

## **CHAPTER 8. PROHIBITED NOISE**

### **Sec. 15-801. Statement of policy.**

It is the policy of the Town of Kiawah Island to maintain a peaceful community while recognizing that certain noises are generated by the acceptable economic and recreational activity of a vibrant community. The goal of the town is to recognize such activity while ensuring that time periods during which many residents are customarily at rest or have an expectation of peaceful enjoyment of their residences are not disturbed by unacceptable levels or types of noise.

(Ord. No. 2022-01 , §§ 1, 2, 5-3-2022)

### **Sec. 15-802. Definitions.**

In addition to the common meaning of words, the following definitions shall be used in interpreting this section.

*"A" weighted scale* means the sound pressure level, in decibels, as measured with the sound level meter using the "A" weighted network (scale). The standard unit notation is "dB(A)."

*Amplified sound* means sound augmented by any electronic means which increases the sound level or volume.

*ANSI* means the American National Standards Institute or its successor bodies.

*Complainant* means any owner, lessee, manager, or person with a legal interest in a receiving property who reports to the code enforcement officer or other town authority being disturbed by sound heard in or on outside living space or place of business upon the receiving property and not originating therefrom.

*Construction* means on-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, including, but not restricted to, clearing of land, earth moving, blasting, and landscaping.

*Daytime hours, weekday.* See Table A.

*Daytime hours, weekend/holiday.* See Table A.

*dB(A)* means sound level in decibels, determined by the "A" weighted scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI, S 1.4-197 I, or its successor publication(s).

*Decibel (dB)* means a unit of level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio. In its simplest form a decibel is a unit for measuring the loudness of sound.

*Excessive noise* means any unnecessary or unusually loud sound or any sound which disrupts the peace and quiet of any neighborhood and which does annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensibilities.

---

*Emergency work* means work made necessary to restore property to a safe condition, work required to protect, provide, or prevent persons or property from danger or potential danger, or work by a private or public utility when restoring utility service.

*Holiday* means any official holiday recognized by the town.

*Nighttime hours, weekday.* See Table A.

*Nighttime hours, weekend/holiday.* See Table A.

*Noise disturbance* means any unreasonably loud or raucous sound or noise which:

- Endangers or injures the health or safety of humans or animals;
- Endangers or injures the personal or real property; or
- Disturbs a person of normal sensitivity.

*Nonresidential property* means properties within the town that are not residential.

*Outdoor entertainment* means any outdoor commercial or fundraising activity offered to, provided for, or attended by one or more persons including the playing of recorded music, radio, stereo, and/or television.

*Outdoor live entertainment* means any activity for the benefit of one or more persons to be performed or conducted in outdoor areas by a person or persons using amplified sound to broadcast their voice, or the sound or noise resulting from the playing of musical instruments or other sounds.

*Person* means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, or agency.

*Plainly audible* means able to be clearly heard by a person of normal sensibilities using only unaided auditory senses. Plainly audible shall refer to a sound heard at a volume level above that of normal conversation and shall not include sounds which are just barely audible. With respect to music and amplified sounds, the detection of rhythmic base reverberating type sound, beat or cadence shall be deemed plainly audible.

*Receiving property* means any residence or place of business on which uninvited noise is plainly audible when measured at the property line most closely facing the source of the noise.

*Residential area* means areas of the town containing single-family and multifamily dwellings, including houses, apartments, and condominiums.

*Sound level* means, in decibels, a weighted sound pressure level determined using a sound level meter whose characteristics and frequency weightings are specified in ANSI standards.

*Sound level meter* is an instrument including a microphone, an amplifier, an output meter, and "A" frequency weighting network for the measurement of sound levels that conforms to American National Standards Institute (ANSI) Standard S 1.4-1971 "Specifications for Sound Level Meters," or the latest revision.

*Sound pressure level* means, in decibels, 20 times the logarithm to base ten of the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is 0.0002 microbars.

*Sound source* means any person, animal, device, operation, process, activity, or phenomenon which emits or causes sound.

*Uninvited noise* means noise not originating from the receiving property.

(Ord. No. 2022-01 , §§ 1, 2, 5-3-2022)

**Sec. 15-803. General prohibitions.**

- (a) Except as allowed in this article, no person shall willfully engage in any activity on any premises or public area in the town, which produces or constitutes a noise disturbance on occupied neighboring premises or public area.
- (b) *Specific prohibitions.* The following noises are considered a noise disturbance in violation of this section:
  - (1) *Horns/signaling devices.* The sounding of any horn or signaling device on any motor vehicle or any street or public place, except as a danger warning.
  - (2) Radios, televisions, musical instruments, and similar devices when operated or played so as to produce or reproduce sound in a manner as to be plainly audible from inside any residence or place of business other than the sound source.
  - (3) Building operation's noise during nighttime hours that is plainly audible from inside a residence or place of business of a receiving property.
  - (4) Amplified sound that is plainly audible from inside a residence or place of business of receiving property not originating from the receiving property.
  - (5) Motor vehicle muffler sounds that are in violation of S.C. Code Ann. 56-5-502.

