



Paulding County Board of Commissioners

Marshal Bureau

Watson Government Complex

240 Constitution Boulevard, Dallas, Georgia 30132

770-443-9768 • www.paulding.gov

Procedure for filing a complaint regarding unreasonably loud, disturbing and unnecessary noise within the unincorporated area of the county:

Please complete the enclosed forms and submit the forms to our office along with the required documentation of the violation. After you submit the packet our staff will contact you regarding its validation and when/if a warning notice or citation has been given to a violator.

Once a validated complaint is submitted, the party and/or parties identified as making unreasonably loud, disturbing and unnecessary noise is/are subject to citation under our 'Noise Control' ordinance.

Please submit the enclosed complaint packet in as timely a manner as possible in relation to the date(s) that the unreasonably loud, disturbing and unnecessary noise is reported to be occurring.

For your reference, a copy of our 'Noise Control' ordinance is included. Should you have any questions about the ordinance or completing the packet please feel free to call our office.



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Name and address of person filing noise complaint:

Last Name*

First Name*

Street Address*

City*

State*

Zip Code*

Telephone Number*

Cell Phone Number

* indicates a required field in order to file a complaint

Name and address of party causing the disturbance:

Street Address

City

State

Zip Code

Offender's Name (if known)

If more than one party is causing the disturbance list remaining parties on the back of this sheet in the above format.

Please provide a description of the nature of the disturbance; including any date(s) and time(s) of instances (you may submit details on the back of this page or on a separate piece of paper, if necessary):

One of the following must also be submitted with this packet:

A videotape, completed with sound, which:

___ depicts the responsible party/parties causing disturbing and unnecessary noise

For the purposes of this chapter the “videotape” must be either presented on a standard VHS format videotape, or in digital format, upon optic media- either a CD or DVD- in a Microsoft Windows Media Player- compatible format.

OR

An audiocassette, which:

___ includes sounds of the disturbing noise

If the complainant seeks to submit an audiocassette recording to verify the written complaint, he/she must include:

___ The signed statements of two persons witnessing the making of the audiocassette and attesting that the recording is true and accurate

The audio cassette must be a standard audiocassette tape. Micro cassette tapes cannot be accepted.

WITNESS STATEMENT

Two witness statements are required for submission of an audiocassette

(1) Witness Name:

Last Name*

First Name*

Street Address*

City*

State*

Zip Code*

Telephone Number*

Cell Phone Number

Please describe, in as much detail as possible, the nature of the disturbance you witnessed. Please include dates and times where possible.

By my signature I attest to the above statement and that the included/submitted recording is true and accurate.

Signature

Date

WITNESS STATEMENT

Two witness statements are required for submission of an audiocassette

(2) Witness Name:

Last Name*

First Name*

Street Address*

City*

State*

Zip Code*

Telephone Number*

Cell Phone Number

Please describe, in as much detail as possible, the nature of the disturbance you witnessed. Please include dates and times where possible.

By my signature I attest to the above statement and that the included/submitted recording is true and accurate.

Signature

Date

Upon receipt of a complaint submitted in accordance with the above required information, the Marshal Bureau will conduct an investigation of the complaint and, upon it's determination that a violation has occurred, may issue a warning to the party and/or parties identified as making unreasonably loud, disturbing and unnecessary noise .

For Marshal Bureau Use Only

Date Complaint Packet Submitted: _____ / _____ / _____

Employee Receiving Complaint: _____

Employee Reviewing/Processing Complaint: _____

Complaint submitted in accordance with requirements: Yes No

Validation of Complaint- Has violation occurred? Yes No

Disposition: No further action- invalid/improperly submitted complaint

Warning issued on: _____ / _____ / _____

Citation issued on: _____ / _____ / _____

Initial Court Date: _____ / _____ / _____

Incident/Case # _____

REFERENCE

ARTICLE III. NOISE CONTROL*

*Cross references: Animal noises, § 14-15.

Sec. 46-61. General prohibition.

It shall be unlawful for any person to create any unreasonably loud, disturbing and unnecessary noise within the unincorporated area of the county. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(Res. No. 98-13, § 13-8(A), 6-23-1998)

Sec. 46-62. Illustrative enumeration.

The following acts are declared to be loud, disturbing and unnecessary noises and shall be noises in violation of this article:

- (1) *Radios, phonographs, cassette and compact disc players, musical instruments.* The using, operating or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is reasonably necessary for convenient hearing for the person who is in the room, vehicle or chamber in which this machine or device is operated and who is a voluntary listener thereto is prohibited. The operation of the set, instrument, phonograph, or other machine or device, between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this paragraph.
- (2) *Schools, churches, hospitals, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the school, institution of learning, church, or court are in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof, provided that conspicuous signs are displayed in the streets indicating that it is a school, church, hospital or court.
- (3) *Voices.* Yelling, shouting, hooting, whistling, or singing between the hours of 10:00 p.m. and 8:00 a.m., so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel, or other type of residence.
- (4) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other

machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.

