



Public Safety Committee

10:00 a.m., Tuesday, May 2, 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.Approval of previous meeting's minutes** – Regular meeting on April 4, 2023 and Special Meeting on April 18, 2023.
- 3.Citizens' Comments** – All comments have a time limit of three (3) minutes.
- 4.Old Business**
 - a. Discussion and consideration of changes to the noise ordinance
 - b. Discussion and consideration of ordinance to prohibit e-bikes on the beach
- 5.New Business**
 - a. Discussion of partnership with Law Enforcement Neighborhood Support (LENS) to establish internship program in the Police Department
 - b. Update on the acquisition of surveillance and safety equipment approved by Council on April 25, 2023
 - c. Discussion of implementation of a K9 unit in the Police Department
- 6.Miscellaneous Business**

Next meeting: 10:00 a.m., Tuesday, June 6, 2023
- 7.Executive Session** – If needed
- 8.Adjournment**



**Public Services & Facilities Committee Meeting
1:00pm, Tuesday, April 4, 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 Miars, Streetman, and Popson (via phone)

Staff Present: Administrator Fragoso, Director Kerr, Director Pitts, Assistant Director Asero, Director Ferrell

2. Approval of Previous Meeting's Minutes – March 7, 2023

Council Member Miars made a motion to approve the minutes of the March 7, 2023 meeting. Council Member Popson seconded the motion. The motion passed unanimously.

3. Citizen's Comments – none

4. Old Business -- none

A. Discussion and consideration of Ordinance 2023-03 – to require commercial lawn services to remove yard debris from residential and rental properties

Council Member Streetman expressed concern about this ordinance creating hardship for the smaller landscaping services as well as residents in the form of additional costs.

Administrator Fragoso said the language in the ordinance is modeled after similar ordinances on Folly Beach, Sullivan's Island, Kiawah, and Edisto. Council Member Miars suggested allowing landscapers to leave bagged lawn debris on the island and only remove the bigger pieces.

Director Pitts said that while it would be more efficient for the Public Works staff for landscapers to remove all of their debris, he is more concerned the homeowners who may put out a larger pile of landscaping debris a couple times a year and be penalized for doing so. He noted that the bigger landscapers do take their debris off the island. He suggested that it is key for code enforcement to be checking business licenses of landscapers.

After a brief discussion, Committee members agreed to recommend not moving forward with the ordinance at the next Council meeting. Administrator Fragoso expressed concern about the complaints they have received about the island "not looking tidy."

Council Member Popson said, “Let me just go on the record, too, and just say that Donnie and his staff do a great job. I’ve been cutting my palm fronds for 35 years by the street, and they never sit out there more than three or four days. So Public Works does a fabulous job.”

Council Member Streetman asked if the report about the work at the marina could be heard before the discussion about the MOU with Islander 71. Committee members agreed.

5. New Business

Update on Marina store and parking renovations

Mr. Schuler said the transition has been very smooth and complimented staff on all their help. He reported that renovations to the ship store revealed more extensive work that needed to be done, but the completed work has led to a more structurally sound building. He hopes the work in the store will be done by the end of April.

Parking lot improvements to make the space more efficient are also anticipated to be completed by the end of April.

Mr. Schuler also shared that pre-registration for the boat club has been rolled out with priority given to IOP residents. He said, “Again, just for the record, I know people have questions. Isle of Palms residents will park for free. Isle of Palms residents will have access to our truck and trailer parking for free.”

6. Old Business

B. Update on temporary IOU with Islander 71 for the use of shared parking lot at IOP Marina

Director Kerr reported that staff has been meeting with Islander 71 to get ready for the season. Staff has been collecting quotes on a number of improvements that need to be made in the area including signage. The City is considering using the process of hiring a BSO to hire the parking lot attendant for the season. The owners of Islander 71 are now concerned about the expense, so the MOU has not been signed yet. They would like to see if they will benefit from the MOU before signing it.

Director Kerr believes lingering issues could be worked out in the next 7-10 days, but he added there is a lot of work to be done before a parking lot attendant can be put in place. Staff will bring the issue back to the Committee should anything need to change.

7. Miscellaneous Business

The next meeting of the Public Services & Facilities Committee will be Tuesday, May 2, 2023 at 1pm.

8. Adjournment

Council Member Miars made a motion to adjourn and Council Member Popson seconded the motion. The meeting was adjourned at 1:41pm.

