



### **Public Safety Committee**

9:00 a.m., Tuesday, February 14, 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](mailto: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. Approval of previous meeting's minutes** - January 26, 2023
- 3. Citizens' Comments** – All comments have a time limit of three (3) minutes.
- 4. Old Business**  
Discussion of changes to the noise ordinance
- 5. New Business**
  - a. Parking plan ideas
  - b. Discussion of citizen request to install a 4-way stop at 29th Avenue & Waterway Boulevard
  - c. Discussion of draft FY24 10-yr capital plan for Police and Fire
- 6. Miscellaneous Business**  
Next meeting: 10:00 a.m., Tuesday, March 7, 2023
- 7. Executive Session** – If needed
- 8. Adjournment**



**Public Safety Committee Meeting**  
**10:00am, Thursday, January 26, 2023**  
**1207 Palm Boulevard, Isle of Palms, SC and**  
**broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

**MINUTES**

**1. Call to Order**

Present: Council members Hahn, Ward, and Anderson

Staff Present: Administrator Fragoso, Director Kerr, Chief Cornett, Chief Oliverius

**2. Election of Chair and Vice Chair**

Council Member Hahn nominated Council Member Ward as the Chair of the Public Safety Committee. Council Member Anderson nominated herself as Chair of the Public Safety Committee.

A vote was taken with Council members Ward and Hahn voting for Council Member Ward. Council Member Ward was elected as Chair of the Public Safety Committee.

Council Member Anderson nominated herself for Vice Chair of the Public Safety Committee. Council Member Hahn seconded the nomination. A vote was taken with all in favor. Council Member Anderson was elected as Vice Chair of the Public Safety Committee.

**3. Citizen's Comments**

Al Clouse said the new draft of the noise ordinance is "discriminatory and narcissistic allowing 75dbs from a commercial property located" in a residential neighborhood when those residents living in the neighborhood are allowed a 60dbs noise maximum when abutting a commercial property. He spoke about an afternoon concert on November 4 and how much it disturbed nearby homes. He said, "We contend no more concerts from Hell part 1 or part 2. Fact, Wild Dunes Community Association Board and the GP HOA have ignored us on every complaint refusing to help, both being joined at the hip with Wild Dunes, LLC, the resort. We are the classic microcosm of what is currently evolving on the IOP right now. We are the proverbial bone being given to the big dog as a result of the five new ordinances which have been passed against the resort. We are the ones being punished. Please tell us what the reason is we are having to put up with this nuisance. To the IOP administrators, you are screwing with our property values. We have worked in good faith with Ms. Haack on the issues, and we have made some progress. Frankly, we have a long way to go. She will tell you we have been patient. However, the busy season is not far off. We are not enemies. However, we do have differences of opinion. Unfortunately, this is a major setback in what we have been doing with her. It's all about the money."

Valerie Krause, 4 Hidden Green Lane, believes the proposed noise ordinance will cause harm to the residents of properties adjacent to the Sweetgrass Inn. She said, “The National Institutes of Health along with the EPA and the World Health Organization have stated that any prolonged noise above 70 decibels causes permanent hearing loss. In addition, the EPA recommends a maximum indoor noise level of 45 decibels and a maximum outdoor noise level of 55 decibels in mixed use communities where commercial property abuts residential properties. The proposed level of 60 decibels during daytime hours in a residential neighborhood is 5 decibels above this limit. But more importantly, the recommended maximum in a commercial area of 75 decibels is 20 decibels higher than the proposed maximum limit from the EPA.” She said exposure to higher than recommended noise levels is linked to numerous health problems including hypertension, lower cognitive ability, cardiovascular disease, hearing loss, interference with sleep, communication and the simple enjoyment of daily activities. She would like to see the maximum decibel level lowered.

Ted McKnight would like to have safety barriers added to the IOP Connector to protect bicyclists and pedestrians. He would like to know what information the City has asked for from SCDOT regarding safety on the Connector. He posed numerous questions about the efforts of the City and SCDOT regarding the IOP Connector and parking along Palm Boulevard.

Terri Haack said Wild Dunes will be conducting a sound study with an outside company. They will visit in February and then return in the busy season. She said there needs to be a noise ordinance that allows an active resort to exist in a residential neighborhood.

#### **4. Old Business**

##### **A. Discussion of changes to the noise ordinance**

Administrator Fragoso briefly reviewed the changes made to the draft ordinance since the last meeting, adding that the City Attorney had no comments at this time but did not see anything that concerned him.

Regarding the maximum decibel levels noted in Subsection C, Administrator Fragoso said, “The language here that would apply different decibel levels, which we can have that discussion whether or not those limits are acceptable, but there would be a 60 decibel limit during the daytime in residentially occupied properties and 75 for those that are commercially occupied properties. The question at the time of our last meeting that some members asked, and we have just discussed this with our City Attorney, is what decibel reading is taken when you have properties that are abutting each other, one residential and one commercial. The advice that we were given is that the decibel reading that would apply would be the one that’s provided to the, where the noise is emanating from. So if the complaint is from a residential property, but they are complaining about noise emanating from a commercially used property, that commercially use limit decibel reading limit would be applied to that instance.”

She added that everything is subject to adjustment. She shared that the daytime decibel limit on Kiawah Island is 70 and this ordinance is proposing 60. The daytime and nighttime hours for

enforcement are set in the current ordinance. The timeline for implementing any changes to the noise ordinance will depend on City Council.

Council Member Hahn asked Chief Cornett about the enforceability of the proposed ordinance. Chief Cornett said, “That is one of the things that we really appreciate about the decibel levels. It is a clear, defined, violated statute. Right now, it is open to somebody’s personal opinion, and this gives a clear, articulate argument. In a court of law, if we said somebody violated, we can show proof that they violated by having a decibel level higher than what is in the ordinance. That is the whole thing that we love about this is it is more enforceable because it takes away my personal opinion on it. It’s just clear, and we look at a decibel reader based on what is written in the ordinance, and it is either right or it is wrong, and that is easy to defend in court, too, as opposed to me just telling a jury well, I thought it was too loud. I can actually articulate it was too loud based on this reading from a decibel reader. I am a fan of this. I think it takes away any guesswork. It is pretty black and white.”

He added that the decibel limits in this draft are based on what has been seen in other ordinances as well as WebMD and CDC guidelines. He also likes that noise readings can be taken from elevated floors on a property since sounds seem louder on higher levels. Adding decibel restrictions on low frequency noises that don’t meet the decibel limits could be discussed and added to the ordinance at a later date.

Council Member Hahn spoke about the possibility of incorporating the use of noise tracking software like noiseware.com to the ordinance at some point. Chief Cornett has heard it is being used and the police department likes it because it addresses noise issues before it becomes a problem. Administrator Fragoso said encouraging the use of something like that could be done but requiring it would need to be discussed.

Administrator Fragoso pointed out a new section, Permits for Additional Amplification, which was taken from the ordinance in Charlotte, NC. This section would limit the number of hours a location could request for additional amplification over the course of a year. Repeated violations could result in the revocation of a business license. Chief Cornett would like to have City Council approve the applications for these types of permits.

Discussion ensued about the requirement for five founded noise complaints on a property before a business license faces revocation. Director Kerr said the business license revocation process is dictated by State law.

Council Member Ward said he believes the decibel levels need to be lowered but would like City Council’s input on the matter.

**MOTON: Council Member Hahn made a motion to recommend the draft noise ordinance with the noted adjustments to City Council for consideration and discussion. Council Member Anderson seconded the motion. The motion passed unanimously.**

Administrator Fragoso said she would provide a chart detailing decibel level limits in other municipalities. Council Member Hahn would like limits suggested by the EPA to also be included.

**B. Discussion of the alternative configurations for the IOP Connector**

Council Member Anderson asked Chief Cornett about the temporary use of an emergency lane for outbound traffic. He said that any use of such a lane would take coordination with Mt. Pleasant, Charleston County, and possibly Highway Patrol as well as more IOP personnel than what is normally available. It requires advance planning and would not be something that could be done every summer weekend.

Chief Oliverius said that the Fire Department can make any of the alternative configurations work. He said fire personnel see roadways as dangerous and have no issue shutting down the road to work an incident scene. He said a larger center lane is beneficial.

Chief Cornett said police look to divert traffic around incidents in order to keep traffic flowing. They will push traffic into a bicycle lane but prefer not to. He said shutting down lanes requires more personnel on both sides of the Connector.

Council Member Hahn said, “From my perspective, Option 3 is the only viable option because of safety. One death is one death too much. I don’t care about whether or not people have to take an extra 10 minutes to get off the island in the summer. I care about whether or not somebody dies. And what I am hearing from both chiefs is that an emergency lane is safer. I have also read with great interest our Fire Chief, Anne Graham’s op-ed piece. She says we have to have an emergency lane. That is Option 3. She talks about the people that have died on the Connector. Again, we go to Option 3. I also have a letter and I have got both of these to put into the record [they are attached to the minutes] from the Deputy County Administrator for Charleston County Eric Watson. He has over 20 years’ experience with First Responders. He says we have to have an emergency lane because of safety. If people have to go a little bit slower, fine. I’m interested in safety. So those people have told us that we need Option 3. Both our chiefs, I believe, have just told us that they would rather us have Option 3. The problem with Option 3, however, is it does not meet SCDOT’s own safety standards. Their own safety standards and under South Carolina law, we have the ability to force them to either comply with the law or do nothing. They have already restriped our bridge in violation of South Carolina law, and I don’t see us doing anything here other than forcing them to comply with the law. We have to have a hard barrier between the vehicles and the pedestrian bicycle lane. We also have to increase the size or the height of the outside bridge so that the pedestrians are safe and there’s not a kill zone created. Both our chiefs have just talked about that, and the risk to pedestrians and bicyclists when there is an accident. One death is too many, people. We have to do this. I don’t see any way around it. And it was put on the record. I know SCDOT has said that a ‘Jersey Barrier’ the concrete barriers are too heavy for the bridge. It took me less than five minutes to find [highwayguard.com](http://highwayguard.com). They are approved in Georgia. They are approved in North Carolina, and they make metal barriers that weigh 60 pounds per foot that stop the kill zone situation. SCDOT then complained well, if it’s a hard barrier we cannot do maintenance. The highway guard barriers will decouple so that you can do maintenance. I don’t see that we have any choice but to force SCDOT to do the right thing.”

Council Member Ward also stated his preference for Option 3, adding that nothing should trump safety.

Council Member Anderson said, “I think Option 5 gives us the balance we need to serve the people on the island both with safety and added capacity so that the delays will not be as great in the future. My experience as a traffic engineer tells me that there are many roads that function well without these center breakdown lanes in them. If you look at other bridges in the Charleston area, you will see they don’t have these breakdown lanes in them. The Ben Sawyer bridge doesn’t have one. So it’s something that I believe that our emergency staff are accustomed to dealing with, that we actually will already, we will have an extra lane in each direction that can be used for briefly for bypassing any kind of crash that is on these roads. We don’t have that many that occur, and I think they are being handled very well.”

She would like to see the expanded availability of an emergency vehicle on the island. She believes Option 5 plus the expanded availability of an emergency vehicle is what the City should do.

Council Member Hahn responded, “What I am hearing is that you are choosing expediency over safety. I don’t understand that. You are talking about putting people, our people, our First Responders, at risk. They both just sat here and said that they need to have that center lane because it puts people at risk. I have had a conversation with Chief Oliverius. Just changing the flag at the top of the Connector puts his people at risk because traffic can hit his people. I’ve seen mothers jogging with a stroller on the Connector. What do you do when a car swerves towards you? You’re going to swerve into the lane where the mother is. Well no, we have to stand up for safety. I don’t care how long it takes to get off the island. Safety has to be the number one concern, and we have to follow the advice of our First Responders, that they know what they are talking about.”

He said if people are being invited to be on the bridge, it should be made safe for all users. He would like the City to follow Chief Cornett and Chief Oliverius’s recommendations.

**MOTION: Council Member Hahn made a motion to recommend Option 3 to City Council “but only if additional barriers are part of that option so that the bridge complies with SCDOT’s own safety regulations.” Council Member Ward seconded the motion. A vote was taken as follows:**

Ayes: Hahn, Ward  
Nays: Anderson

**The motion passed.**

## **5. New Business**

### **A. Discussion of drone rules and regulations**

Council Member Ward asked if the City had regulations regarding drone usage. Chief Cornett said that the FAA has regulations that every recreational drone operator has to abide by including

testing and certification. He said the downside to that is the FAA is the agency to enforce those regulations and they won't have representatives readily available to do so.

Administrator Fragoso said that she would like to look into the number of complaints about drones before adding another ordinance for the Police Department to enforce.

**B. Discussion of request to lower speed limit at Oak Harbor Boulevard from 25mph to 10 or 15mph**

Council Member Ward would like to see if SCDOT would lower the speed limit on Oak Harbor Boulevard. Chief Cornett said he would make the request and see what they say.

**C. Discussion of regulations of electric bikes on the beach**

Council Member Ward expressed concern about the safety of electric bikes on the beach. Chief Cornett said there is a regulation prohibiting driving a vehicle on a beach. He added that even at its lowest levels, the State statute does not recognize motorized bicycles as vehicles. He said, "My recommendation would be to keep it clear and consistent to add a clause to our section right now, that is 8-1-19, Vehicular Operation on the Beach or Beach Accesses" to add "or an electric assist bicycle" following "after a vehicle."

Council Member Hahn suggested changing the phrase to "to include an electric assist bicycle."

**MOTION: Council Member Hahn made a motion to recommend to City Council the change to Section 8-1-19 for consideration. Council Member Anderson seconded the motion. The motion passed unanimously.**

**D. Discussion of firework regulations**

Council Member Ward would like to see the "Fireworks Prohibited" signs put back up around the island at July 4<sup>th</sup> and New Years Eve.

**E. Discussion of installing a people counter system at the public dock**

Council Member Ward would like to know how many people are using the public dock before a lot of money is put into improving it. He would like to have something in place by Memorial Day. Administrator Fragoso said she would look into what sorts of systems are available. Council Member Ward would like the topic to remain on the agenda.

**F. Discussion of improvements to the Harris Teeter entrance to improve safety**

Council Member Ward said that residents have noted the trouble they have getting in and out of the parking lot at the Harris Teeter. He suggested trimming the shrubs and looking into the possibility of adding an additional ingress/egress.

Council Member Anderson said, "This is just an opinion, but probably DOT would prefer to close the middle entrance and force everybody to use the 18<sup>th</sup> Avenue entrance to create distance from the 14<sup>th</sup> Avenue intersection. Another one would be to separate the exiting left turns and force them all to use 18<sup>th</sup> Avenue to reduce conflicts."

Council Member Hahn noted any improvement would take coordination with The Beach Company.

**G. Discussion of Police Department annual award ceremony**

Council Member Ward asked much the Police Department paid for their annual award ceremony. Chief Cornett said, “The Police Department expenses were \$1,262.12, and that includes awards, uniform citations and things like that for the employees to be recognized.”

Administrator Fragoso said no additional city monies were used to pay for the ceremony. She said, “This is the fourth year that the City and the Police Department have done this event. I think it is a fabulous event. I’m really glad that Chief Cornett brought it the first year he was appointed. It gives us an opportunity to recognize our officers. I think they really enjoy it. This year I saw all of you attend that meeting. Everybody on Council was invited, so I think that hopefully we can get more engagement from the community in these events. I believe this year, too, scholarships were awarded to family members of our police officers, and it was really exciting to hear their stories and their plans and how they plan to use those funds that were donated through different organizations that raises money for or to support law enforcement. So I just want to publicly say that I think it is something that we should support and hopefully do more of in other departments as well, not just the police department.”

Chief Cornett said the LENS Foundation donated and paid for the venue and “some of the other things and then we did have other donations that came from local businesses and our Chaplain.”

**H. Consideration of approval for an amount not to exceed \$18,000 for the purchase of 9 AED Defibrillators [FY24 Muni ATAX, Fire Department, Non-Capital Tools and Equipment]**

**MOTION: Council Member Hahn made a motion to recommend the purchase of 9 AED Defibrillators to City Council. Council Member Anderson seconded the motion.**

Administrator Fragoso said, “This is the line item that I would recommend we use for this unbudgeted expenditure. We currently do not have any amount included in that line item, but we usually run light in some other line item, so that we can make up and not be over budget at the end of the day in that Capital Projects line. So I am recommending approval. We will identify potential additional sources of revenue within that line item, but it is an unbudgeted expenditure.”

**6. Miscellaneous Business**

The next meeting of the Public Safety Committee will be Tuesday, February 7 at 10:00am. The Committee will meet the first Tuesday of each month at 10am.

Council Member Ward asked to have short-term parking issues added to the February agenda.



**7. Adjournment**

Council Member Hahn made a motion to adjourn, and Council Member Anderson seconded the motion. The meeting was adjourned at 11:35am.

Respectfully submitted,

Nicole DeNeane  
City Clerk

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 sound 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 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. ~~60~~70 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 residentially occupied properties;~~

~~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~~

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2. 5560dB(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.~~

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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.

6. A property owner or business may apply to City Council for an exception to this ordinance, and City Council may issue a permit that modifies the maximum decibel levels as it deems reasonable in light of the circumstances to support public good, infrastructure, and resources of the City, including the time and resources of law enforcement and code enforcement. Such permit shall not extend beyond (three) 3 years, unless a new application for extension is approved by City Council.

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

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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~~City Council 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.~~ i. *Violations.* Any person who violates any provision

~~j.i.~~ j.i. 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.j.~~ k.j. (2) In addition to the penalties set forth in subsection (h) of this section, five (5) 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.

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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: \_\_\_\_\_

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	City of Isle of Palms 10-Year Capital Plan														
2	Expenditures for assets or projects > \$5000 **Expenditures less than \$5,000 are included in operating budgets**														
3															
4															
5	Fleet	Model	Last 4		FY24 DEPT		FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33
6	Count	Year	of VIN		REQUESTS										
7															
8															
37				Police Department											
38															
39				Past practice was to replace patrol vehicles and SUVs in the 6th year - this budget moves that replacement rotation to 7 years. We will evaluate this practice as time goes by.											
40	19			Replace patrol SUVs (2 in FY24)	104,000		156,000	104,000			132,000	176,000	132,000	132,000	132,000
41	4			Replace patrol F150 pickup trucks					106,000	54,000					
42	1			Replace beach services 4WD pickup						45,000					
43	1			Replace ACO 4WD Pickup Truck (current vehicle not in good shape)	48,000								50,000		
44	1			Replace Pickup Truck for parking management				38,000							
45	1			Replace beach services utility 4x4 UTV adding a plow attachment			18,000		-		19,000				21,000
46	1			Add beach services utility 4x4 UTV using grant funds			18,000				19,000				21,000
47	1			Add Pickup Truck for 2nd FT Code Enforcement	46,000										
48	2			Replace low speed vehicles (LSVs) for parking mgt (reduced from 4)				18,000	18,000	-	-	19,000	19,000		
49				Replace Front Beach surveillance system (approx 7 cameras)			-			35,000					40,000
50				Replace recording equipment (tie in with outside surveillance sys)				-			20,000				
51				Replace computer servers per VC3 recommendation	48,201			18,000	18,000			20,000	20,000		
52				Replace PD radios (in-car & walkies) purch FY19 (1 rpl in FY24)	7,600					250,000					
53				Replace speed radar & trailer			13,000								
54				Replace 7 traffic counters located at Connector & Breach Inlet					30,000				30,000		
55				Two License Plate Reader (LPRs) for mobile parking enforcement						120,000					
56				Replace HVAC units				30,000			40,000		40,000		
57				Records Management System (Lawtrac)					20,000						
58				De-escalation & Use of Force training simulation sys (software & hardware)					20,000						
59				Add automatic license plate reader for IOP Connector for investigative purposes. Recurring \$5k fee for subscription	11,500					13,000				15,000	
60				Repl mobile digital billboard purchased with grant funds in FY21										20,000	
61															
62	31			Subtotal Capital	265,301		205,000	208,000	212,000	517,000	230,000	215,000	291,000	167,000	214,000
63															
64				Facilities Maintenance											
65				Building maintenance contingency to proactively address issues as needed - calculated as 1% of Public Safety Building insured value. Split 50/50 Police/Fire. Incr to 2% in FY27	62,500		62,500	62,500	125,000	125,000	125,000	125,000	125,000	125,000	125,000
66				Subtotal Facilities Maintenance	62,500		62,500	62,500	125,000	125,000	125,000	125,000	125,000	125,000	125,000
67															
68	31			Grand Total Police Department	327,801		267,500	270,500	337,000	642,000	355,000	340,000	416,000	292,000	339,000

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3															
4															
5	Fleet	Model	Last 4												
6	Count	Year	of VIN												
7															
8															
69				Fire Department											
70				Past practice was to replace pickup trucks in the 6th year - this budget moves that replacement rotation to 7 years. We will evaluate this practice as time goes by. Need to evaluate life span of Engines and Ladder Trucks											
72	1			Replace Fire Engine purchased 9/9/21											1,200,000
73	1			Replace E-1 Pumper Truck purchased 7/17/09 (24 month build time)			1,000,000								
74	1			Replace Rescue Truck purchased in FY16 (replace with Heavy Duty Pickup Truck w/ equip)									125,000		
75	1			Replace refurbished 95' Ladder Truck with an Engine (24 month build time)				1,000,000							
76	1			Replace 75' Ladder Truck purchased in FY20 (~2034)											
77	1			Replace 2010 Ford F-150 (rebudget fr FY22)								65,000			
78	1			Replace 2008 Ford F-250 (new Chief's truck including radio & equipment) (rebudget fr FY22)								65,000			
79	1			Replace 2014 Ford F-150 (may not get delivered before 7/1/23)	55,500							65,000			
80	1			Replace 2016 Ford F-150	55,500								65,000		
81	1			Replace 2019 Ford F-150					60,000						
82	1			Replace 2020 Ford Ranger						60,000					
83				2 Mobile radio repeaters				20,000							
84				One Thermal imaging camera (we have 4) in future repl all at once				60,000					70,000		
85				Replace radios (in-car & walkies)	20,000					250,000					
86				Porta-Count machine for SCBA mask fit testing	10,000										
87	1			Replace 10' rubber boat purchased in FY18 and motor				30,000							
88	3			Replace personal watercraft (3 year rotation for 2 primary, 1 reserve)			18,000	18,000		19,000	19,000		20,000	20,000	
89	1			Replace Avon rubber boat and motor purch in FY19					25,000						
90	1			Replace 1995 aluminum boat and motor						35,000					
91				Replace fire pump for boat and marina fires			18,000								
92	1			Replace rescue boat			65,000								
93				RAD-57 medical monitor for carbon monoxide & oxygen (only w/failure)	6,000			7,000			8,000			9,000	
94				Cutters, spreader, hose and pump for "jaws of life" equip						10,000					
95				Two Ram extrication devices						10,000					
96				Battery operated combination extrication tool for Sta2							20,000				
97				New airbags and hoses for vehicle accident extrications			10,000						12,000		
98	2			Repl all terrain veh (ATVs) for beach patrol, add ambulatory pkg to 1			26,000	20,000		27,000	21,000		28,000	22,000	
99	1			Repl 1 of 3 ATVs with a small pickup-gives more flexibility in response and longevity of equipment							30,000				
100				Two (2) portable hydrants to be mounted on ladder trucks			5000								
101				Two (2) portable deck guns to be mounted on pumper trucks			10,000								

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3															
4															
5	Fleet	Model	Last 4		FY24 DEPT REQUESTS										
6	Count	Year	of VIN				FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33
7															
8															
102				Fire Department, continued											
103															
104				Two (2) Battery powered Positive Pressure Ventilation (PPV) fans								12,000			
105				Replace light tower on Eng 1001 (Sta1 pumper)											
106				Repl all SCBA (self contained breathing apparatus) Evaluate in FY34											
107				2nd set of bunker gear (protective helmet, flash hood, coat, pants, boots & gloves) for all personnel (\$4000*34). Approx 10-yr life										165,000	
108				Exhaust system for both stations, may be 75% offset by grant	200,000										
109				Refurbish PSB and FS2 gyms. Available to all City employees											
110				Repl foam setup equipment (eductors and nozzels - 1 set for ea station)											
111				Physical agility testing equipment, 75% covered with a grant	50,000										
112				Replace HVAC units (2 Stations - only with failure)	30,000			30,000		30,000		30,000			
114				Subtotal Capital	427,000		1,152,000	1,185,000	85,000	441,000	98,000	237,000	320,000	216,000	1,200,000
116				Facilities Maintenance											
117				Building maintenance contingency to proactively address issues as needed - calculated as 1% of Public Safety Building+Fire Sta 2 insured value. PSB split 50/50 Police/Fire. Incr to 2% in FY27	117,183		117,183	117,183	398,414	398,414	398,414	398,414	398,414	398,414	398,414
118				Subtotal Facilities Maintenance	117,183		117,183	117,183	398,414	398,414	398,414	398,414	398,414	398,414	398,414
120	21			Grand Total Fire Department	544,183		1,269,183	1,302,183	483,414	839,414	496,414	635,414	718,414	614,414	1,598,414