

ARTICLE II. - NOISE

DIVISION 1. - GENERALLY

Sec. 21-16. - Loud and unnecessary noises restricted.

- (a) Findings of fact: City council finds and declares that excessive noise is a serious hazard to the public health, welfare, peace and safety and the quality of life of its residents and visitors; that a substantial body of science and technology exists by which excessive noise may be substantially abated; that people have a right to and should be insured an environment free from excessive sound that may jeopardize their public health, welfare, peace and safety or degrade the quality of life or diminish property values; and therefore, city council finds that it is the policy of the city to prevent such excessive sound.
- (b) It shall be unlawful for any person, entity, or establishment to make, continue, or allow to be made or continued, any clamorous singing, yelling, shouting, whooping, bellowing, hollering, or other loud, obstreperous, wanton and unnecessary noises, or to make, continue, or allow to be made or continued, any loud gatherings, either in the day time or at night, which disturb the peace and quiet of the city, whether in the public street, on privately owned or controlled property, or within enclosures, public or private.
- (c) It shall be unlawful for any person to ride, drive, propel or otherwise operate a motorized vehicle in a manner which emits loud and unnecessary noise or long continued noise, either in the day time or at night, which disturbs the peace and quiet of the city, whether in the public street or on private property, or within enclosures, public or private. The prohibitions of this subsection shall include operating a motorized vehicle by rapid throttle advancing (revving) of an internal combustion engine resulting in increased noise from the engine.
- (d) For purposes of this section, motorized vehicle includes but is not limited to cars, trucks, vans, buses, motorcycles, motor scooters, motorized skateboards, mopeds, and low speed neighborhood electric vehicles.
- (e) Nothing in this section shall be construed to extend to the blowing of a motorized vehicle horn or other signal device by the operator of either a public or private motorized vehicle for the purpose of notifying passengers or other persons of the presence of such motorized vehicle or as a safety precaution in the actual operation of the motorized vehicle.
- (f) It shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument including but not limited to brass or drum instruments or the amplified device or apparatus making or reproducing musical or other sounds within a privately owned or controlled courtyard or outdoor area after 11:00 p.m. and before 7:00 a.m. in such a manner as to be audible in any public street or right-of-way.
- (g) It shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated any musical instrument or other device or apparatus making or reproducing musical or other sounds without amplification within a privately owned or controlled courtyard or outdoor area after midnight and before 7:00 a.m. in such a manner as to be audible in any public street or right-of-way.

This subsection expressly prohibits the playing of brass or drum instruments in privately owned or controlled courtyards or outdoor areas after 11:00 p.m. and before 7:00 a.m.

- (h) Notwithstanding subsection (a) and (f) herein, it shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument including but not limited to brass or drum instruments, or other amplified device or apparatus making or reproducing musical or other sounds after 11:00 p.m. and before 7:00 a.m. when the said sounds emanate from an open window or door opening of a structure in such a manner as to be audible in any public street or right-of-way.

- (i) Except as provided in subsection (f) it shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument including but not limited to brass or drum instruments, or other amplified device or apparatus making or reproducing musical or other sounds when the said sounds are transmitted through a speaker which is mounted on an exterior wall or surface of the structure in such a manner as to be audible in any public street or right-of-way.
- (j) This section shall not be construed to apply to sound trucks as defined in section 21-26 of the Code of the City of Charleston.
- (k) Nothing herein shall be construed to prevent the mayor or his designee from issuing temporary permits for outdoor events sponsored by public, non-profit, educational or religious entities on such terms and conditions as are in the public interest.

(Code 1975, §§ 36-1, 36-3; Ord. No. 1993-51, § 1, 3-23-93; Ord. No. 1993-52, § 1, 3-23-93; Ord. No. 1994-120, § 1, 4-26-94; Ord. No. 2003-36, § 1, 4-8-03; Ord. No. 2004-60, § 1, 6-15-04; Ord. No. 2011-44, § 1, 6-21-11)

Note—See the editor's note to § 21-17

Sec. 21-17. - Reserved.

Editor's note—

Ord. No. 2011-44, §§ 2, adopted June 21, 2011, renumbered the former § 21-17(a)—(g) as § 21-16(a) and (f)—(k). The historical notation has been retained with the amended provisions for reference purposes.

Secs. 21-18—21-25. - Reserved.

DIVISION 2. - SOUND TRUCKS

Sec. 21-26. - Definitions.

