

TOWN OF Chesterfield

NOISE ORDINANCE

WHEREAS, 5-7-30 of the South Carolina Code of Laws, 1976 as amended, authorizes municipalities to adopt ordinances respecting any subject as appears to them necessary and proper for the security, general welfare and convenience of the town or for preserving peace, order and good government in them; and

WHEREAS, 5-7-30 of the South Carolina Code of Laws, 1976, as amended enumerates functions and operations for which municipalities may make appropriations including public health and safety; and

WHEREAS, 5-7-30, of the South Carolina code of Laws, 1976, as amended, provides that the municipality governing body may enact ordinances for the implementation and enforcement of the powers granted in this section and provide penalties for violations thereof not to exceed the penalty jurisdiction of Municipality Courts; and

WHEREAS, Chesterfield Town Council finds that excessive noise is a serious and complex problem in the Town which affects the health, safety and welfare of the citizens of the Town and interferes with the use and peaceful enjoyment of property; and

WHEREAS, Chesterfield Town Council finds that the health, safety and welfare of the citizens of the Town would be served through the regulation of excessive noises;

This ordinance is enacted pursuant to that authority and with that intent and to repeal all conflicting ordinances and to consolidate all regulations regarding noise.

SECTION 1. Definitions.

Whenever used in this ordinance, unless a contrary intention is clearly evident, the following terms shall be interpreted as herein defined. All words used in this ordinance not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) its successor body.

- (A) A-weighted sound level: The sound pressure level in decibels as measured on a sound level meter using an A-weighting network. The level so read is designated db(A).
- (B) Decibel (dB): A unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure

of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

- (C) Emergency work: Any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.
- (D) Motor Vehicle: Any vehicle which is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, campers, motorcycles, minibikes, go-carts, and racing vehicles.
- (E) Muffler: An apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.
- (F) Noise: Any sound which annoys or disturbs humans or which causes or tends to cause and adverse psychological or physiological effect on humans.
- (G) Person: Any individual, firm, association, organization, partnership, business, trust, company, owner, operator, or corporation and includes any officer, employee, department, agency, or instrumentality of the United States, the State of South Carolina, or any political subdivisions thereof.
- (H) Slow response: A measuring technique to obtain an average value when measuring a noise level that fluctuates over a range of four (4) dB or more. By way of illustration only a sound level meter set on "Slow response": would record a sound level between two (2) and six (6) decibels less than the reading for a steady signal of the same frequency and amplitude when a tone of 1,000 Hz and for a duration of .05 seconds is applied.
- (I) Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression, and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.
- (J) Sound level: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in the American National Standards Institute specifications for sound level meters (ANSI S1.41971 or the latest approved version

thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

- (K) Sound level meter: An instrument which includes a microphone, amplifier, RMS detector, integrator or time average output meter, and weighting network used to measure sound pressure levels.
- (L) Sound pressure level: Twenty (20) times the logarithms to the base 10 of the ratio of the root mean squared (RMS) sound pressure to the reference pressure of twenty (20) micronewtons per square meter.
- (M) Engine Compression brakes: the use of the engine and transmission to retard the forward motion of a vehicle by compression of the engine. Engine compression brakes are also referred to as "jake brakes".

SECTION 2. Standards.

- (A) Standards, instrumentation, personnel, measurement procedures, and reporting procedure to be used in the measurement of sound shall be as specified in this ordinance.
- (B) Sound level measurement shall be made with a sound level meter using the A-weighting scale, set on "slow" response,
- (C) Sound level meters shall be at least Type II meeting American National Standard Institute (ANSI S1.4-1971 requirements). Persons using the sound levels shall be trained in sound level measurement and the operation of sound level measurement equipment.

SECTION 3. Certain Noises Prohibited.

- (A) It shall be unlawful for any person to make, continue or cause to be continued, any excessive, unnecessary or unusually loud noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the unincorporated areas of the town. The provisions contained herein shall apply to, but shall not be limited to, any business owner or operator who knowingly encourages, allows or permits another person to engage in conduct which constitutes a violation hereunder while on a premises that the business owner or operator leases, owns, controls or has the right to control.

(B) The following acts, among others are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive, namely:

(1) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place within the unincorporated areas of the town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device, except one operated by hand or electricity; the use of any horny whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(2) Radios, phonographs, etc. The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of persons in the vicinity who are not voluntary listeners thereto. The operation of such set, instrument, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet shall be prima facie evidence of a violation of this section.

