

ORDINANCE NO.: 2019-059

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina,
Chapter 8, Environmental Health and Sanitation, Article III, Noise*

BE IT ORDAINED by the Mayor and Council this 17th day of September, 2019, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 8, Environmental Health and Sanitation, Article III, Noise is amended to read as follows:

**ARTICLE III. NOISE
DIVISION 1. GENERALLY**

Sec. 8-61. Unreasonably loud, disturbing or unnecessary noise.

- (a) It shall be unlawful for any person to create, assist in creating, permit, or allow any unreasonably loud, disturbing or unnecessary noise in the city.
- (b) Any person who violates Section 8-61(a) after being given notice that the noise is unlawful by any law enforcement officer authorized to arrest persons in the City of Columbia shall be subject to a criminal penalty in the municipal court as set forth in Section 1-5(a). For purposes of this offense, notice must be written.

Sec. 8-62. Noises in connection with loading or unloading vehicles.

- (a) It shall be unlawful for any person to use or permit to be used any automobile, truck, bus, motorcycle or other vehicle, engine, stationary or moving, instrument, device or other thing so out of repair, or so loaded in such a manner, as to create any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates or containers.
- (b) Any commercial activity which involves the loading and unloading of a vehicle, truck, dump truck, or other conveyance, (specifically including, but not limited to, garbage containers or dumpsters), between the hours of 11:00 pm on one day and 6:00 am of the next day must be below 50 dB(A) in all residential areas and below 70 dB(A) in all commercial areas, as measured in a direct line of sight/sound from fifty (50) feet away, as near as possible.

Sec. 8-63. Radios, phonographs, musical instruments and other sound-amplifying devices.

- (a) *Disturbing the public generally.* It shall be unlawful for any person to maintain and operate in any building or on any premises in the city any radio device or mechanical musical instrument or device of any kind whereby the sound therefrom is cast directly upon the public streets and places in such a manner as to create unreasonably loud, excessive or disturbing noises and where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public, or which is so placed and operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street, park or public place or of persons on neighboring premises.
- (b) *Disturbing persons in hotel or dwelling.* It shall be unlawful for any person to play any radio, phonograph or musical instrument in such a manner or with such volume, particularly between

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10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.

(c) *Creating public nuisance.* It shall be unlawful for any person to operate, or cause or permit to be operated, any instrument or sound-producing or sound-amplifying device so loudly as to unreasonably disturb persons in the vicinity thereof or in such a manner as renders the instrument or device a public nuisance.

(d) *Permit for special occasions.* Upon application to the city council, permits may be granted to responsible organizations to broadcast programs of music, speeches or general entertainment as a part and in recognition of the community celebration of national, state or city events, public festivals or outstanding events of a noncommercial character, provided that traffic on the streets is not obstructed by reason thereof.

(e) Any person who violates Section 8-67(a), (b) or (c) after being given notice that the noise is unlawful by any law enforcement officer who is authorized to arrest a person in the geographical boundaries of City of Columbia shall be subject to a criminal penalty in the municipal court as set forth in Section 1-5(a). For purposes of this offense, notice must be written.

Sec. 8-64. Crying out or playing bells, drum or other instrument to attract attention.

It shall be unlawful for any person to make any noise upon a public street or in such proximity thereto as to be distinctly and loudly audible upon such street by any kind of crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device, for the purpose of attracting attention or of inviting patronage of any persons to any business whatever.

Sec. 8-65. Building operations.

It shall be unlawful for any person in conducting any building operations between the hours of 11:00 p.m. and 6:00 a.m. to operate or use any machine, equipment or other apparatus, the use of which is attended with loud or unusual noise, in any block in which more than half of the buildings on either side of the street are used exclusively for residence purposes.

Sec. 8-66. Audible signal alarm devices.

The following requirements as to the audible signal alarm devices shall apply to all buildings in the city:

(1) *Definition.* An audible signal alarm device shall mean any mechanism, equipment or system which is designed to operate automatically through the use or emission of an audible signal, message or warning.

(2) *Filing and posting of names of persons authorized to shut off alarm.* It shall be unlawful for the owner or occupant of any building in the city to cause or allow such building to contain or otherwise use an audible signal alarm device unless there is filed with the police department and posted on one or more of the usual entrances to the building, in a conspicuous place and manner visible from without the entrance, a list of the names and telephone numbers of persons who have access to and can shut down the device if the device is triggered or otherwise emits an audible signal or noise.

(3) *Availability of persons authorized to shut off alarm.* It shall be the duty of the owner or occupant to ensure that one or more of the persons whose telephone numbers are so listed shall be available at those telephone numbers at all hours and times, or in the alternative, that the owner or occupant notify the chief of police of the city, or such person as the chief of police may designate, of the telephone numbers at which one or more of those persons may be reached.

(4) *Penalty.* Violation of this section or failure to comply with any of its provisions shall be a misdemeanor, punishable, upon conviction, in accordance with section 1-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Secs. 8-67—8-90. Reserved.

DIVISION 2. - NOISE POLLUTION

Sec. 8-91. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Vehicle means any device which is capable of moving itself, or being moved, from place to place upon wheels or endless tracks; but such term does not include any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power, or moved exclusively over stationary rails or tracks or designed to move primarily through the air.

Motorcycle means every vehicle designed to travel on not more than three wheels in contact with the ground, but does not include trail bikes, dirt bikes, minibikes, go-carts, golf carts, and similar vehicles which are not designed or approved for use on public roads and highways.

Muffler means a device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and which is effective in reducing noise.

dB(A) means a sound level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, publication S1.4-1971.

Ambient Noise Level means the lowest sound level repeating itself during a six-minute period as measured with a sound level meter. The minimum sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source at issue.

Decibel is a unit used to express the magnitude of a change in sound level. The difference in decibels between two sound pressure levels is twenty times the common logarithm of the ratio of that sound pressure level to a reference level of $2 \times 10^{-5} \text{ N/m}^2$ (Newton's/meter squared).

Sound level meter means an instrument, standardized by the American National Standards Institute (ANSI), used for measurement of the intensity of sound and calibrated in decibels.

Sec. 8-92. Measurement of sound level.

(a) Sound from a vehicle operating on a public road or highway, including the sound of amplified music coming from such vehicle, shall be measured at a distance as close to fifty feet from the center of the lane of travel as is practical under the circumstances existing at the time of the measurement.

(b) Sound from a vehicle operating on private property or public property which is not a road or highway, including the sound of amplified music coming from such vehicle, shall be measured at a distance of fifty feet or more from such vehicle.

(c) Sound from a non-vehicular source shall be measured at a distance of ten feet from the property line of the property where such sound is radiating, except that where the noise source is located on public property owned by a governmental entity, the sound shall be measured at a distance of ten feet from the property line or fifty feet from the noise source, whichever is less. The sound of amplified music from a non-moving vehicle on private property or public property which is not a road or highway shall be considered "sound from a non-vehicular source."

(d) Sound shall be measured on the "A" weighting scale on a sound level meter of standard design and quality and characteristics established by the American National Standards Institute.

(e) For purposes of this ordinance, measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five miles per hour or twenty-five miles per hour with a wind screen.

(f) For all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement.

Sec. 8-93. Maximum permitted sound levels.

(a) Sound from a vehicle being operated on a public road or highway with the following speed limits shall not exceed the following as measured on the "A" weighting scale dB(a):

Type of Vehicle	Speed Limit of 35 mph or less	Speed Limit of more than 35 mph
Motorcycle manufactured before 1/1/73	82 dB(A)	86 dB(A)
Motorcycle manufactured on or after 1/1/73	80 dB(A)	84 dB(A)
Vehicle with a manufacturer's gross vehicle rating of 10,000 lbs. or more, and any combination of vehicles towed by such vehicle	86 dB(A)	88 dB(A)
All other vehicles	80 dB(A)	84 dB(A)

(b) Sound from a vehicle being operated on private property or public property which is not a road or highway shall not exceed the following as measured on the "A" weighting scale dB(A):
All vehicles: 78 dB (A)

(c) Sound from a non-vehicular source located in a residential area, shall not exceed the following limits:

- 6:00 a.m. until 11:00 p.m. of the same day: 55 dB (A)
- 11:00 p.m. until 6:00 a.m. of the following day: 50 dB (A)

(d) Construction projects in residential areas shall not exceed the following noise levels for the period within which construction is to be completed pursuant to any applicable construction permit, or if no time limitation is imposed, then for a reasonable period of time for completion of project:

7:00 a.m. until 7:00 p.m. of the same day: 80 dB (A)

7:00 p.m. until 7:00 a.m. of the following day: 75 dB (A)

(e) Periodic, impulsive, or shrill noises are hereby declared unlawful when such noises are at or above a sound level of five dB (A) more than those listed herein.

Sec. 8-94. Exceptions.

The provisions of this ordinance shall not apply to:

(a) The use of property by the state, or any political subdivision of the state, or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, and fireworks displays.

(b) Property in use for manufacturing or industrial purposes as of January 1, 2018.

(c) Public utilities regulated pursuant to State or Federal law.

(d) Operation of aircraft or other activities which are subject to federal law with respect to noise control.

(e) Any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.

(f) The sound made by the sounding of the horn of any vehicle as a danger warning signal or by the sounding of any burglar, fire, personal safety or other warning device.

(g) Activities conducted pursuant to a special use permit issued by the City of Columbia, unless noise is not addressed by the special use permit.

(h) The sound made by a lawnmower or other hand or power tool of no more than five horsepower, between the hours of 7 a.m. and 11 p.m., except Sundays between the hours of 8 a.m. and 11 p.m.

(i) The sound made by persons who are engaged in, or attending as spectators, any organized sporting or athletic event between the hours of 7 a.m. and 11 p.m.

Sec. 8-95. Vehicle Muffler Required.

(a) No person shall operate any vehicle that is not equipped with a muffler in constant operation.

(b) Every motor vehicle or moped driven upon a street and propelled by a combustion engine shall be equipped with a muffler and exhaust system in constant operation and properly maintained to prevent any noise:

(1) In excess of that emitted by the exhaust system of such vehicle as originally installed by the manufacturer of such vehicle; or

(2) Which exceeds 84 dB(A) at any time.

(c) No motor vehicle or moped driven on a street shall be equipped with any muffler cut-off or bypass.

(d) No motor vehicle or moped driven on a street shall emit sound in excess of that allowed under Article III.

Sec. 8-96. Animal Sounds.

Noise from animals shall conform to the requirements and guidelines of Article III Animal Control, of Chapter 4 Animals of the Code of Ordinances of the City of Columbia.

Secs. 8-94 97—8-120. - Reserved.

This ordinance is effective as of final reading.

Requested by:

Councilmember Duvall _____



Mayor

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:


City Clerk

Introduced: 8/20/2019

Final Reading: 9/17/2019