



AGENDA
1-28 PUBLIC SAFETY COMMITTEE
January 28, 2021 at 2:00 PM

Call to Order

Approval of Minutes

1. Approve Draft Minutes 12-10

Old Business

2. Proposed Fee Schedule with Corresponding Expansion of Administrative Civil Penalties
3. Noise Ordinance
4. Proposed Animal Control Ordinance and Code Enforcement Ordinances
5. Standardization of Violation Notice Compliance Timeframe

New Business

6. Lighting for Van Horn

City Manager Comments

7. TIFD Update
8. TIPD Update

Adjournment

City of Tybee
Public Safety Committee
Draft Minutes 12-10

In Attendance: Matt Harrell, George Shaw, Shawn Gillen, Peter Gulbranson, John Branigin, Walter Hattrich, Joel Fobes, William Moseley, Bubba Hughes, Monty Parks, Alice Jonsson.

Meeting called to order at 11:06.

Approval of Minutes from 10-22 - Peter Gulbranson made motion. George Shaw seconded. Motion approved.

Noise Ordinance – John Branigin - removed ‘clearly audible’ portion. Explained ordinance.

Bubba Hughes – I will tweak and get them back to Council to look at - perhaps adding a portion that explains it to people - in Athens ordinance there was a history written of how it got there. It will be redrafted and will be brought back in Jan. or Feb., perhaps.

Mark Reed asked a legal question – it establishes a standard.

Bubba Hughes – It's all a balancing act – the correct decibel level – ours is pretty restrictive but it addresses what Federal law seeks to address or solves the same problem.

Bubba explained the time differential and how it could be built in.

Huckapoos' Eric Thomas talked about liking commercial and residential standard because it's so hard to keep things low enough to meet residential standard.

John Branigin - 60 is really low and very difficult for a business to deal with.

Bubba Hughes – 'complaint' not necessary. We are trying to be proactive.

Shawn Gillen we are getting more and newer sound decibel readers.

Shawn Gillen - Jan / Feb timeframe. We could have a public meeting. Shawn Gillen we are trying to achieve a balance.

Dogs At-Large – includes open yards - we are asking council to reassess the ordinance.

Electronic collars and fences- is an electronic collar a leash? Define 'firmly in control'.

- We are asking Bubba Hughes to look at the 'firmly in control' aspect.
- Draft some sort of legal language in the ordinance – that addresses it – improved portion of the right-of-way – improved portion of the roadway. (Walter Hatrich)

Motion to Adjourn: John Branigin made motion. George Shaw seconded. Motion passed and meeting adjourned at 11:56.

**Proposed fee schedule with corresponding expansion of
administrative civil penalties**

\$300

Glass or breakable containers 12-1(3)

Pets on beach 12-1(4)

Motorized vehicle on beach 12-1(5)

Motorized watercraft 12-1(6)

Commands of lifeguards 12-1-(10)

Nudity 12-1(12)

Jumping or diving from pier or public structure 12-1(14)

Removal of live animals 12-1(17)

Off-limits (Sandbar) 12-1(20)

Building permit 9-030 (2nd offense)

Stop work order 9-030 (2nd offense)

Noise disturbance prohibited (22-112) (2nd offense)

Restrictions on dogs running at large 10-2 (3rd offense)

Vicious animals 10-17

Cruelty to animals 10-10

Animal neglect 10-13

Animal confinement and left unattended in parked car 10-16.

Prohibited beverage containers in public areas 42-3

Occupants or owners to keep premises free of litter, debris and junk materials 22-70 (3rd offense)

Occupant or owners to keep premises free of derelict vehicles and boats 22-71 (3rd offense)

**Proposed fee schedule with corresponding expansion of
administrative civil penalties**

\$100

Disturbing dune vegetation 12-1-8

Obstruction to visions at street intersections 3-050

Building permit 9-030 (1st offense)

Graffiti prohibited 22-224

Swimming area 12-1-1

Fires 12-1-7

Beer Kegs 12-1-13

Sales or soliciting sales on the beach 12-1-18

Obstructions and equipment on the beach prohibited 12-1-19

Stop work order 9-030 (1st offense)

Restrictions on dogs running at large 10-2 (2nd offense)

