

ORDINANCE 2021 / 07

AN ORDINANCE DECLARING LOUD, OBNOXIOUS, UNNECESSARY OR EXCESSIVE NOISE A PUBLIC NUISANCE AND PROVIDING THAT VIOLATIONS ARE A MISDEMEANOR, AND REPEALING ORDINANCE NO 2020-36.

WHEREAS, Beaufort County Council finds and declares that loud, obnoxious, unnecessary or excessive 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 noises; and

WHEREAS, loud, obnoxious, unnecessary or excessive 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 excessively loud, obnoxious, unnecessary 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 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 Article VI Loud and Unnecessary Noises Declared a Public Nuisance:

Article I. – Loud, Obnoxious, Unnecessary or Excessive Noises Declared a Public Nuisance.

Sec. 101. – Loud, obnoxious, unnecessary or excessive noise.

- (a) Beaufort County Council finds that loud, obnoxious, unnecessary or excessive 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 noise a public nuisance.
- (b) Noise in violation of this ordinance shall mean, loud, obnoxious, unnecessary, or excessive noise which disturbs the peaceful enjoyment of private or public property which exceeds 60 decibels measured using a digital sound meter and with enforcement officers' discretion. Noises exceeding this number of decibels between the hours of 10:00 pm – 6:00 am shall be a violation. During the hours of 6am to 10 pm, noises exceeding 80 decibels using a digital sound meter and with enforcement officers' discretion shall be a violation of this ordinance.

Sec. 102- Exceptions.

- (a) This article I 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) 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.
- (c) All equipment owned or operated by Federal, State, or local government including, but not limited to emergency response vehicles, law enforcement vehicles, EMS vehicles and Fire District response vehicles shall be exempt from this Article I.

Sec. 103. — Enforcement and penalties.

- (a) All violations of this Article I 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 I.
- (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.

Sec.104- Repealer

Ordinance 2020-36 and any ordinance in conflict with the terms hereof are hereby repealed.

Adopted this 25th day of January, 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: Joseph F. Passiment
Joseph F. Passiment, Chairman
Beaufort County Council

ATTEST: Sarah W. Brock
By: Sarah W. Brock, Clerk to Council

First Reading: December 14, 2020 Vote 9/4
Second Reading: January 11, 2021 Vote: 7/4
Public Hearing: January 25, 2021
Third and Final Reading: January 25, 2021 Votes: 7/3/1 abstain