

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: April 5, 2021

Agenda Item: 6B	Prepared By: Chris Noury, City Attorney
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: March 14, 2017
Subject: An ordinance to amend Chapter 12, Article V, Section 12-78, of the Code of Ordinances for the City of North Myrtle Beach	Division: Legal

**Background:**

The Enforcement Standards section of the Noise Ordinance should be amended to be consistent with the amendment to Section 12-72(g) that was before Council for first reading on March 1, 2021. Should Council elect to give first reading to the attached ordinance, the amendments to Section 12-72 and 12-78 will be brought to Council for consideration on second reading on April 5, 2021.

An ordinance to amend Chapter 12, Noise, Section 12-78, Enforcement Standards, as follows:

Sec. 12-78 Enforcement standards.

- (a) An excessive, unnecessary or unusually loud noise is defined as any sound regulated by Section 12-72 which is plainly audible at a distance of fifty (50) feet from its source or from a public road, alleyway, beach, motel or other public place, or between 11:00 p.m. and 7:00 a.m. noise that is audible beyond the property line.
- (b) The complaints of one (1) or more persons and/or the complaints of one (1) or more public safety officer(s) are prima facie evidence that a sound regulated by Section 12-72 annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in violation of this article.
- (c) Noises audible in public streets or public places which violate the standards of this article are hereby declared to be a public nuisance which may be abated by the Director of Public Safety as authorized by section 5-7-30 of the Code of Laws of South Carolina, 1976 as amended.
- (d) Violation of this article is a misdemeanor and is punishable as provided in section 1-6 of the Code of Ordinances of the City of North Myrtle Beach.

The Council would need a motion and second for first reading, prior to taking action on second reading.

**Recommended Action:**

Motion and second on first reading and then approve the ordinance on second reading

	Reviewed by City Manager	Reviewed by City Attorney
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Council Action:

Motion By \_\_\_\_\_ 2<sup>nd</sup> By \_\_\_\_\_ To \_\_\_\_\_

**AN ORDINANCE TO AMEND SECTION CHAPTER 12, Article V, NOISE,  
SECTION 12-78, ENFORCEMENT STANDARDS AS FOLLOWS:**

Sec. 12-78 Enforcement standards.

- (a) An excessive, unnecessary or unusually loud noise is defined as any sound regulated by section 12-72 which is plainly audible at a distance of fifty (50) feet from its source or from a public road, alleyway, beach, motel or other public place, or between 11:00 p.m. and 7:00 a.m. noise that is audible beyond the property line.
- (b) The complaints of one (1) or more persons and/or the complaints of one (1) or more public safety officer(s) are prima facie evidence that a sound regulated by section 12-72 annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in violation in violation of this article.
- (c) Noises audible in public streets or public places which violate the standards of this article are hereby declared to be a public nuisance which may be abated by the director of public safety as authorized by section 5-7-30 of the Code of Laws of South Carolina, 1976 as amended.
- (d) Violation of this article is a misdemeanor and is punishable as provided in section 1-6 of the Code of Ordinances of the City of North Myrtle Beach.

**BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA:**

**Section 1:** The Ordinance is hereby approved

**Section 2:** The Ordinance shall become effective upon the date of passage.

DONE, RATIFIED AND PASSED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Mayor Marilyn Hatley

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

FIRST READING: 3-15-2021

SECOND READING: 4-5-2021

REVIEWED:

\_\_\_\_\_  
City Manager

ORDINANCE: 21-11