



CITY OF DUNWOODY

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MEMORANDUM

To: Honorable Mayor and City Council

From: Warren Hutmacher, City Manager

Date: April 26, 2010

Subject: Noise Ordinance Modification

Attached to this memorandum is a first read of an ordinance to amend the Dunwoody City Code regarding construction and other outdoor noise activity. The proposed change, suggested by Mayor Pro-Tem Shortal, is to prohibit these noise-producing activities before the hour of 8AM during the week and prior to 9AM on weekends.

This ordinance came before you in February as a first read of an ordinance, was deferred at the February 22, 2010 meeting until the first voting meeting in April. Upon the adoption of the 2010 City Council meeting schedule, the first voting meeting in April is tonight. This exceeds the 60-day time limit between a first and second read of an ordinance, thus this ordinance, which has been read before by Council, must go through a first and second read again.

AN ORDINANCE AMENDING CHAPTER 16 OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY CHANGING HOUR RESTRICTIONS FOR CONSTRUCTION OR REPAIR NOISE

WHEREAS, the City of Dunwoody (the “City”) has heretofore adopted an ordinance for Offenses and Violations, as set forth in Chapter 16 of the Code of the City of Dunwoody (the “Code”); and

WHEREAS, Chapter 16 currently has certain noise regulations prohibiting construction noise during certain hours of each day; and

WHEREAS, the Mayor and City Council recognize the need for peace and tranquility within the City; and

WHEREAS, the Mayor and City Council have determined that it is appropriate to amend the ordinance to adjust the hours during which construction and repair may take place within the City in order to preserve the health, safety and welfare of its citizens and preserve the peace and tranquility of the community for its enjoyment.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

Section 1: The City of Dunwoody Offenses and Violations ordinance, Chapter 16, Article 7, §12(b)(10), “Prohibited Noises,” of the City of Dunwoody Code of Ordinances, is hereby amended as follows:

ADDITIONS – underlined
DELETIONS – ~~strikethroughs~~

Section 12: Prohibited Noises

....

(b) Acts declared violations: The following acts are declared to be loud, disturbing, and unnecessary noise in violation of this section, but this enumeration shall not be deemed to be exclusive:

...

(10) *Construction or repair.*

(i) 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, steam or electric hoist, automatic nailers or staplers, or any similar equipment attended by loud or unusual noise, shall be prohibited during the following times:

Before ~~7:30~~ 8:00 a.m. or after 8:30 p.m. on weekdays, and before ~~8:00~~ 9:00 a.m. or after 8:30 p.m. on Saturdays, and at any time on Sundays and/or legal holidays (New Years Day (observed), Memorial Day (observed), Independence Day (observed), Labor Day (observed), Thanksgiving Day and Christmas Day (observed)).

- (ii) Landscape contractor using any type of motorized mowers or mechanical blowers and other equipment which create loud and excessive noise shall be prohibited, during the following times:

Before ~~7:30~~ 8:00 a.m. or after 8:30 p.m. on weekdays, and before ~~8:00~~ 9:00 a.m. or after 8:30 p.m. on Saturdays, and at any time on Sundays and/or legal holidays (New Years Day (observed), Memorial Day (observed), Independence Day (observed), Labor Day (observed), Thanksgiving Day and Christmas Day (observed)).

Section 2: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this __ day of _____, 2010.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk

Brian Anderson, City Attorney

(Seal)