



Public Safety Committee

10:00 a.m., Thursday, January 26, 2023

1207 Palm Boulevard

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 Nicole DeNeane, City Clerk, at nicoled@iop.net no later than **3:00 p.m. the 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. **Election of Chair and Vice Chair**
3. **Citizens' Comments** – All comments have a time limit of three (3) minutes.
4. **Old Business**
 - a. Discussion of changes to the noise ordinance
 - b. Discussion of the alternative configurations for the IOP Connector
5. **New Business**
 - a. Discussion of drone rules and regulations
 - b. Discussion of request to lower speed limit at Oak Harbor Blvd from 25 mph to 10 or 15 mph
 - c. Discussion of regulations of electric bikes on the beach
 - d. Discussion of firework regulations
 - e. Discussion of installing a people counter system at the public dock
 - f. Discussion of improvements to the Harris Teeter entrance to improve safety
 - g. Discussion of Police Department annual award ceremony
 - h. Consideration of approval of an amount not to exceed \$18,000 for the purchase of 9 AED Defibrillators [FY24 Muni ATAX, Fire Department, Non-Capital Tools & Equipment]
6. **Miscellaneous Business**

Set standing meeting date
7. **Executive Session** – If needed
8. **Adjournment**

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 anywhere within the boundary line of the of the complainant's property. If measurement is not possible from the properly 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) on residentially occupied properties;
2. A75 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) on commercially occupied properties; 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. 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. .

2. Mufflers. Sound emitting from a motor vehicle's muffler in violation of S.C. Code Ann. § 56-5-5020.
 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 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.
 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.
- 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, 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.
5. The maximum decibel level shall not exceed 85 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. Permits for additional amplification

- a. *Application.* An application for a permit for additional amplification on commercially used property under this section shall be submitted to the Isle of Palms Police Department [Or City Council] at least thirty (30) business days in advance of the planned use. The application shall designate and provide contact information for an individual person who shall be in control of the sound amplification equipment and ensure that its use complies with the terms of the permit.
- b. *Notice of tentative approval.* Upon tentative approval, the applicant for a permit shall be responsible for giving written notice of the name, nature, date, and time period of the event, and the name of and contact information for the permit holder to the occupants of each property within 500 feet of the property for which the permit has been granted. The notice shall be hand delivered to each occupant or, if the occupant is unavailable, affixed to the front door of the building or business or residential unit at least 72 hours in advance of the event. The permit shall not be actually granted and issued until the applicant submits a notarized statement affidavit to the Isle of Palms Police Department that such notices have actually been so delivered.

- c. *Limits on hours.* Permits for additional amplification at a commercially used property, shall be limited to 15 hours in a calendar year. Permits issued pursuant to this section may allow additional amplification only between 10:00 a.m. and 10:00 p.m. Sunday through Thursday and between 10:00 a.m. and 11 :00 p.m. on Friday or Saturday.
- d. *Sound limits.* In no event shall a permit be granted which allows the creation of sounds registering more than 85 db(A) anywhere within the boundary line of the nearest residentially occupied property.
- e. *Denial;* issuance of exceptional permit. If an applicant has been denied a permit under this section and believes the denial is illegal by virtue of applicable state or federal law, he shall promptly submit a copy of the denied permit application together with a short statement of the reasons he believes he is entitled to a permit to the city manager or his designee. The city manager or his designee shall have the discretion to grant an exceptional permit waiving locational, time, and/or db(A) requirements, upon his determination that the applicant has made a substantial showing of legal entitlement. Any such exceptional permit shall be promptly reported to the city council.
- f. *Violation.* It shall be unlawful to violate the restrictions or requirements of this section or the terms of a permit issued pursuant to this section.
- i. *Violations.* Any person who violates any provision
- j. 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.”
- k. (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.

