



Special Public Safety Committee

3:00 p.m., Tuesday, November 29, 2022

1207 Palm Boulevard, Isle of Palms, SC

City Hall Council Chambers

Public Comment:

All citizens who wish to speak during the meeting must email their first and last name, address, and topic to City Clerk, Nicole DeNeane at nicoled@iop.net no later than **3:00 p.m. the business day before the meeting**. Citizens may also provide written public comment here: <https://www.iop.net/public-comment-form>

Agenda

1. **Call to Order** and acknowledgment that the press and the public have been duly notified of the meeting in accordance with the Freedom of Information Act.
2. **Citizen's Comments** – All comments will have a time limit of three (3) minutes.
3. **Purpose** – Discussion of proposed amendments to the noise ordinance.
4. **Adjournment**

Sec. 9-2-5. Noise.

- a. *Declaration; specific noises.* It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any noise in the City that is unreasonably loud or disturbing in the circumstances to a reasonable person of ordinary sensibilities except as expressly allowed pursuant to subsections e. and f. of this section. The following are declared to be unreasonably loud or disturbing noises in violation of this section, but such acts shall not be deemed to be exclusive:
- (1) *Blowing horns.* Except as required by law, no person shall blow or cause to be blown within the City any steam whistle, electric horn, or other signaling or warning device, except as alarm signals in case of fire or collision or other imminent danger.
 - (2) *Pets.* It shall be unlawful to keep, stable, harbor or maintain any animal or bird which disturbs the comfort or repose of any reasonable person of ordinary sensibilities in the vicinity by making continually or frequently loud noise.
 - (3) *Loudspeakers, etc.* It shall be unlawful to use, maintain or operate loudspeakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the street, sidewalks, parks or other outdoor public places owned or under the control of the City, except as permitted under subsection e. and f. of this section; provided, however, that any City-owned property subject to a commercial lease and a noise control agreement or permit is exempt from the requirements of this paragraph.
 - (4) *Hawking or peddling.* It shall be unlawful for any person to make any noise on a public street or in such proximity thereto as to be distinctly and loudly audible on such street by any kind of crying, calling, or shouting or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of attracting attention or of inviting patronage of any persons to any business whatsoever. It is the express intention of this paragraph to prohibit hawking, peddling, soliciting or using other loud noises to attract attention to a business and not to prohibit the spill-over noise emanating from a lawfully operating business.
 - (5) *Radios, phonographs, televisions, etc.* The use, operation or playing of or permitting the use, operation or playing of any radio, hi-fi, stereo system, phonograph, piccolo, television or any musical instrument in such manner or with such unreasonably loud volume in the circumstances as to disturb any reasonable person of ordinary sensibilities, or the playing of such instrument in such manner as to disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in any dwelling or other residence.
 - (6) *Use of vehicle.* The use of any automobile, motorcycle, motor boat, personal watercraft, water jet pack or other type of vehicle in such a state of disrepair, or so loaded, or used or repaired in such a manner as to create unreasonably loud or disturbing noises in the circumstances, particularly grating, grinding, rattling, riveting, revving or other disturbing noises.
 - (7) *Exhaust discharge.* To discharge into the open air the exhaust from any steam engine, stationary internal combustion engine, motor boat engine, motorcycle or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (8) *Noise in proximity to schools, courts, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court, while the same is in session, or adjacent to any church during church services, which interferes with the work or worship at any such place or institution.
- b. *Amplified Music—Nighttime play.* It shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument (including but not limited to brass

or drum instruments), or other amplification device or apparatus making or reproducing musical or other sounds between the hours of 10:00 p.m. and 10:00 a.m., Sunday through Thursday, or between the hours of 11:00 p.m. and 10:00 a.m., Friday and Saturday, in such a manner as to be plainly audible in any adjacent street or right-of-way, adjacent place of public accommodation, or adjacent dwelling or other residence. For the purpose of this section, plainly audible shall mean any sound that can be detected by a reasonable person of ordinary sensibilities using his or her unaided hearing faculties.

