City Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. This General Noise Ordinance and Sound Ordinance is approved, and the Mayor is authorized to sign same.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are repealed.

  
MAYOR

ATTEST:

  
CITY CLERK

Adopted: May 25, 2021

Introduced By: Chad Warbington

