

ORDINANCE 2024-48

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

IN THE CODE OF ORDINANCES FOR THE
CITY OF MYRTLE BEACH, AN ORDINANCE
TO AMEND CHAPTER 14, SECTION 14-62

WHEREAS, the Myrtle Beach City Council has the authority to adopt and provide for the enactment of such ordinances, not inconsistent with the Constitution and laws of the State of South Carolina, to promote and protect the health, comfort, convenience, general welfare, and safety of its residents and visitors and to preserve the peace and maintain order within its borders;

WHEREAS, the Myrtle Beach City Council recognizes and declares it is in the public interest to regulate noise levels in the city limits pursuant to the police powers of the City in order to maintain, protect and promote the public health, safety and welfare of residents and visitors; and

WHEREAS, the Myrtle Beach City Council finds it is necessary to amend Chapter 14, Section 14-62 relating to noise;

IT IS HEREBY ORDAINED, that Chapter 14, Section 14-62 is amended as shown in the attached Exhibit A by deleting existing text that is stricken through and by adding text that is underlined.


BRENDA BETHUNE, MAYOR

ATTEST:


JENNIFER ADKINS, CITY CLERK

1st Reading: July 9, 2024
2nd Reading: July 23, 2024

Sec. 14-62. 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) *Prohibited noise.* ~~Excessive noise unlawful.~~ It shall be unlawful for any person to make, continue, or cause to be made or continued any noise of such character, intensity or duration which substantially interferes with the comfortable enjoyment of persons of ordinary sensibilities occupying, owning or controlling nearby properties, or persons making use of public properties for their intended purposes or which injures or endangers the health, peace or safety of others within the limits of the city. ~~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) *Specific noises prohibited.* ~~unnecessary noise standard.~~ The following acts and noises, 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.

- (3) *Loud speakers, amplifiers for advertising.* The use, operation, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is broadcast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (4) *Yelling, shouting, etc.* Yelling, shouting, hooting whistling, or ~~singing~~ signing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to ~~annoy or disturb~~ interfere with the comfortable enjoyment ~~quiet, comfort or repose~~ of persons of ordinary sensibilities ~~reasonable sensitivity in any office, dwelling, hotel or other type of residence, or of any persons in the vicinity.~~
- (5) *Animals, birds, etc.* The keeping of any animal or bird on residential or commercial premises that causes frequent or long continued noise which interferes with the comfortable enjoyment ~~disturbs the comfort or repose~~ of any persons of ordinary sensibilities in the vicinity.
- (6) *Steam whistles.* The blowing of any locomotive steam whistle or air driven whistle or horn attached to any stationary device or building except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- (7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (8) *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or operated in such manner as to create loud and unnecessary grating, grinding, rattling or other noise in a manner prohibited by section 14-62(b).
- (9) *Loading, unloading, opening boxes.* The creation of ~~a loud and excessive~~ noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers in a manner prohibited by section 14-62(b).
- (10) *Construction or repairing of buildings.* The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 11:00 p.m., except in case of urgent necessity in the interest of public health and safety, and

1 then only with a permit from the director of construction services, which permit may
2 be granted for a period not to exceed three days while the emergency continues and
3 which permit may be renewed for period of three days or less while the emergency
4 continues.

5 (11) *Schools, courts, churches, hospitals.* The creation of any ~~excessive noise on any street~~
6 ~~adjacent to any school, institution of learning, church, or court while the same are in~~
7 ~~use, or adjacent to any hospital, which unreasonably interferes with the workings of~~
8 ~~such any school, institution of learning, church, hospital or court, or with the comfort~~
9 ~~or repose of which disturbs or unduly annoys patients in the hospital, provided~~
10 ~~conspicuous signs are displayed in such streets indicating that the presence of same is~~
11 ~~a school, institution of learning, church, hospital or court street.~~

