

NOISE

Sec. 13-32. Certain noises prohibited.

(a) It shall be unlawful for any person to make, continue or cause to be continued, any excessive, unnecessary or unusually loud noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the unincorporated areas of the county.

(b) The following acts, among others are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive, namely:

(1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place within the unincorporated areas of the county, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(2) *Radios, phonographs, etc.* The using, operation or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of persons in the vicinity who are not voluntary listeners thereto. The operation of such set, instrument, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be audible at a distance of fifty (50) feet shall be prohibited unless operated in an established amusement theme park subject to the provisions of subsection 13-33(c)(3) or section 13-35.

(3) *Loud speakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is broadcast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(4) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(5) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(6) *Construction or repairing of buildings.* The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 11:00 p.m., except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the director of code enforcement, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for a period of three (3) days or less while the emergency continues.

(7) *Pile drivers, hammers, etc.* The operation between the hours of 9:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

(8) *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(9) *Schools, courts, churches, hospitals.* The creation of excessive noise on any street adjacent to any school, institute of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such street indicating that the same is a school, hospital or court street.

(Ord. No. 108-98, § 3, 7-27-99; Ord. No. 94-03, § 1, 11-18-03)

Sec. 13-33. Enforcement.

(a) In the enforcement of standards established in this article, an enforcement officer may be required to exercise judgment in determining if a particular noise annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others and is in violation of this article or is sufficiently loud or otherwise so offensive that it would unreasonably disturb other persons in the vicinity.

(b) When making such determinations the enforcement officer shall consider the following factors:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or unnatural.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature and zoning of the area within which the noise emanates.
- (8) The time of day or night the noise occurs.
- (9) The duration of the noise.
- (10) Whether the noise is recurrent, intermittent or constant.

(c) In addition to the standards established above, it shall be presumed that sec. 13-32(a) has been violated whenever any noise or sound is projected from one property within the unincorporated areas of the county onto another if such sound, measured at the location of the complaint, exceeds the following decibel standards:

(1) Residential uses (excluding transient commercial accommodations):

TABLE INSET:

7:00 a.m.--9:00 p.m.	60dB
9:00 p.m.--7:00 a.m.	50dB

(2) Public space, industrial, commercial (including transient residential accommodations) or agricultural:

TABLE INSET:

7:00 a.m.--9:00 p.m.	70dB
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9:00 p.m.--7:00 a.m.	65dB
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(3) Amusement Commercial Zoning Districts (Including Planned Development Districts Where the Primary Use is Amusement Commercial):

TABLE INSET:

7:00 a.m.--12:00 a.m.	70dB
12:00 a.m.--7:00 a.m.	65dB

(Ord. No. 108-98, § 3, 7-27-99; Ord. No. 94-03, § 1, 11-18-03)

Lewd Behavior

Sec. 13-1. Possession of opened container of alcoholic beverage.

No person shall possess in any public place not licensed for on-premises consumption of alcoholic beverages any opened container of any alcoholic beverage.

Anyone found guilty of this offense shall be punished as provided in section 1-8 of this Code.

(Ord. No. 26-86, 10-7-86)

Editor's note: Ord. No. 26-86, adopted Oct. 7, 1986, did not specifically amend this Code; inclusion as § 13-1 was at the discretion of the editor.

Sec. 13-2. Public nudity in places accepting entrance payment, selling/dispensing alcoholic beverages, or excluding minors; conduct; gratuities.

(a) Except as live entertainment within a lawfully established adult entertainment establishment as defined in section 526 of the zoning ordinance, it shall be unlawful for any person to appear in such a state of dress or undress so as to expose to the view of others the human male or female genitals, pubic area, pubic hair, buttocks, anus, vulva or any portion of the female breast directly or laterally below the top of the areola in any public place or private place where any admission, contribution or dues are paid; or where any alcoholic beverages are sold, offered for sale, dispensed, possessed or stored; or where minors are excluded by federal or state statute or regulation, or county ordinance.

(b) No employee, dancer or entertainer shall perform live entertainment within six (6) feet of any patron, nor shall any patron experience live entertainment within six (6) feet of an employee, dancer or entertainer.

(c) Establishments with live entertainment shall conspicuously post a sign that advises patrons that they must be at least six (6) feet away from entertainers at all times.

(d) No patron shall personally pay or personally give a gratuity to any entertainer. Gratuities may be placed in one (1) common container at a location away from the dancers or entertainers.

(e) No entertainer shall solicit or accept any pay or gratuity personally from a patron, either before, during, or after the performance of entertainment in the establishment.

(f) Establishments with live entertainment shall conspicuously post a sign that advises patrons that gratuities paid personally to entertainers or dancers are prohibited.

(Ord. No. 28-92, § 1, 7-7-92; Ord. No. 83-98, § 1, 10-6-98)

Parking

Sec. 13-5. Obstruction of fire lane--Unlawful; violation.

