



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

**File #:** 2024-0015

Walk-On Item

12/17/20234

**File Status:**

**Public Hearing:** YES ☐ NO ☒

**Department:** Board of Commissioners - District 6

**SUBJECT:**

**Commission District(s):** All Commission Districts

An Ordinance to Amend The Code of DeKalb County, Georgia Chapter 16 Pertaining To Regulation Of Sound And For Other Purposes.

**Information Contact:** Commissioner Edward C. "Ted" Terry

**Phone Number:** 404-371-4909

**PURPOSE:**

An ordinance to amend the code of DeKalb County, Georgia Chapter 16 pertaining to regulation of sound. This includes establishing daytime sound and nighttime sound regulations. This amendment also seeks to adjust motorized landscape maintenance device hours of operation and establish holiday restrictions.

**NEED/IMPACT:**

This amendment seeks to improve upon DeKalb County's existing noise ordinance by establishing daytime sound regulations, measured in decibels. This new approach takes into consideration how residents may feel differently about daytime and nighttime sound and establishes a baseline for measurement of daytime sound. This resolution also adjusts motorized landscape device hours of operation, implements holiday restrictions, and restricts number of devices used by persons or businesses on residential and commercial property.

This amendment seeks to further reduce noise pollution which will protect and preserve the health, safety, and general welfare of the County. District 2 Commissioner Michelle Long Spears is a co-sponsor of this item.

The ordinance amendment is attached.

**FISCAL IMPACT:**

Unknown at this time.

**RECOMMENDATION:**

To approve the amendment to the DeKalb County, Georgia Chapter 16 code and authorize the chief executive officer or delegate to execute all necessary documents.

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA  
CHAPTER 16 PERTAINING TO REGULATION OF SOUND AND FOR OTHER  
PURPOSES**

**WHEREAS**, the Governing Authority of DeKalb County is authorized to adopt ordinances or regulations for the purpose of protecting the public health, safety and welfare of the County's residents; and

**WHEREAS**, the Governing Authority, pursuant to its police power, finds that this ordinance will protect and preserve the health, safety, and general welfare of the County by preventing plainly audible sound from disturbing the county's residents in their homes during certain hours of the day and during typical sleeping hours at night;

**NOW, THEREFORE**, be it ordained by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of same, the Chapter 16 of the Code of DeKalb County, as Revised 1988, be and the same is hereby amended as follows:

**PART I. ENACTMENT**

*By repealing article VII in its entirety and adding a new article VII to read as follows:*

**ARTICLE VII. – ORDINANCE THAT REGULATES SOUND**

**Sec. 16-301. Purpose.**

DeKalb County seeks to prevent plainly audible or excessive sound from disturbing the county's residents, as such sound jeopardizes the public health, welfare, and safety of the county's residents and degrades the quality of life in the county. This article applies to the unincorporated areas of the county.

**Sec. 16-302. Definitions.**

For purposes of this article, certain phrases and words are defined below. Words or phrases not defined in this article but defined in applicable state law or the Code of DeKalb County, Georgia, shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context requires otherwise. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them below except where the text clearly indicates a different meaning:

*Commercial area* means any parcel of land which is zoned or used for any commercial use, including regional commercial centers, neighborhood and community-oriented stores, shopping centers and other developed centers where commercial land uses predominate. Such areas include property zoned O-I, O-I-T, C-2, O-D, NS, C-1 and any property zoned OCR, excluding property used for residential use.

*Common area* means any portion of residential property that is either commonly used or owned by its residents, is intended for the common enjoyment of its residents, or is accessible to residents of more than one (1) dwelling located on the property and includes, but is not limited to, closed and open hallways, stairwells, stairways, elevators, lobbies, parking lots, parking garages, indoor

and outdoor recreational areas within the development, laundry rooms, mailbox areas, yards, and open space that is the central organizing feature of a development.

*Director* means the director of \_\_\_\_\_[insert name of department] or their designee.

*Dwelling* means one (1) or more rooms, designed, occupied or intended for occupancy as separate living quarters for humans.

*Industrial area* means any parcel of land which is zoned or used for any industrial use, including property used for light and heavy distribution, warehouses, assembly, manufacturing, quarrying, truck terminals and landfills. Such area includes property zoned M-1 and M-2 and includes any commercial land uses allowed in M-2.