12 (12) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers and vendors in a
13 manner that violates section 14-62(b). ~~which disturbs the peace and quiet in residential~~
14 ~~neighborhoods.~~

15 ~~(13) Drums.~~ The use of any drum or other instrument or device for the purpose of attracting
16 ~~attention by creation of noise to any performance, show or sale when creating sound~~
17 ~~levels in excess of the allowable limits of this section.~~

18 (134) *Transportation of metal rails, pillars, and columns.* The transportation of rails,
19 pillars or columns of iron, steel or other material, over and along streets and other
20 public places upon carts, trays, cars, trucks, or in any other manner so ~~loaded as to~~
21 ~~cause noise in a manner that violates section 14-62(b).~~ ~~loud noises or as to interfere~~
22 ~~with disturb the peace and quiet of such streets or other public places.~~

23 (145) *Pile drivers, hammers, etc.* The operation between the hours of 11:00 p.m. and
24 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or
25 electric hoist or other appliance, in a manner that violates section 14-62(b). ~~the use of~~
26 ~~which is attended by loud or unusual noise.~~

27 (156) *Blowers, mowers and powered yard equipment.* The operation of any noise
28 creating fixed or portable blower, chainsaw or power fan or any internal combustion
29 engine in residential areas between the hours of 9:00 p.m. and 7:00 a.m.; provided,
30 however, such equipment may be used on golf courses located in residential areas
31 outside of these hours so long as such use does not violate section 14-62(b). ~~The~~
32 ~~operation of such devices which cause noise due to the explosion of operating gases or~~
33 ~~fluids, unless the noises from such blower, fan or device is equipped with a muffler~~
34 ~~device sufficient to deaden such noise is prohibited at all times. Use of such equipment~~
35 ~~in commercial areas shall be subject to the noise limits of this section for those areas.~~
36 ~~Use of such equipment on golf courses located in residential areas shall be subject to a~~
37 ~~noise level limit of 65 dBA.~~

38 (167) *Motorized vehicles not in compliance or operated to create noise.*

- 1 a. ~~For purposes of this section, a muffler system is a combination of components that~~
2 ~~provide for the enclosed flow of exhaust gas from the engine exhaust port to the~~
3 ~~atmosphere, so that engine noise and noxious emissions are suppressed.~~
- 4 a. It shall be unlawful to operate any motor vehicle within the city limits in a manner
5 prohibited by section 14-62(b) resulting from any one or more of the following:
- 6 1. Misuse of acceleration or braking power that exceeds tire traction limits,
7 sometimes known as "burn-outs", "burning rubber", "laying down rubber" or
8 "peeling rubber".
- 9 2. Excessive acceleration or deceleration while in motion where there is no
10 emergency need.
- 11 3. Rapid acceleration by means of quick up shifting of transmission gears with
12 either a clutch or manual transmission or automatic transmission.
- 13 4. Rapid deceleration by means of quick downshifting of transmission gears
14 with either a clutch or manual transmission or an automatic transmission.
- 15 5. Racing or revving of engines by manipulation of the accelerator, gas pedal, or
16 carburetor in applying fuel to the engine in a greater amount than is
17 necessary whether the vehicle is either in motion or standing still.
- 18 6. Operation of the vehicle by intentionally applying unnecessarily excessive
19 acceleration from a stationary position, or unnecessary, deliberate or
20 intentional bursts of acceleration while moving in a nonemergency situation.
- 21 b. The motor vehicle found in violation under the provisions herein may not be
22 driven or operated within the city limits, and constitute a public nuisance when
23 found in the city limits, and may be subject to impoundment and immediate
24 towing to prevent operation as a nuisance vehicle. The police hold on the release
25 of the vehicle is deemed satisfied when the owner pays all applicable towing and
26 storage charges, and redeems the vehicle with the apparent and present ability to
27 remove the vehicle from the city limits without operation within the city limits in
28 violation of this article.
- 29 ~~c. It shall be unlawful and a public nuisance to operate within the city limits any type~~
30 ~~of motor vehicle, excluding emergency response vehicles, that exceeds a~~
31 ~~measured noise level of more than 92 decibels on the decibel meter when~~
32 ~~measured 20 inches from the exhaust pipe at a 45 degree angle while the engine~~
33 ~~is operating at idle; or~~
- 34 d. It shall be unlawful and a public nuisance, to operate any motor vehicle of any size
35 and regardless of the year of manufacture in violation of S.C. Code §§ 56-5-5020
36 and 56-5-5030.
- 37 ~~e. Regardless of subsections a.—d. above, it shall be unlawful to operate any motor~~
38 ~~vehicle within the city limits so as to make any loud or unnecessary noise that~~

