

CITY OF LAGRANGE, GEORGIA
REGULAR MEETING OF THE MAYOR AND COUNCIL

August 25, 2020

THE CITY COUNCIL MEETING WAS HELD AT GREAT WOLF CONFERENCE CENTER, 150 TOM HALL PARKWAY, LAGRANGE, GEORGIA, IMMEDIATELY FOLLOWING THE COUNCIL RETREAT.

Present: Mayor Jim Thornton; Council Members Nathan Gaskin, Mark Mitchell, Tom Gore, Jim Arrington, Willie Edmondson, and LeGree McCamey

Also Present: City Manager Meg Kelsey; City Clerk Sue Olson; Assistant City Manager Bill Bulloch; Communications Manager Katie Van Schoor; City Attorney Jeff Todd

The meeting was called to order by Mayor Thornton, the invocation was given by Council Member Dr. Willie Edmondson, and Mayor Thornton led the Pledge of Allegiance to the Flag.

On a motion by Mr. Edmondson seconded by Mr. Gaskin, Council unanimously approved the minutes of the regular Council meeting held on August 10, 2020.

A public hearing was held to receive comments on amending the noise ordinance. No comments were received and on a motion by Mr. McCamey seconded by Mr. Gaskin, Council voted unanimously to approve the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND AND RE-ADOPT THE NOISE ORDINANCE IN ORDER TO PROHIBIT THE IGNITING OF CONSUMER FIREWORKS DURING CERTAIN HOURS; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE, GEORGIA, HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That Section 35-1-19 of the code be amended by deleting said section, in its entirety, inserting in lieu thereof the following:

“Sec. 35-1-19. - Noise.

(a) *Generally.* It shall be unlawful for any person to make, continue or cause to be made or continued any loud noise or any noise which disturbs, injures or endangers the comfort, repose, health, peace or safety of other persons within the city.

(b) *Loudspeakers.* It shall be unlawful for any person, either as principal, agent or employee, to play, use or operate for advertising purposes, or for any other purpose whatsoever, on or upon the public streets, sidewalks or thoroughfares in the city, any device known as a sound truck, loudspeaker or sound amplifier, or radio or phonograph with a loudspeaker or amplifier, or any kind of instrument known as a calliope or any instrument of any kind or character which emits

therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon the streets, sidewalks or thoroughfares.

(c) *Coin-operated music machines.* It shall be the duty of the operator of every coin-operated music machine to lock the volume control on such machine and to maintain such volume so as to eliminate any disturbance to the public or to the occupants of adjoining property. In the event of the complaint of any citizen that such machine is a nuisance, the chief of police, upon investigation and the issuance by the recorder of an order to abate such nuisance, may cause the removal of such machine, and after such removal, it shall be necessary to secure a new license to operate a machine at the same location or place of business before such machine or another coin-operated machine may be installed.

(d) *Miscellaneous prohibited acts.* The following acts are declared to be loud and disturbing noises in violation of this Code, but said enumeration shall not be deemed to be exclusive:

(1) *Racing motors.* The unnecessary racing of the motor of any truck tractor, motor vehicle, motorcycle, farm tractor, road tractor or any other motor-driven vehicle in a manner as to emit loud noises;

(2) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, truck tractor or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of such signaling device when traffic is for any reason held up;

(3) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between 11:00 p.m. and 7:00 a.m. or at any time or place so as to disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity;

(4) *Animals, birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity;

(5) *Steam whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities;

(6) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(7) *Defect in vehicle or load.* The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise;

(8) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;

(9) *Schools; courts; churches; hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning or church while the same is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs patients in the hospital, provided conspicuous signs are displayed in such street indicating that the same is a school or hospital street;

(10) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood; and

(11) *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention, by the creation of noise, to any performance, show or sale.

(12) *Off-road vehicles.* The operation of any motorcycle, go-cart, dunebuggy or motorized off-road vehicles in such a manner as to cause a noise disturbance across a residential real property boundary line in any residential district. For purposes of this subparagraph, a noise disturbance is 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.

(13) *Consumer fireworks,* as that term is defined in O.C.G.A. § 25-10-1(a)(1), shall not be ignited between the hours of 9:00 p.m. and 2:00 p.m. except as provided for in O.C.G.A. § 25-10-2(b)(3)(B)(ii) and (iii) (which allows the igniting of such 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 the time of 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.).”

SECTION 2:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3:

This Ordinance after adoption by the Council and upon approval by the Mayor shall become effective immediately.

INTRODUCED AND FIRST READING _____ August 10, 2020

SUBMITTED TO MAYOR AND ADOPTED _____ August 25, 2020

SUBMITTED TO MAYOR AND APPROVED _____ August 25, 2020

BY: /s/ James C. Thornton, Mayor

ATTEST: /s/ Sue Olson, City Clerk

Mr. Edmondson thanked the City Manager and staff for a well-planned retreat that was held earlier on this date. He said he was enlightened and blessed.

Council heard the first reading of the following ordinance:

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LAGRANGE TO AMEND THE CODE OF THE CITY; TO AMEND THE CODE SO AS TO MODIFY THE PROHIBITION OF DISORDERLY HOUSES; TO PROVIDE FOR THE CHARGE OF KEEPING A DISORDERLY HOUSE AGAINST AN OWNER; TO REQUIRE NOTICE PRIOR TO CHARGE; TO PROVIDE FOR PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

In good news, closing comments Ms. Van Schoor reported that she is excited about starting the 2020-2021 LaGrange Youth Council school year. Applications are due Friday, August 28, 2020 at 5:00 p.m. and they will have ZOOM interviews starting next week. They hope to have all of the new members installed at the September 22, 2020 City Council meeting. All students who are turned away, especially county residents, will be offered an opportunity to intern with the City. We look forward to a great year.

On a motion by Mr. McCamey seconded by Mr. Arrington, Council voted unanimously to adjourn to Executive Session to discuss personnel and potential litigation. Mayor Thornton recused himself from the meeting due to conflict of interest.

There was no other business and the meeting was adjourned by Mayor Thornton.

Mayor

City Clerk