



SANDY SPRINGS

GEORGIA

TO: Mayor and City Council for the City of Sandy Springs, Georgia

FROM: Daniel Lee, City Attorney

DATE: August 28, 2018, for submission onto the September 4, 2018 Mayor and City Council Regular Meeting Agenda

ITEM: Ordinance to amend Chapter 38, Article 3, Division II of the Sandy Springs Code of Ordinances ("Code") to provide for regulation of construction related noise.

Background:

On August 7, 2018, the Mayor and City Council re-adopted the City's noise ordinance ("Ordinance") to comply with the provisions of House Bill 419, which the legislature passed during its 2018 legislative session. The Ordinance contains language regarding construction related noise, the intent of which was to prohibit construction related noise during specified times. However, the current wording of the provision leaves it open to possible misinterpretation.

Discussion:

In order to clarify the intent of the ordinance, the City Attorney recommends an amendment to the ordinance to specify that construction related noise is prohibited in the City before 7:30 a.m. or after 7:30 p.m. on weekdays, before 8:00 a.m. or after 5:00 p.m. on Saturdays, and at any time on Sundays and legal holidays (New Years' Day (as observed by the city), Memorial Day, Independence Day (as observed by the city), Labor Day, Thanksgiving Day and Christmas Day (as observed by the city)).

Alternatives:

The Council could decide not to adopt the Ordinance.

Attachments:

Exhibits

) Ordinance

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA TO AMEND CHAPTER 38 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE 3 (OFFENSES INVOLVING PUBLIC PEACE, ORDER AND SAFETY), DIVISION II (NOISE), TO PROVIDE FOR THE REGULATION OF NOISE RELATED TO CONSTRUCTION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Sandy Springs (“**City Council**”) are charged with the protection of the public health, safety, and welfare of the citizens of the city of Sandy Springs (“**City**”); and

WHEREAS, Chapter 38, Article III, Division 2 (the “**Ordinance**”) of the Sandy Springs Code of Ordinances (the “**Code**”) regulates all manner of sounds or noises in the City; and

WHEREAS, the City Council have determined that it is appropriate to modify the Ordinance to reasonably restrict construction related noise during certain times to further protect the public health, safety, and welfare of the citizens of Sandy Springs.

BE IT ORDAINED by the Mayor and City Council of the City of Sandy Springs, Georgia that the City’s Code of Ordinances is amended as follows:

SECTION I: Chapter 38, relating to Offenses and Miscellaneous Provisions, Article III, Division 2 is hereby amended to regulate construction activities during certain times, and will read as follows:

Sec. 38-93. - Construction or Repair.

- (a). Construction of any type, including, but not limited to, the erection (including excavation), demolition, alteration, or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, stream or electric hoist, automatic nailers or staplers, or any similar equipment ~~attended by noise exceeding 55dB(A) when measured at or outside the property boundary,~~ shall be prohibited during the following times: Before 7:30 a.m. or after 7:30 p.m. on weekdays, and before 8:00 a.m. or after 5:00 p.m. on Saturdays, and at any time on Sundays and/or legal holidays (New Years' Day (as observed by the city), Memorial Day, Independence Day (as observed by the city), Labor Day, Thanksgiving Day and Christmas Day (as observed by the city)). Notwithstanding the foregoing, interior construction shall be permitted ~~on Saturdays and Sundays~~ subject to the provisions of Secs. 38-87(a) and (b) or Sec. 38-89 above, as applicable.
- (b). Landscape contractors using any type of motorized mowers or mechanical blowers and other equipment which create noise exceeding 55dB(A) when measured at or outside the property boundary shall be prohibited, during the following times: Before 7:30 a.m. or after 7:30 p.m. on weekdays, and before 8:00 a.m. or after 5:00 p.m. on Saturdays, and at any time on Sundays and/or legal holidays (New Years' Day (as observed by the city), Memorial Day, Independence Day (as observed by the city), Labor Day, Thanksgiving Day and Christmas Day (as observed by the city)).

SECTION II: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Sandy Springs, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

SECTION III: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION V: This Ordinance shall become effective immediately upon its adoption.

APPROVED AND ADOPTED this the 4th day of September, 2018.

Approved:

Russell K. Paul, Mayor

Attest:

Michael D. Casey, City Clerk

(Seal)