~~results from any one or more of the following actions by the operator to create a per se loud and unnecessary noise:~~

- ~~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 need.~~
- ~~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 whether the vehicle is either in motion or standing still.~~
- ~~6. Operation of the vehicle by intentionally applying unnecessarily excessive acceleration from a stationary position, or unnecessary, deliberate or intentional bursts of acceleration while moving in a nonemergency situation.~~

(17) It shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, stereo, musical instrument, or other device or apparatus making or reproducing musical or other sounds, on either interior or exterior portions of privately owned property, after 11:00 p.m. and before 7:00 a.m. in such a manner as to be louder than an average conversational level at a distance of 100 feet from the property from which the noise is emanating. For purposes of this subsection, words or phrases need not be discernable and prohibited noises shall include bass reverberation and sound vibration.

(d) *Enforcement factors.* In the enforcement of ~~standards established in this section,~~ an enforcement officer may be required to exercise judgment in determining if a particular noise violates section 14-62(b). ~~is sufficiently loud or otherwise so offensive such that it would unreasonably disturb other persons in the vicinity. If the noises are the result of a legally operating business engaged in their normal operations, the enforcing agency may consider the objective noise level limits listed in this section. However, this does not eliminate the ability and responsibility of the police department or other enforcing agency to make a subjective determination of excessive 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 during the sleeping hours of 11:00 p.m. to 7:00 a.m.
- (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.

~~(e) Definitions. All technical language used in this section not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. For the purpose of this article, the following words and phrases are defined and shall be construed as defined below unless it shall be apparent from the context that a different meaning is intended.~~

~~(1) Sound. An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression, and rarefaction of that medium resulting in air pressure variations perceptible by the human ear. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.~~

~~(2) Noise. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.~~

~~(3) Decibel (dB). A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 microneutons per square meter.~~

~~(4) Sound pressure level. Twenty times the logarithms to the base 10 of the ratio of the root mean squared (RMS) sound pressure to the reference pressure of 20 microneutons per square meter.~~

~~(5) Sound level. The unweighted ("flat") or weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such A, B, or C as specified in the American National Standards Institute specifications for sound level meters (ANSI S1.4). If the frequency weighting employed is not indicated, the A weighting shall apply.~~

~~(6) A weighted sound level. The sound pressure level in decibels as measured on a sound level meter using an A Weighting network. The level so read is designated dBA.~~

~~(7) Sound level meter. An ANSI standard S1.4 Type 0, I or II class instrument which includes a microphone, amplifier, RMS detector, integrator or time average (LEQ as defined below), output meter, and weighting network used to measure sound pressure levels.~~

~~(8) Slow response. Metering function to be used in measurement of sound for determination of enforcement of the objective noise level limits stated within this section.~~

~~(9) Person. Any individual, association, partnership, or corporation and includes any officer, employee, department, agency, or instrumentality of the United States, the State of South Carolina, or any political subdivisions thereof.~~

~~(10) Sound source. The location or property boundary from which a sound emanates.~~

~~(11) Sound receptor. The location or property boundary receiving noise from a sound source.~~

~~(12) Emergency work. Any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril. Emergency work may also be declared by the city as outlined above.~~