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: _____

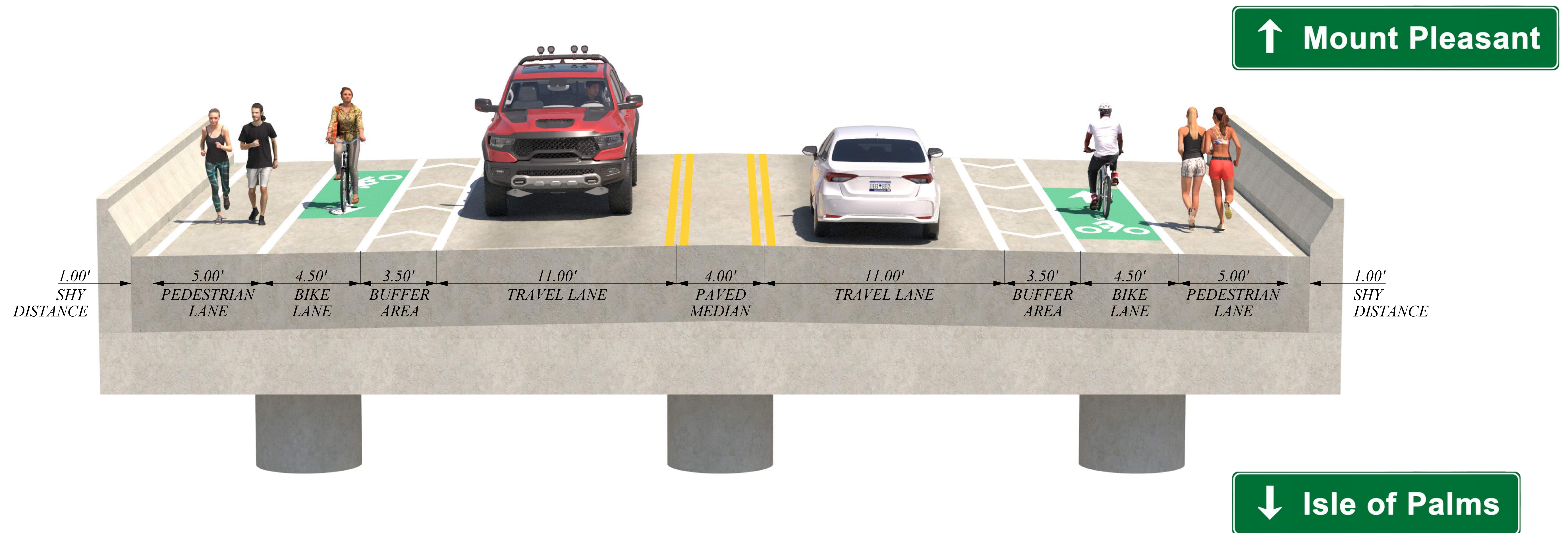
Public Hearing: _____

Second Reading: _____

Ratification: _____

DRAFT

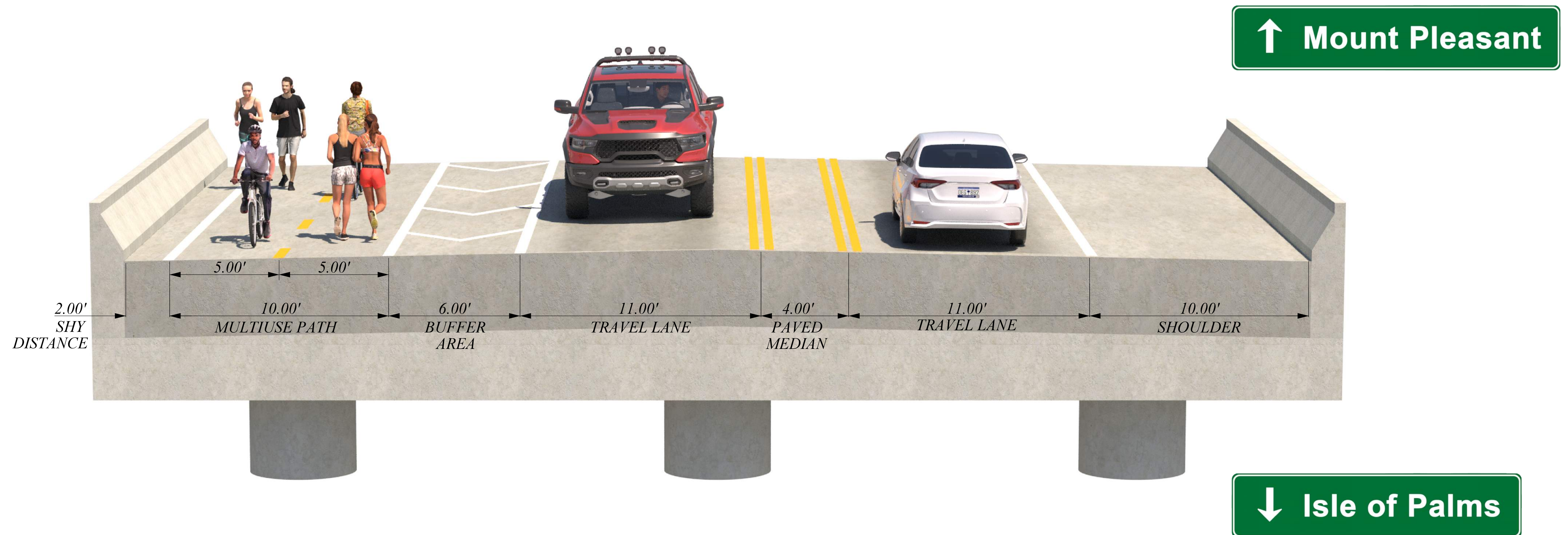
EXISTING CONFIGURATION



Notes:

1. One travel lane in each direction.
2. Bike / Ped accommodations on each side in a single direction.
3. Ties to both Multi-Use Paths on the north end of the bridge.

