

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: April 5, 2021

Agenda Item: 6A	Prepared By: Chris Noury, City Attorney
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: February 24, 2021
Subject: An ordinance to amend Article V, Section 12-72, of the Code of Ordinances for the City of North Myrtle Beach	Division: Legal

**Background:**

Chapter 12 of the City’s Code of Ordinances, Article V titled Noise contains the code sections related to the regulation of noise within the City.

The attached ordinance amends Sections 12-72 of Article V to delete the current Subsection (g) and to replace the language in Subsection (g) with the following language:

“It shall be unlawful for any person to cause or permit any sustained or repetitive noise, regardless of source, that is audible beyond the property line between the hours of 11:00 p.m. and 7:00 a.m., when, in the opinion of the responding official, such noise is excessive, disrupting the peace or disturbing the general public.”

In addition, the existing Subsection (h) shall be deleted as the above referenced section causes the existing Subsection (h) to be unnecessary.

Also, Subsection (e) has been amended to replace the word “dog” with “animal” to make this subsection consistent with the first sentence of Subsection (e) (see attachment).

**Recommended Action:**

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 12-72 OF THE NOISE ORDINANCE AS FOLLOWS:

Sec. 12-72. – Specific prohibition.

- (a) It shall be unlawful for any person in the city to maintain and operate in any building, motor vehicle or on any premises in the city any radio or television device or mechanical musical instrument, phonograph, jukebox, loudspeaker, or sound-creating or transmitting device of any kind whereby the sound therefrom is cast directly upon the public streets, strand, beach or alleyway in such a manner as to create unreasonably loud, excessive or disturbing noise, or where such noise annoys or disturbs the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence, or where any such device is maintained or 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 sound coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises.
- (b) Except as required by law, no person shall activate or cause to be activated within the city any horns or other sound producing device, except as alarm signals in case of fire, collision or other emergency.
- (c) No person shall use or display ~~or~~ a band or any noise-making devices in such a manner as to be heard or seen from any public street, strand, beach or alleyway in the city. It shall be unlawful for any person, group, organization or association to use any noise-making devices in any public strand, beach or alleyway in the city unless permitted under section 16-13.
- (d) It shall be unlawful for any person in the operation of a motor vehicle to cause or allow any loud, excessive, or unusual noise in the operation or use of such motor vehicle upon any of the streets of the city or for any person to race the engine of any motor vehicle, while such vehicle is not in motion, except when necessary to do so in the course of repairing, adjusting or testing the same.
- (e) It shall be unlawful for any person to own, possess or harbor any animal which frequently or for continued duration howls, barks, or makes any other noise continuously or incessantly for a period of five (5) minutes or barks intermittently for ten (10) minutes or more to the disturbance of any person, particularly between 11:00 p.m. and 7:00 a.m. and regardless of whether the ~~dog~~ animal is physically situated in or upon private property; provided however,

that an ~~dog animal~~ shall not be deemed a “barking ~~dog animal~~” if, at the time the ~~dog animal~~ is barking or making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the ~~dog animal~~ is situated.

- (f) It shall be unlawful to operate or permit the operation of tools or equipment used in construction, drilling or any demolition work between the hours of 10:00 p.m. and 7:00 a.m., except for emergency work of public service utilities, or by a temporary exception granted by the city manager for extraordinary circumstances relating to a construction activity.
- (g) ~~It shall be unlawful for any person to play any radio, phonograph or musical instrument in such a manner or with such volume, particularly between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel, condo or other type residence. It shall be unlawful for any person to cause or permit any sustained or repetitive noise, regardless of source, that is audible beyond the property line between the hours of 11:00 p.m. and 7:00 a.m., when, in the opinion of the responding official, such noise is excessive, disrupting the peace, or disturbing the general public.~~
- (h) ~~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 loudly as to unreasonably disturb persons in any dwelling, hotel, condo or other type residence, particularly between 11:00 p.m. and 7:00 a.m.~~
- (i) The operation of pile driving equipment is prohibited at any time on Sundays and before the hour of 8:00 a.m. or after the hour of 6:00 p.m., Monday through Saturday.

(Ord. No. 91-5, 2-4-91; Ord. No. 03-30, 8-4-03)

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

**Section 1:** The amendment to Section 12-72, as outlined in the Issue Paper and detailed in the attached copy of the ordinance, is hereby approved.

**Section 2:** This ordinance shall be 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: 3-1-2021

SECOND READING: 4-5-2021

REVIEWED:

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

ORDINANCE: 21-10