

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE #381

**AN ORDINANCE TO ESTABLISH NOISE NUISANCE REGULATIONS
IN THE UNINCORPORATED AREAS OF LANCASTER COUNTY**

WHEREAS, as an incident to the enactment of this ordinance, the County Council of Lancaster County, as the governing body of Lancaster County, has made the following legislative findings: Inadequately controlled noise may present a growing danger to the health and welfare of the residents of the County. The making and creating of excessive or unusually loud noises within the jurisdictional limits of Lancaster County is a condition which has persisted and the level and frequency of occurrence of such noises continue to increase. The making, creation or continuance of such excessive noises which are prolonged or unusual in their time, place and use, effect and are a detriment to the public health, comfort, safety and welfare of the residents of Lancaster County. Every person is entitled to an environment in which excessive or unusually loud noise is not detrimental to his or her life, health and enjoyment of property. Any unreasonably loud, disturbing or unnecessary noise which causes discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is prohibited. Any noise of such character, intensity and continued duration which substantially interferes with the comfortable enjoyment of private dwellings by persons of ordinary sensibilities is hereby declared to be a nuisance. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared to be a matter of legislative determination and public policy and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in the pursuance of and for the purpose of securing and promoting the public health, comfort, safety, welfare, peace and quiet of the County of Lancaster and its inhabitants. Counties are authorized, pursuant to South Carolina Code of Laws Section 4-9-25, to enact ordinances to protect and promote the health, security general welfare and safety of the counties of preserving the health, peace, order and good governments in them and/or for the citizens in them. Counties are further authorized by South Carolina Code of Laws Section 4-9-30 (16.2) to obtain injunctive relief to make nuisances created by the operation of noisy or disorderly business establishments. It is further found that in many circumstances, the problems created by such noise can be best solved by better communication between neighbors, which the County encourages, but that those problems can become sufficiently severe to warrant the impositions of the provisions and prohibitions set forth in this chapter; and

WHEREAS, excessive sound and vibration are a serious hazard to the public health, welfare, safety, and the quality of life; and

WHEREAS, the Lancaster County Council wishes to ensure and protect the public welfare of the citizens of the county by prohibiting excessive noise in the unincorporated areas of Lancaster County.

NOW, THEREFORE, THE LANCASTER COUNTY COUNCIL HEREBY ORDAINS THE FOLLOWING.

SECTION 1: DEFINITIONS

- 1.1 Excessive noise means to willfully make or continue, or cause to be made or continue, any loud, unnecessary and unusual noise which disturbs the peace and quiet of any unincorporated area or which causes discomfort or annoyance to any person in an unincorporated area of the county. This shall include, but not be limited to, noises made by motor vehicles, mechanical devices, electrical devices, electronic devices, human voice, musical instruments, and all activities accessory to residential living. In determining whether an occurrence constitutes a violation under this section, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- (1) The intensity of the noise;
 - (2) The general characteristics of the area where the noise is occurring;
 - (3) The time of day or night that the noise is occurring;
 - (4) The reasonable expectation of quiet that could be expected by individuals on public or private property surrounding the area where such noise is occurring;
 - (5) In the case of motor vehicles, whether or not such vehicles are equipped with mufflers and/or such suppression devices which keep exhaust noises down to a level equal to or below that which the manufacturers of such vehicles provided as original equipment designed for acceptable street use.
- 1.2 Enforcement. The provisions of this ordinance shall be enforced by the County Sheriff's Department.
- 1.3 Penalties. The violation of any section of this Ordinance shall constitute a misdemeanor and shall be punishable as provided in SECTION 3 of this Ordinance.

SECTION 2: PROHIBITED ACTS

2.1 *Noise Disturbances Prohibited*

No person shall unreasonable make, continue, or cause to be made or continued any noise disturbance. Non-commercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this Section.

2.2 *Special Prohibitions*

The following acts, and the causing thereof, are declared to be in violation of this Ordinance.

2.2.1 *Radios, Television Sets, Musical Instruments and Similar Devices*

Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound:

- (a) Between the hours of 10:00 p.m. and 8:00 a.m., the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone (except for activities open to the public and for which a permit has been issued by the appropriate authority); or*
- (b) In such a manner as to create a noise disturbance at 50 feet (15 meters) from such device, when operated in or on a motor vehicle on a public right-of-way or public space or in a boat on public waters; or*
- (c) In such a manner as to create a noise disturbance to any person other than the operator of a device, when operated by any passenger on a common carrier.*

2.2.2 *Loudspeakers/Public Address Systems*

- (a) Using or operating for any non-commercial purpose any loudspeaker, public address system, or similar device between the hours of 10:00 p.m. and 8:00 a.m. the following day, such that the sound there from creates a noise disturbance across a residential real property boundary or within a noise sensitive zone.*

- (b) *Using or operating for any commercial purpose any loudspeaker, public address system, or similar device (1) such that the sound there from creates a noise disturbance across a real property boundary or within a noise sensitive zone; or (2) between the hours of 10:00 p.m. and 8:00 a.m. the following day on a public right-of-way or public space.*

2.2.3 Places of Public Entertainment

Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces, or amplifies sound at any place of public entertainment between the hours of 10:00 p.m. of one day and 8:00 a.m. of the following day.

2.2.4 Motor Vehicles and Motorcycles on Public Rights-of-Way

- (a) *No person shall operate or cause to be operated any motor vehicles or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation.*
- (b) *No person shall remove or render inoperative or cause to be removed or rendered inoperative other than for purposes of maintenance, repair or replacement any muffler or sound dissipative device on a motor vehicle or motorcycle.*
- (c) *No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds acceptable noise level.*
- (d) *No person shall sound or cause to be sounded any horn or other auditory signaling device on or in any motor vehicle on any public right-of-way or public space, except as a warning of danger. Authorized emergency vehicles may use warning sounds at any time.*

SECTION 3: ENFORCEMENT AND PENALTIES

- 3.1 *The provisions of this Ordinance shall be enforced by the County Sheriff's Office. All citizens' complaints shall be directed to the Sheriff's Office.*

- 3.2 Any person deemed to be in violation of this Ordinance shall be issued a warning upon the first offense. Upon the second offense, a citation charging such person(s) with a misdemeanor will be issued. A guilty plea or judgment by the Lancaster County Magistrate's Court shall be punishable by a fine of no more than \$100.00 for the second offense and \$250.00 and/or 30 days in jail for the third and following offenses.

SECTION 4. SEPARABILITY

- 4.1 The provisions of this ordinance are hereby declared to be separable and, if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

This ordinance shall become effective upon its passage and execution by the Lancaster County Council.

AND IT IS SO ORDAINED this 5th day of June, 2000.

LANCASTER COUNTY COUNCIL

Ray E. Gardner, Chairman

Polly C. Jackson, Secretary

Approved as to form and content:

William R. Sims, County Attorney

ATTEST:

Irene Plyler, Clerk to Council

1st reading: 05-01-2000

2nd reading: 05-22-2000

3rd reading: 06-05-2000