*“Motorized landscape maintenance device”* means equipment used to clean, blow mow, clear, or plant grass, leaves, weeds, or plants on real property if such device generates sound including, but not limited to, leaf blowers, weed whackers, lawn mowers, or chain saws. All such devices must be equipped with a muffler.

*Mixed-use development* means a development which incorporates a variety of two (2) or more different land uses, buildings or structures that include both primary residential uses and primary nonresidential uses as part of the same development. Such uses may include, but not be limited to, residential, office, commercial, institutional, recreational, or public open space in a compact urban setting that encourages pedestrian-oriented development that can result in measurable reductions in traffic impacts. Such a development would have interconnecting pedestrian and vehicular access and circulation.

*Multifamily dwelling* means a building designed for and containing more than one (1) dwelling, and shall include single-family attached dwellings, multifamily dwelling units, apartments, duplexes, triplexes, condominiums and attached townhomes.

*Person in charge of a party or other social event* mean 1-any person over the age of eighteen who resides permanently on the premises involved in such party or social event and is present at such party or social event; 2- the tenant on a written lease with a leased term of longer than one year; 3- if no permanent resident over the age of eighteen is present at the party or social event, the lease is not written or the lease is for a term shorter than one year, then the owner of the property shall be deemed to have allowed the people on the premises and shall be considered the “person in charge of a party or other social event” for the purpose of issuing a warning or citation for a violation of this article.

*Plainly audible* means any sound which can be heard or detected by the unaided and unimpaired human ear. Words and phrases need not be discernable in order for them to be considered plainly audible. For the purposes of measuring “plainly audible” sound, the sound measurement standards for law enforcement personnel shall mean any sound emanating from the specific sound-producing sources set forth below which can be heard from the distances set forth below, using the following sound measurement standards: Measurement shall be by the auditory senses of a person who does

not have any hearing loss or impairment and who does not utilize a hearing aid standing at a distance no less than the required minimum distance (in a straight line, as the crow flies) from the source of the sound, and the person complaining of the sound must be located at or on a property, building, structure, or vehicle other than the property, building, structure, or vehicle from which the sound is originating. For musical sound, words and phrases need not be discernable

*"Property line or boundary"* in multi-family dwellings shall mean an imaginary line drawn through the points of contact of (1) adjoining apartments, condominiums, townhouses, duplexes or other such residential dwelling units with adjoining points owned, rented, or leased by different persons; or (2) adjoining common areas or adjoining exterior walls. Said property line or boundary includes all points of a plane formed by projecting the property line or boundary including the ceiling, the floor, and the walls.

*Residential area* means any parcel of land which is zoned or used for any residential use, including single-family detached or attached dwellings, multifamily dwellings, or mobile home parks. Such area includes any property zoned O-1 or OCR which is used for multifamily dwellings, and any property zoned C-1 which is used for multifamily dwellings.

*Single-family detached dwelling* means a dwelling on an individual lot unattached to another dwelling.

*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) Sounds produced by any mechanical sound-making devices such as radios, stereos, boom boxes, televisions, musical instruments, horns, whistles, bells, chimes or carillons, phonographs, sound amplifiers 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) Commercial advertising sounds;
- (4) Party sounds such as human-produced sounds and sounds produced by any mechanical sound making devices;
- (5) Sound coming from motorized landscape maintenance devices such as lawn mowers, weed-whackers, leaf blowers, and chain saws;
- (6) Animal vocalizations from pets or non-domesticated animals;
- (7) Testing of burglar, fire or car alarms; and

- (8) Sound coming from construction and caused by the erection (including excavation), demolition, alteration, or repair of any building, 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 equipment.

“*Sound*” in multi-family dwellings shall mean human-produced sounds of yelling, shouting, hooting, whistling, singing, or mechanically produced sounds made by radio-receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing, or amplifying of sound, or any combination thereof.

*Sound level meter* means an instrument that conforms to ANSI S1.4-1983 or its successors.

