

**ORDINANCE
AMENDMENT
NO. OA - 2025 – 05**

**AN ORDINANCE TO AMEND CHAPTER 24 – OFFENSES AND
MUNICIPAL COURT; TO AMEND CHAPTER 6 – ANIMALS; TO
PROVIDE FOR DEFINITIONS; TO PROVIDE FOR RELATED
MATTERS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE
FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

WHEREAS, The Mayor and Council find that excessive, unnecessary, or unusually loud noise degrades the peace, safety, welfare, and property values of Dallas residents. Consistent with O.C.G.A. §25-10-2 and §40-6-14, this article establishes standards to regulate noise while preserving legitimate business and individual activities.; **AND**

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and the City Council, by ordinance, to regulate noise in the City limits; **AND**

WHEREAS, This article is intended to be content-neutral, applying uniformly to all sources without regard to message or speech; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that this amendment is in the best interest of the City’s residents and for their safety, health and welfare and the public good; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I.

That **CHAPTER 24 – OFFENSES AND MUNICIPAL COURT, ARTICLE I. – IN GENERAL Sec. 24 – 1. – Unnecessary noise** is hereby repealed and replaced in its entirety as follows:

Sec. 24-1. - Noise

- a. Purpose - The Mayor and Council find that excessive, unnecessary, or unusually loud noise degrades the peace, safety, welfare, and property values of Dallas residents. Consistent with O.C.G.A. §25-10-2 and §40-6-14, this article establishes standards to regulate noise while preserving legitimate business and individual activities. This article is intended to be content-neutral, applying uniformly to all sources without regard to message or speech.
- b. Definitions
 1. *Plainly Audible.* Any sound that can be heard by a person using ordinary auditory senses, standing at the prescribed distance from the noise source, regardless of discernible words or musical content.
 2. *Sound-Producing Device.* Any radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing or amplifying of sound.
 3. *Person in Charge.* An adult occupant, tenant, property owner, or event sponsor exercising control over premises or an activity.
 4. *Residential Zoning District.* Any property zoned R-1, R-2, R-3, TH, MF-1, MF-2 or comparable residential classification under the Dallas Zoning Ordinance.

5. *Landscape-Maintenance Equipment*. Gas- or electric-powered leaf blowers, lawn mowers, edgers, hedge trimmers, chainsaws, or similar devices.
 6. *Compression-Release Engine Brake*. A device that modifies or releases a diesel engine's compression for braking purposes, commonly known as a "Jake Brake."
 7. *Consumer Fireworks*. Shall have the same meaning as in O.C.G.A. §25-10-1(1).
 8. *Property line or boundary* means an imaginary line drawn through the points of contact of adjoining apartments, condominiums, townhouses, duplexes or other such residential dwelling units with adjoining points owned, rented, or leased by different persons; or adjoining common areas or adjoining exterior walls. Said property line or boundary includes all points of a plane formed by projecting the property line or boundary including the ceiling, the floor, and the walls.
 9. *Construction noise*. Any noise caused by the erection (including excavation), demolition, alteration, or repair of any building, as well as the operation of any earth-moving equipment, crane, saw, drill, pile driver, steam shovel, pneumatic hammer, hoist, automatic nailer or stapler, or any similar equipment.
- c. General Prohibitions - It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud or disturbing noise which, because of its volume, duration, frequency, or character, either:
1. Endangers or injures the health, safety, or welfare of any person; or
 2. Disturbs the peace or comfort of reasonable persons of ordinary sensibilities within the city.
- d. Specific "Plainly Audible" Distance/Time Restrictions
1. Daytime Restrictions (7:00am – 11:00pm Sun-Thu; 7:00am – 12:00 midnight Fri-Sat)
 - i. Sound-Producing Devices. Prohibited if plainly audible 300 ft or more from the building, structure, vehicle, or property line from which the sound emanates.
 - ii. Human-Produced Sounds (yelling, singing, whistling, hooting, shouting etc.). Prohibited if plainly audible 300 ft or more from point of origin.
 - iii. Commercial Advertising. Use of sound-producing devices for advertising that is plainly audible 300 ft or more from the source is prohibited.
 - iv. Party Noise. It is unlawful for any person in charge of a party or other social event that occurs on any private property to allow that party or social event to produce noise in such a manner so that such noise is plainly audible at a distance of 300 feet or more from the building or structure from which the noise is emanating, or, in the case of real property, beyond the property limits, on which the party or social event is located, whichever is farthest, between the hours of 7:00 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 7:00 a.m. and 12:00 midnight on Friday and Saturday. For the purposes of this subsection, the term "person in charge of a party or other social event" means any adult person who resides in or on the premises involved in such party or social event and is present at such party or social event. For the purposes of this subsection, the term "noise" shall mean the same sounds, or any combination thereof, Responsibility attaches to the person in charge; noise plainly audible 300 ft or more from property boundary is prohibited.
 2. Nighttime Restrictions (11:00pm – 7:00am Sun-Thu; 12:00 midnight – 7:00am Sat & Sun)