(3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument; phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is broadcast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(4) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicles except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(5) Construction or repairing of buildings. The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 11:00 p.m., except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Police Chief, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for a period of three (3) days or less while the emergency continues.

- (6) Pile drivers, hammers, etc, The operation between the hours of 11:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- (7) Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (8) Schools, courts, churches, hospitals, The creation of excessive noise on any street adjacent to any school, institute of learning, church or court while the same are in sue, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such street including that the same is a school, hospital or court street.

SECTION 4. Enforcement.

- (A) The duly appointed Police Chief or his designee is hereby given the authority to minister and enforce all provisions of this ordinance.
- (B) In the enforcement of standards established in this article, the Police Chief may be required to exercise judgment in determining if a particular noise annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others and is in violation of this article or is sufficiently loud or otherwise so offensive that it would unreasonably disturb other persons in the vicinity.
- (C) When making such determinations the Police Chief shall consider the following factors and any other factor(s) the Police Chief deems relevant:
 - (1) The volume of the noise.
 - (2) The intensity of the noise.
 - (3) Whether the nature of the noise is usual or unusual.
 - (4) Whether the origin of the noise is natural or unnatural.
 - (5) The volume and intensity of the background noise, if any.
 - (6) The proximity of the noise to residential sleeping facilities.

- (7) The nature and zoning of the area within which the noise emanates.
- (8) The time of day or night the noise occurs.
- (9) The duration of the noise.
- (10) Whether the noise is recurrent, intermittent or constant.

(D) In addition to the standards established above, it shall be presumed that this ordinance has been violated whenever any noise or sound is projected from one property within the unincorporated areas of the town onto another or

onto any public right-of-way if such sound, measured at the location of the complaint exceeds the following decibel standards:

(1)	7:00 a.m. -- 9:00 p.m.	60 db	Low Density Residential (R-10), Medium Density Residential (R-6), General Residential (GR), Neighborhood Commercial, (NC), Office Commercial (OC)
	9:00 p.m. 7:00 a.m.	50 db	Low Density Residential (R-10), Medium Density Residential (R-6), General Residential (GR) (GC), Neighborhood Commercial (NC), Office Commercial (OC)
	7:00 a.m. - 9:00p.m.	70 dB	Limited Industrial (LI), Basic Industrial (BI), Office Commercial (OC), General Commercial (GC), Forest Agricultural (FA),
	9:00 p.m. --7:00 a.m.	65 dB	Limited Industrial (LI), Basic Industrial (BI), Office Commercial (OC), General Commercial (GC), Forest Agricultural (FA)

SECTION 5. Engine Compression Brakes.

No person shall use engine compression brakes anywhere within the Town of Chesterfield unless the brakes are muffled. It shall be an affirmative defense that said unmuffled engine compression brakes were applied in an emergency to protect persons and/or property.

A) This section will not apply to fire engines, ambulances, aid trucks, police vehicles, and any other emergency vehicles.

SECTION 6. Violations.

Violations of any provisions of this ordinance are hereby declared to be a misdemeanor. In addition to all other remedies provided by law, the Town, by and through the Code Enforcement Official, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful act, including the issuance of an ordinance summons, pursuant to 56-7-80 of the South Carolina Code of Laws, 1976, as amended.

SECTION 7. Penalties.

Any person who shall violate the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of the Municipal Court. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this ordinance is committed or continued.

SECTION 8. Exemptions.

Exempted from the provisions of this article are:

- (1) Lawnmowers and agricultural equipment;
- (2) Noises of safety signals, warning devices and emergency pressure relief valves;
- (3) Noise resulting from any authorized emergency vehicles when responding to an emergency call or acting in time of an emergency;
- (4) Noises resulting from emergency work;
- (5) Noise from school bells, church bells or chimes;
- (6) Sounds generated by natural phenomena;
- (7) Noise from the lawful operations of properly equipped aircraft;
- (8) Noise from trains and associated railroad rolling stock lawfully operated in proper repair and manner, including horns, whistles and bells; and
- (9) Any other noise resulting from activities sponsored or cosponsored by the town.

SECTION 9. Severability.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clause, sentences, paragraphs and sections of this ordinance and the ordinance shall remain in full force and effect.

1. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.
2. This Ordinance shall be effective upon the date of the final reading.

First reading October 12, 2023, Second reading November 9, 2023

Attest: Betty Lynn Watson
Clerk

John H. Bennett
Mayor