



LAWRENCEVILLE

GEORGIA

CITY COUNCIL REGULAR MEETING MINUTES

Wednesday, November 17, 2021
7:00 PM

Council Assembly Room
70 S. Clayton St, GA 30046

Call to Order

PRESENT

Mayor David Still

Council Member Glenn Martin

Mayor Pro Tem Victoria Jones

Council Member Bob Clark

Council Member Keith Roche

Bicentennial Fact

Mayor David Still presented the Bicentennial Fact. He read, "Men and young boys take a break at the shingle mill about 1910 near the depot in Lawrenceville (GWN 343) – page 152 of Vanishing Gwinnett".



Prayer

Chaplin Larry Tubbs provided the invocation.

Pledge of Allegiance

Mayor Still led the group in the Pledge of Allegiance.

Agenda Additions / Deletions

Motion to approve agenda as presented made by Council Member Roche, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Approval of Prior Meeting Minutes

Motion to approve the minutes as provided made by Council Member Martin, Seconded by Mayor Pro Tem Jones.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

1. October 13, 2021 Special Call
2. October 13, 2021 Work Session

3. October 25, 2021 Regular Meeting and Executive Session
4. September 27, 2021 Regular Meeting and Executive Session

Announcements

The Mayor and Council each read a list of names of City staff members that are veterans of the armed forces.

Mayor Still also read from the event slide of upcoming City events.

Public Comment

Presentations will be limited to 2 minutes per person and Council will not respond to the comment.

Consent Agenda

These are items on which the Mayor and Council are in agreement to approve and are placed on the agenda to be approved in one vote.

City Attorney Lee Thompson read the consent agenda into record.

Motion to approve Consent agenda as read into record made by Mayor Pro Tem Jones, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

5. Purchase of new Backup Systems
6. 2022 Council Meeting Dates
7. Construction and/or Replacement of Concrete Curbs, Gutters, Catch Basins, and Sidewalks on an Annual Contract
8. Amend City Code of Ordinances Section 34-1 to allow for the County or City to bill property taxes
9. Resolution for Georgia Transportation Infrastructure Bank (GTIB) Grant Application for Scenic Highway at Jackson Street/New Hope Road Improvement Project
10. Authorize Submission of Grant Request to State of Georgia for First Responder Supplemental Pay
11. Authorize Submission of Grant Request to State of Georgia (ARP Funds) for Sewer Improvements
12. American Rescue Plan Act Funds Budget Amendment FY 2022

13. Intergovernmental Agreement with the Development Authority of Lawrenceville (LDA) for the transfer of property at 1004, tax parcel R5111 051 and 1026, tax parcel R5110 001, Lawrenceville Highway for the purposes of redevelopment
14. 2022 Amendment to Building Lease of January, 2011 with Randy's Nursery
15. Intergovernmental Agreement with the Development Authority of Lawrenceville (LDA) for the 7.072 acre tract of land known as Lawrenceville DOT Parcel PM 2816
16. Intergovernmental Agreement with the Development Authority of Lawrenceville (LDA) for the 1.22 acre tracts of land known as SR316/SR20/Reynolds Road Property (Tax Parcel R7012 016A and R7012 020)
17. Intergovernmental Agreement with the Development Authority of Lawrenceville (LDA) for the tracts of land known as Public Works Outparcel – Pike Street
18. Intergovernmental Agreement with the Development Authority of Lawrenceville (LDA) for the 1.345 acre tract of land known as Collins Hill Road at Hurricane Shoals Road Old ROW

Public Hearing New Business

Discussion will be limited to 7 minutes per side including rebuttal. Discussions on Zoning issues will be limited to 10 minutes per side including rebuttal. Questions and answers from Council Members will not infringe on the time limit.

19. SUP2021-00051; Wade Marketing & Consulting Services; 3130 Sugarloaf Parkway, Suite 1200
Planning and Development Director Todd Hargrave presented this item. The applicant Juanita Ware was present to answer questions from Council. Mayor Still opened the public hearing and hearing and seeing no one come forward the public hearing was closed.
Motion to table to December 13, 2021, meeting made by Mayor Still, Seconded by Council Member Clark.
Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche
20. Update to Article III (Noise Regulations) of Chapter 20 (Environment) of the Code of the City of Lawrenceville
City Attorney Lee Thompson presented this item. Mayor Still opened the public hearing. Mr. Steve Stokes came forward to speak on the importance of cutting out fireworks on day to day basis and only allowing them on special occasions. Mr. Stokes also spoke against the noise made by vehicles. Mayor Still closed the public hearing.