- c. *Amplified Music—Daytime Play.* It shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument (including but not limited to brass or drum instruments), or other amplification device or apparatus making or reproducing musical or other sounds between the hours of 10:00 a.m. and 10:00 p.m., Sunday through Thursday, or between the hours of 10:00 a.m. and 11:00 p.m. Friday and Saturday, in such a manner or with such unreasonably loud volume in the circumstances as to disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in any dwelling or other residence.
- d. *Piledrivers and other apparatus, tools or equipment.* It shall be unlawful for any contractor, subcontractor, landscaper, supplier or vendor to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists, or other apparatus, tools or equipment, the use of which is attended with loud or disturbing noises, at any time other than between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday. No such use shall be permitted on Sundays or on the following legal holidays: New Year's Day; Memorial Day; Fourth of July; Labor Day; Thanksgiving Day; and Christmas Day. Approval for such use may be granted by the City for performing emergency repairs outside of the hours specified. Nothing in this paragraph shall be construed to prohibit an owner or member of an owner's immediate family from performing maintenance, repairs, or other work on their own property at any time, provided that such work is otherwise in compliance with City ordinances.
- e. *Public interest events.* Notwithstanding any other provision of this section, on application to, and approval by, the Chief of Police, written permits may be granted to broadcast programs of music, speeches, general entertainment, or announcements as a part of and incident to community celebrations of national, State, or City occasions, public festivals, or other public interest events, provided that traffic on the streets is controlled. In determining whether or not to issue such a permit, the Chief of Police shall weigh the public interests in the event against the noise and disturbance anticipated to be created by the event and must consider the intensity and duration of the noise and the area that will likely be affected. The language or content emanating from the event shall not be considered.
- f. *Exceptions.* None of the foregoing prohibitions shall apply to or be enforced against:
 - (1) Any City vehicle engaged in City business;
 - (2) Any City-hosted, City-sponsored or City-sanctioned special events;
 - (3) Excavations or repairs of bridges, streets or highways, by or on behalf of the City, county or state during the night, when the public welfare and convenience renders it impossible to perform the work during the day; nor shall the same apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefor;
 - (4) Construction activities performed by or on behalf of a governmental agency, including, but not limited to, construction, repair or maintenance of public buildings and drainage facilities, dredging activities, beach renourishment activities, and other public projects.
- g. *Enforcement factors.* Factors to be considered in determining whether a noise is unreasonably loud, disturbing, or excessive for the purposes of this section shall include, but are not limited to, any or all of the following:
 - (1) The intensity and volume of the noise;

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- (2) The intensity of the background noise, if any;
 - (3) Whether the nature of the noise is usual or unusual;
 - (4) Whether the origin of the noise IS associated with nature or human-made activity;
 - (5) The proximity of the noise to sleeping facilities;
 - (6) The land use, nature, and zoning of the area from which the noise emanates and the area where it is received;
 - (7) The time of day or night, along with the day of the week and time of year, when the noise occurs;
 - (8) The time duration of the noise;
 - (9) Whether the sound source is temporary;
 - (10) Whether the noise is recurrent, intermittent or constant;
 - (11) Whether or not noise abatement measures are possible and whether or not they are used to reduce the noise level;
 - (12) The number of people and their activities that are affected by the noise;
 - (13) The existence of complaints concerning the noise from persons or premises affected by the noise;
 - (14) Whether the noise in the circumstances would disturb a reasonable person of ordinary sensibilities; and
 - (15) The nature of any communicative content of the noise shall not be considered for the purpose of this section.
- h. *Violations and penalties.* A violation of this section is a misdemeanor punishable pursuant to section 1-3-66. Each day that a violation continues shall constitute a separate offense.
- i. *Nuisance.*
- (1) Violation of this section is hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.
 - (2) In addition to the penalties set forth in subsection (h) of this section, repeated violations of this section by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of any business license issued to the premises on which the violations occurred in accordance with section 7-1-15.
- (Code 1994, § 9-2-5; Ord. No. 1999-15, 6-22-1999; Ord. No. 2001-4, § 1, 3-27-2001; Ord. No. 2003-15, § 1, 11-25-2003; Ord. No. 2016-02, § 1, 2-23-2016; Ord. No. 2018-04, § 1, 4-24-2018)

ORDINANCE 2022-

AN ORDINANCE AMENDING TITLE 9, OFFENSES, CHAPTER 2, OFFENSES AGAINST PUBLIC PEACE, TO REPEAL AND REPLACE SECTION 9-2-5, NOISE, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Section 9-2-5, "Noise," is hereby deleted in its entirety and replaced with the following new Section 9-2-5, "Noise," to state as follows:

"Sec. 9-2-5. Noise.