- i. Same categories as subsection (1) above, but threshold is 100 ft from source or property boundary.
 - ii. Apartment/Condominium/Duplex Units. Except for persons within commercial enterprises that have an adjoining property line or boundary with a residential dwelling unit, it is unlawful for any person to make, continue, or cause to be made or continued any noise in such a manner as to be plainly audible to any other person a distance of five feet beyond the adjoining property line wall or boundary of any apartment, condominium, townhouse, duplex, or other such residential dwelling units with adjoining points of contact.
- e. Vehicle and Public-Way Sound Restrictions
 - 1. Vehicle Audio Systems. It is unlawful to operate or permit operation of any radio, CD player, or similar device from within a motor vehicle so as to be plainly audible 50 ft or more from the vehicle when on any public street, alley, or parking area.
 - 2. Boom Boxes on Sidewalks/Parks. Portable amplification devices shall not be operated in a public right-of-way or park such that sound is plainly audible 50 ft or more in any direction.
 - 3. Compression-Release Engine Brakes. The use of compression-release engine brakes by any motor vehicle is prohibited within the corporate limits unless required to avert imminent danger to persons or property.
- f. Landscape-Maintenance Equipment. It is unlawful to operate landscape-maintenance equipment (leaf blowers, mowers, chainsaws, etc.) within any residential zoning district, or within 300 ft of such district, between 8:00pm and 8:00am Monday-Friday and 11:00pm and 8:00am on weekends and city-observed holidays.
- g. Construction Noise
 - 1. Between 11:00pm and 7:00am Monday-Friday and 11:00pm to 8:00am Saturday-Sunday, no construction-related activity or equipment may generate noise plainly audible 100 ft or more beyond the property boundary.
 - 2. Variance Procedure. A written request for extended hours may be submitted to the City Manager or designee at least 48 hours in advance. The request must: (i) state urgent need; (ii) detail mitigation steps; (iii) document neighbor notifications; and (iv) address safety risks. One variance period of up to 10 days may be issued per project.
- h. Fireworks
 - 1. Use or ignition of consumer fireworks shall comply with O.C.G.A. §25-10-2. Outside the statewide hours (10:00am – 11:59pm) or holiday carve-outs, fireworks that are plainly audible 100 ft or more from the ignition site are prohibited.
 - 2. Dallas may issue a special-use permit for fireworks outside statutory hours, subject to §25-10-2(b)(3)(D) and a fee not exceeding \$100.00.
- i. Outdoor Entertainment Event Registration
 - 1. Any outdoor event employing electronic amplification must register with the Dallas Office of Business Development and the Dallas Police Department 72 hours prior to the start time.
 - 2. Registration forms shall be created (and revised if necessary) by Dallas Business Development and the Dallas Police Department in their discretion and shall include, but not be limited to: event sponsor, location map, date/time span, amplification equipment list, and security plan.
 - 3. Events extending into restricted hours are subject to enforcement under this article; registration does not waive compliance.
- j. Exemptions. The prohibitions of this article do not apply to:
 - 1. Normal operations of municipal, county, state, or federal government agencies.
 - 2. Authorized emergency vehicles, public-safety alerts, and disaster-response operations.
 - 3. Official school or college events on their campuses.