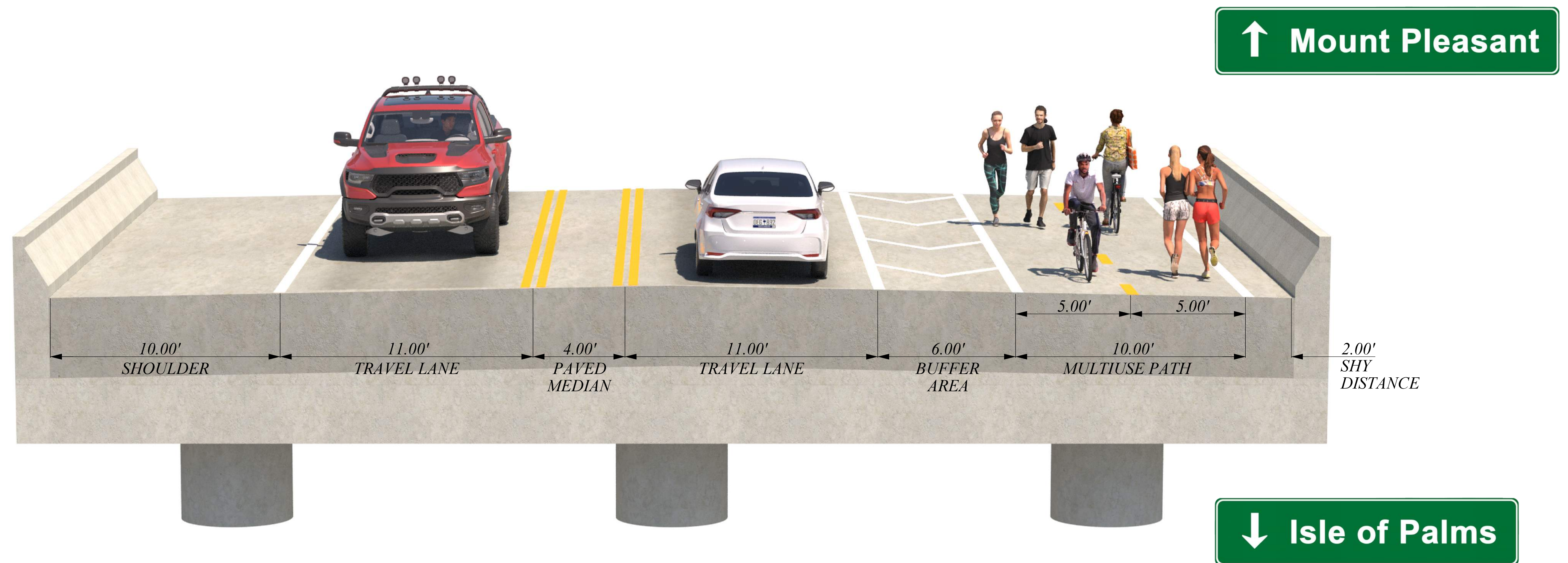
CONCEPT NO. 1



Notes:

1. One travel lane in each direction.
2. Two-Way Multi-Use Path on the west side of the bridge.
3. Requires removal of the existing MUP on the east side of SC 517 in Mount Pleasant from the bridge to Rifle Range Rd.