### **Sec. 16-303. Regulation of Sound.**

- (a) *Daytime sound.* Sound restrictions of the below listed sounds apply from 7:00 a.m. through 11:00 p.m. from Sunday through Thursday and 7:00 a.m. through 12:00 midnight on Friday and Saturday
- (1) *Mechanical sound-making devices.* It is unlawful for any person or persons between the hours above in subsection (a) to play, use, operate, or permit to be played, used, or operated any radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing or amplifying of sound and/or sound at such a volume and in such a manner so as to create, or cause to be created, any sounds which exceed sixty five (65) dB(C).
  - (2) *Human-produced sounds.* It is unlawful for any person or persons between the hours above in subsection (a) to yell, shout, hoot, whistle, or sing on the public streets or sidewalks or on private property so as to create, or cause to be created, any sounds which exceed sixty five (65) dB(C).
  - (3) *Commercial advertising.* It is unlawful for any person or persons between the hours above in subsection (a) to use, operate, or permit to be used or operated any radio receiving device, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets or other public property for the purpose of commercial advertising or which serves to attract the attention of the public to any building, structure or vehicle in such a manner so as to create, or cause to be created, any sounds which exceed sixty five (65)dB(C).
  - (4) *Party sound.* It is unlawful for any person or persons in charge of a party or other social event that occurs on any private property between the hours in subsection (a) above to allow that party or social event to produce sound that exceeds sixty five (65) dB(C)..
- (b) *Nighttime Sound.* Sound restrictions of the below listed sounds apply at a distance of 100 feet between the hours of 11:00 pm and 7:00 a.m. (beginning at 11:00 pm on Sunday and ending at 7:00 am on Friday); and between 12:00 midnight and 7:00 am on Saturday and Sunday.
- (1) *Mechanical sound-making devices.* It is unlawful for any person or persons between the hours in subsection (b) above to play, use, operate, or permit to be played, used, or operated any radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing or amplifying of sound and/or sound at

- such a volume and in such a manner so as to create, or cause to be created, any sounds which are plainly audible at a distance of 100 feet or more from the source of the sound.
- (2) *Human-produced sound.* It is unlawful for any person or persons between the hours in subsection (b) above to yell, shout, hoot, whistle, or sing on the public streets or sidewalks or on private property so as to create, or cause to be created, any sounds which are plainly audible at a distance of 100 feet or more from the source of the sound.
  - (3) *Commercial advertising.* It is unlawful for any person or persons between the hours in subsection (b) above to use, operate, or permit to be used or operated any radio receiving device, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets or other public property for the purpose of commercial advertising or which serves to attract the attention of the public to any building, structure or vehicle in such a manner so as to create, or cause to be created, any sounds which are plainly audible at a distance of 100 feet or more from the source of the sound .
  - (4) *Party sound.* It is unlawful for any person or persons in charge of a party or other social event that occurs on any private property between the hours in subsection (b) above to allow that party or event to produce sound in such a manner so as to such sound is plainly audible at a distance of 100 feet or more from the source of the sound.
  - (c) *Restrictions for areas within multi-family dwellings.* Except for persons within commercial enterprises that have an adjoining property line or boundary with a residential dwelling unit, it is unlawful for any person to make, continue, or cause to be made or continued any sound in such a manner as to be plainly audible to any other person a distance of five feet beyond the adjoining property line wall or boundary of any multifamily dwellings.
  - (d) *Motorized landscape maintenance devices.* It is unlawful for any person or entity to use or operate any motorized landscape maintenance device within any residential areas or within 100 feet of any residential area from 8:00 p.m. to 8:00 a.m. Monday through Friday and on New Year's Day, Thanksgiving Day, Christmas Day, Memorial Day, July 4<sup>th</sup>, or Labor Day. It is unlawful for any person or persons between the hours of 8:00 a.m. and 8:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 6:00 pm on Saturday and Sunday to use, operate, or permit to be used or operated any motorized landscape maintenance device in such a manner so as to create, or cause to be created, any sounds which exceed sixty five (65) dB(C).
  - (e) *Restrictions on numbers of motorized landscape maintenance devices used by persons or businesses on residential and commercial property.* It is unlawful for any entity or individual operating a landscape maintenance service for profit to use or to operate a motorized landscape device before 8:00 a.m. and after 6:00 p.m. on weekdays, before 9:00 a.m. and after 5:00 p.m. on Saturday; or at any time on Sunday, New Year's Day, Thanksgiving Day, Christmas Day, Memorial Day, July 4<sup>th</sup>, or Labor Day; except that within an agricultural-residential zone no person shall use or operate any such devices within 300 feet of any residential dwelling on adjacent property between the hours of 9:00 p.m. and 7:00 a.m. Only one (1) motorized landscape maintenance device may be operated at any time on each lot in a residential area during the hours of operation outlined in this subsection. For example, a lawnmower and a leaf blower cannot be operated simultaneously on each lot in a residential area.