- a. *Definitions.* In addition to the common meaning of words, the following definitions shall be used in interpreting this section.
 1. *"A" weighted scale.* The sounds pressure level, in decibels, as measured with the sound level meter using the "A" weighted network (scale). The standard unit notation is "dB(A)."
 2. *Amplified sound.* Sound augmented by any electronic means which increases the sound level or volume.
 3. *ANSI.* American National Standards Institute or its successor bodies.
 4. *Complainant.* Any owner, lessee, manager or person with a legal interest in real property within the corporate limits of the City who reports to the police department being disturbed by sound heard at their residence or place of business and not originating therefrom.
 5. *Construction.* On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility or addition thereto, including all related activities, including, but not restricted to, clearing of land, earth moving, blasting and landscaping.
 6. *dB(A).* Sound level in decibels, determined by the "A" weighted scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI, S 1.4-1971, or its successor publication(s).

7. *Decibel (dB)*. a unit of level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.
8. *Excessive noise*. Any unnecessary or unusually loud sound or any sound which disrupts the peace and quiet of any neighborhood and which does annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensibilities.
9. *Emergency work*. Work made necessary to restore property to a safe condition, work required to protect, provide, or prevent persons or property from danger or potential danger, or work by a private or public utility when restoring utility service.
10. *Person*. Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, or agency.
11. *Plainly audible*. Able to be clearly heard by a person of normal sensibilities using only unaided auditory senses. *Plainly audible* shall refer to a sound heard at a volume level above that of normal conversation and shall not include sounds which are just barely audible. With respect to music and amplified sounds, the detection of rhythmic base reverberating type sound, beat or cadence shall be deemed plainly audible.
12. *Receiving property*. Any residence or place of business on which uninvited noise is plainly audible.
13. *Sound level*. In decibels, a weighted sound pressure level determined by the use of a sound level meter whose characteristics and frequency weightings are specified in ANSI standards.
14. *Sound level meter*. is an instrument including a microphone, an amplifier, an output meter, and "A" frequency weighting network for the measurement of sound levels that conforms to American National Standards Institute (ANSI) Standard S 1.4-1971 "Specifications for Sound Level Meters," or the latest revision.
15. *Sound pressure level*. In decibels, twenty (20) times the logarithm to base 10 of the ratio of the magnitude of a

particular sound pressure to the standard reference pressure. The standard reference pressure is 0.0002 microbars.

16. *Sound source.* Any person, animal, device, operation, process, activity, or phenomenon which emits or causes sound.

17. *Uninvited noise.* Noise not originating from the receiving property.

b. *Noise measurement.* Noise measurements shall be employed by the police department in the following manner:

1. Noise measurements shall be made using a sound level meter taken from the property line of the complainant's property. If measurement is not possible from the property line from the complainant's property, noise measurements may be taken at the nearest boundary line of the public right-of-way.
2. No individual other than the sound meter operator(s) shall be within ten (10) feet of the sound level meter during the sample period.
3. Sound measurements shall be conducted at that time of day or night when the suspect noise is emitting sound.
4. The sound level meter shall be employed in accordance with the manufacturer's instructions.
5. It shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound level measurements.

c. *Maximum decibel levels.* Unless otherwise specifically indicated, it shall be unlawful for any person to cause or allow the emission of sound from any source or sources which, when measured pursuant to paragraph (b) above, to exceed:

1. 60dB(A) during daytime hours (10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 11:00 p.m. Friday and Saturday) in residential zoning districts;
2. 75 dB(A) during daytime hours (10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 11:00 p.m. Friday and Saturday) in commercial zoning districts; and

3. 55dB(A) during evening hours (10:00 p.m. to 10:00 a.m. Sunday through Thursday and 11:00 p.m. to 10:00 a.m. Friday and Saturday) in residential and commercial zoning districts.