Occupants or owners to keep premises free of litter, debris and junk materials 22-70 (2nd offense)

Occupant or owners to keep premises free of derelict vehicles and boats 22-71 (2nd offense)

Rabies inoculations; required for dogs and cats 10-19

Noise disturbance prohibited 22-112 (1st offense)

Private parking lots 3-250

Fires made within city prohibited; exceptions 26-71

Signs. 34-264

Unique location identification number required. 34-265

**Proposed fee schedule with corresponding expansion of
administrative civil penalties**

\$50

Sleeping in public areas. 42-63

Obstruction of public passageways. 42-62

License required. 34-29

Keeping of animals; sanitation. 10-3

Distance of animal enclosures from buildings. 10-4

Nuisances. 10-5

Tethering. 10-14

Registration of dogs and cats. 10-18

Notification regarding tag requirement. 10-20

Sanitary requirements for a dog's waste; owner's responsibility 10-27

Unlawful acts. (Peddlers, Solicitors, Canvassers) 34-167

Building numbering required; penalty. 54-1

Building number placement. 54-2.

Sidewalks, parking areas, not to be obstructed or damaged. 54-42

Nuisances declared. 22-29

Signs, notices and handouts. 22-168

Building waste—Accumulations prohibited. 22-169

Weeds and other growths—Notices to cut or remove. 22-172

Disposal of refuse. 22-194

Traffic safety (signs) 6-030

Obsolete/abandoned signs. 6-050

Unsafe signs. 6-060

Prohibited signs. . 6-070

Placement of litter 12-1-2

Storage practices 22-192 (Commercial Dumpster)

**Proposed fee schedule with corresponding expansion of
administrative civil penalties**

ORDINANCE NO. 2020-20

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF TYBEE ISLAND SO AS TO REVISE PROVISIONS ADDRESSING PROHIBITED NOISE THAT IS UNREASONABLY LOUD, RAUCOUS, JARRING, DISTURBING OR A NUISANCE WITHIN THE AREA OF AUDIBILITY AND TO REPEAL INCONSISTENT OR CONFLICTING ORDINANCES AND TO ELIMINATE PROVISIONS REGARDING DECIBEL LEVELS FOR THE CONTROL OR MEASUREMENT OF NOISE IN CERTAIN AREAS AND SUBSTITUTING IN LIEU THEREOF A STANDARD OF PLAINLY AUDIBLE FROM A SPECIFIED DISTANCE FOR DETERMINATIONS OF OFFENSIVE OR PROHIBITED NOISE IN RESIDENTIAL AREAS AND TO RECOGNIZE THE ADOPTION OF CIVIL PENALTIES FOR OFFENSES INCLUDING PROHIBITED NOISE, FOR THE REPEAL OR CONFLICTING ORDINANCES, TO ESTABLISH AN EFFECTIVE DATE AND TO AUTHORIZE THE ENFORCEMENT THEREOF

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority desires to adopt ordinances under its police and home rule powers; and

WHEREAS, the control of sound and sound making devices which produce noise at levels that are unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility is necessary for the peace and wellbeing of residents and visitors to the City; and

WHEREAS, Tybee Island is unique in the location of business establishments, a county pier where events are conducted and residential dwellings that coexist in close proximity to commercial establishments that provide gatherings, music and other sources of sound; and

WHEREAS, wind directions and wind speed can have significant impacts on the distribution of sounds; and

WHEREAS, in order to permit commercial operations including restaurants and entertainment locations to properly monitor their own sound levels and to determine when they are or may be potentially in violation of the noise ordinance, it is advisable to have a decibel standard in commercial zones; and

WHEREAS, the City of Tybee Island has for in excess of 15 years explored alternative methods of addressing noise, noise complaints, disorderly behavior in various residential and other areas; and

WHEREAS, the City has attempted to improve the peace, tranquility and health and safety of residents and occupants of residential dwellings by controlling or limiting unreasonably loud noises through sound level controls based on decibel levels and in the opinion of many, the efforts have not been as successful in residential areas as desired; and

WHEREAS, court decisions upholding the constitutionality of the restrictions on noise and noise producing activity where doing so creates "plainly audible" disturbances to occupants of nearby properties have been recognized and resulted in successful prohibitions and prosecutions; and

WHEREAS, the City of Tybee Island has previously adopted administrative procedures for civil penalties for certain Code violations which can include unreasonably loud noise violations;

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island duly assembled as follows:

SECTION I

Existing Tybee Code Sections identified as Article 4 of Chapter 22 "Noises" Sections 22-110 through 22-112 are hereby repealed in their entirety and are replaced with the Code Sections hereinafter set forth and designated numerically as hereinafter set forth.

