

First Reading: 06/12/2006
Second Reading: 07/24/2006
Third Reading: 01/14/2008
Public Hearing: 01/14/2008

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

ORDINANCE NO. 520

AN ORDINANCE TO REGULATE EXCESSIVE NOISE IN THE UNINCORPORATED AREAS OF FAIRFIELD COUNTY AND TO REPEAL ORDINANCE NUMBER 420.

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. 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. 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.

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. ENFORCEMENT

The provisions of this Ordinance shall be enforced by county sheriffs deputies. All citizens' complaints shall be directed to the Sheriffs Department. In determining whether an occurrence constitutes a violation under this Ordinance, the following should be considered:

- (1) The intensity of the noise;
- (2) The general characteristics of the area where the noise is occurring;
- (3) The time of day or night that the noise is occurring;
- (4) The reasonable expectation of quiet that could be expected by individuals on public or private property surrounding the area where such noise is occurring;
- (5) In the case of motor vehicles, whether or not such vehicles are equipped with muffles and/or suppression devices which keep exhaust noises down to a level equal to or below that which the manufactures of such vehicles provided as original equipment designed for acceptable street use.

SECTION 9. PENALTIES

Any person deemed to be in violation of this Ordinance shall first receive a warning from the sheriffs deputy that they must cease any noise disturbance found to be in violation of this Ordinance.

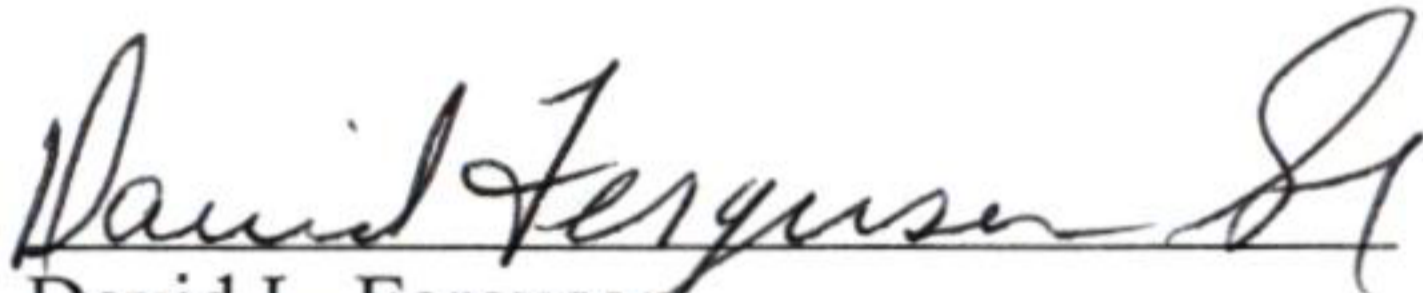
Any person deemed to be still in violation of this Ordinance after having received a warning shall be issued a citation charging such person(s) with a misdemeanor. A first conviction shall be punishable by a fine of no less than one hundred dollars (\$100.00) and no more that two hundred dollars (\$200.00), or imprisonment not to exceed thirty (30) days. A second and any subsequent

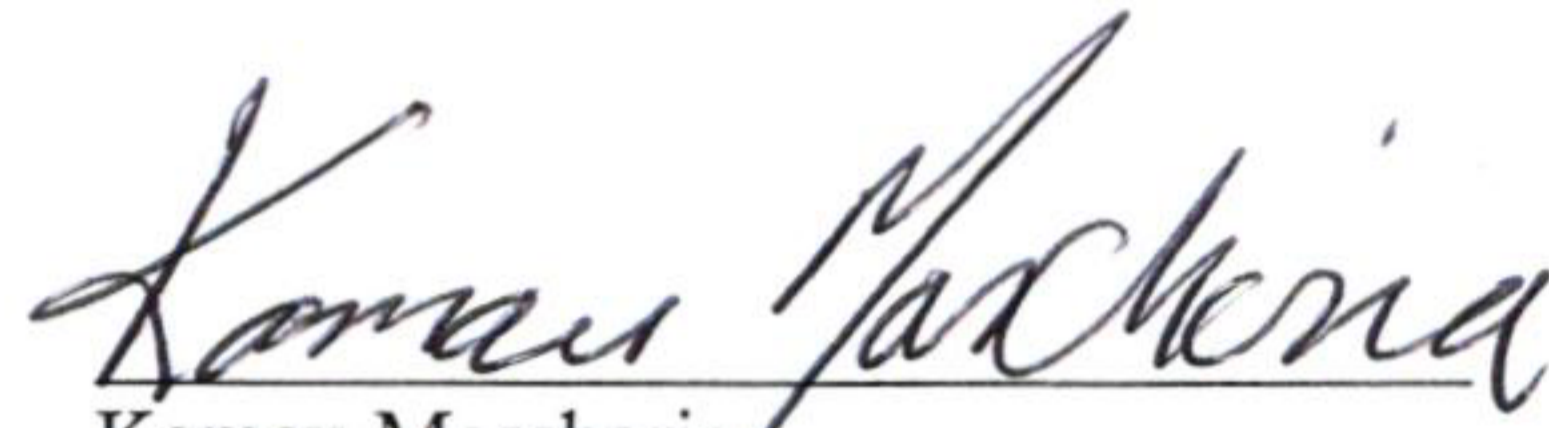
conviction shall be punishable by a fine of no less than one hundred dollars (\$100.00) and no more than two hundred and fifty dollars (\$250.00), or imprisonment not to exceed thirty (30) days.