Respectfully submitted,
Nicole DeNeane
City Clerk



Special Public Safety Committee Meeting
10:00am, Tuesday, April 18, 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 Ward, Anderson, and Hahn

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

2. Citizen's Comments

Julie Nestler, 22nd Avenue, would like to see a real-time alert system put in place to notify citizens of events such as what happened on April 7. She would also like to have consistent information released from the City and to have City staff and Council trained in emergency management procedures. She asked for support of the Public Safety department including a configuration of the IOP Connector that "puts public safety over convenience."

Mimi Wood, Waterway Boulevard, encouraged Council and citizens to be open to and listen to the ideas of other people.

3. Purpose – discussion of the incident on the beach on Friday, April 7, 2023 and of recommendations to prevent the situation from occurring in the future

Council Member Ward asked Chief Cornett to speak to the events of April 7, 2023 and recommendations he has to deter this sort of behavior in the future.

Chief Cornett said, "As far as the incident goes, we were notified Friday morning when a parent called the Police Department after they sent their kids to school, indicating they did not want to tell their child they could not go, but felt the need notify law enforcement because they were concerned. So we found out Friday morning. We did not know how many high schools were coming. We did not have any information about what high schools were going to be involved and who were not going to be involved. As soon as we got the notification, we reached out to our partners over at Charleston County Sheriff's Office. We requested assistance, which they did send. They sent traffic units and K-9 officers over here to assist. And we also reached out to our partners over at Mt. Pleasant.

"I think some of the things that I have kind of heard and seen going around I can kind of clarify a lot of the questions. I have seen questions related to why we did not activate the National Guard, and that would be something the Governor himself has the authority to do. I do not. And then we cannot require other agencies to send us so many other people, especially on short notice. When

they have personnel that they have already got assigned places, a short notice thing is typically not going to give us the response that we would have if we could plan. And if we look at Thursday, this past Thursday, the plan was for a group to go to Folly Beach. We have learned from previous years that when a plan is to go to another location and there is a heavy law enforcement presence that they will shift their location prior to going, and we tend to be one of those locations that they would come to. So we adjusted our personnel and planned for Thursday last week, and that is why we had so many personnel, law enforcement, and closed the lots on that day was to prevent any incident from shifting from that location to our location as it had in the past.

“As far as April 7 goes, the crowd gathered on the beach. I actually made the first arrest with the group at 2:30 in the afternoon, and we continued to arrest individuals throughout the afternoon who were involved in criminal activity. For the most part, kids on the beach were doing legal things. They were gathering. They were playing football drills and things like that. However, a fight broke out and the second fight broke out while officers were detaining those. Around 5:29, or 5:27, we had shots fired on the beach. Immediately officers had the officers that were already in handcuffs, they got them to safe locations. Other officers then charged towards where the gunfire was taking place in an attempt to stop that gunfire. It ceased. The threat was no longer active, and they started rendering aid to individuals that had been injured during the shooting.

“The crowds typically leave and go to the parking lots, and then sometimes they will move to the Circle K parking lot. So our responding agencies, after we called for other agencies due to the shooting, they responded to the gas station parking lot and to our municipal parking lots where they were able to help individuals leave and to deter other incidents from happening and take two other individuals with firearms into custody. One in the parking lot and one on Ocean Boulevard, one being a juvenile who was in possession of a stolen firearm, and one being an 18-year-old who was in possession of a firearm. They were both arrested.

“It was great to see the officers’ response when the incident took place and how they immediately charged towards the gunfire to protect individuals and then rendered aid. Within moments, they were able to get individuals loaded into their Polaris and off of the beach into the care of the firefighters who met us on 14th Avenue. We had already called for assistance prior to the shooting. We actually called for more officers to come just so that we could shut the event down. And after we had called for that assistance, which would have been in excess to what we already had on the beach. We already had deputies. We already had about 50% of our agency on the beach. And then we called for more, and then the shooting took place, and that expedited response from more agencies to come to assist us. And within a short period of time, we had a large law enforcement presence on the island to secure the area, to secure the crime scene, work the crime scene, conduct interviews, take individuals into custody, and most of those officers, I think two o’clock in the morning is when we left with some of those agencies that were still assisting us stayed with us until about two o’clock in the morning working with us on those things.”

Chief Cornett said an arrest has not been made for the individual that did the shooting. But he added that it is “an active and fluid investigation, and we are following multiple leads. I cannot

give a whole bunch of detail, but I will say it is active. It is not stale. We are moving forward with an investigation.”