ARTICLE IV. NOISES

Sec. 22-110. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction means any site preparation, assembly, erection, substantial repair, alteration, or similar action, for or of public or private rights-of-way, structures, utilities, or similar property.

Demolition means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

Emergency means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.

Emergency work means any work performed for the purpose of alleviating or resolving an emergency.

Enclosed Building means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling.

Excessively loud noise or sound. Any sound which, in light of the surrounding circumstances, including the normal level of ambient noise, is unreasonably loud, or which would annoy or disturb a person of reasonable sensibilities in his home or dwelling, or in any public area or place of public accessibility, including but not limited to the beach and commercial establishments;

Holidays means those holidays recognized by the U.S. Office of Personnel Management.

Impulsive sound. Sound of short duration, with an abrupt onset and rapid decay

Mechanical Sound Making Devices means 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 noise.

Motor vehicle means any motor-operated vehicle licensed for use on the public highways, but not including a motorcycle.

Motorboat means any vessel which operates on water and which is propelled by a motor, including, but not limited to, boats, barges, amphibious craft, water ski towing devices and hover craft.

Motorcycle means any motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term shall include, but not be limited to, motorized bicycles and motor scooters.

Noise means any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noisy Assembly means any gathering of more than one (1) person which creates noise.

Noise disturbance means any sound which endangers or injures the welfare, safety or health of human beings, or disturbs a reasonable person of normal sensitivities, or devalues or injures personal or real property, or is hereinafter defined.

Noise sensitive activities means activities which should be conducted under conditions of exceptional quiet including, but not limited to, operation of schools, libraries open to the public, churches, hospitals, and nursing homes.

Noise sensitive area means any area designated for the purpose of ensuring exceptional quiet and clearly posted with "noise sensitive area" signs, because of the noise sensitive activities conducted therein.

Official Public event means any event put on by, adopted, approved or endorsed by the City.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, operative, state agency, municipality or other political subdivisions of this state, any interstate body, or any other legal entity.

Plainly audible 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 standing at a distance no less than the required minimum distance from the source of the sound. For music and other noise, words and phrases need not be discernable. For music and other noise, bass reverberations are included.

Powered model vehicle means any self-propelled airborne, waterborne, or land borne model plane, vessel, or vehicle, which is not designed to carry persons, including, but not limited to any model airplane, boat, car or rocket.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, lane or similar place which is owned or controlled by a governmental entity.

Public space means any real property, including any structure thereon, which is owned or controlled by a governmental entity.

Public works project means any project financed by public funds such as roads, highways, bridges or other construction on public or government owned property. It does not include projects merely approved by mayor and council.

Real property boundary means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

Residential means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

School means any place of learning or caring for children, both public and private.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Used means and includes the words "intended," "designed," or "arranged to be used. "
(Code 1983, § 11-3-2)

Sec. 22-111. Exceptions.

The provisions of this article shall not apply to:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency;
- (2) The emission of sound in the performance of emergency work by City or City Contractor;
- (3) Noises and/or sounds caused to be made by manufacturing, governmental, or commercial entities in the normal course of their business, however, the production of sound by gathering of persons, music or entertainment activities by restaurants, bars and/or similar establishments shall not be exempt under this subsection;
- (4) Agricultural activities, exclusive of those involving the ownership or possession of animals or birds;
- (5) Public mass transportation vehicles;
- (6) Church or clock carillons, bells, or chimes;
- (7) The emission of sound in the discharge of weapons or in fireworks displays for which a permit has been issued;
- (8) Public works projects;
- (9) Noises and/or sounds that are permitted by a special event permit pursuant to section 54-70, et seq; provided, however, that the producer or coordinator of the special event must comply with the terms, restrictions and conditions of the special event permit;