SECTION 10. CONFLICTING ORDINANCES

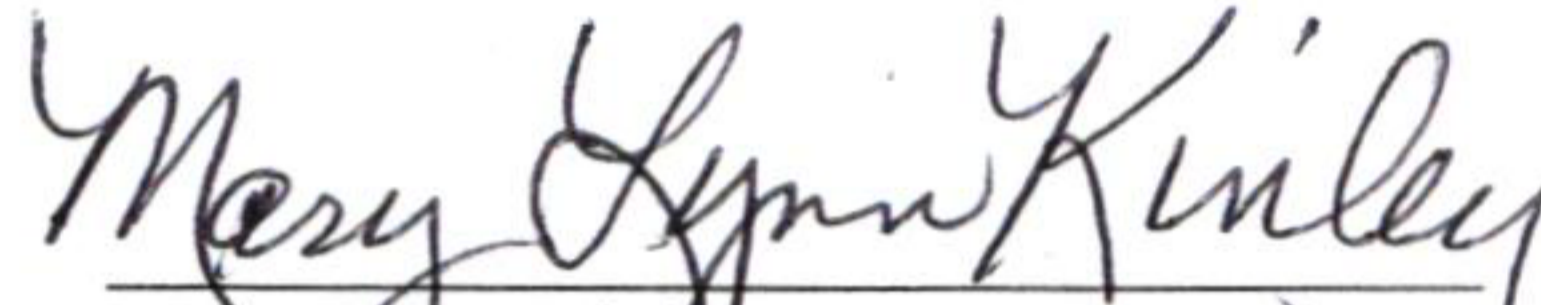
Fairfield County Ordinance Number 420 is hereby repealed in its entirety. Any other ordinances or parts of ordinances in conflict with this ordinance or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this ordinance full force and effect.

ADOPTED THIS 14th DAY OF January, 2008 BY ORDER OF THE
FAIRFIELD COUNTY COUNCIL.



David L. Ferguson
Chairman


Kamau Marcharia
Vice Chairman

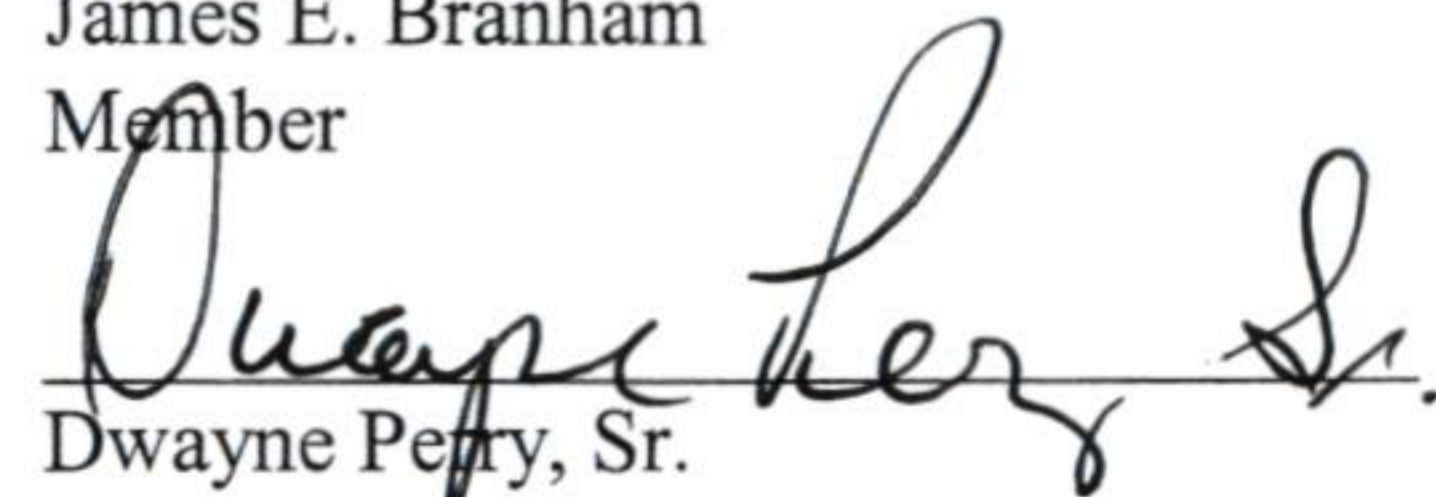

R. David Brown
Member


Mary Lynn Kinley
Member

Mikel R. Trapp
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James E. Branham
Member


Shryll M. Brown
Clerk to Council


Dwayne Perry, Sr.
Member