

CLARENDON COUNTY ORDINANCE NO. 2025-06

**AN ORDINANCE TO PROVIDE FOR NOISE CONTROL IN THE
UNINCORPORATED AREAS OF CLARENDON COUNTY; AND TO
PROVIDE FOR PENALTIES THEREOF**

WHEREAS, Clarendon County Council recognizes the need to address the concerns of the citizenry of Clarendon County in regards to noise within the unincorporated areas of the county; and

WHEREAS, Clarendon County Council desires to provide the most comprehensive, equitable, and effective regulations for the control of noise to protect the health, safety, peace and welfare of its citizens.

NOW THEREFORE, BE IT ORDAINED that the County Council of Clarendon County, South Carolina, does hereby enact the following ordinance concerning the regulation of noise within the County:

I. General Provisions.

The short title of this ordinance is the "Clarendon County Noise Control Ordinance."

II. Definitions.

As used in this ordinance, the following term is defined as follows:

"Noise" means any sound that is either loud, boisterous, unpleasant, unreasonable, or that causes a disturbance of the public peace.

III. Noise Prohibitions.

(A) *General Prohibition.* It shall be unlawful for any person within unincorporated areas of Clarendon County to willfully make and continue, or to be responsible for the making and continuance, of any loud and unnecessary noise or long-continued noise which disturbs the peace and quiet of any unincorporated area of the County, which shall include, without limiting the generality of the foregoing, noise made by motor vehicles, motorboats, mechanical devices, electrical devices, electronic devices, the human voice, music, musical instruments, and all activities accessory to residential living.

(B) *Specific Prohibitions.* In addition to the general prohibition set forth in subsection (A), the following specific noises are prohibited:

- (1) Radios, mechanical, and musical instruments. It shall be unlawful for any person to play any radio, phonograph, or musical instrument in such a manner or with such volume, particularly as to annoy or disturb the quiet, comfort, or response of persons in any dwelling, hotel, or other type of residential structure.

CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE

DATE 05/16/2025

Shanita Brannan
CLERK OF COURT
CLARENDON COUNTY, SC

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- (2) Operating so as to constitute a public nuisance. It shall be unlawful for any person to operate, cause or permit to be operated, any instrument of sound producing or sound amplifying device so loud as to unreasonably disturb persons in the vicinity thereof, or in such a manner as renders the same as a public nuisance.

(C) *Times of construction-related noise.* It shall be unlawful to make, or to be responsible for making, any unreasonably loud or long-continuing noise related to the construction, repairing, demolition, or alteration of any building outside of the hours of 7:00 a.m. to 9:00 p.m. on weekdays, and 9:00 a.m. and 9:00 p.m. on weekends, except in cases of urgent necessity.

IV Exemptions.

The following noises are exempt, and expressly not made unlawful, under this ordinance:

- (A) Noises arising from normal lawn and farm activities, including the use of agricultural equipment or lawn equipment.
- (B) Noises resulting from any authorized emergency vehicles, when responding to an emergency call or acting in time of emergency.
- (C) Noises resulting from emergency work.
- (D) Noises resulting from devices used solely for the purpose of warning, protecting, or alerting the public, of the existence of an emergency.
- (E) Noises generated by an aircraft or generated in connection with the operation of an airport.
- (F) Noises arising from normal hunting activities that are regulated by the South Carolina Department of Natural Resources.
- (G) No prohibition contained in this section shall apply to any public performance, gathering, or parade, or to any public performance, gathering, or activity conducted, sponsored, or co-sponsored by the County or County school district.

V. Variance Conditions.

Any person or business that owns or operates any noise source may apply to the County Administrator or his designee for a variance from one or more of the provisions of this section. However, all variances shall apply to a parcel of real property and not any person or business that owns or operates any noise source and applies for the variance. A parcel of real property shall be allowed not more than four variances per calendar year (January 1 through December 31).