- (f) *Animal vocalizations.* Animal vocalizations in residential areas during the hours from 7:01 a.m. until 10:59 p.m. shall be regulated as follows. Pets and non-domesticated animals may not make any vocalizations for more than fifteen (15) minutes without interruption or more than thirty (30) minutes if intermittent. It is unlawful for any person or persons between the hours of 11:00 pm and 7:00 am, beginning at 11:00 pm and ending at 7:00 am to allow animal vocalizations so as to create, or cause to be created, any sounds which are plainly audible at a distance of 100 feet or more from the source of the sound.

**Section 16-304. Construction Sound and variances from hours of operation for construction and demolition activity and deliveries.**

- (a) Construction and demolition activity or deliveries shall only be performed between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, or between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. There shall be no construction or demolition activity or deliveries on Sundays or New Year's Day, Thanksgiving Day, Christmas Day, Memorial Day, July 4, or Labor Day unless such activity arises from an emergency which puts the site or neighboring property owners and their property at risk of harm or loss.
- (b) A variance from the above-referenced hours of operation for construction sound may be requested, in writing, at least 48 hours prior to the proposed construction operation, for consideration by\_\_\_\_\_.
- (c) Such a variance request shall state:
- (1) The reasons that support a claim of urgent need based on specific loss or inconvenience for such a variation from the allowable work hours;
  - (2) The impact that the denial of this request would have on the applicant's project and the surrounding properties;
  - (3) The steps which have been taken by the applicant to communicate those needs and impacts to owners of surrounding and nearby properties;
  - (4) The steps that have or will be taken to limit the impact of the proposed activity upon surrounding and nearby properties; and
  - (5) The possible risks to public health and safety.
- (d) If the Director finds that the application adequately demonstrates the urgent need for a variance from the above allowable work hours, adequately provides for mitigation of the impact upon surrounding and nearby properties, and a request for expedited construction poses no additional risk to public health and safety, then permission shall be granted for a variance to alter the allowable work hours during one ten-day period.
- (e) The prohibitions of this subsection shall not apply to government construction or maintenance projects or to utility company construction or maintenance projects.

### **Sec. 16-305. Sound in Industrial Areas.**

No person shall cause, suffer, allow, or permit the operation of any source of sound on any property within, industrial areas, that exceeds eighty (80) dB(A) in industrial areas during hours of 7:01 a.m. until 9:59 p.m. or sixty (60) dB(A) or sixty-three (63) dB(C) from the hours of 10:00 p.m. until 7:00 a.m. Sound shall be measured at any location at or within the property line of the affected property, and sound levels in excess of those established in this section shall constitute prima facie evidence that such sound is in violation of this article.

### **Section 16-306. Commercial or Industrial Entities near Residential Area.**

- (a) If sound emanating from a commercial or industrial entity is plainly audible within a residential area that is within 500 feet of the property line of the commercial or industrial entity, then such sound is prohibited from 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.
- (b) If sound emanating from a commercial or industrial entity is plainly audible in a residential area that is within 300 feet of the property line of the commercial or industrial entity, then such sound is prohibited between 11:00 p.m. through 7:00 a.m. Sunday through Thursday and 12:00 midnight through 7:00 a.m. on Saturday and Sunday,

### **Section 16-307. Registration of outdoor entertainment events.**

- (a) Registration is required of all outdoor entertainment events that have commercial entertainment and/or electronic amplification. Registration for the event must be 72 hours prior to the event and must be by the person or persons responsible for the event.
- (b) Registration is to be with the Director, Monday through Friday, from 9:00 a.m. to 4:00 p.m., on an application specified by the Director and shall include the organization sponsoring the event, the location, the date and time of the event, and security provisions.
- (c) Registration shall not be accepted for events that include the hours between the hours of 11:00 pm and 7:00 am, beginning at 11:00 pm on Sunday and ending at 7:00 am on Friday; and between 12:00 midnight and 7:00 am on Saturday and Sunday. Failure to register may result in a fine, forfeiture of the right of future registrations, or both. Registration does not exempt the person or persons registering the event from ensuring that the event complies with the requirements of this section. Failure to register shall be a violation of this article.