~~(13) Outdoor amplified sound. Any sound using sound equipment, whose source is outside or whose source is inside and the sound propagates to the outside of the building or structure housing the source.~~

~~(14) Muffler. An apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.~~

~~(f) Classification of use occupancies. Use occupancies shall be as follows:~~

~~(1) Residential use. All premises containing habitually occupied sleeping quarters. Hospitals, nursing homes, schools, libraries, fraternity and sorority houses, and churches are considered residential uses.~~

~~(2) Public space. Any area owned, utilized, or occupied by a municipal, county, state or federal agency, including, but not limited to, park or recreation areas, streets and sidewalks.~~

~~(3) Commercial. All premises where sales, professional or other commercial activity is legally permitted, except that residentially zoned properties with lawful home occupations are considered residential.~~

~~(4) Industrial. All premises where goods or wares are made, warehoused or stored or where manufacturing is legally permitted.~~

~~(5) Amusement/outdoor activity. All premises which are designated for indoor and outdoor entertainment and/or recreational activities.~~

~~(g) Measurement methodology. This section describes acceptable methods and techniques for the measurement and reporting of noise for the purpose of determining compliance with the allowable noise levels listed above.~~

~~(1) Measurement location. Measurement of sound must be made at the property line or on the property of the noise source if source and receptor properties share a common property line. In the event that a public roadway, park, body of water, etc. is between the noise source and the receptor properties, the noise shall be measured on the far side of the public space from the noise source property.~~

- ~~(2) Calibration. All sound level measuring devices must be calibrated by a certified agency, at a minimum once each year.~~
- ~~(3) Sound level meter. Sound level measurement shall be made with a sound level meter using the A weighting scale, set on "slow" response.~~
- ~~(4) Persons using sound level meters. Sound level meters shall be at least Type II meeting American National Standard Institute (ANSI S1.4-1983 requirements). Persons using the sound levels shall be trained in sound level measurement and the operation of sound level measurement equipment.~~
- ~~(5) Measurement procedures. The following procedures must be followed to obtain representative sound level measurements:~~
- ~~a. Measurement location must be at least three feet above the ground and not more than ten feet above ground.~~
 - ~~b. Measurement shall be taken in location at source property boundary line or boundary of public buffer adjacent to source, with line of sight to the noise source if possible.~~
 - ~~c. Measurements must be made with the sound level meter set for "A" weighting and "slow" response.~~
- ~~(6) Data documentation. A record of all sound level measurements must be completed and signed by the person making the measurements. The record sheet should include:~~
- ~~a. Date.~~
 - ~~b. Time of measurement.~~
 - ~~c. Location (street address if possible).~~
 - ~~d. Noise source.~~
 - ~~e. Make, model and serial number of sound level meter, date of last certification/calibration.~~
 - ~~f. Field calibration results.~~
 - ~~g. Name of complainant (if available).~~
- ~~(7) Decibel standards. In addition to the subjective standards established above, it shall be presumed that the allowable noise level limits have been violated whenever any noise or sound is projected from one property in the city onto another if such sound, measured at the boundary of or on the property receiving the sound, exceeds the following decibel standards.~~
- ~~a. In any R, RM, IN, or PRC zoning district:~~
 - ~~1. 7:00 a.m. to 10:00 p.m.—55 dBA.~~
 - ~~2. 10:00 p.m. to 7:00 a.m.—50 dBA.~~
 - ~~b. In the MU H, RMV, C7, C 6, CG, MP districts:~~

