

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWN OF JACKSON BY AMENDING,
REPEALING AND REPLACING SECTIONS IN CHAPTER 8.16 RELATING TO NOISE**

Ordinance 25-16

WHEREAS, the Council of the Town of Jackson finds that Chapter 8.16 of the Municipal Code, relating to Noise requires revision to improve clarity and facilitate effective enforcement; and

WHEREAS, the Council desires to amend this section to ensure it is enforceable by police and consistent with current operational practices;

SECTION 1: Amend Repeal and Replacement

Chapter 8.16 of the Town of Jackson Municipal Code is hereby amended and/or repealed and replaced with the following:

8.16.010

~~Noise—Prohibited.~~

~~It is unlawful for any person to create, assist in creating, permit, continue or permit the continuance of, any unreasonably loud, disturbing or unnecessary noise.~~

Prohibited noise generally.

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, is hereby declared to be unlawful and to be a nuisance, and is prohibited.

8.16.020

~~Loudspeakers, musical instruments for advertising purposes.~~

~~It is unlawful for any person to maintain and operate in any building, or on any premises 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 a manner as to create unreasonably loud, excessive and disturbing noise, and where the 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 or public place or of persons in neighboring premises, without first obtaining a permit therefor from the mayor or clerk-treasurer.~~

Enforcement factors.

In the enforcement of this article, an enforcement officer may be required to exercise judgment in determining if a particular noise is sufficiently loud or otherwise so offensive that it would substantially interfere with persons occupying nearby public or private property. When making such

determinations, the enforcement officer should consider the following and other relevant factors, as applicable:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) The type and intensity of ambient noise, if any.
- (5) The nature and zoning of the area in which the noise is heard.
- (6) The duration of the noise.

8.16.030

Playing radio, phonograph, or musical instrument in loud manner.

It is unlawful for any person to play any radio, phonograph or musical instrument in a manner or with such volume so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.

Variances.

(a) Any person residing or doing business in the Town may apply to the Town Clerk or their designee for a variance exempting the following activities from the stated noise limits in **(8.16.040**

Measurement of noise level; establishment of prima facie violation)

- (1) The sound produced by construction machinery, heavy duty equipment, and machines and equipment used for construction, repair, cleaning and maintenance of buildings, streets or public or private premises when operated during nighttime hours.
 - (2) The sound produced by an event or assembly held on public or private property, including: musical instruments; radios, disc players, tape players and other comparable mechanical and electronic devices which produce sound; or loudspeakers, amplifiers or other devices which enhance or influence the level of sound in any way.
- (b) Such variance shall be requested on standard form provided by the Town Clerk or their designee. Variance requests must be submitted at least 20 days prior to the start of such activity in order to ensure review. Variance requests submitted after this deadline may be considered at the discretion of the Town Clerk or their designee. If submitted within the stated deadline, the application for variance shall be reviewed and either approved or rejected at least five days prior to the proposed start of the activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.

(c) Applicant shall provide the following information:

- (1) Location and nature of activity;
- (2) Time period and hours of operation of the activity;
- (3) Nature and intensity of the noise that will be generated; and
- (4) Any other information required by the Town Clerk, or the designee of the Town Clerk .

(d) All variances issued are subject to revocation at the discretion of the Town Clerk, the director of the Police Department, or their designee on the basis of excessive or inappropriate noise. Whenever such revocation occurs, the activities of the event shall then become subject to the prohibitions of this article.

8.16.040

Sound amplifying devices—Permit required.

It is unlawful for any person to operate, cause or permit to be operated, any automatic or electrical piano, phonograph, graphophone, victrola, radio, loudspeakers or any instrument or sound-producing or sound-amplifying device of like character so loudly as to unreasonably disturb persons in the vicinity thereof or in a manner as to be a public nuisance; provided, however, that upon application to and approval by the chief of police, written permits may be granted to responsible organizations to broadcast programs of music, speech, general entertainment or announcements as a part of and incident to community celebration of national, state and/or town occasions, public festivals, or other outstanding events, provided that traffic on the streets is not obstructed by reason thereof.

Measurement of noise level; establishment of prima facie violation.

- (a) A prima facie violation of **(8.16.010 Prohibited noise Generally)** shall be established whenever a measurement of the offending noise shall be taken in accordance with this article and shown to produce a level of noise in excess of the guidelines of the chart contained in this section.
- (b) Guidelines shall be measured in decibels.
- (c) Except as noted below measurements recorded shall be taken at the general location on the premises where the noise is heard by any person making a complaint. Precise positioning of the meter is not required. Each sound measurement shall be for a time of at least one minute.
- (d) Guideline measurements establishing a prima facie violation are as follows:

Noise Limit	General, Town -Wide
Daytime noise limit	60

Nighttime noise limit	55
<p>NOTES: (1) dB(A) readings on streets, sidewalks and public property will be made at least 25 feet away from the privately owned premises from which the noise is generated, or 25 feet from the source if generated on public property.</p>	

8.16.050

Making for purpose of soliciting business.

It is 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 the 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 whatsoever.

8.16.060

Penalties for violation of article.

Any person in violation of this article shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as set forth in section 1.16-10, Town of Jackson Code, and any applicable provisions of the South Carolina Code, Annotated. In lieu of arrest, a police officer or designated Town official may serve upon a violator an ordinance summons.

SECTION 2: Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

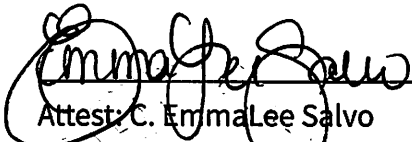
SECTION 3: Effective Date


This ordinance shall become effective upon its final reading and adoption.

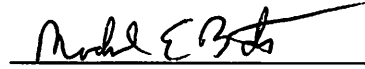
DONE AND ORDAINED this 11th day of November, 2025.

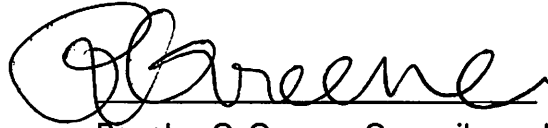
First Reading: **October 14, 2025**

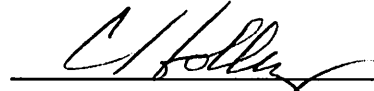
Second Reading: **November 11, 2025**

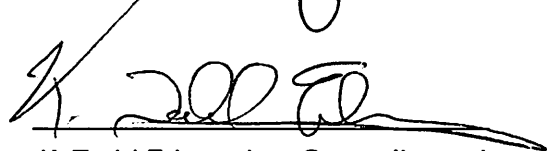

Attest: C. EmmaLee Salvo
Town Clerk/Treasurer


Gurney C. Wiggins Jr., Mayor


Michael E. Bates, Councilmember


Rosalyn C. Greene, Councilmember


G. Clayton Holley, Councilmember


K. Todd Etheredge, Councilmember

Kenneth Teuton, Councilmember

K. Jordan Willingham, Councilmember

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