4. City-sanctioned festivals, parades, or holiday celebrations conducted under special-event permits.
5. Manufacturing or industrial processes in zones designated Industrial (I-1, I-2), except where declared a nuisance by court order.
6. Noise regulated exclusively by O.C.G.A. §40-6-14 (motor-vehicle radios) or federal aircraft noise standards.
7. Consumer fireworks, as defined under state law, can be used or ignited on any day beginning at 10:00 a.m. and ending at 9:00 p.m. (O.C.G.A. 25-10-2 (b)(3)(B)(i)). However, consumer fireworks may not be ignited on any day after 9:00 p.m. and before 10:00 a.m. except as permitted in subsection j(4) of this section.
8. Consumer fireworks, as defined under state law, ignited on July 3, July 4, and December 31 after 9:00 p.m. and up to 11:59 p.m. and on January 1 after 9:00 p.m. and up to 1:00 a.m. (O.C.G.A. 25-10-2(b)(3)(B)(iii) and (iv)).
9. Consumer fireworks may be ignited under the provisions of a special event permit that designates the additional time and location (O.C.G.A. 25-10-2(b)(3)(B)(ii) and (b)(3)(D)).
10. Permits issued in the discretion of the city manager.

k. Enforcement and Penalties

1. Primary Enforcement. Sworn officers of the Dallas Police Department, designated code-enforcement officials of the City of Dallas or the City of Dallas Marshal Bureau may issue citations based on personal observation of a violation.
2. Sound measurement standards for law enforcement personnel. For the purposes of this section, the term "plainly audible" means any sound emanating from the specific sound-producing sources set forth in this section which can be heard from the distances set forth in this section, 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
3. Graduated Penalties.
 - i. First Offense: Written warning or \$100 fine at officer discretion.
 - ii. Second Offense (within 12 months): Misdemeanor charge; fine not less than \$250.
 - iii. Third & Subsequent Offenses (within 12 months): Fine up to \$1,000 and/or incarceration not to exceed 6 months.
 - iv. Special-Event Revocation: The City Manager may suspend or revoke event permits upon violation.
 - v. Abatement Authority: The Municipal Court may order immediate cessation of offending noise and may authorize seizure of offending equipment until fines are paid.
 - vi. Failure to Appear: Any person who fails to appear in response to a summons issued for violation of this article commits an additional offense punishable as contempt of court.
- l. Civil Remedies. Nothing in this article limits any person's right to seek relief under state nuisance law or common-law tort theories.
- m. Severability. Should any provision of this section be declared invalid or unconstitutional, such decision shall not affect the validity of the remaining portions.

THAT CHAPTER 6. – ANIMALS, Sec. 6-1. – Definitions, “Animal” shall be struck and replaced as follows:

Sec. 6-1. – Definitions

...

Animal: Any living creature, domestic or wild, including but not limited to dogs, cats, livestock, poultry, and exotic animals.

...

THAT CHAPTER 6. – ANIMALS Sec. 6-14. – Animal Noises, shall be repealed and replaced by the following:

Sec. 6-14. – Animal Noises

- a. Definitions.** For the purposes of this chapter and this section, the following terms shall have the meanings ascribed to them:

Animal Noise Disturbance: Any sound made by an animal that is deemed a nuisance as defined herein. A nuisance shall exist if an animal makes any vocalization, including but not limited to barking, howling, whining, crowing, or meowing:

Continuously for a period of fifteen (15) consecutive minutes; or

Intermittently for a period of thirty (30) minutes or more within any one-hour period.

Continuous: Sound that is nonstop or with breaks of less than thirty (30) seconds at a time during the proscribed period.

Domestic Animal: Any dog, cat, or other animal typically kept as a household pet.

Exotic Animal: Any animal that is not a Domestic Animal, Livestock, or Poultry, and which is not native to the State of Georgia.

Intermittent: Sound that is repeated with breaks of thirty (30) seconds or more between each episode of sound during the proscribed period.

Livestock: Includes but is not limited to cattle, horses, sheep, goats, and swine.

Owner: Any person, firm, corporation, or entity owning, harboring, keeping, or having custody or control of an animal.

Poultry: Domesticated birds, including but not limited to chickens, turkeys, ducks, and geese.

