

Sec. 13-10. - Noise declared nuisance and prohibited; enumeration.

- (a) Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort, or injury to a person of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited. (b) Any noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared to be a nuisance and is hereby prohibited.
- (b) It shall be unlawful for any individual to create or maintain any such nuisance, or for any person to allow or permit the creation of any such nuisance at or on the premises over which such person has dominion or control.
- (c) The following acts, among others, are declared to be nuisances in violation of this section; but such enumerations shall not be deemed to be exclusive:
 - (1) *Musical instruments.* The playing of any radio, phonograph, or other musical instrument in such manner or with such volume, particularly during the hours between 10:30 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of persons of ordinary sensibilities in any dwelling, hotel, or other type of residence.
 - (2) *Loudspeakers and amplifiers.* The use of any stationary loudspeaker or amplifier of such intensity that it annoys and disturbs persons of ordinary sensibilities in the immediate vicinity thereof; the use of any stationary loudspeaker or amplifier operated on any weekday between the hours of 10:30 p.m. and 7:00 a.m., or at any time on Sunday. Provided, however, that this will not apply to electronic church carillons or chimes when played on Sundays between the hours of 9:00 a.m. and 7:00 p.m., with no duration being more than ten minutes during each hour. Such playing shall not exceed four performances during any given Sunday.
 - (3) *Animals and birds.* The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.
 - (4) *Horns or other signal devices on vehicles.* The continued or frequent sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger or warning signal; the creation by means of such signal device of any unreasonably loud or harsh sound for any unnecessary and unreasonable period of time.
 - (5) *Operations of vehicles.* The running of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in such manner as to create loud or unnecessary grating, grinding, jarring, or rattling noise or vibrations.
 - (6) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger.

- (7) *Exhaust without mufflers.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (8) *Devices operated by compressed air.* The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.
 - (9) *Reserved.*
 - (10) *Near schools, churches, and hospitals.* The creation of any excessive noise on any street adjacent to any school, church, or institution of learning while such is in session or adjacent to any hospital, which unreasonably interferes with the working of such institution; provided conspicuous signs are displayed in such manner indicating that the street is a school or hospital street.
 - (11) *Loading and unloading vehicles; opening and destruction of containers.* The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates, and containers.
 - (12) *Peddlers, hawkers, etc.* The raucous shouting and crying of peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.
 - (13) *Use of drums and other instruments to attract attention.* The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention, by the creation of noise, to any performance, show, or sale of merchandise.
 - (14) *Sounding of sirens, horns, etc. on vehicles.* The sounding of any siren, horn, or other signal device on any automobile, ambulance, truck, motorcycle, bus, or other vehicle in the city, except as a danger or warning signal to persons or animals using the streets, sidewalks, and public thoroughfares.
- (d) Sounds due to normal construction-related activities shall meet the requirements as outlined herein:
- (1) For the purpose of this section the term *Construction Site* shall be defined as follows: A parcel of land bounded by lot lines or a designated portion of a public right-of-way where construction activities are taking place. The construction of multiple buildings on one parcel of land shall be one construction site.
 - (2) For the purpose of this section the term *Construction Sounds* shall include but not be limited to the following: Any sounds that are specific to the construction, preparation for construction or demolition of buildings, structures, utilities and like parts of the built environment. Sounds of hammers, power tools, pneumatic tools heavy equipment including backing signals and alarms, grinding, loud impacts, radios, shouting or other noises derived from

construction sites related to the construction activity shall be included in the term *Construction Sounds*. Sounds originating from a construction site that are similar to that of other daily activities and are not of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities are not considered *Construction Sounds*.

(3) Construction sounds must comply with Section 13-10 of the City of Clemson Code of Ordinances (Noise ordinance) with following additions:

- i. Construction sounds shall not be limited from official sunrise or 8:00 a.m., whichever is earlier to official sunset or 8:00 pm whichever is later other than Sunday mornings when construction sounds shall not be permitted until after 12:00 noon.
- ii. Upon the prior approval of the City Chief of Police, construction sounds shall not be limited between 5:00 am and 12:00 midnight for any 3 consecutive days excluding Sundays in any 12 month period on any one construction site.
- iii. Construction sounds shall not be limited for emergency repairs to restore power, restore power or other utilities to a home or building, stop water intrusion, remove trees from buildings, power lines or roads or for other emergency work necessary to preserve life or property.
- iv. Construction sounds shall not apply to periodic and routine maintenance work performed by a property owner at their primary residence, excepting however, that this exemption does not include work otherwise requiring a building permit such as structural remodels, reroofs, or similar activities.

(e.) *Fireworks Prohibited*: No person, firm, partnership, co-partnership, or corporation may knowingly use, ignite, explode, or otherwise discharge any fireworks within City limits; provided, however, upon application and City approval, the City may grant permits for pyrotechnic and consumer fireworks displays. Permits for pyrotechnic and consumer fireworks displays may be granted in the discretion of the City Fire Marshal. (Possibility of Excepting for certain holidays – Independence Day, New Year's Day, other??)

For the purposes of this section, the following definitions shall apply:

- (1) "Consumer Fireworks Display" means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect.
- (2) "Fireworks" means and includes any explosive composition or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include, but is not limited to, blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky rockets, Roman candles, bombs or other explosives of like construction and any

device containing any explosive compound for exhibitional purposes; or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects. The term "Fireworks" shall not include snake or glow worm pellets; smoke devices; sparklers; trick noisemakers known as "party poppers," "booby traps," "snappers," "trick matches," "cigarette loads," and "auto burglar alarms;" toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than twenty-five hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

- i. "Pyrotechnic Display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of an exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged.

(Code 1979, § 9-2001; Ord. of 11-16-81; Ord. No. CC-83-003, 5-2-83; Ord. No. CC-99-002, 4-5-99)