The sound meter operator may cease taking readings as soon as the readings already taken show a violation of this ordinance.

d. *Excessive noise prohibited.*

1. It shall be unlawful for any person to intentionally produce, intentionally cause to be produced, or intentionally participate in the producing any excessive noise within the municipal limits.
2. In determining whether a sound is excessive noise for purposes of this section, factors that may be considered include, but are not limited to:
 - a. The volume of the noise;
 - b. The intensity of the noise;
 - c. Whether the nature of the noise is usual or unusual;
 - d. Whether the origin of the noise is natural or unnatural;
 - e. The volume and intensity of the background noise, if any;
 - f. The proximity of the noise to residential sleeping facilities;
 - g. The nature and zoning of the area within which the noise emanates;
 - h. The time of the day or night the noise occurs;
 - i. The duration of the noise; and
 - j. Whether the noise is recurrent, intermittent, or constant.

The determination of whether a noise or sound is excessive noise shall be made without considering the content of any message conveyed by the noise or sound.

e. *Specific prohibitions.* The following acts are specifically prohibited:

1. Horns/signaling devices. The sounding of any horn or signaling device on any motor vehicle or any street or public place, except as a danger warning.
2. Radios, televisions, musical instruments, and similar devices. The operating or playing of any radio, television, phonograph, musical instrument or similar device which produces or

reproduces sound in a manner as to be plainly audible from inside any residence or place of business other than the sound source.

3. Amplified sound. Amplified sound that is plainly audible from inside of a residence or place of business of a receiving property and not originating from the receiving property.
 4. Mufflers. Sound emitting from a motor vehicle's muffler in violation of S.C. Code Ann. § 56-5-5020.
 5. Loudspeakers, etc. It shall be unlawful to use, maintain or operate loudspeakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the street, sidewalks, parks or other outdoor public places owned or under the control of the City, except as permitted under paragraph (g) of this section; provided, however, that any City-owned property subject to a commercial lease and a noise control agreement or permit is exempt from the requirements of this paragraph.
 6. Hawking or peddling. It shall be unlawful for any person to make any noise on a public street or in such proximity thereto as to be distinctly and loudly audible on such street by any kind of crying, calling, or shouting or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of attracting attention or of inviting patronage of any persons to any business whatsoever. It is the express intention of this paragraph to prohibit hawking, peddling, soliciting or using other loud noises to attract attention to a business and not to prohibit the spill-over noise emanating from a lawfully operating business.
- f. *No employee liability.* No employee of any place of business acting within the scope of his or her employ shall be liable for a violation of this section, unless an employee is also an owner of the business.
- g. *Exceptions.* This section shall not apply to the following sources:
1. Any City-hosted, City-sponsored or City-sanctioned special events.
 2. Excavations or repairs of bridges, streets or highways, by or on behalf of the City, county or state during the night, when the public welfare and convenience renders it impossible to perform the work during the day; nor shall the same apply to

work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefor.

3. Construction activities performed by or on behalf of a governmental agency, including, but not limited to, construction, repair or maintenance of public buildings and drainage facilities, dredging activities, beach renourishment activities, and other public projects.
4. It shall be unlawful for any contractor, subcontractor, landscaper, supplier or vendor to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists, or other apparatus, tools or equipment, the use of which is attended with loud or disturbing noises, at any time other than between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday. No such use shall be permitted on Sundays.
5. The maximum decibel level shall not exceed dB(A) during daytime hours (10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 11:00 p.m. Friday and Saturday) in the GC-2 general commercial zoning district.

- h. *Violations.* Any person who violates any provision of this section shall be fined not more than \$500 or imprisoned for not more than 30 days. However, no penalty shall exceed the penalty provided by state law for similar offenses. A separate offense shall be deemed committed on each day that a violation occurs or continues.”

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2022.

Phillip Pounds, Mayor

(Seal)

Attest:

Nicole DeNeane, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____

DRAFT

NOISE LEVELS