Motion to approve the amendment to the noise ordinance as provided made by Council Member Martin, Seconded by Council Member Clark.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Council Business New Business

There is no public comment during this section of the agenda unless formally requested by the Mayor and the Council.

21. Acquisition of 1 parcel located at 452 Eaton Street

Assistant City Manager Barry Mock presented this item.

Motion to approve the purchase of 452 Eaton Street made by Council Member Roche, Seconded by Mayor Pro Tem Jones.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

22. Intergovernmental Agreement with the Downtown Development Authority of Lawrenceville (DDA) to transfer 452 Eaton Street for redevelopment purposes

Assistant City Manager Barry Mock presented this item.

Motion to approve the intergovernmental agreement with the Downtown Development Authority of Lawrenceville to transfer 452 Eaton Street made by Council Member Roche, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Final Adjournment

Motion to adjourn made by Council Member Clark, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Minute Signatures

David R. Still, Mayor

Karen Pierce, City Clerk

2022 COUNCIL MEETING SCHEDULE

Work Session – 5PM	Council Meeting – 7PM
Meeting Date	Meeting Date
January 12, 2022	January 26, 2022 (Wednesday)
February 9, 2022	February 28, 2022
March 9, 2022	March 28, 2022
April 13, 2022	April 25, 2022
May 11, 2022	May 23, 2022
June 8, 2022	June 20, 2022
July 13, 2022	July 25, 2022
August 10, 2022	August 22, 2022
September 14, 2022	September 26, 2022
October 12, 2022	October 24, 2022
November 16, 2022*	November 16, 2022
December 14, 2022*	December 14, 2022

Note:

Council Meetings are normally held at 7:00 PM

Work Sessions are normally held at 5:00 PM

*November and December Work Sessions will be held at 2pm.

ORDINANCE ORD-2021-11

**AN ORDINANCE TO AMEND CHAPTER 34
OF THE CODE OF THE CITY OF LAWRENCEVILLE,
GEORGIA REGARDING TAXATION**

The City Council of the City of Lawrenceville, Georgia hereby ordains that the Code of the City of Lawrenceville, Georgia shall be amended as follows:

By deleting the Sections 34-1(b) and replacing in whole with:

(b) Assessment and fair market value. The City or the Gwinnett County Tax Commissioner, pursuant to the authority of O.C.G.A. § 48-5-359.1, may bill all ad valorem taxes, including real property and personal property. Ad valorem billing shall consist of a line item identified as taxes imposed by the City on the tax bills, and such taxes shall be collected using the due dates established by the billing entity. The Tax Commissioner, if billing City taxes, or the City Manager or Designee shall have the responsibility for the issuing of executions, levying upon properties, conducting tax sales, and pursuing collection through bankruptcy courts on behalf of the City of Lawrenceville. The City shall approve a millage rate within the City, properly advertised, on or before August 1 of each year or the date allowed by the presentation by Gwinnett County to the City of Lawrenceville of the City ad valorem digest, whichever of the two dates occurs later.

IT IS SO ORDAINED that this Ordinance shall be effective upon its adoption by the Mayor and Council of the City of Lawrenceville.

IT IS SO ORDAINED, this 17th day of November, 2021.



David R. Still, Mayor

Attest: 

Karen Pierce, City Clerk

RESOLUTION RES-2021-12

RESOLUTION OF COMMITMENT

CITY OF LAWRENCEVILLE

WHEREAS, The State Road and Tollway Authority (SRTA) has grant funding available, through the Georgia Transportation Infrastructure Bank (GTIB) program, to offer competitive grants to local governments for transportation projects that improve local communities; and

WHEREAS, the GTIB program prioritizes projects that have local funding, partnerships, are ready to proceed with construction and meet important transportation needs that improve safety, mobility and economic development; and

WHEREAS, The City of Lawrenceville desires to improve the intersection of Jackson Street, New Hope Rd. and Scenic Highway, and such improvements will improve mobility, safety and enhance economic development; and

WHEREAS, the City of Lawrenceville has funding allocated in the Capital Budget for the project; and

WHEREAS, the City of Lawrenceville has completed the design of the project; and

WHEREAS, the City of Lawrenceville has acquired all necessary Right-of-Way and Easements for the project; and

WHEREAS, the City owns and maintains Scenic Hwy North of Jackson St and New Hope Rd; and

WHEREAS, Gwinnett County owns and maintains New Hope Rd and has partnered with the City of Lawrenceville for improvements at the intersection of Jackson Street, New Hope Rd. and Scenic Highway. And both parties have a signed intergovernmental agreement that was executed on May 18, 2021 that supported the improvements; and

WHEREAS, the Georgia Department of Transportation (GDOT) owns and maintains Jackson St. (SR20) and Scenic Highway (SR 124) South of Jackson St. (SR20) and New Hope Rd. and is in support of the project and approval of the GDOT encroachment permit is expected in December, 2021; and

WHEREAS, the City of Lawrenceville seeks to apply for a GTIB Grant

NOW THEREFORE BE IT RESOLVED, the City of Lawrenceville will submit an application for grant funding from the GTIB for the project.

