

STATE OF SOUTH CAROLINA) AN ORDINANCE TO REPEAL AND REPLACE
COUNTY OF CHARLESTON) SECTION 132.03 TITLED *NOISE* OF THE
TOWN OF MOUNT PLEASANT) MOUNT PLEASANT CODE OF ORDINANCES
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WHEREAS, excessive sound is a serious hazard to public health, welfare, safety, and the quality of life; and,

WHEREAS, a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

WHEREAS, the citizens have a right to, and should be ensured of, an environment free from excessive sound; and,

WHEREAS, Mount Pleasant Town Council has the authority to repeal and replace its Code of Ordinances when deemed to be in the best interest of the citizens of the Town, and now desires to so act with respect to the subject of excessive noise by enacting the revisions displayed below.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Councilmembers of the Municipality of Mount Pleasant, in Council assembled, Section 132.03 of the Mount Pleasant Code of Ordinances titled *Noise* is hereby repealed in its entirety and replaced to specifically read as follows:

§ 132.03 NOISE.

(A) Definitions.

In addition to the common meaning of words, the following definitions shall be used in interpreting this section.

“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).”

Amplified sound. Sound augmented by any electronic means which increases the sound level or volume.

ANSI. American National Standards Institute or its successor bodies.

Complainant. Any owner, lessee, manager or person with a legal interest in real property within the corporate limits of the Town who reports to the police department or other Town authority being disturbed by sound heard at their residence or place of business and not originating therefrom.

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.

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).

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.

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.

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.

Person. Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, or agency.

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**.

Receiving property. Any residence or place of business on which uninvited noise is plainly audible.

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.

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.

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.

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

Uninvited noise. Noise not originating from the receiving property.

(B) Noise measurement. Noise measurements shall be employed by the police department or other designated Town authority in the following manner:

- (1) Noise measurements shall be made using a sound level meter taken from the property line of the complainant's property. If measurement is not possible from the property line from the complainant's property, noise measurements may be taken at the nearest boundary line of the public right-of-way.
- (2) No individual other than the 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 § 132.03(B) above, to exceed 60dB(A) during daytime hours (8:00 a.m. to 10:30 p.m.) and 55dB(A) during evening hours (10:30 p.m. to 8:00 a.m.). The sound meter operator may cease taking readings as soon as the readings already taken show a violation of this ordinance.

(D) Excessive noise prohibited.

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

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

(E) Specific prohibitions. The following acts are specifically prohibited:

- (1) Horns/signaling devices. The sounding of any horn or signaling device on any motor vehicle or any street or public place, except as a danger warning.
- (2) Radios, televisions, musical instruments, and similar devices. The operating or playing of any radio, television, phonograph, musical instrument or similar device which produces or reproduces sound in a manner as to be plainly audible from inside any residence or place of business other than the sound source.
- (3) Building noise. Building operations between the hours of 9:00 p.m. and 7:00 a.m. the following day is prohibited. Any noise generated from building operations, at any time, that is plainly audible from inside of a residence or place of business of a receiving property shall constitute a violation of this section.
- (4) Amplified sound. Amplified sound that is plainly audible from inside of a residence or place of business of a receiving property and not originating from the receiving property.
- (5) Mufflers. Sound emitting from a motor vehicle's muffler in violation of S.C. Code Ann. § 56-5-5020.

(H) 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.

(I) Exceptions.

- (1) This section shall not apply to the following sources:
 - a. Emergency warning devices on police, fire, ambulances, or other emergency vehicles.
 - b. Horns and other warning devices used in a bona fide attempt to avoid imminent injury to human life or property.
 - c. Any amplified sound or other noise that is within an enclosed building and not audible from outside of that building.
 - d. Sounds and activity normally associated with uses and/or special events, parades, or public demonstrations, for which a temporary permit has been issued pursuant to Chapters 94, 116, or 156 of the Mount Pleasant Code of Ordinances.
 - e. Emergency work.
 - f. Construction and repair of public roadways, public works projects, and other projects as permitted by the Town.
 - g. Lawn care equipment and agricultural field equipment used during the daytime hours.
 - h. Garage machinery during the daytime hours.
 - i. Emission from any lawful sound source on public rights-of-way.
 - j. Noise generated by any aircraft or generated in connection with the operation of any airport.
 - k. The proper testing of emergency signaling systems, such as fire alarm, not exceeding 15 minutes.

(J) 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.

(K) Severability.

Should any section, paragraph, or provision of this section be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any party or provision thereof, other than the part so decided to be invalid or unconstitutional.

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING.

SIGNED, SEALED AND DELIVERED THIS _____ DAY OF _____, 2022.

J.W. Haynie, Mayor
Town of Mount Pleasant

Attest:

Christine Barrett
Clerk of Council

_____, 2022
Mount Pleasant, SC

Introduced: _____, 2022
Final Reading: _____, 2022

APPROVED AS TO FORM:



David G. Pagliarini
Corporation Counsel