

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: Noise Control Ordinance Amendment

READING AND ADOPTION: June 7, 2016

At the regular meeting of the Gwinnett County Board of Commissioners held in the Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

Name	Present	Vote
Charlotte Nash, Chairman	Yes	Aye
Jace Brooks, District 1	Yes	Aye
Lynette Howard, District 2	Yes	Aye
Tommy Hunter, District 3	Yes	Aye
John Heard, District 4	Yes	Nay

On motion of **Commissioner Hunter**, which carried **4-1**, the Code of Ordinances of Gwinnett County is hereby amends Article III of Chapter 42 of the Gwinnett County Code of Ordinances, entitled "Noise Control" by deleting Subsection 42-49(3), entitled "Construction Noise," in its entirety and replacing it with a new Subsection 42-49(3), entitled "Construction Noise."

WHEREAS, the Gwinnett County Board of Commissioners recognizes that excessive community noise is detrimental to individuals and the community in the enjoyment of life and property and in the conduct of business; and

WHEREAS, the Board of Commissioners recognizes that there has been much research concerning the effects of excessive noise which has been shown to have significant medical, social, and economic impacts; and

WHEREAS, the Board of Commissioners further recognizes that uncontrolled excessive noise could be a hazard to the public health, welfare, safety, and quality of life of those living, working, and visiting Gwinnett County; and

WHEREAS, the Board of Commissioners is authorized to adopt ordinances for the purpose of protecting and preserving the public health, safety, and welfare of the County and its residents; and

WHEREAS, the Gwinnett County Board of Commissioners recently adopted a Noise Control Ordinance on December 1, 2015; and

WHEREAS, since adoption of the ordinance, the Board of Commissioners believes it is necessary to modify provisions in the Noise Control Ordinance related to construction noise to better address construction activity taking place in Gwinnett County so as to adjust certain hours during which construction noise may be prohibited and/or limited; and

WHEREAS, the Board of Commissioners desires to adopt reasonable regulations concerning noise that are clear to follow and can be efficiently enforced while protecting the public health, safety, and welfare of the County and its residents; and

WHEREAS, the Board of Commissioners finds that the adoption of a new and revised Subsection 42-49(c) is in the best interest of Gwinnett County to protect the health, safety, and welfare of its residents, visitors, and workers.

NOW, THEREFORE, BE IT ORDAINED that the Gwinnett County Board of Commissioners hereby amends Article III of Chapter 42 of the Gwinnett County Code of Ordinances, entitled "Noise Control" by deleting Subsection 42-49(3), entitled "Construction Noise," in its entirety and replacing it with a new Subsection 42-49(3), entitled "Construction Noise" which is attached hereto as Exhibit A.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this ordinance shall be effective upon adoption.

BE IT FURTHER RESOLVED that all ordinances, regulations or parts of the same in conflict with this Resolution are hereby rescinded to the extent of said conflict.

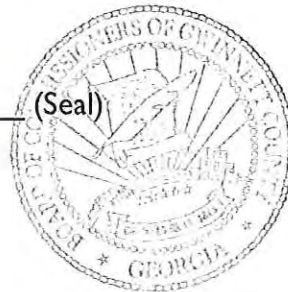
GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Charlotte J. Nash
Charlotte J. Nash, Chairman

Date Signed: 6/14/16

ATTEST:

By: Diane Kemp
Diane Kemp, County Clerk



APPROVED AS TO FORM:

By: Theresa A. Cox
Theresa Cox, Senior Assistant County Attorney

EXHIBIT A

CHAPTER 42 - NUISANCES

Article III - Noise control.

Article III – Noise Control of Chapter 42 of the Gwinnett County Code of Ordinances is hereby amended by deleting Subsection 42-49(3) in its entirety and replacing it with the following new Subsection 42-49(3).

Sec. 42-49. Specific Noise and/or Sound Prohibitions.

(3) Construction noise.

- a. It shall be unlawful for any person to make, continue, or cause to be made or continued any construction noise in such a manner so as to be plainly audible at a distance of 300 feet or more beyond the boundary of the property from which the noise emanates between the hours of 7 a.m. and 9 p.m. Monday through Friday and between the hours of 9 a.m. and 6 p.m. on Saturday.
- b. It shall be unlawful for any person to make, continue, or cause to be made or continued any construction noise on Sunday; on the following federally-recognized holidays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day; before 9 a.m. and after 6 p.m. on Saturday; and before 7 a.m. and after 9 p.m. Monday through Friday.
- c. Notwithstanding this prohibition, the Director of the Department of Planning and Development or his designee may determine when the loss or inconvenience that would result to any party in interest is of such a nature as to warrant special consideration, in which case the Director or his designee may grant a permit for a period of time not to exceed ten (10) days for construction work to be done between the hours on 9 p.m. and 7 a.m. on weekdays.
- d. The prohibitions of this subsection (3) shall not apply to government road, water, sewer, stormwater construction or maintenance projects or to utility company construction or maintenance projects.