

ORDINANCE #2006-09-25(D)

AMENDING THE CODE OF ORDINANCES OF THE CITY OF CONWAY, SOUTH CAROLINA,

BY DELETING ARTICLE B, SEC. 9-1-21 THROUGH 9-1-27 ENTIRELY – NOISE

AND PLACING A REVISED ARTICLE B, SEC. 9-2-21 IN ITS STEAD

WHEREAS, Section 5-7-30, 1976 Code of Laws of South Carolina, as amended, grants the authority to a municipal governing body to enact ordinances as shall appear to it necessary and proper for the security, general welfare, and convenience of the municipality, or for preserving health, peace, order and good government therein; and

WHEREAS, City Council has determined it is in the best interest of the citizens of Conway to delete Article B of the City of Conway Code of Ordinances Section 9-1-21 through 9-1-27 entirely and placing a revised Article B, Section 9-1-21 in its stead.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Conway in Council duly assembled and by the authority of the same the code be amended as follows:

Noise:

- A. *Generally.* It is found and declared that:
1. The making and creation of excessive, unnecessary, or unusually loud noises within the limits of the City is a condition which has existed for some time and the extent and volume of such noises can increase with continued commercial and residential development;
 2. The making, creating, or maintenance of such excessive and unnecessary, unnatural or unusually loud noises which are prolonged, unusual or unnatural in their time, place, use, affect, and are a detriment to the public health, comfort, convenience, safety, welfare, and prosperity of the residents of the City; and
 3. The necessity in the public interest for the provisions and the prohibitions hereinafter contained and enacted, is declared as a matter of legislative

determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity of the City and its inhabitants.

- B. *Excessive noise unlawful.* It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, or unusually loud noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the limits of the City.
- C. *Noises prohibited, unnecessary noise standard.* The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:
1. *Horns, signaling devices, etc.* The sounds of any horn or signaling device on any automobile, motorcycle, streetcar, or other vehicle on any street or public place of the City, except as a warning or danger signal, the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time. The use of any signaling device except tone operated by hand or electricity, the use of any horn, 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. *Radio, phonographs, etc.* The noncommercial use, operation, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph/disc player, or other machine or device for the producing or reproducing of sound in such a manner as to be plainly audible and distinctive to such a degree that when the sound or vibration is detected, specific attention can be directed to the source of the sound by the hearer. For the purpose of this subsection, "plainly audible" means any sound which clearly can be heard by unimpaired auditory senses based on a direct line of sight however, words or phrases need not be discernible and said sound shall include bass reverberation. Further, for the purpose of this section "distinctive" shall mean sound that is distinguishable from the ambient sound without regard to time or location. When the noise is identified as originating from a vehicle, the operator of the vehicle when moving or the person responsible for the vehicle when stationary, shall be deemed the responsible party for the creation or maintenance of the unusually loud or excessive noise.