



First Reading: 03/28/2016
 Second Reading: 04/11/2016
 Third Reading: 05/23/2016
 Public Hearing: 05/09/2016

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FAIRFIELD)

ORDINANCE NO. 663

AN ORDINANCE TO REGULATE EXCESSIVE NOISE IN THE UNINCORPORATED AREAS OF FAIRFIELD COUNTY AND TO REPEAL ORDINANCE NUMBER 520.

WHEREAS, the Fairfield County Council wishes to insure the peace, health, safety, and welfare of the citizens of the County, and

WHEREAS, the Fairfield County Council wishes to provide regulations concerning noise pollution.

NOW THEREFORE, BE IT ENACTED BY THE FAIRFIELD COUNTY COUNCIL

that the following regulations concerning noise pollution shall be placed into effect immediately:

SECTION 1. Any unreasonably loud, disturbing or unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is prohibited. Any noise of such character, intensity and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared to be a nuisance and is prohibited.

SECTION 2. The playing of any radio, phonograph or other musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort, or repose of persons of ordinary sensibilities in any dwelling, hotel, or other type of residence is hereby declared to be in violation of this ordinance.

SECTION 3. The keeping of any animal which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any persons of ordinary sensibilities in the immediate vicinity is hereby declared to be in violation of this ordinance.

SECTION 4. If the building official should determine that the public health and safety will not be impaired by the construction, erection, excavation, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that no loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work. In all other cases, the construction, erection, excavation, demolition, alteration or repair of any building other than between the hours of 7:00 a. m. and 6:00 p.m. on weekdays is a violation of this ordinance, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the county building official, which permit may be granted for a period not to exceed (3) days while the emergency continues and which permit may be renewed for periods of up to three (3) days or less while the emergency continues.

SECTION 5. The creation of any excessive noise on any street or road adjacent to any school or institution of learning, church or court while same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, is a violation of this ordinance, provided that conspicuous signs are displayed in such streets or roads indicating that the same is a school, hospital or court street or road.

SECTION 6. It shall be unlawful for any person to use a loudspeaker upon any walkway, alley, street, road or out-of-doors at public gatherings within the County of Fairfield, unless such person shall have first obtained a permit from the zoning administrator to do so. In no event will the operation of such loudspeaker be allowed between the hours of 10:00 p.m. and 7:00 a.m.

SECTION 7. Operations and activities related to the operation of airports and railways are exempted from the regulations of this ordinance.

SECTION 8. For purposes of this ordinance, the following terms have the designated meaning and noise at the following levels and duration shall be presumed to constitute a nuisance:

A. Definitions: As used in this ordinance, the following terms have the indicated meaning:

- (1) Decibel (dB) is a unit of level which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio of two (2) amounts of power is (10) times the logarithm to the base ten (10) of this ratio.
- (2) Impulsive Sound is a sound of short duration, usually less than one second, with an abrupt onset and rapid decay. By way of example “impulsive sound” shall include, but not be limited to, explosions, musical base drum beats, or the discharge of firearms.
- (3) Residential areas means areas of the county containing single family and multifamily dwellings, including houses, apartments, condominium projects, mobile homes and mobile home parks.
- (4) Non-residential areas shall mean any real property in the county which is not included in the definition of residential areas as defined in this section.
- (5) Sound Level (Noise Level) in decibels (dB) is the sound measured with the “A” weighting and slow response by a sound level meter; except for impulsive or rapidly varying sounds, the fast response shall be used. Traffic, aircraft, and other