- b. *Prohibited Conduct.*** It shall be unlawful for any Owner to permit an animal to cause an Animal Noise Disturbance that is audible from any public right-of-way

or from within the enclosed dwelling of another, where such disturbance unreasonably interferes with the peace and comfort of persons in the neighborhood.

c. *Specific Provisions by Animal Type.*

1. Dogs and Other Domestic Animals: Are subject to the standards set forth in Sec. 1(b).
2. Poultry: It shall be a specific violation of this chapter for any person to keep, harbor, or possess any rooster that crows between the hours of 9:00 PM and 6:00 AM, if such crowing is plainly audible from within any occupied residential dwelling unit on an adjacent property.
3. Livestock: Noises emanating from bona fide agricultural operations where Livestock are kept shall not constitute a violation of this chapter, provided such operations adhere to generally accepted agricultural and management practices.
4. Exotic Animals: Owners of any Exotic Animal shall maintain such animals within a primary enclosure sufficient to baffle and contain noise and render it reasonably unobjectionable from any adjacent property.

d. *Exemptions.* The provisions of this chapter shall not apply to:

1. An animal making noise in response to a person trespassing or threatening to trespass upon private property on which the animal is situated.
2. An animal making noise in response to being tormented, provoked, teased, or abused.
3. An animal making noise as part of its duties as a law enforcement K-9, a certified service animal, or a livestock guardian dog actively engaged in its protective function.
4. Any State-licensed or City-permitted veterinary hospital, animal shelter, humane society, or licensed kennel, provided such facility has taken reasonable measures to mitigate noise.

e. *Enforcement and Complaint Procedure.*

1. Enforcement Authority: This chapter may be enforced by Animal Control Officers, Code Enforcement Officers, or any law enforcement officer of the City of Dallas.
2. Complaint Requirement: An investigation may be initiated upon receipt of a formal written and signed complaint from at least two (2) adult witnesses residing in separate households, or from one (1) witness who can provide time-stamped audio or video recording of the alleged violation.
 - i. The complaint shall be on a form provided by the City and shall include the complainant's name and address, the location of the alleged violation, a description of the animal(s), and a log detailing the dates, times, and duration of the disturbance.
 - ii. All complainants must reside within a 1,000-foot radius of the property where the animal is located.
3. Investigation and Notice:

- i. Upon receipt of a valid complaint, the enforcement officer shall investigate. If the complaint appears credible, the officer shall issue a written warning notice to the animal's Owner, providing a copy of this ordinance and a compliance period of ten (10) days.
 - ii. If further valid complaints are received after the compliance period has expired, the officer may issue a citation to the Owner to appear in the Municipal Court of Dallas.
 - iii. Separate Offenses: Each day a violation of this chapter continues after the initial warning period shall constitute a separate and distinct offense.
- f. *Penalties.* Any person found in violation of this section by the Municipal Court shall be subject to the following penalties:
 - 1. First Offense: A fine of not less than one hundred fifty dollars (\$150.00).
 - 2. Second Offense (within 24 months): A fine of not less than two hundred fifty dollars (\$250.00).
 - 3. Third Offense (within 24 months): A fine of not less than three hundred fifty dollars (\$350.00).
 - 4. Fourth and Subsequent Offenses (within 24 months): A fine of not less than five hundred dollars (\$500.00).
 - 5. The Court may also impose court costs and order other remedies, including but not limited to mandatory spay/neuter or owner education classes.
- g. The City of Dallas, Georgia Marshal's Bureau or the City of Dallas, Georgia Police Department or Designated Dallas Code Enforcement Officer shall conduct an investigation of the complaint and, upon its determination that a violation has occurred, may issue a citation to the owner of such animal which citation will be heard and adjudicated by the Municipal Court of the City of Dallas, Georgia.

SECTION II. **REPEAL OF CONFLICTING ORDINANCES.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. **SEVERABILITY CLAUSE.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION IV. **EFFECTIVE DATE.** Following approval and passage of this ordinance by the Mayor and City Council, this ordinance shall be effective immediately upon signature.

**SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF _____, 2025.**

L. James Kelly, Mayor

James R. Henson, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Candace Callaway, Councilmember

ATTEST:

Tina Clark, City Clerk
City of Dallas, Georgia

Date