

# CHAPTER 13: AIR QUALITY CONTROL

## Section

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## Section 13-101 Emissions of Gases, Vapors, and Odors

1. No person shall cause, suffer, or allow any emissions of gases, vapors, or odor beyond the property line from which such emissions occur to be insufficient quantities and of such characteristics and duration as is or is likely to be injurious to the public welfare; to the health of human, plant, or animal life; or to property; or which interfere with the enjoyment of life and property.
2. Detectable odors emitted from the following sources of emission are hereby declared to be objectionable per se:
  - A. Ammonia, bleaching powder, or chlorine manufacture;
  - B. Asphalt manufacture or refining;
  - C. Blood processing;
  - D. Bag cleaning;
  - E. Celluloid manufacture;
  - F. Coal tar products manufacture;
  - G. Compost heaps;
  - H. Crematory;
  - I. Creosote treatment or manufacture;
  - J. Disinfectants manufacture;
  - K. Distillation of bones, coal, or wood;
  - L. Dyestuff manufacture;
  - M. Fat rendering;
  - N. Fertilizer manufacture and bone grinding;
  - O. Glue or gelatine manufacture;
  - P. Incinerator or reduction of garbage, dead animals, offal, or refuse;
  - Q. Oiled rubber or leather goods manufacture;
  - R. Paint, oil, shellac, turpentine, or varnish manufacture;
  - S. Paper and pulp manufacture;
  - T. Rubber or gutta percha manufacture;
  - U. Sauerkraut manufacture;
  - V. Shoe-blackening manufacturing;
  - W. Soap manufacture;
  - X. Stock yards;
  - Y. Sulfuric, nitric, or hydrochloric acid manufacture;
  - Z. Tanning, curing, or storage of hides or skins;
  - AA. Tar distillation or manufacture;
  - BB. Tar roofing or waterproofing manufacture; and
  - CC. Any other air contaminate discharge into open air of a character and in a quantity which is detrimental to or endangers the public health.

**Section 13-102      Open Burning**

1. **In General.** Except as hereinafter provided in subsection 2, no person shall kindle an open fire in any public or private place outside any building. Fires started in violation of this section shall be promptly extinguished by the person(s) responsible for same upon notice by the Fire Chief or his duly designated agent, as may be declared by the Mayor, all exceptions are void and no open fires shall be kindled.

2. **Exceptions.**

A. Open burning may be done under permit as follows:

- (1) Application for burning permits shall be on forms provided by the Fire Chief.
- (2) No permit shall be issued unless the issuing officer is satisfied that:
  - (a) There is no practical available alternate method for the disposal of the material to be burned;
  - (b) No hazardous condition will be created by such burning;
  - (c) No salvage operation by open burning will be conducted; and
  - (d) No leaves will be burned in those areas where provision is made for public collection thereof.
- (3) Any permit issued may be limited by the imposition of conditions to:
  - (a) Prevent the creation of excessive smoke; or
  - (b) Protect property and the health, safety, and comfort of persons from the effects of the burning.
- (4) If it becomes apparent at any time to the Fire Chief that limitations need to be imposed for any of the reasons stated in subsection (2)(A)(3) above, the Fire Chief or his duly designated agent shall notify the permittee in writing and any limitations so imposed shall be treated as conditions under which permit is issued.

B. Open burning may be done without permit as follows:

- (1) In those areas where provision for public collection of leaves is not made, the open burning of leaves is permitted.
- (2) In those areas where regular refuse collection is not provided, open burning of ordinary household trash by householders is permitted, provided that:
  - (a) The fires are located no closer than five hundred (500) feet to any neighboring habitable dwelling or place where people work or congregate;
  - (b) Garbage, dead animals, and animal waste are not burned; and
  - (c) Materials which create dense or excessive smoke or emissions injurious or noxious to people or property are not burned.
- (3) Open fires may be set in performance of an official duty of any public officer if the fire is necessary for one or more of the following reasons or purposes:
  - (a) For the prevention of a fire hazard which cannot be abated by other means;
  - (b) For the instruction of public firefighters or industrial employees under supervision of the Fire Chief; or
  - (c) For the protection of public health.
- (4) Fires may be used for the cooking of food, provided no smoke violation or other nuisance is created.
- (5) Salamanders or other devices may be used for heating by construction or other workers, provided no smoke violation or other nuisance is created.
- (6) Fires may be set in the course of agricultural operations in growing crops or raising fowl or animals, provided no nuisance is created.
- (7) Open fires may be set for recreational purposes, such as campfires, provided no smoke violation or nuisance is created.

NOTE: See *O.C.G.A.* § 12-6-90(d) which requires that a permit be obtained from the forest ranger in the county in which the burning is to occur. This permit is in addition to any other locally required permits.

**Section 13-103      Enforcement**

The provisions of this chapter shall be enforced by the Fire Chief and the Police Chief and such subordinate officers of the Fire Department and Police Department as are necessary to effectuate the requirements set forth herein.

# CHAPTER 14: NOISE REGULATION

## Section

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14-104	Penalties
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### Section 14-101 Noise Regulation In General

It shall be unlawful for any person to willfully make, continue, or cause to be made or continued any excessive, unnecessary, or unusually loud noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing within the city limits.

### Section 14-102 Noises Prohibited

The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exhaustive.

1. **Motor Vehicle Horns.** The sounding of any horn on any automobile, motorcycle, or other motor vehicle on any street or public place of the city except as a warning signal.
2. **Radios, Television Sets, and Similar Devices.** The using, operating, or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound between the hours of 10:00 p.m. and 7:00 a.m. in such manner as to disturb the peace, quiet, and comfort of neighboring residents.
3. **Loudspeakers and Amplifiers.** The using or operating of any loudspeaker or sound-amplifier device mounted upon any vehicle within the city for the purpose of broadcasting or advertising any information about any business or activity for any other purpose, unless a permit for such sound amplification has been obtained from the Mayor or Police Chief.
4. **Construction Equipment and Activity.** The operating of any equipment or the performing of any outside construction or repair work on buildings, structures, roads or projects within the city between the hours of 10:00 p.m. and 7:00 a.m. unless a permit for such construction or repair work between such hours has been obtained from the Mayor or Police Chief.
5. **Exhausts.** The discharging into the open air of the exhaust of any internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
6. **Animals and Birds.** The keeping of any animal or bird which by frequent or continuous barking, chirping, or other means of communication disturbs the comfort or repose of the residents of any residential neighborhood.
7. **Vehicle Repair In Residential Areas.** The repairing, rebuilding, or testing of any motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. within any residential area in such a manner as to disturb the peace, quiet, and comfort of the residents of the area.
8. **Schools, Courts, Churches, Hospitals.** The creating of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the working of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street.
9. **Hawkers and Peddlers.** The selling of anything by outcry within the residential areas of the city, except at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events.

10. **Drums.** The using of any drum or other instrument or device for the purpose of attracting attention by the creation of noise within the city, unless a permit for such use has been obtained from the Mayor or Police Chief.

**Section 14-103 Exemptions**

The following uses and activities shall be exempt from the noise regulations set forth in this chapter:

1. Noises of safety signals and warning devices;
2. Noises resulting from any authorized emergency vehicle, when responding to an emergency call acting in time of emergency; and
3. Noises resulting from emergency work, to be construed as work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.

**Section 14-104 Penalties**

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be fined in an amount not exceeding two hundred dollars (\$200.00 ) or imprisonment for a period not exceeding thirty (30 ) days, or both such fine and imprisonment. A separate offense shall be deemed to have been committed each day during or upon which a violation occurs or is permitted to continue.

**Section 14-105 Injunctions**

The operation or maintenance of any device, vehicle, or machinery in violation of any provision of this chapter which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health, or peace of residents of this city shall be deemed, and is declared to be a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.