For the purposes of this article, the following words and terms shall have the meanings respectively ascribed to them by this section:

Sound-amplifying equipment. The term "sound -amplifying equipment" shall be taken to mean any machine or device for the amplification of the human voice, music or any other sound; provided, however, that, such term shall not be construed to include standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

Sound truck. The term "sound truck" shall be taken to mean any motor vehicle, or horse-drawn vehicle, having mounted thereon, or attached thereto, any sound-amplifying equipment.

(Code 1975, § 36-5)

Cross reference— Rules of construction and definitions generally, § 1-2.

Sec. 21-27. - **Registration statement—Filing required.**

No person shall use, or cause to be used, a sound truck with its sound-amplifying equipment in operation in the city before filing a registration statement in writing and in duplicate with the chief of police.

(Code 1975, § 36-6)

Cross reference— Licenses, permits and miscellaneous business regulations, Ch. 17.

Sec. 21-28. - Same—Contents.

The registration statement, the filing of which is required in section 21-27, shall state the following:

- (a) Name and home address of the applicant.
- (b) Address of place of business of applicant.
- (c) License number and motor number of the sound truck to be used by applicant.
- (d) Name and address of person who owns the sound truck.
- (e) Name and address of the person having direct charge of the sound truck.
- (f) Names and addresses of all persons who will use or operate the sound truck.
- (g) The purpose for which the sound truck will be used.
- (h) A general statement as to the section or sections of the city in which the sound truck will be used.
- (i) The proposed hours of operation of the sound truck.
- (j) The number of days of proposed operation of the sound truck.
- (k) A general description of the sound amplifying equipment which is to be used.
- (l) The maximum sound-producing power of the sound-amplifying equipment to be used in or on the sound truck. In regard to such maximum sound-producing power, this item shall contain a statement as to the following:
 - (1) The wattage to be used.
 - (2) The volume in decibels of the sound which will be produced.
 - (3) The approximate maximum distance for which sound will be thrown from the sound truck. (Code 1975, § 36-7)

Sec. 21-29. - Same—Amendment.

All persons using sound trucks or causing them to be used, shall amend any registration statement filed pursuant to section 21-27 of this division within forty-eight (48) hours after any change in the information therein furnished.

(Code 1975, § 36-8)

Sec. 21-30. - Same—Return to applicant of certified copy.

The chief of police shall return to each applicant, under sections 21-27 and 21-28, one copy of his registration statement duly certified by the chief of police as a correct copy of the application in question.

(Code 1975, § 36-9)

Sec. 21-31. - Same—Possession and display of certified statement.

A copy of the registration statement required by this article, certified as provided in section 21-29, shall be in the possession of any person operating the sound truck at all times while the sound truck's sound-amplifying equipment is in operation and such copy shall be promptly displayed and shown to any policeman of the city upon request.

(Code 1975, § 36-10)

Sec. 21-32. - Applicability of division.

Use of sound trucks in the city with sound amplifying equipment in operation shall be subject to the regulations set out in this division.

(Code 1975, § 36-11)

Sec. 21-33. - Types of sound permitted.

Pursuant to section 21-32, the only sounds permitted are music or human speech.

(Code 1975, § 36-12)

Sec. 21-34. - Hours of operation.

Pursuant to section 21-32, operations are permitted for four (4) hours each day, except on Sundays and legal holidays, when no operations shall be authorized. The permitted four (4) hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.

(Code 1975, § 36-13)

Sec. 21-35. - Sound truck to maintain ten miles per hour.

Sound-amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour, except when such truck is stopped or impeded by traffic. Where stopped by traffic such sound-amplifying equipment shall not be operated for longer than one minute at each stop.

(Code 1975, § 36-14)

Sec. 21-36. - Operalon near hospital, etc., prohibited.

Pursuant to section 21-32, sound shall not be issued within one hundred (100) yards of hospitals, schools, churches, courthouses or polling places.

(Code 1975, § 36-15)

Sec. 21-37. - Profane or slanderous speech prohibited.

Pursuant to section 21-32, the human speech and music amplified shall not be profane, lewd, indecent, or slanderous.

(Code 1975, § 36-17)

Sec. 21-38. - Restrictlons on volume of sound.

The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound truck and so that such volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

(Code 1975, § 36-18)

Sec. 21-39. - Limitalon on waVage.

No sound-amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last stage of amplification.

(Code 1975, § 36-19)

Secs. 21-40—21-50. - Reserved.