



CITY OF KINGSLAND, GEORGIA

CITY COUNCIL

AGENDA • MAY 22, 2023

Regular Meeting

City Council Chamber

6:00 PM

107 South Lee Street - City Hall, Kingsland, GA 31548

I. PUBLIC HEARING - STARTS AT 6:00PM

1. Public Hearing for the Purpose of Considering an Alcohol License for Wandaful Things -

Shawanda Clark, acting agent for Wandaful Things is applying for an alcohol license for the sale of beer/wine by the drink to be consumed on the premises. The business is located at 151 East William Avenue.

II. CALL TO ORDER AND WELCOME GUESTS

III. ROLL CALL

Charles Grayson Day Jr.
James W Galloway
Farran Fullilove
Kristy Chance
Alex Blount

Mayor
Councilman
Councilman
Councilwoman
Mayor Pro Tem

IV. INVOCATION AND PLEDGE TO THE FLAG

V. CONSENT DOCKET

- A. Approve the Council Minutes of the last regular Council Meeting
- B. Approve the Agenda as Presented
- C. Approve the Payments of Accounts Payable as Due and Funds Available

VI. PRESENTATION

1. FY 2022 Audit Presentation - by Trey Scott, CPA of Mauldin & Jenkins, CPAs -
2. Presentation by Camden County Joint Development - Industrial Development -

VII. GRANTING AUDIENCE TO THE PUBLIC

VIII. OLD BUSINESS

1. Approval of: Ordinance 2023-06 - Amendment to Kingsland Code of Ordinances Chapter 11 -

This amendment shall establish a new ordinance for the operation and usage of a Hookah/Vapor Bar or Lounge within the City of Kingsland.

Staff recommends approval.

IX. NEW BUSINESS

1. Approval of: Alcohol License for Wandaful Things -

Shawanda Clark, acting agent for Wandaful Things is applying for an alcohol license for the sale off beer/wine by the drink to be consumed on the premises. The business is located at 151 East Williams Avenue.

2. Bid Award: Roof Replacements -

The City requested proposals for roof replacements on four buildings - Fleet Services, City Hall, Waste Water Treatment Administration building and pump building. *Staff recommends low bidder, Brantley Roofing Company, for a total cost of \$109,259.*

3. Appointment to the Kingsland Downtown Development Authority -

On May 11, 2023, the Kingsland Downtown Development Authority (KDDA) Board approved the nomination of Amanda Moore, Lobby Manager of Pineland Bank, by ballot voting. As per Section 7 of the KDDA bylaws, the nomination is being submitted to Mayor and Council for their consideration as the official appointment to the Kingsland Downtown Development Authority Board of Directors.

4. Approval Of: Ordinance 2023-07 to Amend Kingsland Code of Ordinance Sec. 14.7 - Noise Control -

An amendment to city code Sec. 14-7 to protect, preserve and promote the health, safety and welfare of the citizens of the city through the control of noise, a recognized form of environmental pollution.

Staff recommends approval.

X. MAYOR AND COUNCIL ANNOUNCEMENT

XI. ADJOURNED



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 05/22/23 06:00 PM
Department: City Clerk
Category: Public Hearing
Prepared By: Jean Seigler
Initiator: Jean Seigler
Sponsors:
DOC ID: 4181

AGENDA ITEM (ID # 4181)

Public Hearing for the Purpose of Considering an Alcohol License for Wandaful Things

Shawanda Clark, acting agent for Wandaful Things is applying for an alcohol license for the sale of beer/wine by the drink to be consumed on the premises. The business is located at 151 East William Avenue.



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 05/22/23 06:00 PM
Department: Finance
Category: Presentation
Prepared By: Filiz Morrow
Initiator: Filiz Morrow
Sponsors:
DOC ID: 4147

AGENDA ITEM (ID # 4147)

FY 2022 Audit Presentation - by Trey Scott, CPA of Mauldin & Jenkins, CPAs



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 05/22/23 06:00 PM
Department: City Clerk
Category: Presentation
Prepared By: Jean Seigler
Initiator: Jean Seigler
Sponsors:
DOC ID: 4156

AGENDA ITEM (ID # 4156)

Presentation by Camden County Joint Development - Industrial Development



City Council
107 South Lee Street
Kingsland, GA 31548

TABLED

AGENDA ITEM (ID # 4165)

Meeting: 05/22/23 06:00 PM
Department: City Clerk
Category: Ordinance
Prepared By: Jean Seigler
Initiator: Jean Seigler
Sponsors:
DOC ID: 4165

8.1

Approval of: Ordinance 2023-06 - Amendment to Kingsland Code of Ordinances Chapter 11

This amendment shall establish a new ordinance for the operation and usage of a Hookah/Vapor Bar or Lounge within the City of Kingsland.