The Mayor and Council of the City of Lawrenceville authorize the filing of a GTIB grant application with the State Road and Tollway Authority (SRTA) in an amount not to exceed \$510,000.00, with the commitment to fund the remaining balance of the project.

1. The Mayor is authorized to execute and file an application for the GTIB grant on behalf of the City of Lawrenceville with the SRTA upon review and approval of the City Attorney.
2. The Mayor is authorized to execute and file the necessary certifications, assurances and other documents SRTA may require before awarding a GTIB grant upon review and approval of the City Attorney.
3. The Mayor is authorized to execute the grant and other agreements with SRTA on behalf of the City of Lawrenceville upon review and approval of the City Attorney.

IT IS SO RESOLVED AND ADOPTED this 17th day of November, 2021.



David R. Still, Mayor

Attest:



Karen Pierce, City Clerk

ORDINANCE ORD-2021-12

**AN ORDINANCE TO AMEND PROVISIONS RELATED TO NOISE REGULATIONS (ARTICLE III) OF
CHAPTER 20 (ENVIRONMENT) OF THE CODE OF THE CITY OF LAWRENCEVILLE, GEORGIA**

WHEREAS, the City Council of the City of Lawrenceville, Georgia recognizes that excessive community noise is detrimental to individuals and the community in the enjoyment of life and property and in the conduct of business; and

WHEREAS, the City Council also recognizes that excessive noise negatively impacts tourism, economic development, and residents making it difficult for visitors, workers and residents to enjoy places and activities; and

WHEREAS, the City Council recognizes that there has been much research concerning the effects of excessive noise which has been shown to have significant medical, social, and economic impacts; and

WHEREAS, the City Council further recognizes that uncontrolled excessive noise could be a hazard to the public health, welfare, safety, and quality of life of those living, working, and visiting the City of Lawrenceville; and

WHEREAS, the City Council is authorized to adopt ordinances for the purpose of protecting and preserving the public health, safety, and welfare of the City and its residents; and

WHEREAS, the City Council has not undertaken an extensive review of the current Noise Control Ordinance since at least 2005; and

WHEREAS, since 2005, growth and urbanization of the City has continued, and the population has continued to increase, resulting in more individuals residing more closely together and businesses being conducted in closer proximity to residential neighborhoods; and

WHEREAS, since 2005, the City has experienced a growth in mixed-use developments where residential and commercial activities are conducted in close proximity within developments; and

WHEREAS, the City is more likely to attract and retain commercial enterprises and permanent residents if the City has ordinances in place to improve and maintain appropriate noise quality; and

WHEREAS, the City Council believes that it is necessary to the public health, welfare, safety, quality of life, and economic vitality of the City of Lawrenceville and its residents and businesses to appropriately balance the rights of individuals to derive pleasure from various sources of sound with the rights of individuals to a peaceful and healthful environment; and

WHEREAS, the City Council believes that it is in the best interest of the City to revise the Noise Control Ordinance to more appropriately balance these interests and better meet the needs of residents and businesses within the City; and

WHEREAS, the Federal Government has long recognized the importance of promoting an environment free from noise that jeopardizes health and welfare of its citizens and businesses through the passage of the Noise Control Act of 1972; and

WHEREAS, the State of Georgia has also recognized the importance of noise control through the enactment of O.C.G.A. § 40-6-14(a), which regulates sound from cars and provides that "[i]t is unlawful for any person operating or occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a radio, tape player, or other mechanical sound-

making device or instrument from within the motor vehicle so that the sound is plainly audible at a distance of 100 feet or more from the motor vehicle;" and

WHEREAS, the City Council desires to protect the health, safety, and welfare of those residing in, visiting, or doing business in the City of Lawrenceville through the reasonable regulation of certain noises; and

WHEREAS, the City Council desires to adopt reasonable regulations concerning noise that are clear to follow and can be effectively and efficiently enforced; and

WHEREAS, the adoption of the proposed Noise Control Ordinance has been duly noticed and advertised in accordance with Official Code of Georgia Annotated Section 25-10-2(c); and

WHEREAS, the City Council finds that the adoption of a new and revised Noise Control Ordinance is in the best interest of the City of Lawrenceville to protect the health, safety, and welfare of its residents, visitors, and workers.

