

**COUNTY OF LEXINGTON, SOUTH CAROLINA**

**ORDINANCE NO. 23-08**

**AN ORDINANCE AMENDING SECTION 26-32 OF THE LEXINGTON COUNTY NOISE ORDINANCE SO AS TO INCLUDE THE REGULATION OF FIREWORKS**

**Whereas, the existing noise ordinance does not specifically address Fireworks and;**

**Whereas, County Council finds that Fireworks regulation should be addressed in the Noise Ordinance instead of in a separate ordinance;**

**Now, Therefore, the Noise Ordinance is hereby amended as follows:**

**Section 26-31. Definitions**

As used in this article, the following terms have the indicated meaning:

Noise means any noise prohibited by Section 26-32 in this article.

Residential areas means areas of the county containing single-family and multi-family dwellings which include houses, apartments, condominium projects, mobile homes and mobile home parks.

**Section 26-32. – Enumeration of prohibited acts.**

(A) It shall be unlawful for any person within the unincorporated areas of the County to willfully make or continue, or cause to be made or continued, any loud, unnecessary and unusual noise which disturbs the peace and quiet of any unincorporated or incorporated residential area or which causes discomfort or annoyance to any person in any unincorporated or incorporated residential area of the County. This noise shall include, but not be limited to, noises made by motor vehicles, motorboats, mechanical devices, electrical devices, electronic devices, human voice, music, musical instruments, animals, and all activities accessory to residential living. In determining whether an occurrence constitutes a violation under this Section, a court or other authority should consider, in addition to all other logically relevant factors, one or more of the following:

(1) The intensity of the noise;

- (2) The general characteristics of the area where the noise is occurring;
- (3) The time of day or night that the noise is occurring;
- (4) The reasonable expectation of quiet that could be expected by individuals on public or private property surrounding the area where such noise is occurring;
- (5) Any previous request by law enforcement officers or citizens for the abatement of any such noise; and
- (6) In the case of motor vehicles and/or motorboats, whether or not such vehicles are equipped with mufflers and/or such suppression devices which keep exhaust noises down to a level equal to or below that which the manufacturers of such vehicles provided as original equipment designed for acceptable use.

(B) Special regulations of Fireworks

- (1) For purpose of this section, Fireworks shall have the meaning as defined in SC Code Section 23-35-175.
- (2) Notwithstanding any other provision of this ordinance, Fireworks shall not be discharged within the unincorporated areas of the County between the hours of 9:00 PM and 9:00 AM on any day of the year with the following exceptions:
  - (A) **On New Year's Eve, Fireworks may be discharged after 9:00 AM.**
  - (B) On New Year's Day, Fireworks shall not be discharged between 12:30 AM and 9:00 AM **and after 9:00 PM.**
  - (C) On July 4, Fireworks shall not be discharged **before 9:00 AM or after 11:00 PM.**
  - (D) On any day and time, Fireworks may be discharged in conjunction with a public display as defined by the International Fire Code and under regulation of the State Fire Marshal, to the extent allowed under the terms of a fire permit issued by the fire code official.

**Section 26-33. – Enforcement of article.**

The provisions of this article shall be enforced by the county sheriff's deputies.

**Section 26-34. – Penalty for violation of article.**

- (A) The violation of Section 26-32 (A) of this article shall constitute a misdemeanor. Any person, firm, or corporation who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than the maximum allowable penalty jurisdiction of the magistrate's court.
- (B) The violation of Section 26-32 (B) is a civil infraction and is punishable by a civil fine of \$150.00

**Section 26.35. – Intent**

Nothing in this article is intended to alter, amend, or repeal the provisions contained in Section 24.10 of the county zoning ordinance

**Effective Date.** This Ordinance shall be effective from the date of its third reading and enactment.

**DONE IN MEETING DULY ASSEMBLED,** this 1<sup>st</sup> day of November, 2023.



Beth A. Carrigg  
Chairwoman, Lexington County Council

ATTEST:



Jessica C. Hendrix, Clerk

First Reading: June 27, 2023

Second Reading: October 10, 2023

Third & Final Reading: November 1, 2023

Public Hearing: August 8, 2023

Filed w/Clerk of Court: \_\_\_\_\_