Staff recommends approval.

HISTORY:

05/08/23

City Council

POSTPONED

Next: 05/22/23

PART I – CHARTER AND RELATED LAWS
Chapter 11 – LICENSES AND BUSINESSES REGULATIONS
ARTICLE VIII. HOOKAH/VAPOR BAR OR LOUNGE

ARTICLE VIII. HOOKAH/VAPOR BAR OR LOUNGE

Sec. 11-324. Definitions.

The following words and phrases shall have the meanings respectively ascribed to them herein unless the context clearly indicates a contrary meaning:

Hookah means a single or multi-stemmed water pipe and any associated products and devices which are used to produce fumes, smoke and/or vapor from the burning of material including, but not limited to, tobacco products, shisha or other plant materials.

Hookah/vapor bar or lounge. Hookah/vapor bars or lounges shall be subject to the following restrictions:

- (1) Smoking of hookah in any establishment that serves alcohol or food shall be prohibited.
- (2) Hours of operation shall not extend past 11:00 p.m.
- (3) Hookah bars and lounges shall not serve patrons under the age of 19 or as restricted by Georgia statute.

Shisha means a flavored or syrupy mixture of tobacco or herbal products which is intended to be smoked/consumed by a user through a hookah.

Sec. 11-325. Occupational tax certificate required; application.

- (a) *Required.* All persons, firms or corporations desiring to operate a hookah/vapor bar or lounge shall, prior to commencing such business, trade or profession, comply with all rules and regulations adopted by the governing authority regulating the operation of hookah/vapor bar or lounge.
- (b) *Application.* The application shall include, but shall not be limited to, the information required on all occupational tax returns, along with the following:
 - (1) Name and residence address of the owner-applicant;
 - (2) If the owner-applicant is a corporation, the names of the officers, along with the name and address of the agent for service of process;
 - (3) The name of the manager, and the name of all shareholders holding 20 or more percent of any class of corporate stock;
 - (4) Failure to furnish required information, and in the form designated, shall automatically serve to dismiss the application;
 - (5) All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths; and
 - (6) In all instances in which an application is denied under the provision of the article, and after lapse of the time for appeal, or upon the adjudication of the appeal with decision rendered in favor of the city, the applicant may not reapply for an occupational tax certificate for at least 120 days from the final date of denial.
- (c) *Applicant disqualifications.*
 - (1) No occupational tax certificate shall be granted to any person who has had any occupational tax certificate revoked within two years prior to filing the current application.

- (2) The planning director or his/her designee may decline to issue a certificate when any person having an ownership or management interest in the operation of such place of business or control over such place of business does not meet the same character requirements as set forth in this section for the certificate holder.

Sec. 11-326. General operating provisions.

Hookah/vapor bar or lounge shall:

- (a) Not hold an alcohol license;
- (b) Not serve food, sell prepared package food, or allow any outside food or beverage to be consumed on the premises;
- (c) Prohibit gambling or other games of chance;
- (d) Prohibit entry to a person under age of 19 years of age, or as restricted by Georgia statute, during the time when the establishment is open for business;
- (e) Maintain a valid permit for the retail sale of tobacco products as required to be issued by the appropriate authority in the city where the establishment is located;
- (f) Maintain a valid permit to operate a hookah/vapor bar or lounge issued by the state department of revenue;
- (g) Post signs at each entrance and exit clearly stating that anyone under the age of 19, or as restricted by Georgia statute, is prohibited from entering the premises;
- (h) Abide by the following air ventilation requirements:
 - (1) Hookah/vapor bar or lounge must have and maintain a ventilation system that exhausts smoke from the business and is designed in accordance with the state building code standards for the occupancy classification in use. The air handling systems from the smoking area shall be independent from the main air handling system that serves all other areas of the building and all air within the smoking area shall be exhausted directly to the outside by an exhaust fan, provided that no person shall cause, suffer or allow any emissions of gases, vapors or odors beyond the property line from which such emissions occur to be in sufficient quantities and of such characteristics and duration as are or 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 (Sec.14-6). No air from the smoking area shall be recirculated to other parts of the building.
 - (2) During the hours of operation, the interior of the premises of a smoking bar shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernible to a person with normal vision.

