**Exclusions.**

 (a) The generation of noise by public safety vehicles, emergency signaling devices, or

authorized public safety personnel performing their public functions.

(b) Noise from an exterior burglar alarm of any building, or from any automobile alarm,

provided such alarm shall terminate its operation within fifteen minutes of its activation.

(c) The generation of noise in the performance of any work or action necessary to deliver

**essential** services including, but not limited to, water or sewer projects, and other

related public works projects; repairing gas, electric, telephone, sewer

and/or public transportation facilities; removing fallen trees on public rights-of-way3;

or abating emergency conditions threating the public health, safety or general welfare.

(d) Noise from snow blowers, snow throwers, and snowplows.

(e) Noise generated from celebrations, outdoor festivals, and/or municipally sponsored or

approved events which were approved by contract, permit or otherwise.

(f) Noises resulting from the operation of the Hartsfield-Jackson Atlanta International

Airport.

(g) Any noise resulting from activities of a temporary duration, for which a permit for

temporary variance has been granted pursuant to this article, and which conforms to the

conditions and limits stated in the variance and reasonably related activities.

(h) Noises resulting from any event sponsored by, associated with, or approved by a

recognized institution of learning.

(i) Noises that result from or arise out of or stem from the occurrence of a professional

sporting event or organized sports league.

(j) Noises and/or sounds caused to be made by manufacturing, governmental, or

commercial entities in the normal course of their business.

(k) Any noise arising out of construction, maintenance, repair or renovation activities

related to the Metropolitan Atlanta Rapid Transit Authority (MARTA) bus or rail system,

or the city's streetcar system, or other mass transit systems.

1. MARTA and/or the city will develop and implement procedures by which NPUs

affected by construction or planned maintenance activities will be notified prior to

the commencement of work.

2. MARTA and/or the city will develop and implement procedures by which any

complaints of excessive noise created by construction or planned maintenance

activities and reported by citizens to MARTA are available for review by interested

citizens or members of the city council.

3. MARTA and/or the city will develop and implement procedures by which

contractors conducting planned maintenance or implementing new construction

on the MARTA bus or rail system, or the city's streetcar system, or other mass

transit systems will be monitored so as to ensure that all work is performed in a

manner that will result in the creation of the least amount of noise disturbance.

**Sec. 74-133. — Time restrictions on landscape maintenance motorized devices.**

It is unlawful for any person to use or operate any noise-generating, motorized landscape

maintenance devices, including but not limited to leaf blowers, lawn mowers, or chain saws,

within any residential zoning district or in areas within 300 feet of any residential zoning

district from 8:0o p.m. to 8 : oo a.m.

**Sec. 74-134. — Construction noise.**

Construction noise that does not otherwise qualify under any of the exclusions listed in **74-1:12**

shall comply with the following: between the hours of **7:00** p.m. and **7:00** a.m. the following day

on a weekday or between 7: oo p.m. and 9: oo a.m. on a weekend day or legal holiday, construction noise of any type including but not limited to, noise 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, shall not be plainly audible within any residential zoning district more than loo feet beyond the property boundary of the property from which the noise emanates; provided that between the hours of **7:00** a.m. (or **9:00** a.m. on a weekend day or legal holiday) and 7: oo p.m.. the prohibitions of this article shall not apply to construction noise.

**Sec. 74-135. - Conditions for permits for temporary variance; notice of approval or**

**denial; hearings and appeals.**

(a) Any person who owns the real property from which a noise source emanates or operates

any noise source may, with the permission of the owner, apply with a designee of the

Chief of Police for a temporary variance from one or more of the provisions of this article,

unless such noise source is specifically exempted according to the provisions of section

74-132. This application, and the procedures for completing this process, shall be posted

on the City of Atlanta's website. Failure to supply the information required thereby be

cause for rejection of the application. Applications for a permit of temporary variance

shall supply information including, but not limited to:

1. The nature and location of the noise source for which such application is made;

2. The reason for which the permit of temporary variance is requested, including the

hardship that will result to the applicant, his/her client, or the public if the permit

of temporary variance is not granted;

3. The section or sections of this article for which the permit of temporary variance

shall apply

4. A description of interim noise control measures to be taken for the applicant to

minimize noise and the impacts occurring from the noise for which the variance is

sought; and

5. A specific schedule of the noise control measures that shall be taken to bring the

source into compliance with this article within a reasonable time; and

6. An affidavit stating that notice has been provided to the office of planning for

transmission to the NPU where the variance is to be operational and that the notice

required by the NCA shall be posted within three business days.