(Ord. No. 2022-01 , §§ 1, 2, 5-3-2022)

**Sec. 15-804. Decibel level prohibitions.**

Table A (Maximum Noise Limitations)—dB(A) Maximum decibel levels

	Daytime Hours Mon—Thurs 8:00 a.m.— 8:00 p.m.	Nighttime Hours Mon—Thurs 8:00 p.m.— 8:00 a.m.	Daytime Hours Fri— Sat/Holiday 8:00 a.m.— 10:00 p.m.	Nighttime Hours Fri— Sat/Holiday 10:00 p.m.— 8:00 a.m.	Daytime Hours Sunday 9:00 a.m.— 8:00 p.m.	Nighttime Hours Sunday 8:00 p.m.— 8:00 a.m. Monday
Max dB(A) level	70	60	70	60	65	55

- (1) Unless otherwise specifically indicated, it shall be unlawful for any person to cause or allow the emission of sound from any source to exceed the maximum levels specified in the above table, when measured at the property line of the complainant's property. A violation will be determined by the code enforcement officer's use of an authorized decibel meter.
- (2) *Exceptions.* The following activities are not governed by the above decibel level limits, but activities that constitute a noise disturbance or do not comply with the limits set forth herein are violations of this section:
  - a. Emergency warning devices on police, fire, ambulance, or other emergency vehicles;
  - b. Horns or other devices used in attempt to avoid imminent injury to human life or property;
  - c. Emergency work;

- 
- d. Construction may not start before 7:00 a.m. and must cease by 7:00 p.m. on weekdays, before 8:00 a.m. and must cease by 5:00 p.m. on Saturday, and is not allowed on Sunday, holidays, and other times as occasionally prohibited by the Town of Kiawah Island;
  - e. Commercial lawn care operations, including residential, may not start before 7:00 a.m. and must cease by 7:00 p.m. on weekdays, may not start before 8:00 a.m. and must cease by 5:00 p.m. on Saturday, and are not allowed on Sunday, holidays, and other times as occasionally prohibited by the Town of Kiawah Island;
  - f. Properly installed and operating HVAC systems;
  - g. Golf and tennis:
    - 1. Routine golf course maintenance, mowing and caring for greens, fairways, rough, raking of sand areas, grooming of courts may not start before 6:00 a.m. on any day;
    - 2. Blowing of parking lots and paths may not start before 6:30 a.m.;
    - 3. Other periodic maintenance such as tree trimming, cart path edging, and other non-routine tasks may not start before 7:00 a.m. and must cease by 7:00 p.m. on weekdays and by 5:00 p.m. on Saturday. These activities are not allowed on Sunday, holidays, and other times as occasionally prohibited by the Town of Kiawah Island;
    - 4. Watering of golf courses and tennis courts as required is not subject to the noise limits and may be conducted during the day or night.

(Ord. No. 2022-01 , §§ 1, 2, 5-3-2022)

### **Sec. 15-805. Special events, outdoor entertainment and outdoor live entertainment.**

Events held at the venues of the Kiawah Island Community Association, the Kiawah Island Club, Freshfields and the resort will have daytime hours of 8:00 a.m. to 10:00 p.m. on every day of the week and must comply with the daytime decibel limits in Table A during those hours. Sound and activity associated with other events for which a special events permit has been issued are subject to Table A times and decibel levels. All events covered by this section shall end by their respective daytime hours. In no event shall the activity allowed in this section be in violation of the section 15-803, Specific prohibitions.

(Ord. No. 2022-01 , §§ 1, 2, 5-3-2022)

### **Sec. 15-806. Determination of noise disturbance.**

In determining whether a noise or sound constitutes a noise disturbance violation under this section, the enforcement officer must consider the following items:

- (1) The volume of the noise as measured by a decibel meter at the complainant's property line;
- (2) Whether the nature of the noise is usual or unusual;
- (3) The intensity of the noise;
- (4) The general characteristics of the area where the noise is occurring;
- (5) The time of day or night at which the noise is occurring;
- (6) The reasonable expectation of quiet that could be expected by individuals on public or private property in the vicinity of where such noise is occurring;

---

(7) The duration of the noise; or

(8) Whether the noise is recurrent, intermittent, or constant.

(Ord. No. 2022-01 , §§ 1, 2, 5-3-2022)

**Sec. 15-807. Penalties.**

Penalties are provided in article 15, General Offenses, chapter 6, General Provisions, section 15-601, Penalties.

(Ord. No. 2022-01 , §§ 1, 2, 5-3-2022)