

STATE OF SOUTH CAROLINA  
COUNTY OF CLARENDON

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Beulah M. Roberts  
CLERK OF COURT  
CLARENDON COUNTY, SC

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BEULAH M. ROBERTS  
CLERK OF COURT  
CLARENDON COUNTY, SC

AN ORDINANCE TO PROVIDE FOR NOISE CONTROL IN THE UNINCORPORATED AREAS OF CLARENDON COUNTY; AND TO PROVIDE FOR PENALTIES THEREOF.

**WHEREAS**, Clarendon County Council recognizes the need to address the concerns of the citizenry of Clarendon County in regards to noise within the unincorporated areas of the county; and

**WHEREAS**, Clarendon County Council desires to provide the most comprehensive, equitable and effective regulations for the control of noise; and

**NOW, THEREFORE**, be it **ORDAINED** by the Clarendon County Council that this ordinance, to be called the Clarendon County Noise Control Ordinance, be enacted as follows:

(a) *Definitions*. As used in this section, 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 ten (10) times the logarithm to the base ten (10) of this ratio.
- (2) *Excessive noise* means any noise prohibited by subsection (b) of this section.
- (3) *Residential areas* means areas of the county containing single-family and multi-family dwellings, including houses, apartments, condominium projects, mobile homes, and mobile home parks.
- (3) *Sound Level* (Noise Level) in decibels (dB) is the sound measured with the "A" weighting and slow responses by a sound level meter; except for impulsive or rapidly varying sounds, the fast response shall be used. Traffic, aircraft, and other background sounds shall be considered in taking noise measurements, when such background sound interferes with the primary noise being measured.
- (4) *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 S1.4-1971 "Specifications for Sound Level Meters", or the latest revision.
- (6) *Supplementary Definitions of Technical Terms*. Definitions of technical terms not defined herein shall be obtained from American Standard Acoustical Terminology S 1-1-1971 or the most recent revision thereof.

(b) Prohibited acts. It shall be unlawful for any person, business, partnership, corporation or company to willfully create excessive noise within any unincorporated area of the county as provided for in this section.

(1) Sound levels from a facility or property shall not exceed the maximum limits established in Table 1, as measured from the nearest property line at the specified locations:

Table 1

TABLE INSET:

Location Receiving the Noise	Hours of the Day	Maximum Sound Level in A-Weighted Decibels
In a residential area	6:00 a.m. to 10:00 p.m.	70 dBA
	10:00 p.m. to 6:00 a.m.	65 dBA
In a non-residential area	6:00 a.m. to 10:00 p.m.	75 dBA
	10:00 p.m. to 6:00 a.m.	70 dBA

(c) Exemptions. The following are exempt from action pursuant to this section:

- (1) Noises arising from normal lawn or farm activities, including the use of agricultural equipment or lawn equipment.
- (2) Noises from construction or demolition activities occurring between 6:00 a.m. and 10:00 p.m. Construction activity means any site preparation, assembly, erection, repair, alteration, or similar activity and any associated equipment testing.
- (3) Noises resulting from any authorized emergency vehicles, when responding to an emergency call or acting in time of emergency.
- (4) Noises resulting from emergency work.
- (5) Noises resulting from devices used solely for the purpose of warning, protecting, or alerting the public, of the existence of an emergency situation.
- (6) Noises generated by any aircraft or generated in connection with the operation of any airport.
- (7) No prohibition contained in this section shall apply to any public performance, gathering, or parade, or to any public performance, gathering, or activity conducted, sponsored, or cosponsored by Clarendon County or Clarendon School Districts One, Two or Three.

(d) *Variance Conditions.* Any person or business that owns or operates any noise source may apply to the County Administrator or his designee for a variance from one or more of the provisions of this ordinance. However, all variances shall apply to a parcel of real property and not any person or business that owns or operates any noise source and applies for the variance. A parcel of real property shall be allowed not more than four (4) variances per calendar year (January 1<sup>st</sup>-December 31<sup>st</sup>).

- (1) Applicants requesting a variance permit shall supply the following information to the County to include, but not limited to:
  - (a) The nature and location of the noise source for which such application is made;
  - (b) The reason for which the permit of variance is requested, including the hardship that will result to the applicant, his/her client, or the public if the permit of variance is not granted;
  - (c) The level of noise that will occur during the period of the variance;
  - (d) The section or sections of this ordinance for which the permit of variance shall apply;
- (2) Applicants requesting a variance permit shall also present adequate proof to the County that:
  - (a) Noise levels occurring during the period of the variance will not constitute a danger to the public's health, safety and welfare; and
  - (b) Compliance with the ordinance would impose an unreasonable hardship on the applicant without equal or greater benefits to the public.
- (3) Failure to supply the information required by the County may be cause for rejection of the application.
- (4) A copy of the variance permit must be kept on file in the Office of the County Administrator or another office designated by him for public inspection.
- (5) The County may reject the application for variance if the property to which the variance applies has exceeded the total number of variances allowed within the current calendar year.
- (6) The County may charge a variance permit fee to cover expenses resulting from the processing of the variance permit application.
- (7) Each variance permit shall be valid for a continuous period of forty-eight (48) hours. However, the County may limit the variance permit to a continuous period of less than forty-eight (48) hours if the County deems it necessary to do so. Any person or business

holding a variance permit and requesting an extension of time shall apply for a new variance permit under the provisions of this section.

(8) The County may limit the time of day the variance permit is allowed.

(9) A variance may be revoked by the County if there is:

- (a) Violation of one or more conditions of the variance;
- (b) Material misrepresentation of fact in the variance application; or
- (c) Material change in any of the circumstances relied on by the County in granting the variance.

(10) All issued variance permits must be posted in a visible location on the property to which the variance permit is issued at all times during the validity of the variance permit.

(e) *Violations.* Any person who violates these provisions shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not less than \$100.00 nor more than \$500.00 or be imprisoned for a period not exceeding 30 days, or both. If the violation is of a continuing nature, each occurrence shall constitute an additional, separate, and distinct offense.

(f) *Enforcement.* The Clarendon County Sheriff's Office, in cooperation with county government, shall enforce the provisions of this ordinance in the unincorporated areas of the county. This ordinance may be enforced within the incorporated areas of any municipality upon written agreement between the county and municipality.

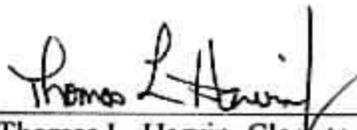
(g) *Severability.* Should any section, paragraph, or provision of this ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part or provision thereof, other than the part so decided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

(h) *Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with this ordinance or inconsistent with its provisions are hereby repealed or superseded to the extent necessary to give this ordinance full force and effect.

(i) *Effective Date.* This ordinance shall take effect on the date of its adoption.

Enacted this 10 day of October, 2011, by Clarendon County Council.

  
Dwight L. Stewart, Jr., Chairman  
Clarendon County Council

ATTEST:   
Thomas L. Harvin, Clerk to Council



First Reading: August 8, 2011  
Public Hearing: September 12, 2011  
Second Reading: September 12, 2011  
Third Reading: October 10, 2011