NOW, THEREFORE, BE IT ORDAINED that the City Council hereby repeals Article III (Noise Regulations) of Chapter 20 (Environment) of the Code of the City of Lawrenceville, Georgia and replaces it with a new Article III of Chapter 20 of the Code of the City of Lawrenceville, Georgia, entitled "Noise Control" as follows:

Section 1:

That all matters stated herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2:

That Article III of Chapter 20 of the Code of the City of Lawrenceville is hereby amended by replacing the entire Article and all of its sections, subsections, and provisions, with the new Article shall appear and read as follows:

Sec. 20-48. Noise control.

- (a) *Purpose.* This section is enacted as a general noise ordinance to protect, preserve, and promote the health, safety and welfare of the citizens of the City of Lawrenceville through the control of noise. It is the intent of this section to establish 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.
- (b) *Sound measurement standards.* For the purposes of this section 20-48, "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.
- (c) *Prohibited conduct.*

- (1) Restrictions of 300 feet for 8:00 a.m. through 10:00 p.m. Sunday through Thursday and 8:00 a.m. through 11:00 p.m. on Friday and Saturday.
- (i) *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 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 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 300 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 8:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 8:00 a.m. and 11:00 p.m. on Friday and Saturday.
 - (ii) *Human-produced sounds.* 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 noises or sounds which are plainly audible at a distance of 300 feet or more from the place, building, structure, or in the case of real property, beyond the property limits, in which the person is located, whichever is farthest, between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 8:00 a.m. and 11:00 p.m. on Friday and Saturday.
 - (iii) *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 300 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 property limits, in which it is located, whichever is farthest, between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 8:00 a.m. and 11:00 p.m. on Friday and Saturday.
 - (iv) *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 noise in such a manner that such noise is plainly audible at a distance of 300 feet or more from the building or structure from which the noise is emanating or in the case of real property, beyond

the property limits, on which the party or social event is located, whichever is farthest, between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday and between the hours of 8:00 a.m. and 11:00 p.m. on Friday and Saturday. For the purposes of this subsection, a "person in charge of a party or other social event" shall mean any adult person who is the owner of; resides in or on; rents, leases, or otherwise has the right to occupy the premises involved in such party or social event 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 (i) or (ii) above.

- (2) Restrictions of 100 feet for 10:00 p.m. through 8:00 a.m. Sunday through Thursday and 11:00 p.m. through 8:00 a.m. on Saturday and Sunday.
- (i) *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 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 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 motor 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 8:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 8:00 a.m. on Saturday and Sunday.
 - (ii) *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 noises or 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 property limits, on which the person is located, whichever is farthest, between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 8:00 a.m. on Saturday and Sunday.
 - (iii) *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 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 property limits, in which it is located, whichever is farthest, between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 8:00 a.m. on Saturday and Sunday.

- (iv) *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 that such noise is plainly audible at a distance of 100 feet or more from the building or structure from which the party noise is emanating or in the case of real property, beyond the property limits, on which the party or social event is located, whichever is farthest, between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 8:00 a.m. on Saturday and Sunday. For the purposes of this subsection, a "person in charge of a party or other social event" shall mean any adult person who is the owner of; resides in or on; rents, leases, or otherwise has the right to occupy the premises involved in such party or social event 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 (i) or (ii) above.
- (3) *Restrictions regarding noise produced by consumer fireworks.* The use or ignition of consumer fireworks as defined in O.C.G.A. § 25-10-1 that willfully make, continue, or cause to be made or continued any excessive or unusually loud noise, except during the following dates and times:
 - (i) On January 1, the last Saturday and Sunday in May, July 3, July 4, the first Monday in September and December 31 beginning at the time of 10:00 a.m. and up to and including the ending time of 11:59 p.m.; and
 - (ii) 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.

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) *Apartments, condominiums, townhomes, and similar residential units.* 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 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, hooting, whistling, singing, or mechanically-produced sounds made by radio-receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing, or amplifying of sound, or any combination thereof.

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.

(5) *Exclusions.* The prohibitions of this section shall not apply to the following:

- (i) Noises and/or sounds made by governmental or commercial entities in the normal course of their business;
- (ii) Noises and/or sounds emanating from any official Georgia Gwinnett College event on Georgia Gwinnett College property or Gwinnett County School District event on Gwinnett County School District property;
- (iii) Noises or sounds made by domestic animals, which noises or sounds are controlled by section 10-7 of the Gwinnett County Animal Control Ordinance, which has been adopted by the City of Lawrenceville;
- (iv) Noises and/or sounds emitted by bells, chimes, or clocks, which occur for no longer than three minutes per hour, from structures located within the Entertainment District as shown on a map maintained in the office of the City Clerk;
- (v) Live music emanating from a governmental or commercial entity located within the Entertainment District, as shown on a map maintained in the office of the City Clerk, heard at a distance less than 1,000 feet from the governmental or commercial entity during the following times: Monday – Thursday from 4 p.m. to 9 p.m. and Friday – Saturday from Noon to 11 p.m.