### **Sec. 16-308. Exclusions, Sound Control Officers and Investigation Requirements.**

- (a) *Exclusions.* All prohibitions set forth in this article shall not apply to the following sounds:
  - (1) Sound by public safety vehicles, emergency signaling devices, or authorized public safety personnel performing their public functions;
  - (2) Sound from an exterior burglar or fire alarm of any building, provided such burglar or fire alarm shall terminate its operation within five (5) minutes of its activation if the sound is uninterrupted, or ten (10) minutes, if intermittent, but the testing of burglar and fire alarms shall not be allowed between the hours of 8:00 p.m. and 7:00 a.m.;



- (3) Sound from any automobile alarm, provided such alarm shall terminate its operation within five (5) minutes of its activation if the sound is uninterrupted, or ten (10) minutes, if the sound is intermittent, but the testing of an automobile alarm shall not be allowed between the hours of 8:00 p.m. and 7:00 a.m.;
  - (4) The generation of sound in situations within the jurisdiction of the federal Occupational Safety and Health Administration;
  - (5) National Warning System (NAWAS) sounds used to warn the community of attack or imminent public danger such as flooding, explosion or hurricane;
  - (6) Sound of aircraft operations, where federal regulations preempt the local regulation of such specific operations;
  - (7) Protests, marches, parades, or an event sanctioned or permitted by the federal, state or county government(s);
  - (8) Surface carriers engaged in commerce by railroad;
  - (9) Any other activity solely controlled and within the jurisdiction of federal or state law;
  - (10) Sound projected, emitted or transmitted from motor vehicles, as such sound is regulated by O.C.G.A. § 40-6-14(a);
  - (11) An emergency which is a serious urgent situation or occurrence that happens unexpectedly and requires immediate attention;
  - (12) Sound from agricultural activities;
  - (13) Sound from the travel of properly muffled motor vehicles on a public right-of-way;
  - (14) Sound from residential air conditioner units;
  - (15) Animal vocalizations which are given as a warning to the presence of an intruder.
  - (16) Sound from swimming pool filtering systems; or
  - (17) Sound resulting from activities for which a special administrative permit has been issued pursuant to the terms of this article.
- (b) *Sound Control Officers.* Where a sound complaint requires the measurement of distance from the source of the sound or from a farthest point of a building, structure, vehicle, and/or parcel of real property, the officer(s) responding to any sound complaint shall record the address and/or precise geographical location of the source of the sound or the building, structure, vehicle, and/or parcel of real property from which the sound is originating at the time the officer(s) responds to the sound complaint.
- (c) *Investigation of Complaints.*

- (1) The responding officer(s) shall also obtain and record the name, telephone number, email address and property address and/or precise geographical location of the listener(s) who complains of the sound at the time the officer(s) responds to the sound complaint;
- (2) The responding officer shall issue a subpoena to the listener who made the sound complaint to testify in court if the responding officer does not hear the sound which the listener claims violates this article; and
- (3) Thereafter, the responding officer(s) shall utilize a map that is to scale to determine if the minimum distances referenced in this article are at issue, and the responding officer(s) shall record any distance measured.

**Sec. 16-309. - Sound control administrator, special administrative permits.**

- (a) *Sound control administrator.* The Director shall be designated as the sound control administrator and he or she shall have the power to:
  - (1) Coordinate the sound control activities of all departments in DeKalb County and cooperate with all other public bodies and agencies to the extent practicable;
  - (2) Review, consider, grant, deny and revoke special administrative permits, pursuant to the procedures and standards contained in this article;
  - (3) Determine if the exclusions listed in this article apply to a particular set of circumstances;
  - (4) Promulgate application forms in conformity with the requirements of this article and recommend application fees to be set by official action of the governing authority;
  - (5) Provide testimony, evidence, and documents in the prosecution of violations of this article;
  - (6) Issue warnings to alleged violators of this article prior to or in lieu of citations;
  - (7) Promulgate rules and procedures to enforce this article and to govern the issuance and revocation of special administrative permits; and
  - (8) Provide clarification, interpretation, and implementation of the provisions of this article.
- (b) *Initiation of applications; special administrative permits.* Any person requesting temporary relief or a stay from the enforcement of this article shall apply for a special administrative permit for a period of time not to exceed a total of fifteen (15) days within any one (1) year. The sound control administrator has discretion to consider and then grant or deny the special administrative permit, pursuant to the procedures and standards contained in this article, if strict enforcement of this article will result in unnecessary hardship to the applicant.
- (c) *Application forms; filing of applications; application fees.* Applications for special administrative permits shall be filed on forms promulgated by the sound control administrator and shall not be considered authorized or accepted unless complete in all respects. By official action, the governing

authority shall establish application fees for special administrative permits and the fee schedule shall be maintained by the clerk to the chief executive officer and the board of commissioners.

