

#2231

Adopted: 9/20/2022

**AN ORDINANCE  
AMENDING CHAPTER 3, PART II, NOISE OFFENSES, OF THE CHARLESTON COUNTY  
CODE OF ORDINANCES, NUMBER 1702, AS AMENDED**

**WHEREAS**, Charleston County Council finds that excessive noise and other nuisances compromise the public welfare and impairs the livability and enjoyment of private property; and

**WHEREAS**, in December 2011, Charleston County Council adopted the most recent amendments to the Charleston County Code of Ordinances regarding livability which enacted requirements for animals and fowl kept on residential properties and increased requirements to address noise, including noise from sound amplification devices; and

**WHEREAS**, development within Charleston County has continued and as a result, non-residential development increasingly comes into closer proximity to residential development with an increase in complaints from residential neighbors; and

**WHEREAS**, the entertainment and tourist destination aspect of Charleston County has exacerbated this issue; and

**WHEREAS**, several municipalities in Charleston County have recently proposed amendments to their respective noise ordinances; and

**WHEREAS**, a need to address noise complaints in numerous pockets of unincorporated properties adjacent to those surrounding municipalities who have considered ordinance amendments has been identified; and

**WHEREAS**, a need to add measurable provisions in Section 3-43 by requiring a minimum distance from the source of the noise with a maximum decibel reading and a defined timeframe for prohibiting plainly audible excessive, unnecessary, or unreasonable noise has been requested; and

**WHEREAS**, the Charleston County Council has reviewed the proposed amendments to Chapter 3, Livability, Article II, Noise Offenses, as set forth herein and attached as Exhibit "A"; and

**WHEREAS**, Charleston County Council held at least one public hearing, and after close of the public hearing, County Council approved the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Charleston County, South Carolina, in meetings duly assembled as follows:

**SECTION I. FINDINGS INCORPORATED**

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

**SECTION II. AMENDMENTS OF THE TEXT OF CHAPTER 3, LIVABILITY, ARTICLE II, NOISE OFFENSES, IN THE COUNTY CODE OF ORDINANCES.**

The Charleston County Code of Ordinances, Chapter 3, Livability, is hereby amended to include the text amendment attached hereto as Exhibit "A" and made part of this Ordinance by

reference.

**SECTION III. SEVERABILITY**

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

**SECTION IV. EFFECTIVE DATE**

This Ordinance shall become effective immediately following third reading by County Council.

ADOPTED and APPROVED in meeting duly assembled this 20th day of September 2022.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_  
Teddie E. Pryor, Sr.  
Chairman of Charleston County Council

ATTEST:

By: \_\_\_\_\_  
Kristen L. Salisbury  
Clerk to Charleston County Council

First Reading: August 23, 2022  
Second Reading: September 6, 2022  
Third Reading: September 20, 2022

## EXHIBIT "A"

### Charleston County Livability Ordinance (Chapter 3 of the County's Code of Ordinances)

#### CHAPTER 3 -LIVABILITY

#### ARTICLE II. – NOISE OFFENSES

##### Sec. 3-40. - Definition.

As used below, *plainly audible* means any sound that can be detected by a person using his or her unaided hearing facilities.

##### Sec. 3-41. - Noise—Amplified Sound from Vehicles.

It shall be unlawful for any person to play, operate, or cause to be played or operated, any radio or other vehicular music or sound amplification or reproduction equipment in such a manner as to be plainly audible at a distance of 50 feet in any direction from the vehicle or plainly audible within the residential dwelling of another. The detection of the rhythmic bass component of the music or sound is sufficient to constitute a plainly audible sound. Prohibitions contained in this section shall not be applicable to emergency or public safety vehicles for sound emitted during job-related operation.

##### Sec. 3-42. – Noise - Amplified Sound in General.

It shall be unlawful for any person to play, operate, or cause to be played or operated, any radio or other music or sound amplification or reproduction equipment upon real property in such a manner as to be plainly audible within any residential dwelling of another. The detection of the rhythmic bass component of the music or sound is sufficient to constitute a plainly audible sound.

##### Sec. 3-43. – Noise - Excessive, Unnecessary or Unreasonable Noise.

- A. Any excessive, unnecessary, or unreasonable sound that is plainly audible as set forth in sections 3-41 and 3-42 of this Code which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensibilities is prohibited.
- B. Any excessive, unnecessary, or unreasonable sound that is plainly audible within 500 feet of the property line of a residentially developed Parcel or above 70 dBA is prohibited.
- C. Any excessive, unnecessary, or unreasonable sound that is plainly audible between 10:00 p.m. and 7:00 a.m. is prohibited.

##### Sec. 3-44. Noise- Exemptions.

The following shall be exempt from the prohibitions set forth in sections 3-41, 3-42, and 3-43 above:

- (1) Church bells or other activities of organized religious services.
- (2) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm

systems used in any emergency situation, provided, however, that burglar alarms not terminating within 15 minutes after being activated shall be unlawful.

- (3) Warning devices required by state or federal regulations.
- (4) Farming equipment or farming activity during daylight hours.
- (5) Timber harvesting and milling during daylight hours.
- (6) Noise from domestic power equipment including, but not limited to, chain saws, sanders, grinders, lawn and garden tools or similar devices operated during daylight hours.
- (7) Noise generated by any construction, demolition equipment, or mineral extraction (including crushing, screening, or segregating) operated during daytime hours as per local, state, or federal law or regulation, or as otherwise provided for by permit or variance, whichever is more restrictive.
- (8) Emergency maintenance, construction, or repair work.
- (9) Noise created by any government-sponsored events or privately organized sports, recreation, or athletic events.
- (10) Emergency or extraordinary situations.
- (11) A business may use an outside sound system to notify patrons waiting to pick up an order, obtain a table, or to be able to participate in the activities of the business, provided that such sound does not create an excessive, unnecessary or unreasonable noise.
- (12) Noise from any idling vehicles at a commercial establishment in the process of loading or unloading merchandise for the establishment or waiting for the opportunity to do the same.
- (13) Permitted public performances, gatherings, or parades.

#### Sec. 3-45. Noise- Penalty.

Any person who violates the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$500.00 or not more than 30 days in jail, or both.

#### Sec. 3-46. - Noise—Private action.

In addition to the right of the county to bring an enforcement action for violations of this section, any individual who is specifically damaged by any violation of this chapter related to noise may, in addition to other remedies, institute an appropriate civil action or other proceeding in the magistrate court or circuit court to abate or prevent the nuisance.