- (vi) 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 the O.C.G.A. § 40-6-14 and shall be enforced in accordance with said statute;
 - (vii) Noises and/or sounds that are permitted by an event/film permit issued by the City of Lawrenceville Police Department and/or Community Relations Department; provided, however, that the producer or coordinator of the event/film must comply with the terms, restrictions and conditions of the permit issued by the city;
 - (viii) Noises or sounds made by law enforcement, first responders, and other public safety officials performing their public functions;
 - (ix) Noises of safety signals and warning devices; or
 - (x) Noises emanating from aircraft or airport operations at the Gwinnett County Airport in accordance with state and federal regulations.
- (6) *Landscape maintenance devices.* Time restrictions on use of landscape maintenance motorized devices such as leaf blowers, lawn mowers, or chain saws. It is unlawful for any person to use or operate any noise-generating, motorized landscape maintenance devices, including, but not limited to, leaf blowers, lawn mowers, or chain saws, within any residential zoning district or in areas within 300 feet of any residential zoning district from 8:00 p.m. to 8:00 a.m. except that within the agricultural-residential zone no person shall use or operate any such devices within 300 feet of any residential dwelling on adjacent property between the hours of 9:00 p.m. and 8:00 a.m.
- (7) *Engine, muffler and/or exhaust system noise.* No person shall use, operate or cause to be used or operated any motor vehicle equipped (or the failure to be equipped) with an engine, muffler, muffler cutout, muffler bypass, bypass, muffler system, exhaust system, or similar device which causes a noise or sound which is plainly audible at a distance of 100 feet or more from the motor vehicle.
- (8) *Construction noise.* Between the hours of 9:00 p.m. and 7:00 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 Planning and Development. Such a request shall state:

- a. The reasons that support a claim of urgent need based on specific loss or inconvenience for such a variation from the allowable work hours;
- b. The impact that the denial of this request would have on the applicant's project and the surrounding properties;
- c. The steps which have been taken by the applicant to communicate those needs and impacts to owners of surrounding and nearby properties;
- d. The steps that have or will be taken to limit the impact of the proposed activity upon surrounding and nearby properties; and
- e. 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.

The prohibitions of this subparagraph (8) shall not apply to government road, water, sewer, stormwater construction or maintenance projects or to utility company construction or maintenance projects.

(9) *Commercial entities near single-family residential zoning districts.*

- (i) Notwithstanding any provisions of this section concerning noises and/or sounds caused to be made by commercial entities in the normal course of their business, the provisions and prohibitions of paragraph (c), "Prohibited Conduct," subparagraph (1), concerning "Restrictions of 300 feet for 8:00 a.m. through 10:00 p.m. Sunday through Thursday and 8:00 a.m. through 11:00 p.m. on Friday and Saturday" and its subparts (i) through (iii) shall apply to noises and/or sounds generated by a commercial entity that are plainly audible within any single-family residential zoning district more than 300 feet beyond the property boundary of the property from which the noises and/or sounds emanate.

- (ii) Notwithstanding any provisions of this section concerning noises and/or sounds caused to be made by commercial entities in the normal course of their business, the provisions and prohibitions of paragraph (c), "Prohibited Conduct," subparagraph (2), concerning "Restrictions of 100 feet for 10:00 p.m. through 8:00 a.m. Sunday through Thursday and 11:00 p.m. through 8:00 a.m. on Saturday and Sunday," and its subparts (i) through (iii) shall apply to noises and/or sounds generated by a commercial entity that are plainly audible within any single-family residential zoning district more than 100 feet beyond the property boundary of the property from which the noises and/or sounds emanate.

- (d) *Severability clause.* A determination of the invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, subsection or part of this section shall not affect the validity of the remaining parts of this section.

Section 3:

The penalty for a violation of this ordinance shall be as set forth in Sec 1-8 of the Code of the City of Lawrenceville, Georgia.

Section 4:

This ordinance shall be enforced by the City of Lawrenceville Police Department.

Section 5:

This ordinance shall become effective on December 1, 2021.

Section 6:

All ordinances, regulations, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict.

Section 7:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

IT IS SO ORDAINED this 17th day of November, 2021.



David R. Still, Mayor

Attest:



Karen Pierce, City Clerk