Regarding recommendations for the future, Chief Cornett said, “Obviously any time we have an opportunity to plan, we already know there is an event planned for May 6 to come out here again. So we are already in the planning phases, reaching out to our local agencies to assist us. And when we have that type of heads up, it gives us the opportunity to have a much better presence here because it is not a short period of time, and they can dedicate resources to us.

“One thing that I want to make sure that we point out is that there has been a lot of talk about how the officers were on the beach. We only have, when we are fully staffed and fully geared up, 22 sworn police officers, and that includes me. That includes all the administrative staff. That includes detectives, and we had one vacancy the day of the event. I have one on light duty. I had three in FTO on that day. So our numbers were already quite short, and I had 50% of the available workforce as far as sworn police officers on the beach as well as myself and other sworn personnel in the parking lots. So it is something to keep in mind is that we are not a large agency, yet during the summer, we can see 30,000 people on this beach, on this island easily. So something to keep in mind is that we are already severely outnumbered when it comes to law enforcement.

“Some of the things that we are looking for, recommendations, would be to look at some of our neighboring beach cities and some of the ordinances they have where they require permits for large groups. I think if we did that, that would give us an avenue to close these groups down and shut them down unless they are doing so lawfully with a permit from the City to do that. Folly Beach has one. Sullivan’s Island has one. I believe Mt. Pleasant even has an ordinance that pertains to it. I believe Horry County and some of those beach communities that way also have these ordinances. So it is not something we would be the first to do. It is already there. We would be one of the few that don’t have it right now.

“Some of the other things that we would look at would be our drone program. We have a great drone program. The problem is our drones are operated by our sworn personnel who are on the beach and have their hands full and unable to fly those drones. So we presented a drone with a helipad, which would be a system that is seated on top of the Public Safety building and can be flown from a desktop with some of our personnel that are non-sworn. It gives the ability to get that overhead view. And it is something not just for incidents like this, but any incident including fire incidents would be of benefit. We have both talked about how beneficial that would be for both of our departments. So that would be a recommendation that we are making.

“A transport van would be something that our personnel have asked for. Right now, if we have multiple people going to jail that means multiple officers have to leave the island to drive all the way to Leeds Avenue to book individuals into jail. A transport van would give us the ability to do that with less personnel gone to the jail.

“Another thing that we talked about last year after our Memorial Day event was I was a big advocate for our FBI Task Force that is in the Lowcountry. They played a crucial role in response on April 7. We had both the FBI Violent Crimes Task Force and the Joint Terrorism

Task Force that came out here. All these responses have a lot to do with the partnerships that we have worked hard to build prior to this incident. But this is something that I recommended last year was that we assign an officer to this task force, to one of these task forces. We have actually worked with them. I think there is a way that we can do, assign an officer to their task force, duplicating the personnel that we have available, but we have worked out to where during the busy season they would be here and only respond to major incidents, and during the off season they would spend the majority of their time working with that task force. Kind of assistance for them and assistance for us. And those task forces come with analysts, too, that could be very beneficial for us in gathering information about future events.

“We would like to look at a K-9 program. It is not new to the Isle of Palms Police Department. Years ago, they had a K-9 program. But what we saw on April 7 was the effectiveness of the K-9 program. Officers from K-9 helped us to do article sweeps on the beach to find the items. They helped us to find other guns that might be out there. So a K-9 program would be very beneficial.

“We are requesting a surveillance tower. It is a tote-behind tower. You have seen them at these big events. It is one of those things that goes really high. You have got windows on it or it could just have cameras on it. It could be used for front beach festivals, used for any big event that we are doing. Simply tote it out, drop it off, and it raises up and gives a bird’s eye view over everything. Just more information to get.

“Building on that, adding cameras. One thing that we have learned through this is that as many cameras as we have, there were a lot of blind spots that would be beneficial to be picked up by cameras. And so we would recommend adding some to beach access paths additional to Ocean Boulevard to cover the blind spots that we found here during this incident. And maybe the entrances and exits of the parking lot as well as the license plate reader that is already in the budget for next year that will go on the Isle of Palms Connector. That would be something different from these cameras.

“And the only other thing that we have kind of talked about with Desiree that is a bigger ticket item would be is we have one officer already that is an EMT Basic Certified. We have several other officers that I think would be able to take that certification and use that. They were able to, I had an officer packing a wound, a bullet wound with gauze. I had an officer putting direct pressure on bullet wounds and wrapping individuals. I think if we were to seek that EMT Basic Certification because there are certain times when the area is not necessarily deemed safe where the Fire Department is going to be comfortable coming because they don’t have the ballistic vests and the things that we do at all times of protecting or the training that we do in those environments. That sometimes that certification would be beneficial for our officers to be able to render aid until we can get them to that safe location to the Fire Department so that they can take care of them.”

