

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

**ORDINANCE ENTITLED:** Noise Control Ordinance

**READING AND ADOPTION:** May 18, 2021

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

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<b>Name</b>	<b>Present</b>	<b>Vote</b>
Nicole L. Hendrickson, Chairwoman	Yes	Aye
Kirkland D. Carden, District 1	Yes	Aye
Ben Ku, District 2	Yes	Aye
Jasper Watkins, III, District 3	Yes	Aye
Marlene M. Fosque, District 4	Yes	Aye

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On motion of **Commissioner Ku**, which carried **5-0**, the Gwinnett County Board of Commissioners hereby amends the Code of Ordinances of Gwinnett County by repealing Article III of Chapter 38, entitled "Noise Control" in its entirety and replacing it with a new Article III of Chapter 38, entitled "Noise Control."

**WHEREAS**, the Gwinnett County Board of Commissioners recognizes that excessive community noise is detrimental to individuals and the community in the enjoyment of life and property and in the conduct of business; and

**WHEREAS**, the Board of Commissioners also recognizes that excessive noise negatively impacts tourism, economic development, and residents making it difficult for visitors, workers and residents to enjoy places and activities; and

**WHEREAS**, the Board of Commissioners recognizes that there has been much research concerning the effects of excessive noise which has been shown to have significant medical, social, and economic impacts; and

**WHEREAS**, the Board of Commissioners further recognizes that uncontrolled excessive noise could be a hazard to the public health, welfare, safety, and quality of life of those living, working, and visiting Gwinnett County; and

**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 adopted the current Noise Control Ordinance in 2015; and

**WHEREAS**, since 2015, the urbanization of the County has continued, and the population has continued to increase, resulting in more individuals residing more closely together and businesses being conducted in closer proximity to residential neighborhoods; and

**WHEREAS**, since 2015, the County has experienced a growth in mixed-use developments where residential and commercial activities are conducted in close proximity within developments; and

**WHEREAS**, the County is more likely to attract and retain commercial enterprises and permanent residents if the County has ordinances in place to improve and maintain appropriate noise quality; and

**WHEREAS**, the Board of Commissioners believes that it is necessary to the public health, welfare, safety, quality of life, and economic vitality of Gwinnett County and its residents and businesses to appropriately balance the rights of individuals to derive pleasure from various sources of sound with the rights of individuals to a peaceful and healthful environment; and

**WHEREAS**, based upon community and staff input, the Board of Commissioners believes that it is in the best interest of the County to revise the Noise Control Ordinance to more appropriately balance these interests and better meet the needs of residents and businesses within the County; and

**WHEREAS**, the Federal Government has long recognized the importance of promoting an environment free from noise that jeopardizes health and welfare of its citizens and businesses through the passage of the Noise Control Act of 1972; and

**WHEREAS**, the State of Georgia has also recognized the importance of noise control through the enactment of O.C.G.A. § 40-6-14(a), which regulates sound from cars and provides that “[i]t is unlawful for any person operating or occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a radio, tape player, or other mechanical sound-making device or instrument from within the motor vehicle so that the sound is plainly audible at a distance of 100 feet or more from the motor vehicle;” and

**WHEREAS**, the Board of Commissioners desires to protect the health, safety, and welfare of those residing in, visiting, or doing business in Gwinnett County through the reasonable regulation of certain noises; and

**WHEREAS**, the Board of Commissioners desires to adopt reasonable regulations concerning noise that are clear to follow and can be effectively and efficiently enforced; and

**WHEREAS**, the proposed Noise Control Ordinance was drafted by county staff after reviewing the law and similar ordinances and was drafted in consultation with those departments and agencies responsible for enforcement of the Ordinance; and

**WHEREAS**, the adoption of the proposed Noise Control Ordinance has been duly noticed and advertised in accordance with Official Code of Georgia Annotated Sections 25-202(c) and 36-66-4; and

