

ORDINANCE NO. 2020-07-20-2

AN ORDINANCE PROHIBITING UNUSUALLY LOUD, EXCESSIVE, AND UNNECESSARY NOISES WITHIN THE CITY LIMITS OF THE CITY OF CAMILLA; DECLARING CERTAIN NOISES TO BE LOUD, DISTURBING, AND UNNECESSARY; PROVIDING FOR FINES AND PUNISHMENT; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Camilla have previously adopted an ordinance prohibiting unreasonably loud, disturbing and unnecessary noises within the city; and

WHEREAS, House Bill 419, signed into law on May 3, 2018 amends the state law governing use of consumer fireworks to provide cities and counties with greater authority to restrict the use of consumer fireworks which create unreasonably loud, disturbing and unnecessary noise at certain times; and

WHEREAS, House Bill 419 requires that, in order to restrict the use of consumer fireworks to certain times, a city or county must enact a noise ordinance subsequent to July 1, 2018, or if the city or county has a previously-existing noise ordinance, it must be re-enacted and include restriction on use of fireworks;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Camilla, and it is hereby ordained by authority of the same, as follows:

Section 1. Section 11-1-4 of the Official Code of Ordinances of the City of Camilla is hereby repealed and a new Section 11-1-4 is simultaneously adopted, entitled *Noise, Creating Unnecessary Noise*, attached hereto as "Exhibit A," is hereby adopted.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SO ORDAINED, this 20th day of JULY, 2020.



CITY OF CAMILLA

By: _____

Mayor, Kelvin Owens

Attest: _____

Clerk, Cheryl Ford

First reading: _____

Second reading: _____

JULY 20 2020

WAIVED

Exhibit "A"

Sec. 11-1-4. - Noise; creating unnecessary noise.

- (a) The creating of any unreasonably loud, disturbing and unnecessary noise within the limits of the city is prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited. It shall also be unlawful for any person, firm or corporation who owns, possesses or controls real property within the City of Camilla, Georgia, to allow any such noises to continue to emanate from such property after having been apprised of same.
- (b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:
 - (1) *Horns*. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or, if in motion, only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound or the sounding of such device for an unnecessary or unreasonable period of time.
 - (2) *Musical instruments*. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between midnight and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel or other type of residence, or any persons in the vicinity, except this section shall not apply to schools of music between the hours of 7:00 a.m. and 10:00 p.m.
 - (3) *Voices*. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of midnight and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence, or any persons in the vicinity.
 - (4) *Noisy vehicles*. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding or rattling, or other noise.
 - (5) *Steam whistles*. The blowing of any steam whistle 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, or upon request of proper city authority.
 - (6) *Exhausts*. To discharge into the open air the exhaust of any stationary steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (7) *Construction work*. The erection (including excavating), demolition, alteration or repair of any building in any residential district or section, the excavation of streets and highways in any residential district or section, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in cases of urgent necessity, and then only with a permit from the city, which permit may be granted for a period not to exceed 60 days while the emergency continues.

- (8) *On streets of institutions requiring quiet.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof.
 - (9) *Loudspeakers on vehicles.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
 - (10) *Animal noises.* Barking, howling, yelping, whining or other noises made by dogs or other animals where the volume, duration or repetitiveness of such noises annoys or disturbs the peace, quiet, comfort or repose of any person residing within the vicinity of such noises.
 - (11) *Fireworks.* Fireworks may be ignited in the City Limits. Provided however, the ignition of fireworks which produce a loud, disturbing or unnecessary noise is prohibited within the city limits between the hours of 10:00 p.m. and 10:00 a.m., except that use of such fireworks shall be permitted within the city limits as follows:
 - (A) On January 1 from 12:00 a.m. (midnight) to 1:00 a.m. and from 10:00 a.m. to 11:59 p.m.
 - (B) On the last Saturday and Sunday in May (preceding Memorial Day) from 10:00 a.m. to 11:59 p.m.
 - (C) On July 3rd and 4th from 10:00 a.m. to 11:59 p.m.
 - (D) On the first Monday in September (Labor Day) from 10:00 a.m. to 11:59 p.m.
- (c) None of the foregoing terms or prohibitions shall apply to or be enforced against:
- (1) Any vehicle of the city while engaged upon necessary public business;
 - (2) Excavations or repairs of bridges, streets or highways, by or on behalf of the city, county, or state, during the night season, when the public welfare and convenience renders it impossible to perform such work during the day; nor shall the same apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefor;
 - (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.
- (d) The prohibitions shall not be applicable to any parade, celebration or performance for which a written permit has been obtained prior thereto from the city clerk.
- (e) It shall be unlawful to use, maintain or operate loudspeakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the streets, sidewalks, parks or other public places of the city; provided that nothing in this section shall apply to the United States of America, the state, the county nor the city, nor to public agencies.