- (d) *Application forms; criteria.* Applications for special administrative permits shall be considered complete when the applications include all of the following information:
- (1) The nature and location of the sound source for which such application is made;
  - (2) The reason for which the permit is requested, including the unnecessary hardship that will result to the applicant, his/her client, or the public, if the permit is not granted;
  - (3) An explanation of how the permit, if granted, will not exceed the minimum necessary to afford relief to the applicant, and does not constitute a special privilege inconsistent with sound or time limitations imposed on other similarly situated persons;
  - (4) The times, nature and intensity of sound that will occur during the period of the permit;
  - (5) A description of the sound control measures to be taken by the applicant to minimize the sound and the impact therefrom; and
  - (6) The name, address, and means of contacting a responsible party during the hours of operation for which the permit is issued.
- (e) *Issuance of special administrative permits; required enumerated conditions.* The sound control administrator shall grant or deny the special administrative permit within thirty (30) days of receipt of a complete application. If the sound control administrator does not grant or deny the permit within thirty (30) days, the permit shall stand denied. Upon issuance of a special administrative permit, the sound control administrator shall enumerate the conditions of the permit including, but not limited to, specific dates and times for which the permit is valid, not to exceed a total of fifteen (15) days within any one (1) year.
- (f) *Revocation.* A special administrative permit may be revoked by the sound control administrator, and the issuance of future special administrative permits withheld for a defined period of time, if there is a:
- (1) Violation of one (1) or more conditions of the permit;
  - (2) Material misrepresentation of fact in the permit application; or
  - (3) Material changes in any of the circumstances relied upon by the sound control administrator in granting the permit.
- (g) *Appeals.* Appeals of any special administrative permit decision made by the sound control administrator or his/her designee shall be as set forth in the hearing officer process set forth in this code related to appeals related to the enforcement of the County's International Property Maintenance Code in section 16-\_\_\_ of this Code.

**Sec. 16-310. - Violations and penalties.**

- (a) The provisions of this article may be enforced an officer so designated by the chief executive officer or their designee including but not limited to police officers, code enforcement officers, and/or the sound control administrator.
- (b) Any person that does anything prohibited or fails to do anything required by this article, upon citation by a designated officer, and conviction of the violation in a court of competent jurisdiction, shall be subject to fine and/or imprisonment in accordance with section 1-10.

**Sec. 16-311. - Regulation of the use of consumer fireworks.**

It shall be unlawful for a person to ignite or discharge, or cause to be ignited or discharged, any consumer fireworks on any day before 10:00 a.m. and after 9:00 p.m.; provided, however, it shall be lawful:

- (a) On January 1, the last Saturday and Sunday in May, July 3, July 4, the first Monday in September, and December 31 of each year after the time of 10:00 a.m. and up to and including the time of 11:59 p.m.; and
- (b) On January 1 of each year beginning at the time of 12:00 Midnight and up to and including the ending time of 1:00 a.m.

**PART II. EFFECTIVE DATE**

This ordinance shall become effective 180 days after adoption by the Board of Commissioners and approval by the Chief Executive Officer.

**PART III. SEVERABILITY**

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
**MEREDA DAVIS JOHNSON**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
**MICHAEL L. THURMOND**  
Chief Executive Officer  
DeKalb County, Georgia

**ATTEST:**

\_\_\_\_\_  
**BARBARA H. SANDERS-NORWOOD, CCC**  
Clerk to the Board of Commissioners and  
Chief Executive Officer

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**ZACHARY WILLIAMS**  
Chief Operating Officer  
DeKalb County, Georgia

\_\_\_\_\_  
**VIVIANE H. ERNSTES**  
County Attorney  
DeKalb County, Georgia