**WHEREAS**, the Board of Commissioners held a public hearing relating to the adoption of the proposed Noise Control Ordinance on April 27, 2021; and

**WHEREAS**, the Board of Commissioners finds that the adoption of a new and revised Noise Control Ordinance 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 repeals Article III of Chapter 38 of the Gwinnett County Code of Ordinances, entitled "Noise Control" and all amendments thereto and replaces it with a new Article III of Chapter 38 of the Gwinnett County Code of Ordinances, entitled "Noise Control" which is attached hereto as Exhibit A and incorporated by reference herein.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this ordinance shall become effective on June 1, 2021.

**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: Nicole L. Hendrickson  
Nicole L. Hendrickson, Chairwoman

ATTEST:

By: Diane Kemp  
Diane Kemp, County Clerk



APPROVED AS TO FORM:

By: Theresa Cox  
Theresa Cox, Deputy County Attorney

EXHIBIT A

**CHAPTER 38 – ENVIRONMENTAL AND NATURAL RESOURCES**

**Article III - Noise control.**

**Article III of Chapter 38 of the Gwinnett County Code of Ordinances is hereby amended by deleting Article III entitled “Noise Control,” in its entirety and replacing it with the following new Article III entitled “Noise Control.”**

**ARTICLE III. – NOISE CONTROL.**

**§ 38-44 - Purpose.**

This section is enacted to protect, preserve and promote the health, safety and welfare of the citizens of Gwinnett County through the control of noise. It is the intent of this section to establish standards that will reduce excessive community noises, which are harmful and otherwise detrimental to individuals and to the community in the enjoyment of life and property and in the conduct of business.

**§ 38-45 - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Amplification device* shall mean any device, whether freestanding or an integrated component of a larger device (such as an integrated speaker), which augments sound by electronic or any other means in a manner that increases the sound level or volume.

*Construction* shall mean any building on or developing of property including the erection, demolition, alteration, or repair of any building, clearing, grubbing, excavation, or preparation of land, 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 device.

*Emergency* shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

*Emergency work* shall mean any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

*Impulsive sound* shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Impulsive sound includes, but is not limited to, fireworks displays, explosions, and discharge of firearms.

*Motor vehicle* shall mean any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi trailers, trailers, campers, go-carts, ATVs, or racing vehicles, including motorcycles.

*Motorized landscape maintenance devices* shall mean any noise generating motorized equipment used to perform landscape or yard maintenance, including but not limited to, leaf blowers, lawn mowers, weed eaters, or chain saws.

*Muffler* shall mean a device for abating the sound of escaping gasses of an internal combustion engine.

*Multi-family residential units*, for the purposes of this chapter, shall mean apartments, condominiums, attached townhouses, attached villas, duplexes and other such residential dwelling units that share a common wall.

*Noise or noise disturbance* shall mean any sound that is audible to the human ear that is louder than permitted by this chapter. Any sound that is plainly audible at the distances exceeding those permitted in this chapter shall be considered noise or a noise disturbance.

*Person* shall mean any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, private institution, or any other legal entity.

*Plainly audible* shall mean any sound produced by a source, which can be heard by any person of ordinary sensibilities using his or her unaided hearing faculties. Measurement standards shall be the auditory senses. Words or phrases need not be discernible and low frequency sound reverberations are included.

*Privately owned outdoor place* shall mean any real property and the outside of structures thereon, that is owned or controlled by a private person or other private entity, including any publicly owned outdoor place that is leased to a private person or private entity but does not include any publicly owned outdoor place that a private person or private entity has received a temporary permit to use (e.g., park or street closure permit).

*Property line or boundary* shall mean:

1. An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.
2. The interior and exterior walls that define the outer perimeter of a unit or common area in a multifamily building.
3. The exterior walls of a freestanding unit in a multifamily development, unless specific lots are established, then the specific lot lines as established.
4. The exterior walls of a mobile home in a mobile home park, unless specific lots are established, then the specific lots lines as established.
5. The interior and exterior walls that define separate units, uses and/or common areas within a mixed-use development.