(b) The applicant shall pay a fee of $25.00 to cover expenses resulting from the processing

of the application for a permit of temporary variance.

(c) Any permit of temporary variance shall be effective no longer than 14 days. Any person

holding a permit of temporary variance may request an extension of time through the

process for applying for a new permit of temporary variance according to the provisions

of this section.

(d) The designee of the Chief of Police shall notify the applicant in writing of his or her

determination on the application within 14 days after receipt of the application. This

notification shall inform the applicant of whether a permit for temporary variance has

been approved or denied; and, if approved, shall set forth the location, dates and times

of temporary variance.

(e) The permit of temporary variance may be revoked by the designee of the Chief of Police

if the terms of the permit of temporary variance are violated.

(f) In the event a permit for temporary variance shall be denied, or revoked, the aggrieved

applicant shall have the right to a hearing before the Chief of Police, or a hearing officer

appointed by the Chief of Police for that purpose, provided that the request for such

hearing is made to the Atlanta Police Department within five days after receipt of the

notice. Notices that are given only by mail shall be presumed to have been received three

days after the mailing. Notices given in person, hand-delivered to the address of the

applicant or sent by facsimile transmission or electronic mail shall be presumed to have

been delivered on the date given or sent.

1. Hearings contesting the matters in the notice shall be held before the Chief

of Police or the hearing officer, shall be informal, and shall be scheduled within

five business days after receipt of the request for a hearing by the Atlanta Police

Department. The hearing may be continued at the request of the applicant or to

allow the attendance of any necessary party or witness, but only from day to day.

The determination on such hearing shall be made at the conclusion of the hearing,

and the Chief of Police or the designee shall issue a written determination within

one business day thereafter, which determination shall affirm or reverse the

original decision.

2. The hearing under this section shall be de novo and shall be informal. Such hearing

shall evaluate the original decision and the application in accordance with the

criteria of this article.

3. The written determination of the Chief of Police or the designee upon the

conclusion of the hearing as provided in this section shall be the final decision of

the city in the matter, and such a determination shall be subject to review by the

Superior Court of Fulton County via a writ of certiorari.

Sec. **74-136. - Commercial Entities near Single-Family** Residential Zoning Districts.

(a) Notwithstanding any provisions of this section concerning noises and/or sounds caused

to be made by commercial entities in the normal course of their business, the provisions

and prohibitions of section 74-131, "Prohibited Conduct," subparagraph (a), concerning

"Restrictions of 300 feet for 7: oo a.m. through 11:00 p.m. Sunday through Thursday and

7:00 a.m. through **12:00** midnight on Friday and Saturday" and its subparts 1. through

3. shall apply to noises and/or sounds generated by a commercial entity that are plainly

audible within any single-family residential zoning district more than 300 feet beyond

the property boundary of the property from which the noises and/or sounds emanate.

(b) Notwithstanding any provisions of this section concerning noises and/or sounds caused

to be made by commercial entities in the normal course of their business, the provisions

and prohibitions of section 74-131, "Prohibited Conduct," subparagraph (b), concerning

"Restrictions of 100 feet for 11:00 p.m. through 7: oo a.m. Sunday through Thursday and

**12:00** midnight through 7:00 a.m. on Saturday and Sunday," and its subparts 1. through

3. shall apply to noises and/or sounds generated by a commercial entity that are plainly

audible within any single-family residential zoning district more than **100** feet beyond

the property boundary of the property from which the noises and/or sounds emanate.