- (5) *Emergency signaling devices.* The following are prohibited:
 - (a) Except in a case of an emergency, the intentional sounding of any alarm between the hours of 10:00 p.m. and 8:00 a.m.
 - (b) The testing of any alarm for a period in excess of sixty (60) seconds at any time.
 - (c) The testing of a complete emergency signaling system, including the signaling device and the personnel response to the signaling device, more than once in each calendar month, and the sounding of said emergency signaling system for a period in excess of fifteen (15) minutes.
- (6) *Horns.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, while the vehicle is not in motion except as a danger signal if another vehicle is approaching apparently out of control; or, if the vehicle is in motion, only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound or the sounding of that device for an unnecessary or unreasonable period of time.
- (7) *Loudspeakers on vehicles.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
- (8) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, internal-combustion engine or motorboat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (a) No person shall operate or cause to be operated any motor vehicle or motorcycle on a public or private road which is not equipped with a muffler in proper working order and in constant operation.
 - (b) No person shall remove or render inoperative or cause to be removed or rendered inoperative any muffler or sound-dissipative device on a motor vehicle or motorcycle other than for purposes of maintenance, repair or replacement.
- (9) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (10) *Automobile racing, and sporting events and other outdoor events.* Automobile racing and other sporting and outdoor events shall be unlawful during the hours between 10:00 p.m. and 8:00 a.m., if held in a place open to the public for such activities, by which the peace and quiet

of any neighborhood in a residential district as defined by the Paulding County Zoning Ordinance, shall be disturbed. Outside sporting events, including but not limited to automobile racing, shall not be conducted during the hours specified in this section.

- (11) *Motorcycles, go-carts and other motor vehicles.* The operation of a motorcycle, motorized scooter, go-cart or any other motorized vehicle in a manner which creates excessive noise, including the continuous riding of any such vehicle past, around or near an inhabited dwelling place so as to disturb or unduly annoy its inhabitants.
- (12) *Construction work.* The erection (including excavating), demolition, alteration, or repair of any building in any residential district or section, pursuant to the Paulding County Zoning Ordinance, the excavation of streets and highways in any residential district or section, other than between the hours of 6:00 a.m. and 9:00 p.m. Monday through Friday, 8:00 a.m. and 8:00 p.m. on Saturday and Sunday, except in cases of urgent necessity, and then only with a permit from the county, which permit may be granted for a period not to exceed 60 days while the emergency continues. Permits may be applied for through the Community Development Department and may only be granted upon the Director determining an emergency situation warranting the lengthening of work hours exists. For the purpose of determining a responsible party for violations of this paragraph, the property owner and/or person residing upon the property that is the source of such related violation(s) will be considered the primary responsible party; while the provider of any such construction work, if the provider is other than the owner and/or resident, may be considered a secondary responsible party.
- (13) *Construction deliveries:* The delivery of construction equipment or materials, where such deliveries are delivered to any residential district or section as defined by the Paulding County Zoning Ordinance and are completed on loud equipment, including, but not limited to tractor trailer deliveries of building materials, building equipment, fixtures or landscaping materials other than between the hours of 6:00 a.m. and 9:00 p.m. Monday through Friday, 8:00 a.m. and 8:00 p.m. on Saturday and Sunday, except in cases of urgent necessity, and then only with a permit from the county, which permit may be granted for a period not to exceed 60 days while the emergency continues. Permits may be applied for through the Community Development Department and may only be granted upon the Director determining an emergency situation warranting the lengthening of work hours exists. For the purpose of determining a responsible party for violations of this paragraph, the property owner and/or person residing upon the property that is the source of such related violation(s) will be considered the primary responsible party; while the provider of any such construction deliveries, if the provider is other than the owner and/or resident, may be considered a secondary responsible party.

- (14) *Residential domestic services*: The provision of, contracting for and operation of residential domestic services, including, trash, garbage, and/or debris removal, landscaping, yard maintenance, and the general operation of domestic power tools such as chainsaws, lawn mowers, blowers, trimmers and other domestic power-operated equipment when operated with a property functioning muffler meeting manufacturer's standards, other than between the hours of 6:00 a.m. and 10:00 p.m. Monday through Friday, 7:00 a.m. and 8:00 p.m. on Saturday and Sunday; provided, however, that this paragraph shall not apply to property of any form zoned other than a 'Residential' district or category as set forth and defined in the Paulding County Zoning Ordinance. For the purpose of determining a responsible party for violations of this paragraph, the property owner and/or person residing upon the property that is the source of such related violation(s) will be considered the primary responsible party; while the provider of any such domestic services, if the provider is other than the owner and/or resident, may be considered a secondary responsible party.