*Public right-of-way* means any street, avenue, boulevard, highway, sidewalk or alley, or similar place that is owned, maintained, or controlled by a governmental entity.

*Receiving land use* means the property being impacted or affected by the noise or noise disturbance.

*Sound* means any oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency. Bass reverberations constitute sound. Sound includes, but is not limited to:

1. Mechanical sound-making devices such as radios, stereos, speakers, loudspeakers, soundbars, televisions, musical instruments, horns, whistles, bells, chimes or carillons, phonographs, amplification devices, or other machines or devices for the producing, reproducing or amplifying of sound;
2. Human-produced sounds such as yelling, shouting, hooting, whistling, singing, speaking or arguing;
3. Impulsive sound;
4. Party and event noise;
5. Testing of burglar, fire, or car alarms; and
6. Sound coming from construction and demolition activities, machines, or electrical generators.

**§ 38-46 - APPLICABILITY.**

- A. This chapter shall apply to the control of all sound and noise originating within unincorporated Gwinnett County.
- B. This chapter does not apply to:
  1. The emission of sound by an employee of a governmental entity engaged in the employee's official duty and/or performing public functions, including but limited to responding to emergencies or performing emergency work;
  2. The emission of sound at a publicly owned stadium, ballpark, arena, or civic center during an authorized event;
  3. The emission of sound at places of worship during a religious activity;
  4. The emission of sound from any official Gwinnett County School District event on Gwinnett County School District property or from any state-accredited public or private school, college or university event on such state-accredited public or private school, college or university property;

5. The emission of sound emanating from fireworks and pyrotechnic displays that are properly permitted by Gwinnett County in accordance with the applicable provisions of the Gwinnett County Code of Ordinances;
6. The emission of sound emanating from consumer fireworks from 10:00 a.m. through 11:59 p.m. on January 1, the last Saturday and Sunday in May, July 3, July 4, the first Monday in September and December 31 and from 12:00 a.m. through 1:00 a.m. on January 1;
7. The emission of sound made by domestic animals, which noises or sounds are controlled by section 10-7 of the Gwinnett County Code of Ordinances;
8. The emission of sound from aircraft or airport operations at the Gwinnett County Airport in accordance with state and federal regulations;
9. The emission of sound produced by radio, tape player, or other mechanical sound making device or instrument from within a motor vehicle on a street or highway, which sound is controlled by O.C.G.A. § 40-6-14;
10. The emission of sound for railroad operations;
11. The emission of sound for the purpose of alerting persons to the existence of an emergency, such as an audible warning device on vehicle as required by state or federal law; or
12. Except as otherwise prohibited in subsection 38-47.G, the emission of sound made by lawfully operating business entities in the normal course of such entity's operations.

### **§ 38-47 - SPECIFIC RESTRICTIONS**

The following acts, among others, and the causing thereof, are declared to be noise disturbances and/or excessive noise, posing a threat to the health, safety, and welfare of the residents of the County, and therefore unlawful and in violation of this article:

*A. Motor vehicles in the vehicular travel portion of a right-of-way within the County's jurisdiction.*

Operating a motor vehicle not equipped with a muffler, or other sound dissipative device required by any applicable law, in good working condition so as to effectively prevent loud or explosive noise, so that the sound is plainly audible at a distance of 100 feet or more from the motor vehicle.