Council Member Ward asked Chief Cornett to price out these requests to present to City Council next week for consideration in FY24. He also asked Chief Cornett to comment on the proposed parking program and how it would free up Beach Service Officers.

Chief Cornett replied, “I think what we look at with our BSOs, when they are actually on the beach, that is our face of the City. That is what most of our visitors are going to encounter first is a Beach Service officer, who can help. Maybe on the 7th what we do with our Beach Service officers, because they are not trained for those events, we did send our Beach Service officer that is currently here to the Public Safety Building until it was safe, and then they played an integral role in helping to direct traffic, to bring resources to personnel who were working crime scenes. But it would be something great for them to be out there to help with holes on the beach, those alcohol violations and the smoking on the beach, littering on the beach. I think if we outsourced parking, BSOs on the beach play a big part to helping us with those issues that are out there.”

Council Member Anderson asked Chief Cornett on the coordination with other jurisdictions and the importance of relationship building that led to the cooperation witnessed on April 7.

Chief Cornett replied, “I strongly believe the law enforcement is no longer able to just jurisdictionally. Our bad guys are Mt. Pleasant’s bad guys. They are Sullivan’s Island’s bad guys. They are bad guys for North Charleston. Sometimes they are bad guys for other states. I have learned throughout my career that we are only successful when we build those relationships so that we can work together because at the end of the day we all have a common goal of making our community safer. So we have begun doing breakfasts. We call it the Tri-County Law Enforcement Leader Breakfast. It is more of a brunch, but all the tri-county law enforcement leaders gather. It is from your colleges. It is from your sheriff’s offices. It is from your police departments, and we actually started that in June, I think it was last year. Isle of Palms started that back up. Out here actually. Part of that would be like Captain Swain just graduated from the FBI National Academy. I am deeply involved in the FBI National Academy Association Chapter of South Carolina, and that is law enforcement agencies from all over the state. Both local, state, and federal agencies, all of which either responded or offered to send personnel.”

He added that all of those efforts are coordinated through Charleston County Dispatch.

Planning and coordination for a potential event on May 6 has already begun. Chief Cornett said he has heard but not confirmed that some of the attendees on April 7 came from as far as Manning.

Chief Cornett said while City Council will need to make the final decision, he believes a permit required threshold could be 30 or 40 people.

Chief Oliverius added, “I want to definitely thank our Police Department. They coordinated a really good triage point, treatment point for us. They secured that area. We were very aggressive in our response. From the time of dispatch until when we arrived on scene and began treatment, it was five minutes. Or actually six minutes before we did that. And then EMS, their Delta unit supervisor, Delta Three, one paramedic and an SUV, they were on scene within one minute after our firefighters began the treatment and triage that our police department had initiated. So they did a phenomenal job. It can be quite stressful for our personnel when we are attempting to treat the patients and they are being yelled at and pushed, and officers around them are trying to establish a safe area and they have their long weapons drawn. So we train for that in the fire service. But here at Isle of Palms, that is a little new to us. So we are diligently working toward

that. We have identified training opportunities with the Police Department. In fact, we were scheduled that week before and that week of to go to use a facility to practice active threat, how we respond with our Police Department. Chief Cornett and I talked about that as well.

“We were very aggressive in our treatment. I could not be more proud of our firefighters. They did not wait. They immediately got into the mix, and the reason it took us so long is because we had masses of people that were moving through the roadway, and we just could not make our way through because of just the volume of people that were leaving the beach, across Ocean Boulevard, down the pavilion, and down 14th. So it took us quite a while. Normally, it would take 30 seconds to a minute, but we had lots of children, lots of adults. They were just back and forth across the roadway, so we had to definitely take our time to get to over to the patient.

“But yes, very proud of everybody. We do have a few recommendations. We have already discussed those with Ms. Fragoso. Most of those are non-budgetary. Ballistic vests would be a budgetary item for our people because we want to be aggressive in our patient care. So again, I was very, very proud of our group.