(Res. No. 98-13, § 13-8(B)(1), 6-23-1998)

Sec. 46-63. Exemptions.

The provisions of this article shall not apply to or be enforced against:

- (1) Any vehicle or equipment of the county, school district, or any other governmental agency while engaged upon public business;
- (2) Excavations or repairs of bridges, streets, or highways, by or on behalf of the county, or state during the night season, when the public welfare and convenience renders it impossible to perform that work during the day; nor shall the provisions of this article apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefor;
- (3) Excavations or repairs of any portion of the water and sewer systems, by or on behalf of the county, or state during the night season, when the public welfare and convenience renders it impossible to perform that work during the day or when there is urgent necessity therefor;
- (4) Work being completed upon any facility or property owned or operated by the County, City or School District, including but not limited to all construction activity and maintenance work;
- (5) Noises from safety signals or government-owned and operated public warning devices;

- (6) Agriculture activities and farming;
- (7) Any parade, celebration, performance, program, sporting event, activity or other event authorized by a county, city or school district governing body;
- (8) Any noise resulting from activities of a temporary duration, for which a special permit has been granted pursuant to this article, and which conforms to the conditions and limits stated thereon;
- (9) Aircraft-related noises associated with aircraft at an airport, while in flight and/or while under the jurisdiction of the Federal Aviation Administration or the Department of Defense.

(Res. No. 98-13, § 13-8(B)(2), 6-23-1998)

Sec. 46-64. Complaint.

(a) Any person disturbed by violation of this article may file a complaint with the county sheriff's department or the county marshal's department.

(b) The complainant shall submit a complaint form stating the name and address of the complainant, the name and address of the person causing the noise disturbance, a description of the nature of the disturbance and such complaint form shall be accompanied by the following:

- (1) A videotape (for the purposes of this chapter the 'videotape' must be either presented on a standard VHS format videotape, or in a digital format, upon optic media- either a CD or DVD- in a Microsoft Windows Media Player-compatible format) complete with sound which depicts the person causing disturbing and unnecessary noise; or
- (2) An audiotape (for the purposes of this chapter the 'audiocassette' must be presented on a standard audio cassette - a micro-cassette or mini-cassette can not be submitted or accepted) with sounds of the disturbing noise together with the signed statements of two persons, not related to the complainant, witnessing the recording that the recording is true and accurate.

(c) Upon receipt of the complaint, the county sheriff's department or the county marshal's department shall conduct an investigation of the complaint and upon determination that a violation has occurred, may issue a citation to the party responsible for the disturbance.

(Res. No. 98-13, § 13-8(C), 6-23-1998)

Sec. 46-65. Enforcement.

The provisions of this chapter may be enforced by the county marshal's office or the county sheriff's department. If unreasonably loud, disturbing, and unnecessary noise is heard or observed by an officer from either the county marshal's office or the county sheriff's department, a citation may be issued to the violator. Persons in violation of this

chapter shall be subject to the jurisdiction of the superior court or magistrate court or recorder's court of the county.

(Res. No. 98-13, § 13-8(D), 6-23-1998)

Sec. 46-66. Inspections.

Provided permission is granted from the occupant, any county law enforcement officer has the power, upon presentation of the proper credentials, to enter and inspect any single-family dwelling, multifamily dwelling, building, structure or premises within the unincorporated areas of the county as may be necessary to enforce the provisions of this article. If such permission is refused, or is otherwise unobtainable, a search warrant must be obtained upon the showing of probable cause to believe that a violation of this article may exist, before such entry or inspection is made.

Sec. 46-67. Violation; penalties.

Violators of this article (Chapter 46; Offenses and Miscellaneous Provisions; Article III. Noise Control) shall be punished by fine as follows:

- 1st violation resulting in a conviction or guilty plea or nolo contendere plea: \$300.00 fine.
- 2nd violation resulting in a conviction or guilty plea or nolo contendere plea: \$500.00 fine.
- 3rd and all subsequent violation(s) resulting in a conviction or guilty plea or nolo contendere plea: \$1,000.00 fine.

No portion of the fines may be waived, stayed, deferred, withheld, suspended, substituted or otherwise excused or negated. Additionally, after the third violation resulting in conviction or guilty plea or nolo contendere plea, violators may be incarcerated for not more than sixty 60 days per violation. Community service may be included in addition to any penalty provided for hereunder, but not in lieu of the fine schedule set forth herein. Any violator shall be responsible for all court costs as determined by the court.

Secs. 46-68--46-70. Reserved.