*B. Buildings.*

1. Buildings in Nonresidential Zoning Districts

- a. Making, causing, allowing, or permitting any sound from a source within such person's ownership or control that projects, emits or transmits from



any building in a nonresidential zoning district so that the sound is plainly audible to any person at the times and distances set forth in the table below:

Day of the Week	Time	Distance
Sunday - Thursday	7:00 a.m. – 11:00 p.m.	500 feet or more
Sunday – Thursday	11:00 p.m. – 7:00 a.m.	200 feet or more
Friday – Saturday	7:00 a.m. – 11:59 p.m.	500 feet or more
Friday – Saturday	11:59 p.m. – 7:00 a.m.	200 feet or more

- b. Sound which may escape a building during the normal use of doors for ingress and egress shall not be a violation of this section. Doors may not be propped or locked open if the result of the open door is an increased emission of sound from the building.
  - c. All indoor speakers located within 20 feet of a doorway which opens onto a right-of-way shall be oriented away from the doorway. Such distance shall be measured from the closest part of the door to the closest part of the speaker.
  - d. No speakers may be placed in or over the right-of-way.
2. Buildings in Mixed-Use Zoning Districts
- a. Making, causing, allowing, or permitting any sound from a source within such person’s ownership or control that projects, emits or transmits in any building in a mixed-use zoning district so that the sound is plainly audible to any person at the times and distances set forth in the table below:

Day of the Week	Time	Distance
Sunday - Thursday	7:00 a.m. – 11:00 p.m.	300 feet or more
Sunday – Thursday	11:00 p.m. – 7:00 a.m.	150 feet or more
Friday – Saturday	7:00 a.m. – 11:59 p.m.	300 feet or more
Friday – Saturday	11:59 p.m. – 7:00 a.m.	150 feet or more

- b. Making, causing, allowing, or permitting any sound from a source within such person’s ownership or control that projects, emits or transmits in any building in a mixed-use zoning district so that such sound is plainly audible to any person within the interior of a single-family detached sealed dwelling in a residential area or in a common area of a multifamily

dwelling in a residential area between 11:00 p.m. and 7:00 a.m. the following morning.

- c. Sound which may escape a building during the normal use of doors for ingress and egress shall not be a violation of this section. Doors may not be propped or locked open if the result of the open door is an increased emission of sound from the building.
- d. All indoor speakers located within 20 feet of a doorway which opens onto a right-of-way shall be oriented away from the doorway. Such distance shall be measured from the closest part of the door to the closest part of the speaker.
- e. No speakers may be placed in or over the right-of-way.

3. Buildings in Single-family Residential Zoning Districts

Making, causing, allowing, or permitting any sound from a source within his ownership or control that projects, emits or transmits in any building in a residential zoning district so that the sound is plainly audible to any person at the times and distances set forth in the table below:

Day of the Week	Time	Distance
Sunday - Thursday	8:00 a.m. – 10:00 p.m.	300 feet or more
Sunday – Thursday	10:00 p.m. – 8:00 a.m.	50 feet or more
Friday – Saturday	8:00 a.m. – 11:00 p.m.	300 feet or more
Friday – Saturday	11:00 p.m. – 8:00 a.m.	50 feet or more

4. Buildings in Multi-family Residential Zoning Districts

Making, causing, allowing, or permitting any sound from a source within such person’s ownership or control that projects, emits or transmits in any building in a such a manner as to be plainly audible to any person beyond the adjoining property line or boundary at the times and distances set forth in the table below:

Day of the Week	Time	Distance
Sunday - Thursday	8:00 a.m. – 10:00 p.m.	25 feet or more
Sunday – Thursday	10:00 p.m. – 8:00 a.m.	10 feet or more
Friday – Saturday	8:00 a.m. – 11:00 p.m.	25 feet or more
Friday – Saturday	11:00 p.m. – 8:00 a.m.	10 feet or more

C. *Privately-owned outdoor places.*

1. Making, causing, allowing, or permitting any sound, including impulsive sound, from a source within such person’s ownership or control that projects, emits or transmits in any privately-owned outdoor place at a nonresidential use, when making sound is not the principal use of the property (e.g., the outdoor deck of a restaurant), so that the sound is plainly audible to any person at the times and distances set forth in the table below as measured from the property line or boundary:

Day of the Week	Time	Distance
Sunday - Thursday	7:00 a.m. – 11:00 p.m.	300 feet or more
Sunday – Thursday	11:00 p.m. – 7:00 a.m.	100 feet or more
Friday – Saturday	7:00 a.m. – 11:59 p.m.	300 feet or more
Friday – Saturday	11:59 p.m. – 7:00 a.m.	100 feet or more

Wherever possible, outdoor speakers shall be oriented away from residential properties or in the direction that reduces the amount of sound directed at the closest residential properties.

