

**WALTON COUNTY, GEORGIA
ORDINANCE NUMBER ____**

**AN ORDINANCE
BY THE BOARD OF COMMISSIONERS
OF WALTON COUNTY**

An Ordinance to prohibit loud noises which either disturbs, injures or endangers the comfort, repose, health, peace or safety of the citizens of Walton County, Georgia; to provide an effective date; and for other purposes.

WHEREAS, Article IX, Section II, Paragraph I of the Constitution of the State of Georgia grants the governing authority of each county the legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which is not inconsistent with the constitution or any local law applicable thereto;

WHEREAS, pursuant to O.C.G.A. § 36-1-20, a county may enact regulations to protect the health, safety, and general welfare of the public under its police powers;

WHEREAS, in order to protect the health, safety, and general welfare of the public, Walton County desires to prohibit loud noises that disturbs, injures or endangers the comfort, repose, health, peace or safety of the citizens of Walton County in certain circumstances.

**NOW THEREFORE, BE IT ORDAINED AND RESOLVED BY THE
BOARD OF COMMISSIONERS OF WALTON COUNTY, GEORGIA AS
FOLLOWS:**

1.

The Code of Walton County, Georgia is hereby amended to add the following:

Sec. 34-37. Title. This ordinance shall be known as the Walton County Noise Disturbance Ordinance.

Sec. 34-38. Penalty. It shall be unlawful and punishable as provided in Section 1-12 for any person within the unincorporated areas of the county to violate any of the provisions of this Ordinance. Alleged violations of this Ordinance shall be tried in the Magistrate Court of the County.

Sec. 34-39. Definitions. The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "**Agricultural Property**" means a parcel of real property that is primarily used for agricultural purposes in accordance with the maps, terms and provisions of the Walton County Land Development Ordinance.

(b) "**Noise Disturbance**" means any sound which:

- (i) may disturb or annoy reasonable persons of normal sensitivities; or
- (ii) causes, or tends to cause, an adverse effect on the public health and welfare; or
- (iii) endangers or injures any person; or
- (iv) endangers or injures personal or real property.

(c) "**Noise-Sensitive Area**" means any area in the unincorporated areas of Walton County where a school, hospital, nursing home, church, court or public library is located.

(d) "**Ordinance**" means the Walton County Noise Disturbance Ordinance.

(e) "**Person**" means any individual, association, partnership, joint venture, limited liability company or corporation.

(f) "**Plainly Audible**" means any sound for which any of the content of that sound is communicated to a person using his or her unaided hearing faculties. For the purposes of the enforcement of this Ordinance, the detection of any component of sound, including, but not limited to, the rhythmic bass by a person using his or her unaided hearing faculties is sufficient to verify plainly audible sound. It is not necessary for such person to determine the title, specific words or artist of music, or the content of any speech.

(g) "**Public Right-of-Way**" means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a governmental entity.

(h) "**Public Space**" means any real property or structures thereon owned by a governmental entity and normally accessible to the public, including but not limited to parks and other recreational areas.

(i) "**Real Property Boundary**" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from real property owned by another person.

(j) "**Residential Area**" means any real property which contains a structure or building in which one or more persons reside.

Sec. 34-40. General Prohibition. No person shall make, continue, or cause to be made or continued, any Noise Disturbance.

Sec. 34-41. Enumeration of Prohibited Noises.

In addition to the general prohibition set forth in Section 34-40, the following specific acts are declared to be in violation of this Ordinance:

(a) *Horns, Signaling Devices.* The sounding of any horn or signaling device of a motor vehicle that is Plainly Audible to any person in a Public Right-of-Way or Public Space for a period of time in excess of sixty (60) seconds, except as a danger or emergency warning.

(b) *Radios, Television, Musical Instruments, Loudspeaker and Sound Amplifier.* Operating, playing, or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, loudspeaker system, sound amplifier, or any such similar device, which produces, reproduces, or amplifies sound in such a manner as to be Plainly Audible at a distance in excess of 100 feet from the Real Property Boundary of the noise source, within any Residential Area, Noise-Sensitive Area, Public-Right-of-Way, or Public Space.

(c) *Loudspeaker and Sound Amplifiers.* The use or operation of any loudspeaker system, sound amplifier or other similar device between the hours of 10:00 p.m. and 7:00 a.m., within or adjacent to a Residential Area, Noise-Sensitive Area, Public Right-of-Way, or Public Space such that the sound therefrom is Plainly Audible across the Real Property Boundary of the noise source. In all Residential Areas and within 500 feet thereof, no sound amplifying equipment shall be installed, operated, or used for commercial purposes at any time.

(d) *Powered Equipment Intended for Repetitive Use in Residential Areas.* The operation of, or permitting the operation of, any lawn mower, backpack blower, lawn edger, riding tractor, or any other machinery, equipment, or other mechanical or electrical device, or any similar tool between the hours of 10:00 p.m. and 7:00 a.m., within or adjacent to a Residential Area or Noise-Sensitive Area such that the sound therefrom is Plainly Audible across the Real Property Boundary of the noise source.

(e) *Emergency Signaling Devices.* The intentional sounding, or permitting the sounding, outdoors of any stationary fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency or testing purposes.

(f) *Motor Vehicles.*

(i) No person shall operate, or permit to be operated, any motor vehicle, motorcycle, or off-road vehicle not equipped with a muffler or other device in good working order that is intended to effectively prevent loud or explosive noises from the motor vehicle, motorcycle, or off-road vehicle.

(ii) No person shall operate, or permit to be operated, any motor vehicle, motorcycle, or off-road vehicle that creates a Noise Disturbance across a Real Property Boundary in a Residential Area or in a Noise-Sensitive Area due to the sound of tire squeal.

(iii) No person shall operate, or permit to be operated, any motor vehicle, motorcycle, or off-road vehicle that creates a Noise Disturbance across a Real Property Boundary in a Residential Area or in a Noise-Sensitive Area due to the sound of high acceleration.

(g) *Consumer Fireworks.* The use or exploding of consumer fireworks between the hours of 10:00 p.m. and 9:00 a.m., except on the dates, and at the times, explicitly specified in chapter 10 of title 25 of the O.C.G.A. (O.C.G.A. § 25-10-1 et seq.).

(h) *Funerals.* No person may engage in loud singing, playing of music, chanting, whistling, yelling, or the making of any other sound with, or without, any sound amplification equipment, including, but not limited to, bullhorns, auto horns, and microphones within 200 feet of the Real Property Boundary of any active funeral site, where the level of such sound is Plainly Audible to the attendees at the site.

Sec. 34-42. Exceptions. The provisions of this Ordinance shall not apply to sounds created by agricultural equipment, including but not limited to tractors, combines, and other similar equipment, when the sounds from such equipment originates on Agricultural Property or the Public Right-of-Way.

2.

Except as specified hereinabove, all remaining portions of the Code of Walton County, Georgia shall continue in full force and effect, and shall remain unaffected by this amendment.

3.

It is the express intent of the Walton County Board of Commissioners that this Ordinance be consistent with both federal and state law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

4.

All Ordinances and provisions of the Code of Walton County, Georgia which conflict with any part of this Ordinance are hereby repealed.

5.

This Ordinance shall become effective immediately upon passage.

SO ORDAINED this _____ day of _____, 2021.

David G. Thompson, Chairman
Walton County Board of Commissioners

Attest: _____
Rhonda R. Hawk, County Clerk
Walton County, Georgia

[COUNTY SEAL]