Sec. 11-327. Inspection of registered establishments.

Sworn officers of the police department or code enforcement shall have the authority to inspect establishments registered under this division during hours in which the premises are open for business. Such inspection shall be made for the purpose of verifying compliance with the requirements of this division.

Sec. 11-328. Unlawful or prohibited activities.

No occupational tax certificate shall be granted to any person under the age of 18 years or who has been convicted, pled guilty or entered a plea nolo contendere under any federal, state, or local law of any crime involving moral turpitude, illegal gambling, any felony, criminal trespass, public indecency, misdemeanor involving

any type of sexual-related crime, any theft or violence against person or property, any crime of possession, sale, or distribution of illegal drugs, distribution of material depicting nudity or sexual conduct as defined under state law, criminal solicitation to commit any of these listed offenses, attempts to commit any of these listed offenses, for a period of five years prior to the date of application for such certificate and has been released from parole or probation.

Sec. 11-329. Hours of operation.

No hookah/vapor bar or lounge shall be open or operated during the hours of 11:00 p.m. to 7:00 a.m.

Sec. 11-330. Zoning Requirements.

Hookah/vapor bars or lounges are allowed to operate in any Commercial Zoning District.

Sec. 11-331. Penalties.

Any person who shall conduct a business or occupation without having obtained a license thereof, or who shall violate any other provision of this division, shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 and costs or by imprisonment not to exceed six months, or both, any and all such penalties to be imposed in the discretion of the judge of the municipal court.

Sec. 11-332. Conflicting provisions.

All ordinances, parts of ordinances or regulations in conflict herewith are repealed.

Sec. 11-333. Effective date.

That this article shall become effective upon its adoption.



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 05/22/23 06:00 PM
Department: City Clerk
Category: License
Prepared By: Jean Seigler
Initiator: Jean Seigler
Sponsors:

AGENDA ITEM (ID # 4182)

DOC ID: 4182

Approval of: Alcohol License for Wandaful Things

Shawanda Clark, acting agent for Wandaful Things is applying for an alcohol license for the sale off beer/wine by the drink to be consumed on the premises. The business is located at 151 East Williams Avenue.



The City of Kingsland, GA
107 South Lee Street
P.O. Box 250
Kingsland, GA 31548
Ph: 912-729-5613
Fax: 912-729-7618

Planning and Community Development Staff Report

City Council Meeting Date: May 22, 2023

Agenda Item: Alcohol License for Shawanda Clark.

Summary: The applicant has applied for an alcohol license for “Wandaful Things” restaurant, located at 151 E. William Ave. The purpose of the alcohol license will be for the sale of beer/wine by the drink to be consumed on the premises. No issues were found during the background and fingerprint checks.

Zoning: C-1 (Central Business District)

Staff Recommendation: Chief of Police and the Planning Department Staff recommends approval of the Alcohol License.

Scott L. Kimball
Planning & Zoning Director

Attachment: Wandaful Things (4182 : Approval of: Alcohol License for Wandaful Things)



Rick Evans, Chief of Police

Kingsland Police Department
 111 South Seaboard Street
 P.O. Box 25
 Kingsland, GA 31544
 Phone: 912-729-8255
 Fax: 912-729-8625
 www.KingslandGeorgia.com

To Shawanda Clark,

April 17, 2023

A background investigation was conducted for the Alcohol Beverage License application submitted by Shawanda Clark for Wandaful Things, 151 E. William Ave., Kingsland, GA 31548.

The findings are:

A local criminal background check was conducted for Shawanda Clark, and no criminal history was located. There is no record of Shawanda Clark having any negative contact with law enforcement with the Kingsland Police Dept. or any law enforcement in the region. An internet/social media search for Shawanda Clark was conducted and it did not produce any information that would disqualify Shawanda Clark from licensing.

I spoke with the three persons listed as references on the application.

On 10/06/2022 @ 1:41 PM, I spoke with Angie Halliwell, (808) 738-6992. Angie Halliwell stated she has known Shawanda Clark for approximately 20 years as friends. Angie Halliwell stated she knows of no reason why Shawanda Clark should not be granted this application.

On April 17, 2023, @ 1:41 PM, I spoke with Miranda Newmans, (912) 227-8382. Miranda Newmans stated she has known Shawanda Clark for approximately 20 years. Hooks stated she knows of no reason why Shawanda Clark should not be granted this application.