“And to Citizen’s Comments, to Ms. Nestler who spoke, we did reach out to Charleston County Dispatch, and we have that ability to do just what she was mentioning where we can notify any citizen that has a cell phone in a certain area, whether it is a half-mile, mile radius. We can tell them that over the air, the incident commander can send out an alert. We have an active threat, for example, 14th and Ocean, shelter in place. Please avoid the area. Police Department on scene. And then we can let everybody know when it is clear. Charleston County Dispatch now has that ability, so it goes out similar to a weather alert or an Amber Alert. And we are actively training our battalion chiefs on how to do that. Of course, we have to work with our Police Department to make sure that we don’t share information that they would not like shared. But just those really quick facts that people need to know that hey we are aware. We are working it, and please avoid the area and give some basic directions to our folks. We now take care of the businesses and the people in that general vicinity. So that is a great piece of technology that we do now have.”

He added that the notification radius can be widen as well as focused to specific area. It would be up to the incident commander to set the notification area.

Administrator Fragoso explained that the notification system in the FY24 budget is more for City business and events. Emergency notifications are available through Charleston County Dispatch.

Chief Cornett clarified that the EMT Basic Certification he is seeking for his officers is not meant to be the level of the paramedics planned for the Fire Department. This level of training is to keep a patient sustained until the Fire Department arrives and takes over medical care.

Chief Cornett stated that today’s community meeting scheduled for the Recreation Center was a previously scheduled event that will focus on crime statistics.

Council Member Ward encouraged all Council Members to visit the Charleston County Dispatch Center to understand their critical role in events such as these. Chief Cornett spoke highly of their role on April 7. He said, “I just want to be on public record saying they did a phenomenal job working through that event with us.”

Council Member Anderson asked Chief Cornett to speak to the traffic clearing efforts made on April 7 in conjunction with the Mt. Pleasant Police Department.

Chief Cornett responded, “We actually had personnel, I know it did not feel like it on Friday, but Mt. Pleasant did have personnel moving traffic through Rifle Range, Hungryneck and all the way up to 17. There was just a lot of people leaving. So we typically, once we get this part sustained, and there is no longer a safety threat here, as far as we can tell, then we will move to let’s divert some of our officers that are here to alleviating that pressure of the island. That is what we did. It was just so many vehicles trying to leave at one time that it was, the traffic was heavy, but Mt. Pleasant is always a partner of ours. We will talk to their traffic captain on every busy Saturday and Sunday. Captain Carter is out here helping us to get that traffic moving. I feel like he is an integral part of our team.”

Council Member Ward thanked everyone involved, stressing that communication is key in events like this one.

MOTION: Council Member Hahn made a motion to recommend Chief Cornett’s list of recommendations to City Council for consideration. Council Member Anderson seconded the motion.

Administrator Fragoso said, “I would recommend that we present the list that Chief Cornett shared with you all this morning, present them all to City Council and we can get direction from the full body at that time. What items need to be included in the budget, are there any that are short term and long term. The ordinance to limit gatherings on the beach and any public property is being developed now, so my goal is to present that for First Reading on Tuesday. Because we have an event coming up in early May, it would be our goal to have that in place before then. So we may need to call a Special Meeting of Council to adopt that before that date. But First Reading, my request is to consider it at the Tuesday meeting. So we will be prepared for that.”

VOTE: The motion passed unanimously.

4. Adjournment

Council Member Hahn made a motion to adjourn, and Council Member Anderson seconded the motion. The meeting was adjourned at 10:41am.

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 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

Commented [DF1]: Can this be better defined? Can a noise be considered "excessive" and be unlawful even if it does not meet the decibel limit?

Commented [DF2]: Should this definition be restricted to noise that can be plainly audible inside of a residence or commercial establishment?

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 complainant's property. If measurement is not possible 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) for residential and rental properties,
2. 75dB(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) for commercial establishments; and

Commented [DF3]: Make sure language is clear in that the noise measurement can be taken anywhere in the complainant's property.

Commented [DF4]: Max dB level that would apply would be based on the source of the noise. For example, if noise is coming from commercial establishment, max dB would be 75.

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) for residential properties, rental properties, and commercial establishments.

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

Commented [DF5]: City could consider changing the daytime hours to be more restrictive and end earlier in the day as opposed to 10pm or 11pm.

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 employment 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 therefore.
 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 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,

Commented [DF6]: City to confirm whether the applications for additional amplification would be available for residential/rental properties or only to commercial establishments.

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 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 5 days 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 administrator or his/her designee. The city administrator or his/her designee shall have the discretion to grant an exceptional permit waiving locational, time, and/or db(A) requirements, upon his/her 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 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.”
- j. In addition to the penalties set forth in subsection (i) 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.