2. Making, causing, allowing, or permitting any sound, including impulsive sound, from a source within such person’s ownership or control that projects, emits or transmits in any privately-owned outdoor place, when making sound is the primary, lawful permitted use of that portion of the property (e.g., a performance venue), so that the sound is plainly audible to any person at the times and distances set forth in the table below as measured from the property line or boundary:

Day of the Week	Time	Distance
Sunday - Thursday	7:00 a.m. – 11:00 p.m.	500 feet or more
Sunday – Thursday	11:00 p.m. – 7:00 a.m.	200 feet or more
Friday – Saturday	7:00 a.m. – 11:59 p.m.	500 feet or more
Friday – Saturday	11:59 p.m. – 7:00 a.m.	200 feet or more

3. Making, causing, allowing, or permitting any sound, including impulsive sound, from a source within such person’s ownership or control that projects, emits or transmits in any privately-owned outdoor place at a residential use, so that the sound is plainly audible to any person at the times and distances

set forth in the table below as measured from the property line or boundary of property from which the sound emanates:

Day of the Week	Time	Distance
Sunday - Thursday	8:00 a.m. – 10:00 p.m.	300 feet or more
Sunday – Thursday	10:00 p.m. – 8:00 a.m.	50 feet or more
Friday – Saturday	8:00 a.m. – 11:00 p.m.	300 feet or more
Friday – Saturday	11:00 p.m. – 8:00 a.m.	50 feet or more

D. *Human-produced sounds.*

It is unlawful for any person or persons to make human-produced sounds on the public streets or sidewalks or on private property so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 300 feet or more from the place, building, structure, or in the case of real property, beyond the property limits, in which the person is located, whichever is farthest.

E. *Motorized landscape maintenance devices.*

It is unlawful for any person to use or operate any noise-generating, motorized landscape maintenance devices within any residential area or within 300 feet of any residential area from 9:00 p.m. to 7:00 a.m. the following morning.

F. *Construction noise.*

1. 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 7:00 a.m. and 9:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 6:00 p.m. on Saturday.
2. 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; on Saturday between 6:00 p.m. and 9:00 a.m.; and Monday through Friday between 9:00 p.m. and 7:00 a.m.
3. Notwithstanding this prohibition, the Director of the Department of Planning and Development or his or her 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.

4. The prohibitions of this subsection F shall not apply to government road, water, sewer, stormwater construction or maintenance projects or to utility company construction or maintenance projects.

G. *Noises and/or sounds made by business entities in the normal course of such entity's operations.*

1. It shall be unlawful for any business entity to make, cause, allow, or permit any sound generated through any device that amplifies sound in the normal course of such entity's operation that are plainly audible within any residential area more than 300 feet beyond the boundary of the property from which the sound emanates between the hours of 7:00 a.m. through 11:00 p.m. Sunday through Thursday and 7:00 a.m. through 12:00 midnight on Friday and Saturday.
2. It shall be unlawful for any business entity to make, cause, allow, or permit any sound generated through any device that amplifies sound in the normal course of such entity's operation that are plainly audible within any residential area more than 100 feet beyond the boundary of the property from which the sound emanates between the hours of 11:00 p.m. through 7:00 a.m. Sunday through Thursday and 12:00 midnight through 7:00 a.m. on Friday and Saturday.