- (A) Applicants requesting a variance permit shall supply the following information to the County to include, but not limited to:
- (1) The nature and location of the noise source for which such application is made;
 - (2) The reason for which the permit of variance is requested, including the hardship that will result to the applicant, his client, or the public if the permit of variance is not granted;
 - (3) The level of noise that will occur during the period of the variance; and
 - (4) The section or sections of this ordinance for which the permit of variance shall apply.
- (B) Applicants requesting a variance permit shall also present adequate proof to the County that:
- (1) Noise levels occurring during the period of the variance will not constitute a danger to the public's health, safety and welfare; and
 - (2) Compliance with this ordinance would impose an unreasonable hardship on the applicant without equal or greater benefits to the public.
- (C) Failure to supply the information required by the County may be cause for rejection of the application.
- (D) A copy of the variance permit must be kept on file in the Office of the County Administrator or another office designated by him for public inspection.
- (E) The County Administrator may reject the application for variance if the property to which the variance applies has exceeded the total number of variances allowed within the current calendar year.
- (F) The County may charge a variance permit fee to be determined by the County Council to defray the expenses resulting from the processing of the variance permit application.
- (G) Each variance permit shall be valid for a continuous period of 48 hours. However, the County may limit the variance permit to a continuous period of less than 48 hours if the County Administrator deems it necessary to do so. Any person or business holding a variance permit and requesting an extension of time shall apply for a new variance permit under the provisions of this section.
- (H) The County may limit the time of day the variance permit is allowed.
- (I) A variance may be revoked by the County if there is:
- (1) Violation of one or more conditions of the variance;

- (2) Material misrepresentation of fact in the variance application; or
 - (3) Material change in any of the circumstances relied on by the County in granting the variance.
- (J) All issued variance permits must be posted in a visible location on the property to which the variance permit is issued at all times during the validity of the variance permit.

VI. Enforcement Factors.

In the enforcement of standards established in this ordinance, a law enforcement officer may be required to exercise judgment in determining if a particular noise is sufficiently loud or meets the characteristics of a noise that violates the terms of this ordinance. When making the determinations, the law enforcement officer shall consider the following factors: (i) the volume of the noise; (ii) the intensity of the noise; (iii) the offensiveness of the noise (without regard to any speech that may be implicated by such noise); (iv) whether the nature of the noise is usual or unusual at the time or place where the noise is occurring; (v) whether the origin of the noise is natural or unnatural; (vi) the type and intensity of background noise, if any; (vii) the proximity of the noise to residential sleeping facilities; (viii) the time of day or night of the noise occurs; (ix) the duration of the noise; and (x) whether the noise is recurrent, intermittent, or constant, and the frequency of any recurrence.

VII. Enforcement.

The Clarendon County Sheriff's Office, in cooperation with County government, shall enforce the provisions of this ordinance in the unincorporated areas of the County. This ordinance may be enforced within the incorporated areas of any municipality upon written agreement between the County and municipality.

VIII. Violations.

Any person violating this ordinance shall be issued an ordinance summons and, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00, or be imprisoned for a period not exceeding 30 days, or both. If the violation is of a continuing nature, each occurrence shall constitute an additional, separate and distinct violation.

IX. Severability.

Should any section, paragraph, or provision of this ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

X. Conflicting Ordinances.

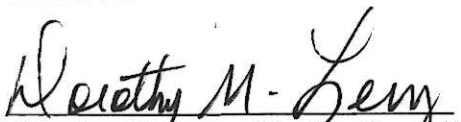
All ordinances or parts of ordinances in conflict with this ordinance or inconsistent with its provisions are hereby repealed or superseded to the extent necessary to give this ordinance full force and effect.

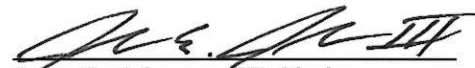
XI. Effective Date. The provisions of this ordinance shall become effective at 12:01 am on May 13, 2025.

DONE AND ENACTED this 12th day of May, 2025.

CLARENDON COUNTY COUNCIL

ATTEST:


Dorothy M. Levy, Clerk to Council


John E. Johnson, III Chairman



First Reading: March 10, 2025

Public Hearing: April 14, 2025

Second Reading: April 14, 2025

Third Reading: May 12, 2025