Commented [DF7]: This section details revocation process.

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: _____

ORDINANCE 2023-02

AN ORDINANCE AMENDING TITLE 7, LICENSING AND REGULATION, CHAPTER 3, BEACH AND MARINE RECREATION REGULATIONS, ARTICLE A GENERAL PROVISIONS AND TITLE 8 MOTOR VEHICLES AND TRAFFIC, CHAPTER 1 TRAFFIC REGULATIONS, ARTICLE B OPERATION OF A VEHICLE, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE REGULATIONS FOR ELECTRIC ASSIST BYCICLES AND OTHER MODES OF TRANSPORTATION PROPELLED BY A MOTOR AND TO PROVIDE FOR CIVIL AND OTHER PENALTIES.

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 Title 7, Chapter 3, Article A, "General Provisions," Section 7-3-2 "Definitions" is hereby amended by adding a new definition (5) to state as follows:

"Sec. 7-3-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) Beach means that area lying between the low-water mark of the Atlantic Ocean and the easternmost property line of the property owned by private individuals or corporations, lying closest in proximity to the Atlantic Ocean, and shall extend out from the mean low-water mark for a distance of three hundred (300) yards into the water. The term "beach" shall also include that area from the mean low-water mark for a distance of fifty (50) yards into the water from the mouth of Breach Inlet to the seaward side of Breach Inlet Bridge and from the mouth to the midpoint of Dewees Inlet.

(2) Boat means any watercraft, including sea planes when not airborne, sailboats, jet skis, aqua-trikes or similar types of watercraft.

(3) Designated areas means any portion of the beach designated by the City Council for a special use, such as swimming, surfing, beaching of boats, etc.

(4) Motorboat means any boat operated through use of a motor or motorized propulsion, including jet skis, but excluding sailboats that use motors as an auxiliary means of propulsion.

(5) "Electric-assist bicycles" and "bicycles with helper motors" means low-speed electrically assisted bicycles with two or three wheels, each having

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fully operable pedals and an electric motor of no more than 750 watts, or one horsepower, and a top motor-powered speed of less than twenty miles an hour when operated by a rider weighing one hundred seventy pounds on a paved level surface, that meet the requirements of the Federal Consumer Product Code provided in 16 C.F.R., Part 1512, and that operate in a manner such that the electric motor disengages or ceases to function when their brakes are applied or the rider stops pedaling.

SECTION 2. That Title 7, Chapter 3, Article A, “General Provisions,” is hereby amended by deleting Section 7-3-3, “Vehicles restricted,” in its entirety and replacing it with a new Section 7-3-3 to state as follows:

“Sec. 7-3-3. Vehicles restricted.

(a) No vehicles, to include electric-assist bicycles and any other mode of transportation that is propelled by a motor or any other battery-assisted devices, including but not limited to, battery-assisted motorized skateboards or battery-assisted motorized mono-wheel skateboards, are allowed on the beach between the hours of 10:00 a.m. through 4:00 p.m. from May 15 through Labor Day, except for bicycles and vehicles authorized pursuant to section 5-4-15(C).

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(b) It is unlawful to operate, park, stop, or stand a motor vehicle upon the beach except as otherwise provided in the City Code.”

(c) It is unlawful for any person to operate bicycles, tricycles or similar human, gas, or electric powered wheeled vehicles, of any type, on any dune or in any dune area located within the city limits of Isle of Palms.

SECTION 3. That Title 8, Chapter 1, Article B. “Operation of a Vehicle” is hereby amended by deleting Section 8-1-19 “Vehicular operation on the beach or beach accesses”, in its entirety and replacing it with a new Section 8-1-19 to state as follows:

“Sec. 8-1-19. Vehicular operation on the beach or beach accesses.

No person shall operate, or allow or cause to be operated, a vehicle, to include electric-assist bicycles and any other mode of transportation that is propelled by a motor or any other battery-assisted devices, including but not limited to, battery-assisted motorized skateboards or battery-assisted motorized mono-wheel skateboards, on the beach or beach accesses except as provided in section 5-4-15(C)(5)(a) or section 8-2-17.

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SECTION 4. 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 5. 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 6. 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 _____, 2023.

Phillip Pounds, Mayor

(Seal)

Attest:

Nicole DeNeane, City Clerk

First Reading:

Public Hearing:

Second Reading:

Ratification: