

ORDINANCE 2020 / 36

AN ORDINANCE DECLARING LOUD AND UNNECESSARY VEHICULAR NOISE A PUBLIC NUISANCE AND PROVIDING THAT VIOLATIONS ARE A MISDEMEANOR.

WHEREAS, Beaufort County Council finds and declares that loud, obnoxious, unnecessary or excessive vehicular noise is a serious hazard to the public health, welfare, peace and safety of Beaufort County residents and visitors; and

WHEREAS, residents and visitors of Beaufort County have a right to the peaceful enjoyment of their property and without exposure to loud, obnoxious, unnecessary, or excessive vehicular noises; and

WHEREAS, loud, obnoxious, unnecessary or excessive vehicular noises adversely impact residents' quality of life and are thus a public nuisance; and

WHEREAS, County Council is in receipt of citizens' concerns about the increased proliferation of "muscle" cars, modified mufflers, excessively loud speaker systems, and other loud, obnoxious, unnecessary or excessive vehicular noises in the unincorporated areas of Beaufort County; and

WHEREAS, it is in the best interest of Beaufort County residents and visitors to declare loud, obnoxious, unnecessary or excessive vehicular noises a public nuisance and provide for penalties for violations in the interest of protecting citizens' public health, welfare, peace and safety as well as protecting the quality of life in Beaufort County.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council, duly assembled, does hereby amend the Beaufort County Code of Ordinances Chapter 70 Traffic and Vehicles by inserting the below Article VI Loud and Unnecessary Noises Declared a Public Nuisance:

Article VI. – Loud and Unnecessary Vehicular Noises Declared a Public Nuisance.

Sec. 101. – Loud and unseemly noise.

- (a) Beaufort County Council finds that loud, obnoxious, unnecessary or excessive vehicular noise is a serious hazard to the public health, welfare, peace, and safety of Beaufort County residents and visitors. Therefore, Beaufort County Council declares loud, obnoxious, unnecessary or excessive vehicular noise a public nuisance.
- (b) It shall be unlawful for any person to drive, propel or otherwise operate a motorized vehicle in a manner which emits loud and unseemly noise, which willfully disturbs any residence, neighborhood or business in Beaufort County. The prohibition of this subsection shall include operating a motorized vehicle by rapid throttle advancing (revving) of an internal combustion engine resulting in increased noise from the engine.

- (c) It shall be unlawful for any person to play, operate or cause to be played or operated any vehicular sound system in such a manner as to be audible, in a loud, obnoxious, unnecessary or excessive way, from any public street or right-of-way.
- (d) For the purpose of this Article VI, vehicle noise includes noise from cars, trucks, mopeds, motorcycles, vans, buses, motor scooters, motorized skateboards, and other electric or combustible type engine vehicles. Loud, obnoxious, unnecessary or excessive noise prohibited herein includes, but not be limited to, noise from engines, mufflers, other mechanical parts, or sound system associated with a vehicle.
- (e) Loud and unseemly noise shall mean, loud, obnoxious, unnecessary, or excessive noise which disturbs the peaceful enjoyment of private or public property. Loud and unseemly noise includes but is not limited to any one (1) of the following:
 - 1. Misuse of acceleration or braking power that exceeds tire traction limits, sometimes known as “burn-outs”, “burning rubber”, “laying down rubber”, or “peeling rubber”.
 - 2. Excessive acceleration or deceleration while in motion where there is no emergency needed.
 - 3. Rapid acceleration by means of quick up shifting of transmission gears with either a clutch or manual transmission or automatic transmission.
 - 4. Rapid deceleration by means of quick downshifting of transmission gears with either a clutch or manual transmission or an automatic transmission.
 - 5. Racing or revving of engines by manipulation of the accelerator, gas pedal, or carburetor in applying fuel to the engine in a greater amount than is necessary.
 - 6. Operation of the vehicle by intentionally applying unnecessarily excessive acceleration from a stationary position, or unnecessary, deliberate or intentional burst of acceleration while moving in a nonemergency situation.
 - 7. Operating a motor vehicle (excluding emergency response vehicles as provided below) that exceeds a measured noise level of more than 92 decibels on the decibel meter when 20 inches from the exhaust pipe at a 45-degree angle while the vehicle is operating idle.
 - 8. Operating a motor vehicle of any size regardless of the year of manufacture in violation of S.C. Code §§ 56-5-5020 and 56-5-5030.
 - 9. Operation of a motor vehicle stereo system or sound system with excessive volume that substantially contrasts with the surrounding ambient noise(s) in a manner so as to disrupt the quiet, peaceful enjoyment of private or public property.

- (a) This article VI shall not be construed or interpreted in any way so as to interfere with or discourage the “Sound of Freedom” emanating from airplanes associated with the Marine Corps Air Station, Beaufort.
- (b) The normal sound of motorcycles and mopeds are not a violation of this Article VI unless something additional is contributing to the loud, obnoxious, unnecessary or excessive nature of the noise. For example, a driver excessively, repeatedly, or unnecessarily throttles the engine beyond what is necessary for the purpose of propulsion or the motorcycles parts have been modified to exaggerate the normal sounds of the motorcycle or moped.
- (c) Nothing herein should be construed to prohibit the use of a vehicular horn for the purpose of notifying those nearby of the presence of another vehicle or a potential hazard.
- (d) All equipment owned or operated by Federal, State, or local government including emergency response vehicles, law enforcement vehicles, EMS vehicles and Fire District response vehicles shall be exempt from this Article VI.
- (e) Motor vehicles used in any permitted events involving motor vehicles including by not limited to parades or car shows, during the permitted times of the events.

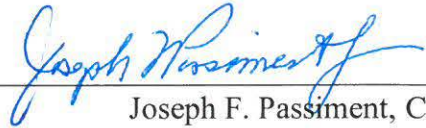
Sec. 103. – Enforcement and penalties.

- (a) Beaufort County Sheriff’s Office shall be charged with the responsibility of enforcing this Article. All violations of the Article VI shall be heard by the Beaufort County Magistrate Court. Nothing herein shall be construed to prevent Beaufort County Code Enforcement officers, duly commissioned by County Council, from enforcing the provisions of this Article VI.
- (b) Any person who violates the provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding the maximum allowed within the jurisdiction of the Beaufort Count Magistrate Court, or imprisonment not exceeding 30 days, or both.
- (c) *Enforcement factors.* In the enforcement standards established in this section an enforcement officer may be required to exercise judgement in determining if a particular noise is sufficiently loud or otherwise so offensive that it would reasonably disturb other persons in the vicinity. The police department or other enforcing agency may make a subjective determination of loud or unseemly noise at the time of the complaint or enforcement. When making such determinations the enforcement officer shall consider the following factors.
 - (1) The intensity (sound pressure level) of the noise.
 - (2) Whether the nature of the noise is usual or unusual.

- (3) Whether the origin of the noise is natural or man-made.
- (4) The volume and intensity of the background noise, if any.
- (5) The proximity of the noise to residential sleeping facilities
- (6) The nature and zoning of the area within which the noise emanates.
- (7) The time of the day or night along with day of week and time of year the noise occurs.
- (8) The duration of the noise.
- (9) Whether the noise is recurrent, intermittent or constant.
- (10) Any other articulable factor that demonstrates a disturbance of quiet and peaceful enjoyment of public or private property.

Adopted this 12th day of October, 2020.

COUNTY COUNCIL OF BEAUFORT COUNTY

By : 
Joseph F. Passiment, Chairman
Beaufort County Council

ATTEST:

By: 
Sarah W. Brock, Clerk to Council

First Reading: March 9, 2020/ Vote 10:1

Second Reading: September 14, 2020/ Vote 10:1

Public Hearing: October 12, 2020

Third Reading: October 12, 2020/ Vote 9:2