**§ 38-48 - GENERAL RESTRICTIONS.**

No person shall operate or cause to be operated a source of sound in a manner so as to create a sound that is plainly audible to a person on the property of a receiving land use and that violates the time or distance requirements set forth in the following table. The sounds regulated in the preceding section are not subject to the restrictions of this section. The purpose of this table is to regulate sounds which are not otherwise regulated or subject to the provisions of the preceding section.

Receiving Land Use	Day of the Week	Time	Distance
Residential	Sunday - Thursday	8:00 a.m. – 10:00 p.m.	300 feet or more
Residential	Sunday - Thursday	10:00 p.m. – 8:00 a.m.	50 feet or more
Residential	Friday – Saturday	8:00 a.m. – 11:00 p.m.	300 feet or more
Residential	Friday – Saturday	11:00 p.m. – 8:00 a.m.	50 feet or more
Mixed-Use	Sunday - Thursday	7:00 a.m. – 11:00 p.m.	300 feet or more
Mixed-Use	Sunday - Thursday	11:00 p.m. – 7:00 a.m.	150 feet or more
Mixed-Use	Friday – Saturday	7:00 a.m. – 11:59 p.m.	300 feet or more

Mixed-Use	Friday – Saturday	11:59 p.m. – 7:00 a.m.	150 feet or more
Nonresidential	Sunday - Thursday	7:00 a.m. – 11:00 p.m.	500 feet or more
Nonresidential	Sunday - Thursday	11:00 p.m. – 7:00 a.m.	200 feet or more
Nonresidential	Friday – Saturday	7:00 a.m. – 11:59 p.m.	500 feet or more
Nonresidential	Friday – Saturday	11:59 p.m. – 7:00 a.m.	200 feet or more

**§ 38-49 – Tampering with Noise Control Devices**

No person shall remove or render inoperative any noise control device or element of design of any product having those devices, other than for purposes of maintenance, repair or replacement. No person shall operate a product which was constructed with a noise control device which has been removed or rendered inoperative.

**§ 38-50. - Noise Permit.**

- A. A noise permit to exceed the limits and restrictions of this article for a specific event may be obtained pursuant to this section for the following:
  - 1. Activities requiring a permit from the County.
  - 2. Activities which do not require a formal permit but do require permission to use County-owned facilities.
  - 3. Activities or events held on privately owned property which may violate the provisions or restrictions of this article.
- B. Applications for a noise permit to exceed the limits and restrictions of this article shall be made in writing to the Department of Planning and Development no later than twenty (20) business days prior to the date of the event. The application shall contain the following information:
  - 1. The date(s), times, and duration of the event for which a noise permit is sought.
  - 2. Information concerning the event to include a concept plan with the proposed event set up, orientation, size of property and event capacity as well as a map depicting the zoning of the surrounding area.
  - 3. Description of the sound levels to be expected during the event and a sound impact plan. The sound impact plan shall contain the following information:
    - a. Sound-mitigating design features, including but not limited to size, location, and orientation of speakers;
    - b. Prescribed hours of operating;

- c. Availability and use of mufflers, screens or other sound attenuating measures;
    - d. Contact information and hours of availability for an individual responsible for sound;
    - e. Location for display of permit; and
    - f. Any other elements required by the accountable official.
  4. The street address of the property upon which subject event is to be located.
  5. The name and contact information of the individual or entity responsible for the event.
  6. The name and contact information of an individual designated as responsible for ensuring the sound impact plan is followed.
  7. The name(s) and address(es) of the owner(s) of the real property upon which the event is to be located, and written consent of the property owner, or his agent, granting permission for the event.
  8. Such other information as may be required by the Department.
- C. The Department shall review the application and grant or deny the permit within five (5) business days of receipt of a completed application and the permit fee. In reviewing an application for a noise permit, the Department shall consider the following in determining whether to grant or deny the application:
1. Suitability of the site for the event based on topography and proximity to existing residential, commercial, and civic uses;
  2. Size and capacity of the site or venue covered by the permit;
  3. Sound-mitigating design features proposed in the application, including design, construction and orientation of any proposed structures, buffering, size, location, and orientation of speakers;
  4. Restrictions on hours of operation proposed by the applicant, if any, beyond those required by this chapter for the permit sought; and
  5. Potential for additional sound mitigation.
- D. The noise permit may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood, including but not limited to attendance and capacity limits, hours of operation, the use of mufflers, screens, or other sound attenuating devices. Conditions and requirements along with the expected mitigating results of the conditions and requirements shall be listed.
- E. The Department may refuse to issue a permit to an applicant if the applicant is convicted of more than two violations of this article or of a noise permit issued