1. ~~7:00 a.m. to midnight 65 dBA.~~
2. ~~Midnight to 7:00 a.m. 60 dBA.~~
- c. ~~In C8, HC 2, HC 1, MU-M districts:~~
1. ~~7:00 a.m. to midnight 70 dBA.~~
2. ~~Midnight to 7:00 a.m. 65 dBA.~~
- d. ~~In WM, AP, LM, BP and E districts:~~
1. ~~Anytime 75 dBA.~~
- e. ~~In the A district:~~
1. ~~7:00 a.m. to 1:00 a.m. 85 dBA.~~
2. ~~1:00 a.m. to 7:00 a.m. 75 dBA.~~
- f. ~~Multi-family structures shall have the same noise limits between units as for single family or detached dwellings, as measured at any point in the interior of the sound receptor residential unit with windows closed.~~
- (eh) Exceptions. The following are exempt from this section: ~~the provisions above:~~
- (1) Sound emanating from scheduled outdoor athletic events or festivals, concerts or activities operating under permit from the city.
 - (2) Noise of safety signals, warning devices, or emergency pressure relief valves.
 - (3) All church bells, church chimes, either actual or electronic, or artificial sound reproduction system intended to sound like church bells or chimes operated between the hours of 7:00 a.m. and 11:00 p.m.
 - (4) Noise resulting from any authorized emergency vehicle.
 - (5) Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law, for which a local permit has been granted by the city, provided such activity is of a temporary duration lasting no longer than two hours during any 24 hour period. Regulation of noise emanating from activities under permit shall be according to the conditions and limits stated in this section and according to any additional conditions stated on the permit.
 - (6) Unamplified and amplified sound at public affairs conducted, sponsored or sanctioned by the city.
 - (7) All noises coming from the normal and legal operations of properly equipped aircraft (not including scale model aircraft).
 - (8) Fireworks when used in accordance with other applicable laws or ~~at times allowed~~ under a pyrotechnics permit.
 - (9) Noise from trains and associated railroad rolling stock when operated in proper repair and manner.

1 (10) Emergency work, ~~as defined above~~ as any work performed for the purpose of
2 preventing or alleviating physical trauma or property damage threatened or caused by
3 an existing or imminent peril. Emergency work may also be declared by the city as
4 outlined in section 14-62(c)(10).

5 (11) *Special event permits.* ~~When approved by city council, the city manager or his~~
6 ~~designated representative~~ The City may issue special event permits for events such as
7 (but not limited to) concerts, festivals, parades, and athletic events to permit
8 reasonable and limited exceptions to the provisions of this section. Any special event
9 permit issued shall contain specific provisions as to the activities which will be
10 conducted and dates and times during which the provisions of this section are to be
11 suspended. Specific sources of the noise which may otherwise violate this section
12 ~~exceed the established sound limits~~ shall be identified, ~~with projected or estimated~~
13 ~~noise levels,~~ and special conditions may be established in the permit which will
14 minimize the noise impact of the special event on the community.

15 (12) *Special use districts, overlay zones.* When approved by the city council, the provisions
16 of this section ~~objective, allowable noise limits~~ may be modified or amended to account
17 for ~~reflect~~ the specialized or unique nature of the land use being allowed. Such
18 modifications or amendments ~~to the allowable noise level limits~~ shall be in force for
19 that zone, property or district only, ~~and shall not serve as an overall modification to the~~
20 ~~noise level limits throughout the city.~~

21 (13) *Annexed or rezoned property.* Annexed property that has been granted a nonresidential
22 zoning or is currently operating as a commercial or amusement use shall have six (6) ~~12~~
23 months to comply with this section. ~~the allowable noise level limits listed above.~~ In the
24 event that a transient lodging or residential zoning is being requested adjacent to or
25 within 1,000 feet of an existing commercial or AC zone, applicant or owner shall
26 demonstrate either through field testing or by use of the Shell Isolation Rating system
27 that planned or existing housing provides 35 dBA of attenuation from outside to inside
28 the building.

29 (14) The city manager or his designated representative may temporarily waive the
30 requirements of this section to permit work of an emergency nature necessary to
31 restore property to a safe condition following a public calamity or work required to
32 protect persons or property from imminent exposure to danger or work by public or
33 private utilities when restoring utility service.

34 ~~(15) This article shall become effective immediately upon its adoption.~~