It shall be unlawful for any motor vehicle required to be licensed under the laws of this state to be parked in such a manner as to obstruct the potential access of firefighting equipment or personnel to any building in an area within twenty (20) feet of such building. The registered owner of the vehicle shall be liable for any violation of this section. Any police officer or sheriff's deputy with jurisdiction to enforce the law in the county is hereby empowered to write a summons authorized or to be authorized under this Code for a violation of this section.

(Ord. No. 126-97, § 1, 11-18-97)

Litter

Sec. 10-16. Disposal generally.

(a) *Unlawful dumping.* It shall be unlawful for any person, firm, business entity, or corporation to throw, dump or cause to be dumped, whether from a vehicle or otherwise any garbage, refuse, rubbish, litter, junk, appliances, equipment, cans, bottles, paper, lumber, trees, tree limbs, brush or any other form of solid waste anywhere in the unincorporated area of the county except as may be permitted by county regulations at a permitted sanitary landfill without the express approval by action of the county council under such terms and conditions as may be invoked from time to time by the council.

(b) *Permissive dumping of certain materials.* The provisions of subsection (a) of this section do not apply to the dumping on private property with the owner's permission of sand, dirt, broken bricks, concrete blocks or broken concrete pavement or other suitable materials which would not create a nuisance or health hazard; provided, the owner or owners of the property on which such material is dumped meet state health and environmental department requirements; and further provided that said materials are not incorporated with any other type of materials which would create a nuisance or cause a health hazard.

(c) *Effect of identification of unlawful dumping.* If any of the material dumped in violation of the provisions of subsection (a) of this section can be identified as having last belonged to, been in the possession of, sent to, received by or to have been the property of any person prior to its being dumped as prohibited therein, such identification shall be presumptive prima facie evidence that such owner dumped or caused to be dumped such matter or material in violation of this chapter.

(d) *Responsibility for litter from vehicles.* When litter is thrown from a vehicle or allowed to escape therein, the driver will be held responsible for the improper disposal of the litter, regardless of who throws the litter.

(e) *Boat ramps, public boat landings, public campsites, public recreation centers, etc.* It shall be unlawful for any person or persons to violate subsection (a) of this chapter as it relates specifically to those areas such as, but not limited to, boat ramps, public boat landings, public campsites and public recreation areas which are located within the unincorporated areas of Horry County or the adjacent waters of the same.

(f) *Penalties.* The penalties for violation of this section shall be punishable under the provisions of section 10-42 of this chapter.

(Ord. No. 50-01, § 1, 7-10-01)

Sec. 10-19. Weeds and debris; maintenance requirements.

(a) *Duties of owners and occupants.* No person shall permit their property to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a

collecting place for trash and litter or a fire hazard. Any of the herein described conditions is declared to be a common nuisance. It shall be the duty of the fee simple owner and/or the occupant of real property to cut and remove all grass, weeds and other ground-cover vegetation as often as necessary to comply with this provision so that grass, weeds or other ground-cover vegetation shall not grow above a height of twelve (12) inches.

(b) *Removal by county.* If weeds, decaying vegetation, debris or dilapidated structures existing on any property are not removed pursuant to this section, the county may seek a court order to compel the owner and/or occupier to abate the nuisance or it may proceed with its own resources or by contracting with another to abate such nuisance, keeping account of the expenses of the abatement and such expense shall be charged and payable by the owner and/or occupant of the property.

(c) *Lien on real property.* The charge for compelling the owner and/or occupier to abate the nuisance or the county's abatement of the nuisance shall constitute a lien upon the property. The county administrator shall send, or cause to be sent, a bill for such charges to the owner or occupier of the property. The county administrator shall also file a statement of the lien against the owner of the property in the office of the county clerk of court. Such lien shall be indexed in the mortgage books as maintained from time to time for the county and the statement shall contain a legal description of the property, a statement that a nuisance was abated in conformity with this article, the date the nuisance was abated, the expenses and costs incurred for the abatement, a statement that such amount incurred for expenses and costs shall bear interest at the legal rate from the date of filing of the notice of lien and notice that the county claims a lien for the stated amount.

(d) *Penalties.* The penalties for violation of this section shall be punishable under the provisions of section 10-42 of this chapter.

(Ord. No. 50-01, § 1, 7-10-01)

Sec. 10-25. Cleanliness and sanitation of premises.

(a) *Responsibility for litter--Generally.* The responsibility for the removal of litter from property or collection receptacles shall be upon the owner and/or occupier of the property where the receptacle is located. Where litter has traveled onto property of another through the forces of nature, the owner and or occupier of property of origin is responsible if the violator of this section who is responsible for such litter is known and subject to county jurisdiction.

(b) *Penalties.* The penalties for violation of this section shall be punishable under the provisions of section 10-42 of this chapter.