

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2016-1394

AN ORDINANCE

TO AMEND CHAPTER 23, ARTICLE II, SECTIONS 23-21 THROUGH 23-23 OF THE LANCASTER COUNTY CODE OF ORDINANCES BY THE DELETION OF SECTION 23-21, 23-22 AND 23-23 AND SUBSTITUTING THEREFORE LANGUAGE SET FORTH HEREINAFTER.

WHEREAS, County Council previously considered the issue of excessive noise within the boundaries of the unincorporated sections of Lancaster; and

WHEREAS, so as to define with specificity the rules and regulations regarding excessive noise, Council did pass Ordinance No. 692 (October 3, 2005) and Ordinance No. 846 (September 10, 2007); and

WHEREAS, upon consultation with the Lancaster County Sheriff and upon recommendation of the County Administrator, Lancaster County Council has determined that a revision to the County's noise ordinance is appropriate.

NOW, THEREFORE, by the power and authority granted to the Lancaster County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that:

- A. Chapter 23, Article II, Sections 23-21 through 23-23 of the Lancaster County Code of Ordinances are deleted in their entirety.
- B. Substituted and replaced therefore is the following:

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Section 23-21. Definition

Excessive Noise is any loud unnecessary noise which disturbs the peace and quiet of any unincorporated area of the County of Lancaster or which causes disturbance, discomfort, or annoyance to any reasonable person of normal sensitivities in any unincorporated area of the County of Lancaster or which endangers or injures the safety or health of any person or domestic animal in any unincorporated area of the County of Lancaster. This shall include but not be limited to noise made by human voice or mechanical, electric, or electronic machine or device. In determining whether a noise complained of constitutes excessive noise, the finder of fact shall consider all relevant factors including but not limited to the following:

- (a) The intensity and level of the noise;
- (b) The nature of the noise including whether it was usual or unusual and whether it was produced naturally or unnaturally;
- (c) The duration of the noise;
- (d) The date and time of day or night the noise occurred;
- (e) The general characteristics of the area where the noise was produced;
- (f) The general characteristics of the area where the noise was heard;
- (g) The distance between the source of the noise and the hearer of the noise;
- (h) The reasonable expectation of quiet of persons where the noise was heard;
- (i) Any prior complaints concerning the noise or its source or the person producing the noise.

Section 23-22. Prohibited Acts.

It shall be unlawful for any person to make or continue or cause to be made or continued any excessive noise in any unincorporated area of the County of Lancaster.

Section 23-23. Exceptions.

This article shall not apply to:

- (a) Noise emanating from a lawfully established business or industry on a fixed site in any unincorporated area of the County of Lancaster except a business licensed for on premise consumption of alcoholic beverages, which business shall be subject to this Article.
- (b) Noise emanating from governmental activities, airports and aircraft, railways, emergency signal devices, parades, carnivals, school band practice and performances, school or government sponsored events, or similar activities.
- (c) Noise caused by emergency operations for the immediate safety, health, and welfare of the unincorporated areas of the County of Lancaster and its inhabitants or to restore property to a safe condition following a calamity.

- (d) Noise emanating from construction activities, agriculture activities, tree harvesting or land clearing activities, lawn care activities, or similar activities between the hours of 6:00 a.m. and 10:00 p.m.

Section 23-24. Evidence, Enforcement and Penalties.

- (a) The provisions of this Article shall be enforced by the Lancaster County Sheriff's Office.
- (b) The complaints of 3 or more persons, or of 1 or more persons, when combined with the complaint of a law enforcement officer, is prima facie evidence that excessive noise regulated by this Article has been produced.
- (c) A person violating this Article shall be guilty of a misdemeanor and shall be punished by a fine and/or imprisonment as provided by Section 1-10 of the Lancaster County Code of Ordinances for a first and a second offense. For a third or subsequent offense a person violating this article shall be punished by a minimum fine of \$250.00 and/or imprisonment as provided by Section 1-10 of the Lancaster County Code of Ordinances. Each occurrence shall constitute a separate offense.


AND IT IS SO ORDAINED

Dated this 23rd day of May 2016

LANCASTER COUNTY, SOUTH CAROLINA

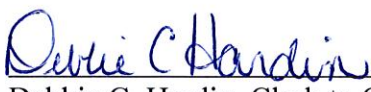


Bob Bundy, Chair, County Council



Steve Harper, Secretary, County Council

ATTEST:



Debbie C. Hardin, Clerk to Council

First Reading: April 25, 2016
Second Reading: May 9, 2016
Third Reading: May 23, 2016