On April 17, 2023, @ 1:41 PM, I called Kendrah Wilson (912) 464-2303. Kendrah Wilson was unable to be contacted. Her voice message mailbox is full, and unable to record a message from me.

Based on the above information, I believe Shawanda Clark is qualified for this alcohol license.

Respectfully,

Richard Cook
 Criminal Investigations Division
 Kingsland Police Dept.
 912-729-8260

Attachment: Wandaful Things (4182 : Approval of: Alcohol License for Wandaful Things)

The undersigned hereby stipulates and states that all statements given in this application are true and correct and made for the purpose of inducing aforesaid City to issue or renew said alcoholic beverage license(s). Applicant further states this document is sworn to and subscribed hereto with the full knowledge that any statement herein, given falsely shall constitute perjury and may result in the revocation of the license granted or the refusal to grant such license. The applicant agrees to comply and abide by the City's Alcoholic Beverage Ordinance.

Applicant further acknowledges that application must be fully completed at the time of filing and that applications may not be supplemented, amended, or revised after filing with the Clerk, except to correct misspelling or names.

APPLICANT HEREBY AGREES AND CONSENTS PURSUANT TO PUBLIC LAW 93-579 OF THE PRIVACY ACT OF 1974. THE DISCLOSURE OF INFORMATION OBTAINED IN THIS APPLICATION MAY BE SUBMITTED TO ANY AGENCY OF THE CITY, COUNTY, STATE, AND FEDERAL GOVERNMENT FOR THE PURPOSES OF OBTAINING THE NECESSARY INFORMATION TO PROCESS THE APPLICATION.

INITIAL

SC I have read, understand, and will comply with all rules and regulations set forth in Ordinance No. 2003-23. (Available for viewing at City Hall, Kingsland Community Planning & Development Building, or online at www.kingslandgeorgia.com)

Sworn to and subscribed to this 14 day of July, 20 22

[Signature]

Shawanda Clark

APPLICANT (s)



..... to be completed by City Officials

Recommendation of Planning Dir. ☒ Approve ☐ Disapprove [Signature] Initials

Recommendation of Police Chief ☒ Approve ☐ Disapprove [Signature] Initials

Recommendation of Building Insp. ☒ Approve ☐ Disapprove [Signature] Initials

Date of Publication 5/4 & 5/11 2023

Dates of Reading by Council 5/22/23

Council Voted to: ☐ Approve ☐ Disapprove ☐ Initials

Date License Issued (subject to Council Approval): 5/23/23

Notice of the public hearing on the application for the license shall be published once a week for two weeks in the official newspaper of the city wherein legal advertisement are published. After the application is complete and all information is received by the license officer, a public hearing will be scheduled on the application by the council. In addition, if the proposed location does not have an existing license, a sign shall be posted by the license officer on premises at least 15 days prior to the public hearing.

Attachment: Wandaful Things (4182 : Approval of: Alcohol License for Wandaful Things)



COGENT  SYSTEMS
Georgia Applicant Processing Services

Acknowledgement

I authorize Cogent Systems, Inc. to conduct a fingerprint based criminal history record check of me.

I understand that Cogent Systems, Inc. will send my fingerprints to the Georgia Crime Information Center for a search of criminal history information in its files and to the Federal Bureau of Investigation for a search of its files when a federal record check is so authorized.

I understand that the electronic results of this fingerprint check will be received by Cogent Systems, Inc. and forwarded to the agency responsible for determining my suitability for the position for which I have applied.

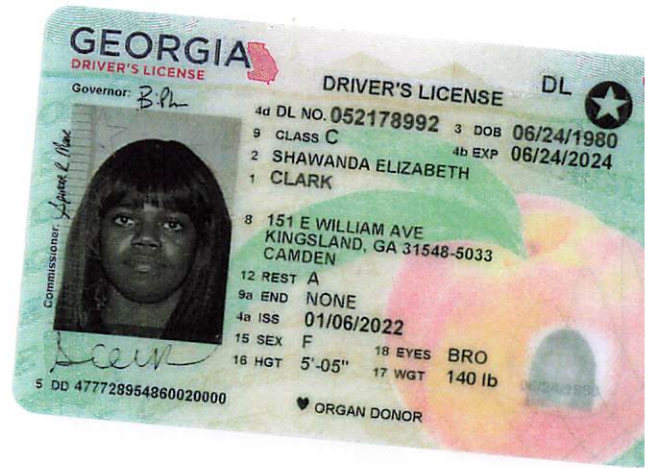
I further understand that Cogent Systems, Inc. will not maintain a copy of my record and that Cogent Systems, Inc. meets all confidentiality and security requirements for handling and dissemination of state and federal criminal history record information.

By:

Shavanda Clark

Date:

7/12/22



Attachment: Wandaful Things (4182 : Approval of: Alcohol License for Wandaful Things)



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 05/22/23 06:00 PM
Department: Finance
Category: Bid Award
Prepared By: Filiz Morrow
Initiator: Filiz Morrow
Sponsors:

AGENDA ITEM (ID # 4184)

DOC ID: 4184

Bid Award: Roof Replacements

The City requested proposals for roof replacements on four buildings - Fleet Services, City Hall, Waste Water Treatment Administration building and pump building. *Staff recommends low bidder, Brantley Roofing Company, for a total cost of \$109,259.*

City of Kingsland
 Bid Tabulation
 Building Roof Replacements
 RFP #COK 23-016
 Tuesday, May 16, 2023 @ 2:00 PM

Contractor	Fleet Services	City Hall	WWTP Admin Building	WWTP Pump Bulding	Grand Total for Complete Job
Brantley Roofing Co.	\$46,790.00	\$42,563.00	\$17,556.00	\$2,350.00	\$109,259.00
CGS, LLC	\$96,637.20	\$50,768.20	\$27,452.70	\$3,407.50	\$178,265.60
Childers Roofing & Sheet Metal	\$71,650.00	\$79,750.00	\$36,500.00	\$6,600.00	\$194,500.00
MLW Roofing	\$176,050.00	\$118,175.00	\$61,150.00	\$5,650.00	\$361,025.00

Request for Proposal was advertised in Local Newspaper, City, GMA and GA Registry Websites.



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 05/22/23 06:00 PM
Department: City Clerk
Category: Appointment
Prepared By: Jean Seigler
Initiator: Jean Seigler
Sponsors:
DOC ID: 4187

AGENDA ITEM (ID # 4187)

Appointment to the Kingsland Downtown Development Authority

On May 11, 2023, the Kingsland Downtown Development Authority (KDDA) Board approved the nomination of Amanda Moore, Lobby Manager of Pineland Bank, by ballot voting. As per Section 7 of the KDDA bylaws, the nomination is being submitted to Mayor and Council for their consideration as the official appointment to the Kingsland Downtown Development Authority Board of Directors.



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

AGENDA ITEM (ID # 4180)

Meeting: 05/22/23 06:00 PM
Department: City Manager
Category: Amendment
Prepared By: Lee Spell
Initiator: Lee Spell
Sponsors:
DOC ID: 4180

9.4

Approval Of: Ordinance 2023-07 to Amend Kingsland Code of Ordinance Sec. 14.7 - Noise Control

An amendment to city code Sec. 14-7 to protect, preserve and promote the health, safety and welfare of the citizens of the city through the control of noise, a recognized form of environmental pollution.

Staff recommends approval.

ORDINANCE 2023-07

CITY OF KINGSLAND, GEORGIA

TO AMEND CHAPTER 14, ARTICLE 1, SECTION 14-7

AN ORDINANCE TO REPEAL AND REPLACE SECTION 8-301 THROUGH 8-307 OF THE 1968 CITY CODE IN ITS ENTIRETY.

- **14-7- NOISE CONTROL**
- **- Short title.**

This article shall be known as the City of Kingsland Noise Control Ordinance.

- **- Purpose and intent.**

This article is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the city through the control of noise, a recognized form of environmental pollution. It is the intent of this article to establish objective standards that will reduce excessive community noises, which are harmful and otherwise detrimental to individuals and to the community in the enjoyment of life and property and in the conduct of business. It is not the intent of this article to regulate noises based upon its source but based upon objective volume limitations at objective distances from the source, which for purposes of this article intentionally vary based upon the time of day and reasonable expectations of persons occupying the area during the relevant time period. It is not the intent of this article to regulate speech, under either the U.S. or Georgia Constitutions. This article has been narrowly tailored as a content-neutral time, place, and manner regulation to serve a significant governmental interest while leaving open ample opportunity for communication.

- **- Definitions.**

For purposes of this article, the words, terms and phrases which follow shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning. Generally, all definitions in all applicable publications of the American National Standards Institute (ANSI) S1.1-1994, Acoustical Terminology or its successor body shall be applicable.

Administrator means the city manager or his or her designee.

Ambient sound level means the background level of all sound in a given district area independent of the specific source being measured.

Commercial area is a group of commercial facilities and the abutting public right-of-way and public spaces.

Commercial facility is any premises, property, or facility involving traffic in goods of furnishing of services for sale or profit.

Construction means any site preparation, clearing, grading, assembly, erection, demolition, substantial repair, alteration or similar action taken upon any public or private property or any structure attached hereto.

Day or daytime, for the purposes of this article, shall be the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday and between 8:00 a.m. and 8:00 p.m. on Saturday, Sunday and national holidays.

dB(A) is a unit of measurement which describes the sound level measured, using the "A" weighting scale which reflects the response characteristics of the human ear to sound. Said unit is also known as a decibel.

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

Equipment means any stationary, mobile, self-powered, or portable device or any part thereof capable of generating sound.

Farm animals means those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family, bovine family, sheep, poultry, fowl, swine, goats, llamas, vicunas, ostriches, bees, and other animals which are commonly cultured for agricultural commodities.

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the recommended maximum loaded weight of a single vehicle.

Land use the land use categories shown in "Quantitative Standard for Sound" of this article shall have the meanings ascribed to them in the city zoning ordinance. Residential classification shall include all residential districts defined in the city zoning ordinance, including but not limited to agricultural reserve (A-R). The commercial classification shall include all commercial districts defined in the city zoning ordinance. The industrial classification shall include all industrial districts defined in the city zoning ordinance.

Motor vehicle means any vehicle which relies on an engine, motor, or similar apparatus for propulsion and is used primarily for transporting persons or property upon land.

Muffler means a device designed to dissipate sound emitted by an internal combustion engine, receiving exhaust gas from the engine, or for the purpose of introducing water to the flow of the exhaust gas from the engine.

Night or nighttime, for the purposes of this article, shall be the hours between and including times between 9:01 p.m. and 12:00 a.m. Monday through Thursday, 12:01 a.m. and 6:59 a.m. Monday through Thursday, between 12:01 a.m. 6:59 a.m. on Friday, between 10:01 p.m. to 12:00 a.m. on Friday, between 12:01 a.m. and 7:59 a.m. on Saturday, between 10:01 p.m. to 12:00 a.m. on Saturday, between 12:01 a.m. and 7:59 a.m. on Sunday, and between 9:01 p.m. and 12:00 a.m. on Sunday. National holidays shall comply with Sunday hours. See "day or daytime" for complementing definition.

Noise for purposes of this article, "noise" means a sound or sounds of any kind, that is repetitive or continuous, and of sufficient duration, that a person of reasonable auditory sensitivity would consider loud, unpleasant, unexpected, or undesirable.

Noise *sensitive area* means a property or combination of properties that include a use where quiet is expected and noise would be disruptive to operations and use. For the purposes of this article, these uses shall include residential areas, hospitals, nursing homes, schools, courthouses, places of worship, libraries, cemeteries, and public parks.

Periodic sound is a sound having a sound level which varies repetitively with a period of one minute or less, which has a peak value of more than five dB(A) above the ambient level.

Person means any individual, firm, association, partnership, corporation, company, society, political subdivision, or any other entity, public or private.

Property means an interest or aggregate of rights in land which is guaranteed and protected by law including a leasehold interest.

Property boundary means an imaginary line along the ground surface and its vertical extension, which separates the real property of one or more persons from that of others. In the case of separate tenancies or ownerships which share a common wall, floor, or ceiling, the term "property boundary" means the edge of the wall, floor, or ceiling which is on the side of the receiving tenancy or ownership.

Public disturbance noise means any sound which, because of its random or infrequent occurrence, is not conducive to measurement under the quantitative standards established in this article and which endangers or injures the safety or health of humans or animals, or endangers or damages personal or real property, or annoys, disturbs or perturbs any reasonable person of normal sensitivities, or is specifically included in those listed in "Quantitative Standard for Sound."

Public park means property owned by the public containing facilities for active or passive recreational use. The path system and other paths owned by the public are considered to be public parks.

Public roadway means the entire width between the right-of-way lines of every roadway publicly maintained by the state or any county or city, when any part of the right-of-way is generally open to the use of the public for purposes of vehicular travel as a matter of right.

Receiving property means property within which sound originating beyond its property boundary is received.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause rarefaction of that medium. The description of sound may include any characteristic of such sound, including, but not limited to duration, intensity, and frequency.

Special construction vehicle means any vehicle which is designed and used primarily for grading, paving, earthmoving, and other construction work; which is not designed or used primarily for the transportation of persons or property on a public roadway; and which is only incidentally operated or moved over the roadway.

Temporary construction site means any location where site clearing, construction of plat improvements, or construction or remodeling of a structure, facility, improvement, or other feature attached to the land occurs including roadway, bikeway, trail, sidewalk, or other similar construction, repair, or improvement.

Warning device means any device intended to provide public warning of potentially hazardous, emergency or illegal activities, including but not limited to a burglar alarm or vehicle backup signal, but not including any fire alarm.

Water craft means any contrivance powered by an internal or external combustion engine or electrically powered engine used or capable of being used as a means of transportation or recreation on water.

Weekday means any day Monday through Friday which is not a legal holiday as defined by state law.

Weekend means Saturday and Sunday, or any legal holiday as defined by state law.

- **- Quantitative standards for sound.**

(a) *Unlawful sounds.* Except as otherwise provided in this article, it shall be unlawful for any person to make, continue or cause to be made or continued, or for any person in possession of property to allow to originate from the property, sound which intrudes into the property of another person and exceeds the maximum permissible sound levels established in table 1.

(b) *Maximum permissible sound levels.* Measurement of sound levels from all sources except motor vehicles on public roads, shall be made at or within the property boundary of the receiving property. Sound measurements shall be for a period of time not less than ten minutes, of which no more than ten percent of the measurement period shall exceed the limits set forth in table 1.

Table 1: Maximum Permissible Sound Levels By Receiving Property

DISTRICT OF RECEIVING PROPERTY	
SINGLE FAMILY RESIDENTIAL, NOISE SENSITIVE AREA, PUBLIC PARKS	65 dB(A) Day and Night
MULTIFAMILY DWELLING	60 dB(A)Day and 60 dB(A) Night
COMMERCIAL	70 dB(A)
INDUSTRIAL	75 dB(A)

(Ord. No. , 05/12/2023)

- **- Specific public disturbance noise prohibitions.**

In addition to the general prohibitions set forth above, it is unlawful for any person to cause, suffer, allow, or permit any of the following sounds.

(1) *Sounds occurring at any time of day or night and resulting from the following causes:*

a. *Animals and birds.*

Sounds resulting from the owning, possessing, keeping or harboring of any animal which frequently or for a continued duration, howls, barks, meows, squawks, or makes other sound which creates excessive noise across a residential or commercial real property line or within a noise sensitive area , except sounds emanating from farm animals in zones where farm animals are allowed and except the keeping or harboring of animals in commercial kennels, animal shelters, veterinary hospitals, and grooming parlors that are operating in conformance with a valid business license. For the purpose of this subsection, excessive noise shall mean an animal that makes any noise continuously and/or incessantly for a period of ten minutes, or intermittently for 20 minutes or more to the disturbance of any person at any time of day or night, regardless of whether the animal is physically situated in or upon private property; provided however, that a barking dog making any noise at a person trespassing or threatening to trespass upon property in or upon which the dog is situated shall not be considered making excessive noise.

b. Exhausts.

Sounds resulting from the use of unmuffled exhaust systems on motor vehicles, off-road vehicles, and recreational watercraft.

c. Disturbance of noise-sensitive uses.

Sounds which are loud and raucous and are made within 1,000 feet of any school, institution of learning, place of worship, court, hospital, sanitarium, nursing, or convalescent facility, while the same are in use, and which unreasonably interfere with the workings or use of such facility, or which disturb the peace, comfort, or repose of persons therein; provided, conspicuous signs be posted which indicate the nature of the institution.

d. Loudspeakers and amplifiers.

Sounds created by the use of any sound amplifier whether mounted upon vehicle or not, for the purpose of broadcasting, advertising or attracting of attention to relay information to any party about any business or activity.

e. Instrument or Amplifier.

Sounds created through the use of a musical instrument, sound amplifier, or other device capable of producing or reproducing sound, including but not limited to television and radios, when said sounds are heard as comprehensible music lyrics or rhythms that are felt:

1. Within any residence or residential lot except the residence from whence the noise originates;

or

2. Outdoors in a commercial or residential district at a distance of 100 feet or more from the noise source. Such sounds include band sessions, sound systems, and electronic sound reproduction equipment whether the source of the sound is stationary, portable, or in a vehicle. This does not pertain to sound generated from permitted events.

f. Hawkers and peddlers.

Sounds which result from the selling of anything or otherwise attracting or attempting to attract attention for any reason by outcry or use of a drum or other instrument or device within residential areas.

(2) Nighttime sounds in residential districts.

Sounds resulting from the following activities are determined to be public disturbance noise when they occur at night and are received on property in any residential district.

a. *Tools.* Operation within any residential district of any mechanically powered saw, drill, sander, grinder, blower, fan, garden tool or similar device, except devices engaged in emergency work specifically exempted by this article.

b. *Equipment.* Operating or permitting someone to operate any internal combustion powered equipment.

c. *Construction.* Construction activity, including blasting, unless a permit has been obtained or the work is specifically exempted by this article.

d. *Idling.* The operation or idling, for more than ten minutes at a time, of stationary trucks weighing in excess of 10,000 pounds GVWR, except vehicles engaged in emergency work exempted by this article.

e. *Garbage.* The collection of trash or refuse shall not be permitted between the hours of 11:00 p.m. and 6:00 a.m.

- **- Exemptions.**

(a) Sounds exempt at all times.

The following sounds are exempt, at all times, from the maximum permissible sound levels established in this article.

(1) Sounds originating from aircraft in flight and sounds which originate at airports and are directly related to flight operations.

(2) Sounds created by the operation of equipment or facilities of surface carriers engaged in interstate commerce by railroad.

(3) Noise resulting from the use of any emergency equipment and vehicle necessary for law enforcement or for the health, safety and welfare of the community, when said equipment or vehicle is used for these purposes.

(4) Sounds created by the discharge of firearms by law enforcement or similar organizations during training exercises or by anyone in an indoor rifle range, which is sited, developed and operated in accordance with all laws applicable to such activity, or firearm discharge by said organizations in the line of duty.

(5) Noises created by safety, protective, and warning devices, where noise suppression would defeat the safety purpose of the device.

(6) Sounds caused by farm animals and similar in agricultural zoning districts where said animals are permitted to be harbored or kept.

(7) Noise from any building or automobile burglar alarm provided such alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted or ten minutes if the sound is intermittent.

(8) Sounds originating from persons holding a permit for parades and other public events.

(9) Sounds created by back-up beepers, provided that at night these sounds shall not be allowed to exceed the noise level necessary to comply with the provisions of this article.

(10) Activities necessary for clean-up and site protection when weather conditions create an emergency.

(11) Activity necessary for construction or repair projects, which for reasons of public safety require that the work be done at night.

(12) Sounds created by or incident to the use of a public amphitheater, sporting arena, public park, stadium or recreation field, which is owned by a school (public or private), the city or the county and is used for its intended uses.

(13) Sounds originating from electrical substations and transmission lines.

(14) Sounds originating from stationary equipment used in the conveyance of water by a utility.

(b) *Sounds exempt during daytime hours.*

The following sounds are exempt during daytime hours, from the maximum permissible sound levels established in this article.

(1) Sounds created by construction equipment, including special construction vehicles, at temporary construction sites.

(2) Sounds created by bells, chimes, or carillons not operating for more than five minutes in any one hour.

(3) Sounds created by powered equipment which is engaged in temporary or periodic maintenance or repair of residential property.

(4) Sounds created by the installation or repair of essential utility services.

(5) Sounds created by aircraft engine testing and maintenance.

(c) *Sounds exempt during nighttime hours.*

The following sounds are exempt from the nighttime reduction provisions of this article.

(1) The use or ignition of consumer fireworks as defined in O.C.G.A. § 25-10-1 shall be permitted as set forth in Sec. 15-31 of the Kingsland Code of Ordinances.

- **- Enforcement and appeals.**

(a) Administrative and enforcement personnel.

The city manager or a person designated by the city manager is authorized and directed to administer and enforce the provisions of this article including, but not limited to, the conducting of investigation for issuance of disturbance permits. The officers of the police department and code enforcement are authorized and directed to enforce the provisions of this article through citation for violation of the provisions hereof. All city departments are authorized to assist the administrator in the administration and enforcement of this article.

(b) Whenever the police department or code enforcement department determines that a violation of any of the provisions of this article has occurred, the police department or code enforcement department may cause the issuance of a citation for infraction of this article.

Adopted this 22nd day of May, 2023

Dr. C. Grayson Day, Jr., Mayor

ATTEST:

Jean Seigler-Horne, City Clerk