under this section within the previous twelve (12) months or the premises for which a permit is sought is the location of more than two violations of this article or of a permit issued under this section within the previous twelve (12) months.

- F. The Department may revoke a permit that has been issued in error or where the information provided in the application is inaccurate or has substantially changed.
- G. The final decision to issue or revoke a permit shall be made by the Deputy Director of Planning and Development. The decision of the Deputy Director may be appealed to the appeal team.
- H. Noise permits may be issued for no longer than 72 hours and may not be extended beyond this time limit or substantially modified after issuance. A sound impact plan may not be modified until a notice of intent to modify the sound impact plan has been provided to the permit holder.
- I. The maximum number of days that a premises may be the subject of a permit described in this section is 18 days per calendar year.
- J. It is unlawful to violate any conditions or requirements set forth in any noise permit issued pursuant to this section.

**§ 38-51 – Administrative Appeal of Noise Permit Denial.**

- A. If the Department denies a noise permit application or revokes a permit issued in error, the applicant may appeal the denial or revocation to the appeal team.
- B. The appeal team is an inter-departmental team consisting of the Director of the Department of Planning and Development, the Chief of Police, and the Chief of the Department of Fire and Emergency Services.
- C. The applicant must deliver an appeal to the Department no later than five (5) business days after the event organizer is notified that the application was denied.
- D. The appeal team must act on the appeal within five (5) business days of delivery of the appeal and may uphold or reverse the denial or revocation. In reversing the denial, the appeal team may place such conditions or requirements on the noise permit to minimize any adverse effects upon the community or surrounding neighborhood.
- E. In considering the appeal, the appeal team shall apply the same criteria as the Department under Subsection 38-49.C.
- F. The Department shall notify the applicant of the appeal team's decision within two (2) business days.



**§ 38-52 – Violations and Enforcement.**

- A. It is unlawful for a person to make, cause, allow, continue or permit noise or sound in violation of any provision of this chapter or a noise permit issued under this chapter.
- B. Each occurrence of a violation of this chapter is a separate offense.
- C. Each day that a violation continues shall constitute a separate offense.
- D. A violation of this chapter is a nuisance. The prosecution of an offense under this chapter does not limit the County's right to abate the nuisance, including the use of injunctive relief.
- E. The provisions of this article may be enforced by the Gwinnett County Police Department and/or the Department of Planning and Development.

**§ 38-53 - Penalty.**

- A. Any person found guilty of violating any of the provisions of this article shall be prosecuted and upon conviction thereof be punished as provided in Section 1-11 of this code. Fines shall be as provided in subsection B. below.
- B. The first violation of any provision of this chapter shall result in a written warning. The second violation of any provision of this chapter within twelve (12) months after the first violation where a written warning was issued is punishable by a fine in the amount of \$250.00. The third violation of any provision of this chapter within twelve (12) months after the first violation where a written warning was issued is punishable by a fine in the amount of \$500.00. Subsequent violations of this chapter issued within twelve (12) months of a written warning are punishable by a fine up to a \$1000.00 for each violation.
- C. The provisions of this section notwithstanding, the penalties set forth in this Section are not exclusive and shall not impede the County's ability to seek any other relief as may be available.

**§ 38-54. - Severability clause.**

A determination of the invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, subsection or part of this article shall not affect the validity of the remaining parts of this article.