

**GWINNETT COUNTY**  
**BOARD OF COMMISSIONERS**  
**LAWRENCEVILLE, GEORGIA**

**ORDINANCE ENTITLED:** Gwinnett County Code of Ordinances Section 38-47(3)

**READING AND ADOPTION:** July 23, 2019

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

---

<b>Name</b>	<b>Present</b>	<b>Vote</b>
Charlotte Nash, Chairman	Yes	Aye
Jace Brooks, District 1	Absent	Absent
Ben Ku, District 2	Yes	Aye
Tommy Hunter, District 3	Yes	Aye
Marlene Fosque, District 4	Yes	Aye

---

On motion of **Commissioner Hunter**, which carried **4-0**, the Code of Ordinances of Gwinnett County is hereby amends Article III of Chapter 38 of the Gwinnett County Code of Ordinances, by deleting Subsection 38-47(3), in its entirety and replacing it with a new Subsection 38-47(3).

**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 recognizes protecting and preserving the public health, safety, and welfare of the County includes both creating economic growth and development and sustaining the residential communities; and

**WHEREAS**, the Board of Commissioners believes it is necessary to modify provisions in the Gwinnett County Code of Ordinances related to construction hours to better address construction activity taking place in Gwinnett County so as to allow flexibility for the Director of the Department of Planning and Development to address developer and community needs with regard to permitted construction hours; and

**WHEREAS**, the Board of Commissioners finds that the adoption of a new and revised Subsection 38-47(3) 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 38 of the Gwinnett County Code of Ordinances, by deleting Subsection 38-47(3) in its entirety and replacing it with a new Subsection 38-47(3), 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IT FURTHER RESOLVED** that all ordinances, regulations or parts of the same in conflict with this Resolution are hereby rescinded to the extent of said conflict.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: 7/31/19

ATTEST:

By: Diane Kemp  
Diane Kemp, County Clerk



APPROVED AS TO FORM:

By: Theresa D. Cox  
Theresa Cox, Deputy County Attorney

EXHIBIT A

**CHAPTER 38 - NUISANCES**

**Article III of Chapter 38 of the Gwinnett County Code of Ordinances is hereby amended by deleting Subsection 38-47(3) in its entirety and replacing it with the following new Subsection 38-47(3).**

**Sec. 38-47. 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 fourteen (14) days for construction work to be done during hours outside of those hours permitted above. The Director of the Department of Planning and Development may grant multiple permits to a party when the loss or inconvenience that would result to any party in interest is of such a nature as to warrant special consideration.
- 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.