

ARTICLE IV: NOISE

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§ 15-101 NOISE MEASUREMENT PROCEDURES AND DEFINITIONS.

(a) It is the intent of the county council to incorporate into this article those standards of measurement hereinafter set forth, which will take into account the latest scientific advances in noise measurement and control while at the same time, preserving the common sense and common law determination of what constitutes a disturbance or public nuisance. Therefore, sound level measurements, while universally desirable, shall not be required to demonstrate violation of any other ordinance or statute which establishes the creation of a disturbance or public nuisance.

(b) Sound measurements shall utilize the peak intensity of sound, measured in decibels, the “A” frequency weighting and the “slow” response characteristic of a sound level meter conforming in all respects to the American National Standards Institute (ANSI) standard S 1.4-1071, as revised, for Type 1 or Type 2 instruments.

(c) The microphone used to measure the intensity of a noise may be placed at any point on the exterior property line of the complaining party and shall be at least 5 feet from any wall and not less than 3 feet above the ground. If it is not possible to measure 5 feet from a wall, a 5 dB variance will be allowed. In the case of multifamily dwellings, condominiums or other closely confined living areas, the exterior property line shall be considered the walls separating individual family units and the microphone shall be placed at least 5 feet from any wall and not less than 3 feet above the floor. In the case of vehicles or persons in common areas, public areas, roads, streets or highways, the exterior property line shall be considered the wall of any nearby dwelling unit or school and the microphone shall be placed at least 5 feet, but no more than 10 feet from the exterior side of the wall and not less than 3 feet above the ground.

(1976 Code, § 15-101) (Ord. 2110, § 1, passed 5-1-1990)

§ 15-102 PROHIBITION.

(a) It shall be unlawful for any person, firm, association, partnership, joint venture, corporation or entity within any area of the county to use or operate any radio, receiving set, musical instrument, phonograph set, television set or other machine or device for producing or reproducing of sound or to create, assist in creating, permit, continue or permit the continuance of any noise to emanate beyond the exterior of property line of the complaining party, in excess of 70 decibels (dB) between the hours of 7:00 a.m. and 10:00 p.m. of 1 day or in excess of 60 decibels (dB) between the hours of 10:00 p.m. of 1 day and 7:00 a.m. of the following day. Notwithstanding the above, it shall further be unlawful for any person to play, use, operate or permit to be played, used or operated, any radio, cassette or CD player or any other sound producing device if the sound producing device is in any motor vehicle and the sound generated is audible at a distance of 50 feet from the device producing the sound.

(b) This article shall not apply to noise on construction sites, emergency signal devices, material handling by sanitation crews, licensed game hunting on property where it is allowed, refuse compacting vehicles, airport and airplane noise, and sounds emanating from governmental activities. This article shall also not apply to the conduct of agricultural or farming activities, tree harvesting or clearing, lawn and yard maintenance activities, parades, carnivals, and public social events which occur between the hours of 7:00 a.m. and 10:00 p.m. of 1 day. Furthermore, this article is specifically not applicable to any lawfully established business or industry in Greenville County with the exception of business establishments where on-site consumption of alcoholic beverages occurs or is permitted.

(1976 Code, § 15-102) (Ord. 2110, § 2, passed 5-1-1990; Ord. 2599, § 2, passed 8-2-1994)

§ 15-103 CITATION OF VIOLATORS.

The Greenville County Sheriff's Office, in cooperation with county government, shall enforce the provisions of this article. After receiving a complaint and upon a finding by an officer of a violation, any offender shall have an opportunity to immediately abate the offending noise without penalty. However, if the violation continues or reoccurs at any time, the offender shall be guilty of a misdemeanor and shall be punished to the extent provided for in this article.

(1976 Code, § 15-103) (Ord. 2110, § 3, passed 5-1-1990)

§ 15-104 CONSTRUCTION OF ARTICLE.

This article is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes of public safety, health and general welfare. The county or sheriff's office nor any employee shall be liable in tort for damages sustained as a result of sound produced in excess of the requirements of this article. The provisions of this article shall not be held to deprive any county or state agency of any power or authority which it had on the effective date of this article or any remedy then existing for the enforcement of its orders, nor shall it deprive any individual, business or corporation of its legal rights as provided by law.

(1976 Code, § 15-104) (Ord. 2110, § 5, passed 5-1-1990)

§ 15-104.1 BASS VIBRATORY SOUNDS PROHIBITED.

(a) *Prohibition.* The playing of any radio, phonograph, musical instrument, including other mechanical, electric, or electronic devices, which emit low bass vibratory sounds, in such a manner as to cause material distress, discomfort or injury to persons of ordinary sensibilities in any dwelling, hotel, or other type of residence is hereby declared to be a nuisance and is prohibited.

(b) *Evidence.* 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 sound regulated by this article has been produced.

(c) *Violation.* A violation of this article shall be considered a misdemeanor and subject to the jurisdiction of the magistrate's court.

(1976 Code, § 15-104) (Ord. 2588, §§2-4, passed 6-21-1994)

§ 15-105 PENALTIES.

Any person, firm, corporation or agent, who shall violate the provisions of this article shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued.

(1976 Code, § 15-105) (Ord. 2110, § 6, passed 5-1-1990; Ord. 2626, § 3, passed 9-6-1994)

§ 15-106 PENALTIES AND FORFEITURE, CONFISCATION AND DISPOSITION OF SOUND EQUIPMENT IN MOTOR VEHICLES.

In lieu of the penalties enumerated in §15-105, above, the penalty for a first conviction, guilty plea or plea of nolo contendere of the excessive noise from sound amplifying devices in motor vehicles ordinance shall be a fine not more than \$250. For a second conviction, guilty plea or plea of nolo contendere, the penalty shall be not more than \$500 or 30 days in jail. For a third conviction, guilty plea or plea of nolo contendere, the sound-producing device used during the offense must be forfeited. Upon an order from the court, following a conviction, guilty plea or plea of nolo contendere of a third offense, the defendant will, at his own expense, remove the sound amplifying device and deliver it to the Greenville County Sheriff's Office within 7 days of the date of conviction, guilty plea or plea of nolo contendere.

(1976 Code, § 15-106) (Ord. 2599, § 3, passed 8-2-1994; Ord. 4539, § 1, passed 2-19-2013)

§§ 15-107—15-110 RESERVED.