- (10) Sound volumes produced by radio, tape player, or other mechanical sound making device or instrument from within a motor vehicle on a street or highway, which sound is controlled by O.C.G.A. § 40-6-14;
 - (11) Noises or sounds made by law enforcement and other public safety officials performing their public functions;
 - (12) The emission of sound from a public space during an official public event; or
 - (13) The emission of sound from a school or church during the regular scheduled hours of operation or during special events.
- (Code 1983, § 11-3-3)
- (14) Noises or sounds made by the exploding of consumer fireworks 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 10:00 a.m. and up to and including the time of 11:59 p.m.; and 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.
 - (15) Generators during times of power outages.

Sec. 22-112. Noise disturbance prohibited.

(a) Prohibited conduct – Residential Zones (R1 & R2).

(1) Restrictions of ~~2~~300 feet for 7:00 a.m. through 10:00 p.m. Sunday through Thursday and 7:00 a.m. through 12:00 midnight on Friday and Saturday and holidays.

a. *Mechanical sound-making devices.* It is unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated any Mechanical Sound Making Devices at such a volume and in such a manner so as to create, or cause to be created, any excessively loud noises or sounds or impulsive sounds which are plainly audible at a distance of ~~3~~200 feet or more from the building, structure or vehicle, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 7:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 7:00 a.m. and 12:00 midnight on Friday and Saturday and holidays.

b. *Human-produced sounds.* It is unlawful for any person or persons to yell, shout, whistle, or sing on the public streets or sidewalks or on private property so as to create, or cause to be created, any excessive noises or sounds or impulsive sounds which are plainly audible at a distance of ~~3~~200 feet or more from the place, building, structure, or in the case of real property, beyond the real property boundary, in which the person is located, whichever is farthest, between the hours of 7:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 7:00 a.m. and 12:00 midnight on Friday and Saturday and holidays which are which are of such character, intensity and duration to disturb the peace and quiet of the neighborhood.

c. *Commercial advertising.* It is unlawful for any person or persons 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 within any residential zone 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 noises or sounds

which are plainly audible at a distance of 3200 feet or more from the source of the sound cast upon the public streets or other public property or from the building, structure, or in the case of real property, beyond the real property boundary, in which it is located, whichever is farthest, between the hours of 7:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 7:00 a.m. and 12 midnight on Friday and Saturday .

d. *Party noise.* It is unlawful for any person or persons in charge of a party or other social event that occurs on any private property to allow that party or social event to produce excessively loud noises or sounds or impulsive noisesounds in such a manner that such noise is plainly audible at a distance of 3200 feet or more from the building or structure from which the noise is emanating or in the case of real property, beyond the real property boundary, on which the party or social event is located, whichever is farthest, between the hours of 7:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 7:00 a.m. and 12:00 midnight on Friday and Saturday and holidays. For the purposes of this subsection, a "person in charge of a party or other social event" shall mean any adult person who resides in or on the premises involved in such party or social event or the adult responsible for having leased, rented or who manages the property or is otherwise responsible therefore and is present at such party or social event. For the purposes of this subsection, "noise" shall mean the same sounds, or any combination thereof, as described in paragraphs a. or b. above.

(2) *Restrictions of 100 feet for 10:00 p.m. through 7:00 a.m. Sunday through Thursday and 12:00 midnight through 7:00 a.m. on Saturday and Sunday.* REPEAT CHANGES SUGGESTED IN PREVIOUS SECTION

a. *Mechanical sound-making devices.* It is unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated any Mechanical Sound Making Devices at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 100 feet or more from the building, structure or vehicle, or in the case of real property, beyond the property limits, in which it is located, whichever is farthest, between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 10:00 p.m. and 7:00 a.m. on Friday and Saturday and holidays.

b. *Human-produced sound.* It is unlawful for any person or persons 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 excessive noises or sounds or impulsive sounds which are plainly audible at a distance of 100 feet or more from the place on public streets and sidewalks, or in the case of private real property, beyond the real property boundary, on which the person is located, whichever is farthest, between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 10:00 p.m. and 7:00 a.m. on Saturday and Sunday and holidays.

c. *Commercial advertising.* It is unlawful for any person or persons 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 noises or sounds which are plainly audible at a distance of 100 feet within any residential zone or more from the source of the sound cast upon the public streets or other public property or from the building, structure, or in the case of real property, beyond the real property boundary, in which it is located, whichever is farthest, between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 12:00 midnight and 7:00 a.m. on Saturday and Sunday and holidays.

d. *Party noise.* It is unlawful for any person or persons in charge of a party or other social event that occurs on any private property to allow that party or event to produce noise in such a manner so as to such noise is plainly audible at a distance of 100 feet or more from the building or structure excessive loud or impulsive sounds from which the party noise is emanating or in the case of real property, beyond the real property boundary, on which the party or social event is located, whichever is farthest, between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 10:00 p.m. and 7:00 a.m. on Saturday and Sunday and holidays. For the purposes of this subsection, a "person in charge of a party or other social event" shall mean any adult person who resides in or on the premises involved in such party or social event and is present at such party or social event or the adult responsible for having leased, rented or who manages the property or is otherwise responsible therefore. For the purposes of this subsection, "noise" shall mean the same sounds, or any combination thereof, as described in paragraphs a. or b. above.

(3) Restrictions regarding noise produced by consumer fireworks between 10:00 a.m. and up to and including 11:59 p.m. on all days. It is unlawful for any person to use, explode or cause to be exploded any consumer fireworks to produce noise in such a manner that such noise is plainly audible at a distance of 100 feet or more from the place, or in the case of real property, beyond the property limits in which the fireworks are being used, exploded or caused to be exploded, whichever is farthest, between the hours of 10:00 a.m. and 11:59 p.m. on all days. For the purposes of this section, the term "consumer fireworks" shall have the meaning set forth in O.C.G.A. § 25-10-1(a)(1), but such term shall not include those items excluded therefrom in O.C.G.A. § 25-10-1(b) as such code section is enacted as of July 1, 2018 or as may be amended in the future.

(4) *Restrictions for areas within apartments, condominiums, townhouses, duplexes, or other such residential dwelling units.*

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 excessive noise or impulsive noise 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 apartment, condominium, townhouse, duplex, or other such residential dwelling units with adjoining points of contact.

For the purposes of this subsection, "noise" shall mean human-produced sounds of yelling, shouting, 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.

For the purposes of this subsection, "property line or boundary" 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.

~~(b) For Property bordering residential (not to exclude property separated by a right of way, street or easement, public or private) including other residential property 1.~~

~~In addition to all other provisions of this Article, if the property boundary of a property borders residential property, the following shall apply:~~

~~(1) It shall be unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated any Mechanical Sound Making Devices between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and 12:00 midnight through 7:00 a.m. Friday and Saturday and holidays, unless the music is played exclusively within an enclosed building. In addition to the foregoing, any use or operation of any Mechanical Sound Making Devices between the restricted hours which produces noises that are plainly audible from the property boundary of the property is a violation of this section.~~

~~(2) It shall be unlawful for any person or persons to constitute a Noisy Assembly, or permit property under his or her control to be used for a Noisy Assembly, between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday. And 11:00 p.m. through 7:00 a.m. Friday and Saturday and holidays, unless the Noisy Assembly is exclusively within an enclosed building. In addition to the foregoing, any Noisy Assembly between the restricted hours which produces noises than are plainly audible from the property boundary of the property is a violation of this section.~~

~~(1)~~

~~(b) Prohibited conduct – Commercial Zones (C1& C2). COPIED FROM EXISTING NOISE ORDINANCE~~

- ~~1. No person shall make, continue, or cause to be made or continued, except as permitted, any noise disturbance, or any noise in excess of the limits for such noise established in this section.~~
- ~~2. Maximum permissible sound levels. With the exception of sound levels elsewhere specifically authorized by this article, table 1 sets forth the maximum permissible sound levels allowed at or within the real property boundary of a receiving land use. Any activity or use that produces a sound in excess of such noise levels for a receiving land use shall be deemed a noise disturbance and is in violation of this article.~~

—Measurement of sound. The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute or its successor body. The instrument shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specification. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone used during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured. It is the intention that this sound to be measured is what is being created by "the subject sound or the sound being investigated" explained of excluding intruding noises from isolated identifiable sources, but including ambient sound level. The measure of all sound levels shall be made as close to the property line of the receiving land use as is practical.

TABLE 1
Sound Levels by Receiving Land Use

<u>Zoning Category of Receiving Land</u>	<u>Time(3)Use(1)</u>	<u>Sound Level Limit, dBA(4)</u>
<u>Residential (2)</u>	<u>At all times</u>	<u>60</u>
<u>Commercial</u>	<u>At all times</u>	<u>75</u>

(1) As set forth in the Land Development Code.

(2) Any zoning district containing the letter "R."

(3) Unless otherwise stated in this article.

(4) For any source of sound which emits a pure tone, the maximum sound level limits set shall be reduced by five dBA.

(c) *Equipment use restrictions.* Regardless of the other provisions of this Article, the following equipment may not be operated between the time of sunset and 7:00 a.m.: Monday-Friday and on Saturday and Sunday the time of sunset to 10:00 a.m.:

- (1) Electrical power tools.
- (2) Motor powered, muffler equipped lawn, garden, and tree trimming equipment except residential lawn mowers.
- (3) Construction equipment, which includes landscaper's lawn mowers and other landscaping motorized equipment.
- (4) Construction noise . Between the hours of 11:00 p.m. and 6:00 a.m., 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 100 feet beyond the property boundary of the property from which the noise emanates.

A variance from the above-referenced hours of operation for construction noise may be requested, in writing, at least 48 hours prior to the proposed construction operation, for consideration by the Director of the Building Inspections and Permit Department. Such a 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.

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 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.

(Code 1983, § 11-3-4; Ord. of 4-29-2005; Ord. of 7-26-2007)

SECTION II

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION III

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION IV

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to The Code of the City of Tybee Island, Georgia.

This Ordinance shall become effective on _____ day of _____, 2020.

ADOPTED THIS ____ DAY OF _____, 2020.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

DRAFT

Proposed Animal Control Ordinance and Code Enforcement Ordinances

Owner: Any person who owns, harbors, keeps and maintains, has lawful possession of, or knowingly causes or permits an animal to be harbored or kept; or any person who has an animal in his care, who shelters and/or provides for such animal sufficient quantities of wholesome food and water, and permits an animal to remain on or around his premises two weeks or more. This shall include any person hired or acting as custodian of the animal for its owner.

Fence: means a structure of wire, wood, stone or other materials, including invisible fencing, which is of sufficient height and strength to act as a barrier against the passage of the animal it is intended to enclose.

(1) A fence does not include an invisible fence if the fence is:

- a. Turned off or the animal is not wearing a properly operating signaling device;
- b. Ineffective for any animal that has learned it can cross the fence line;
- c. Intended to be a means of keeping people or animals out of an enclosed area; or
- d. Buried in or adjacent to a municipal or county right-of-way. **(I would request a statement of distance to be added to this) (5-6ft).**

(2) An invisible fence is not an acceptable means of control for an animal that is classified as vicious or dangerous, or is in estrus/heat.

Proper restraint on owner's property: The term means, but shall not be limited to, the following:

(1) The animal is securely and humanely enclosed within a house, building, fence, pen or other type enclosure from which the animal cannot climb, dig, jump or escape on its own accord;

(2) Reserved.

(3) The animal is on a leash and under control of a competent person or off the leash and obedient to that person's commands, and the person is present with the animal anytime it is not restrained as provided in subsections (1) and (2) of this definition.

Under control while off owner's real property:

(1) The animal is securely and humanely confined within a vehicle, parked or in motion;

(2) The animal is properly confined within a secure enclosure with the property owner's permission;

(3) The animal is securely restrained by a leash or other method held by a competent person;

(4) The animal is under immediate voice command of a competent person at any given time (I do not think this line is a good idea).

(5) The animal is a hunting dog and is being used for hunting in accordance with state game and fish department laws, rules and regulations.

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Duty to keep animals under control.

With the exception of felines, it shall be unlawful for the owner of any domesticated animal, or anyone having a domesticated animal in his possession or control, to permit such domesticated animal to be at-large. If that owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this article are complied with.