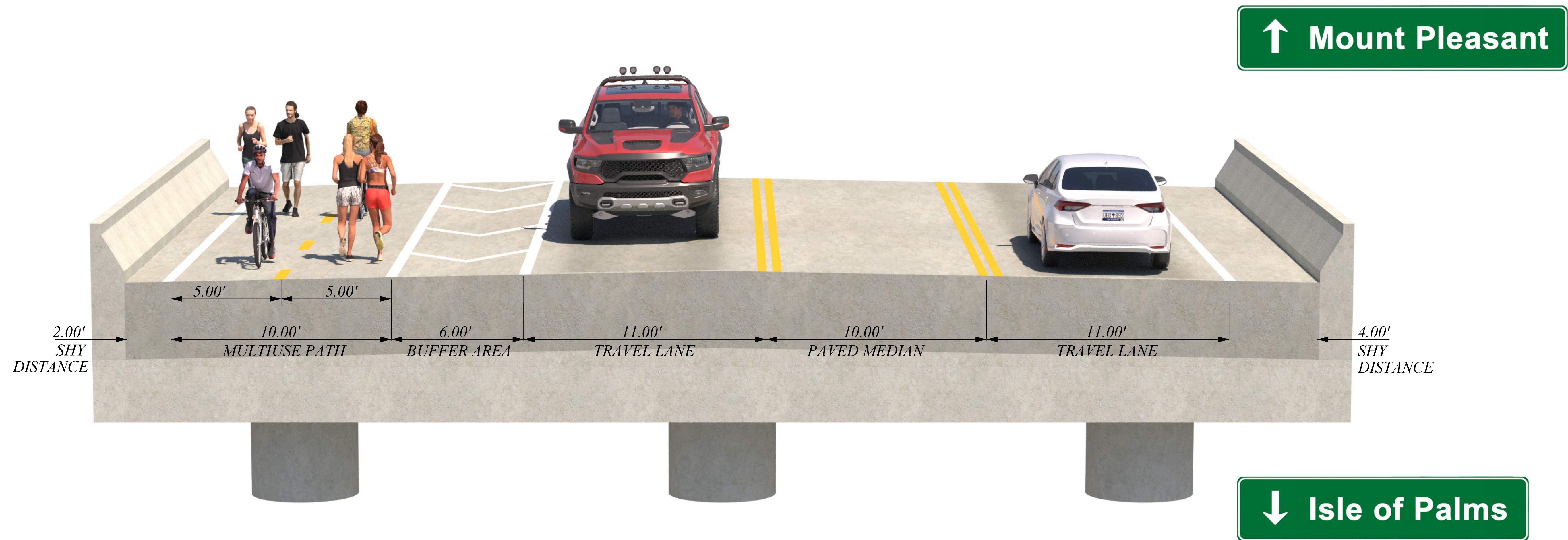
CONCEPT NO. 2



Notes:

1. One travel lane in each direction.
2. Two-way Multi-Use Path on the east side of the bridge.
3. Requires removal of the existing MUP on the west side of SC 517 in Mount Pleasant from the bridge to Rifle Range Rd.
4. MUP would need to be extended on the west side of SC 517 in Isle of Palms from the bridge to the SC 703 intersection.

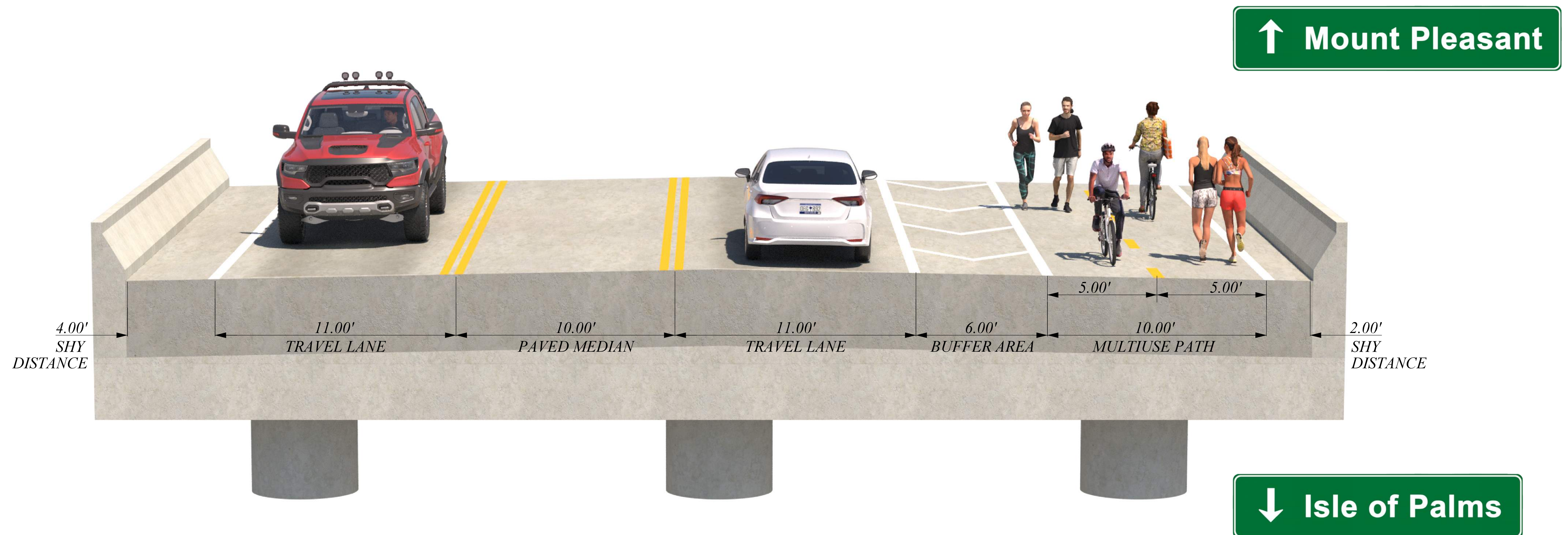
CONCEPT NO. 3



Notes:

- 1. One travel lane in each direction with a 10' center median.**
- 2. Two-way Multi-Use Path on the west side of the bridge.**
- 3. Requires removal of the existing MUP on the east side of SC 517 in Mount Pleasant from the bridge to Rifle Range Rd.**

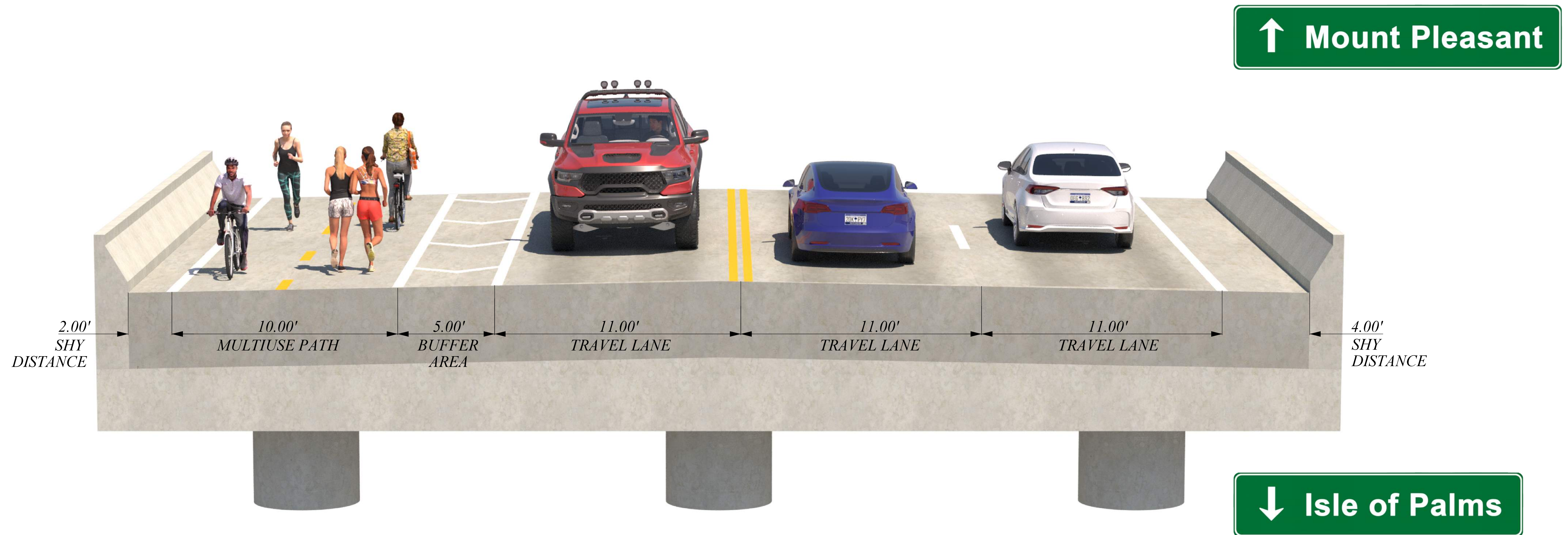
CONCEPT NO. 4



Notes:

1. One travel lane in each direction with a 10' center median.
2. Two-way Multi-Use Path on the east side of the bridge.
3. Requires removal of the existing MUP on the west side of SC 517 in Mount Pleasant from the bridge to Rifle Range Rd.
4. MUP would need to be extended on the west side of SC 517 in Isle of Palms from the bridge to the SC 703 intersection.

CONCEPT NO. 5



Notes:

1. One inbound travel lane and two outbound travel lanes.
2. Two-way Multi-Use Path on the west side of the bridge.
3. Requires removal of the existing MUP on the east side of SC 517 in Mount Pleasant from the bridge to Rifle Range Rd.
4. Requires widening and paving from end of bridge to existing widened section of SC 517 in Mount Pleasant to accommodate two outbound lanes and some reconfiguration of SC 517 in Isle of Palms from the end of the bridge to SC 702.