

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: February 14, 2012

FROM: John McDonough, City Manager

AGENDA ITEM: Discussion Regarding Noise Associated with Commercial Delivery and Loading

MEETING DATE: For Submission onto the February 21, 2012, City Council Work Session Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum

APPROVAL BY CITY MANAGER:



APPROVED

NOT APPROVED

PLACED ON AGENDA FOR:

2-21-12

CITY ATTORNEY APPROVAL REQUIRED:

() YES

() NO

CITY ATTORNEY APPROVAL:



REMARKS:

To: John McDonough, City Manager

From: Angela Parker, Community Development Director 

Date: February 15, 2012 for Submission onto the February 21, 2012 City Council Work Session Agenda

Subject: Discussion Regarding Noise Associated with Commercial Delivery and Loading

Background:

From time to time the Police Department and Community Development Department receive calls complaining about noise associated with delivery and loading from residential property owners located in close proximity to commercial developments.

Discussion:

Noise regulations are covered in the Sandy Springs Code, Article 38-81 through Article 38-87. The bullets below summarize the Code related to noise associated with delivery and loading.

- **Enforcement Responsibility** - The Police Department and Community Development Code Enforcement are charged with enforcing the section of the Code that addresses noise.
- **Prohibited Hours** - While there is no reference to specific hours when noise is allowed, the ordinance does cite standards to be considered in determining whether a violation of the ordinance has occurred. These standards include, among other items, the proximity of noise to residential areas and the time of day or night the noise occurs.
- **Prohibited Noises** – The ordinance deems noises considered loud or disturbing to include any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others in the city.
- **Loading, Unloading and Opening Boxes** – The Code further cites the creation of a loud and excessive noise associated with the loading or unloading as prohibited.

The Community Development Code Enforcement team generally takes the lead on addressing noise ordinance violations that are not associated with a one-time event. While these complaints can be handled similar to other Code violations in that a Notice of Violation (NOV) and a Citation can be issued, it has been the practice of Code Enforcement to contact the noise generating party to pursue resolution prior to issuing a NOV.

Section 58-31 of the Sandy Spring Code restricts trucks to truck routes as defined in the Truck Routes and Prohibition exhibit in the Transportation Master Plan. While the City Code does not define truck, references to the Georgia Code and associated vehicle size and load limits indicate that the intent of the Code is to address bimodal semi-trailers with a detachable load carrying unit.

The City Code further allows exceptions to the use of Truck Routes when accessing a location that is not on a designated truck route. When such access is required, the Code restricts delivery and pick up to between the hours of 7:00 a.m. and 7:00 p.m. This requirement for delivery during evening hours is consistent with several other area governments and is, in staff's opinion, intended to restrict truck traffic to times when traffic volumes are lower. While revising this provision of the code may warrant consideration, it does not prohibit staff from enforcing Noise regulations associated with truck deliveries.

cc: Wendell Willard, City Attorney
Cecil McLendon, Assistant City Attorney
Terry Sult, Police Chief
Kevin Walter, Public Works Director