Restraint of animal on owner's property.

It shall be the duty of every animal owner or custodian of any domesticated animal to ensure that such animal is kept under proper restraint and that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner, possessor or custodian. This section shall not apply to felines.

Additional Proposed ordinances relating to Code Enforcement.

Interference with enforcement officers.

(a) It shall be unlawful for any person to interfere with, threaten, molest, hinder, provide false information to, or prevent any code enforcement officer or office empowered to act by law in the discharge of their duties as prescribed in this article.

(b) Any person who shall hinder, delay, interfere with or obstruct any code enforcement officer or office empowered to act by law while engaged in capturing, securing or taking to the animal shelter any animal or animals liable to be impounded, or who shall break open in any manner directly or indirectly aid, counsel or advise the breaking open of any animal control shelter, impound area, trap, or vehicle used for the collecting of any such animals shall be deemed in violation of this chapter.

34-32 Business License: Goes directly to citation or subpoena

70-201 Grease trap management program (Enforcement): Up to 30 days to remediate after notice

5-160 Enforcement of Land development code: Starts at 30 days prior to legal action then moves to 15 days prior to legal action.

54-37 Street repair violation: Says after notice but no specific time.

22-73 Property Maintenance (Enforcement): 30 Days, also says failure to abate will result in a subpoena being issued. And in cases of immediate health, safety and welfare violations the immediate issuance of a summons is permitted. (Can we add administrative citation to this as well)

22-26 Graffiti removal: 3 days

22-30 Nuisance abatement: Give notice to violator to abate within five calendar days

54-1 Building numbering: 30 days' notice

70-76 Use of public sewer penalties: Written notice providing a reasonable time limit

22-173 Failure to remove weeds: After receiving notice (no specifics)

16-590 Storm water management plan or agreement (failure to maintain): 30 days' written notice

16-100 Discharge violation; remediation plan: written notice with remediation plan in ten days and corrective actions completed in 30 days from NOV.

16-610 Notice of violation: describes what needs to be on violation but no time frame other than an appeal must be made within 30 days of notice. Or 24hrs for appeal if it is immediate danger situation.

16-620 Penalties for not complying with above notice of violation: Before taking any of the following actions or imposing any of the following penalties, the city shall first notify the owner, applicant, or other responsible person in writing of its intended action and shall provide a reasonable opportunity of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or safety, 24-hours-notice shall be sufficient) to correct the violation. In the event the owner, applicant, or other responsible person fails to correct the violation by the date set forth in said notice, the city may take any one or more of the following actions or impose any one or more of the following penalties.

January 18, 2021

Tybee Island City Council
Tybee Island City Manager
Jan LeViner, City Clerk
P. O. Box 2749
Tybee Island, GA 31328

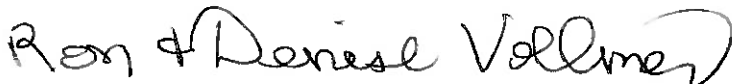
Dear City Council:

This letter is to express our concern about the lack of street lighting on Van Horne Avenue after you leave the intersection from Meddin Avenue to Veterans Drive. This area at night time traveling on Van Horne Avenue as it approaches the commissary curve all the way to Veterans drive is in darkness and extremely dangerous. Pedestrians and cyclists are forced to walk/peddle in the street as there are no sidewalks in this area. Residents and tourist alike use these roads at all times of the day and night. As a Tybee resident living on Moore Avenue, we have personally encountered many close calls on Van Horne Avenue as we walked from our home to the American Legion located on Veterans Drive. Many times motorist are speeding around the blind curve at the Commissary without regards to pedestrian and cyclists.

We ask that the City of Tybee evaluate this dangerous section of roadway on Van Horne Avenue in hopes that new street lighting would be installed at the start of the Commissary curve and also at the intersection of Van Horne at Veterans Drive. This would create an illuminated pathway for safe travel for both residents and tourists alike.

We also respectfully request that the street light on Meddin Avenue at Veterans Drive be updated with brighter and more powerful illumination to again create a safer environment for all travelers whether by car, bike or by foot.

Thank you for your consideration.



Ron and Denise Vollmer
4 Moore Avenue
Tybee Island, Georgia 31328