

## DeKalb residents complain nearby UPS center violating noise laws

The din is continuous outside Phillip King's home. But it gets worse at peak times, when shift changes increase the number of truck entering and leaving the UPS distribution center.

When King's neighbors come home from work in the evening, they are met with the crashing, beeping and drumming sounds.

"Around 9 or 10 o'clock on Tuesdays, it normally shakes your house," he said.

The racket wakes them up in the wee hours of the morning and sends them off to work the next day.

It's gotten so bad that King, who is recovering from illness, has decided to move from the Northcrest neighborhood, outside Doraville in DeKalb.

Though they haven't managed to satisfy all the residents, UPS representatives say they have been responsive about the noise complaints, which date back to at least the early 2000s.

Headquartered in Atlanta, UPS is the world's largest package delivery company, reporting net revenue of \$66 billion in 2017. The Pleasantdale Road facility, located just outside Doraville, was built in 1977.

"In an effort to be a good neighbor, UPS has taken a number of steps that reduce the amount of light and sound at our facility," company spokesman Matthew O'Connor said. "We continue to be open to constructive conversations about this situation."

The company says it has also quieted warning beepers on vehicles, planted additional trees and updated company policies to reduce the frequency and amount of noise.

Commissioner Nancy Jester's district includes the neighborhood in question, and she facilitated meetings between UPS and homeowners. She said the company spent a lot of time and money addressing the residents' issues, but some are still unhappy. The rise of e-commerce means things are only getting busier at the distribution center.

DeKalb County's nuisance ordinance makes it illegal for any sound from industrial or commercial areas to be audible inside a single-family home between the hours of 11 p.m. and 7 a.m. UPS was cited for violating the ordinance at 11:40 p.m. on Sept. 19, after King called police to complain.

The company received a similar citation in 2016 but was found not guilty.

A few days before a scheduled hearing in February, UPS met again with neighbors. Homeowners left the meeting feeling like UPS still wasn't doing enough to address the problems. The day after, the company took the unusual step of requesting a jury trial.

O'Connor refused to elaborate on the reasoning, citing UPS's policy to not comment on pending legal matters. The trial is scheduled for June 5.

Other attorneys who specialize in these types of disputes say it looks like the company is playing hardball.

"It's a way to delay it because, if you ask for a jury trial, it's moved out of magistrate to state court," Attorney **Richard Robbins** said.

He represented developers of a luxury apartment complex in West Atlanta last year after drilling at a nearby rock quarry caused residents to flee. Robbins, who was not familiar with the Northcrest-UPS dispute, said the jury trial adds an additional layer of complexity to the case and puts more burden on residents who complained.

"They're going to need counsel, and the problem with most homeowners and homeowner groups is they don't have that much money for legal defense," he said.

Robbins has also defended businesses from the other side, making the "buyer beware" argument.

"My response was, 'You moved here.' There isn't some secret operation here," Robbins said.

Homeowners say the disturbances from UPS have gotten worse in recent months, particularly during the Christmas shopping season. They recently launched a website, UPSnoise.com, where they provide video testimonials and updates on meetings and court proceedings.

Jamie Crosby, who lives up the street from King, said the noise gets bad from 7:30 p.m. to midnight during the week, then it picks up again around 3:30 a.m. He noticed an "animal, guttural squeal" that he initially thought was a coyote howling.

"This loud metal-on-metal or metal-on-concrete crashing just rattles the house," he said. "And especially during the holidays, it's quite ridiculous."

Crosby said the best solution could be UPS building sound wall or other kind of barrier along the property line. He wants county officials to get more involved in mitigating the dispute.

"It just seems like our local government and UPS haven't wanted to play ball," he said. "I feel like it's one of our city's largest companies, and they kind of turn a blind eye to it a little bit."