

ARTICLE I. IN GENERAL

Secs. 12-1—12-30. Reserved.

ARTICLE II. NOISE¹

Sec. 12-31. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Except as otherwise provided, all words in this article shall be given their ordinary and customary meaning.

Ambient noise means the generally prevailing sound or combination of sounds at the location where a listener receives the sound of the noise about which a complaint is being made. It is the sound or combination of sounds which a person of ordinary sensibilities would reasonably expect to encounter at the location in the ordinary and customary use of the premises.

County means Oconee County, South Carolina.

County administrator means the county administrator for Oconee County, South Carolina.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-32. Prohibited noise generally.

Any noise of such character, intensity, or duration which substantially interferes with the comfortable enjoyment of persons of ordinary sensibilities occupying, owning, or controlling nearby properties or of persons making use of public properties for their intended purposes, is hereby declared to be unlawful and to be a nuisance, and is prohibited.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-33. Standard of reasonableness and use of technology.

It is the intent of the county in regulating noise to take into account the latest scientific advances in noise measurement and control while at the same time preserving common sense and common law determinations of what constitutes a disturbance or public nuisance. Therefore, technological sound level measurements, while

¹Editor's note(s)—Ord. No. 2016-20, § 1(Att. A), adopted May 16, 2017, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 12-31—12-36, pertained to similar subject matter, and derived from Ord. No. 1998-02, §§ 1—6, adopted Apr. 28, 1998; Ord. No. 2009-28, §§ 1—4, adopted Feb. 3, 2010; and Ord. No. 2015-09, § 1(Att. A), adopted Mar. 17, 2015.

State law reference(s)—Authority to abate nuisances created by the operation of business establishments in an excessively noisy manner, S.C. Code 1976, § 4-9-30(16.2).

desirable, shall not be required to demonstrate a violation of this article or any other ordinance or statute which establishes the creation of disturbance or public nuisance. Additionally, decibel level measurements less than those specified in this article may nonetheless establish a violation of this article when due regard is made for the time, place, and circumstances of the noise. In order for measurement requirements to be omitted, however, there must be three or more independent and individual complaints registered or one or more independent and individual complaint when combined with the complaint of the law enforcement officer.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-34. Specific noises prohibited.

- (a) *Operation of certain instruments, devices and equipment.* Nuisance noises shall include, but not be limited to, the use or operation of the following instruments, devices, or pieces of equipment when operated in the manner prohibited by section 12-32:
- (1) Musical instruments.
 - (2) Radios, receivers, stereos, televisions, disc players, tape players, and comparable mechanical and electronic devices which produce sound.
 - (3) Loudspeakers, amplifiers, or other devices which enhance or influence the level of sound in any way.
 - (4) Mechanical devices operating by compressed air, such as pneumatic drills and jackhammers.
 - (5) Horns, sirens, and signal devices using loud, brash, or harassing noises, whether on vehicles or otherwise.
 - (6) Motorized vehicles in operation, regardless of location, without mufflers or with ineffective mufflers or when there is rapid throttle advancing ("revving").
 - (7) The human voice when used to yell, shout, scream or the like.
 - (8) When operated between the hours of 10:00 p.m. and 6:59 a.m., construction machinery, heavy duty equipment, used in street repair and maintenance, domestic and commercial power tools, and the like, unless a permit is obtained.
 - (9) Fireworks which are detonated within the exterior property line and in close proximity to a dwelling or occupied structure without consent of the person in control of the premises; detonation of carbide cannons, black powder or smokeless powder devices, or any explosive device or compound which when detonated causes a report which exceeds that caused by lawfully acquired fireworks and which disturbs the public peace. This subsection shall not apply to lawfully acquired fireworks which are detonated on the Fourth of July, Christmas Eve, Christmas Day, New Year's Eve or New Year's Day.
- (b) *Continuous or repeated noises.* Regardless of the level of sound, the following, by way of example and not limitation, shall be deemed a nuisance and shall be prohibited under section 12-32:
- (1) To keep any animal, including a bird, causing a frequent or long continued noise, such as barking, howling, or screeching, disturbing the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.
 - (2) To install or operate a burglar alarm system which uses an audible warning or bell without a functioning device that will shut off the warning or bell within 20 minutes after application of the system when the alarm cannot be readily or conveniently silenced manually by persons who are disturbed by its activation. Each activation of such an alarm that continues beyond 20 minutes shall be deemed a separate offense.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-35. Exemptions.

The following noises shall be exempt from the prohibitions of section 12-32:

- (1) This article does not apply to noise emanating from industrial, warehouse, distribution, and manufacturing activities and facilities and operations related thereto, governmental activities, emergency signal devices, firearms discharges as a result of lawful game hunting or lawfully operating shooting ranges, agricultural activities (including livestock), parades, carnivals, school band practice or performances, and school or government sponsored athletic events.
- (2) Other code provisions notwithstanding, the sound produced by construction machinery, heavy duty equipment, and machines and equipment used for construction, repair, cleaning and maintenance of buildings, streets, or public or private premises when operated between the hours of 7:00 a.m. and 9:59 p.m. Such devices shall nevertheless be subject to the administrative stop order provisions of section 12-38.
- (3) The sound produced by horns, sirens, and alarms used with authorized emergency vehicles or otherwise used as safety devices to alert persons to danger or attempted crime; however, this exemption shall not apply to improperly operating burglar alarms as identified in section 12-34.2.b.
- (4) The sound produced by emergency repair measures necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger following an emergency, accident, or natural disaster.
- (5) The sound produced by bells or chimes or other carillon instruments when used to signify the passage of hour, half-hour, or quarter hour components, or to commemorate a wedding, funeral, or similar event, including regular religious services, provided the sounds do not exceed five continuous minutes in duration in any one hour period.
- (6) The sound produced by the following, provided there is compliance with all federal laws applicable to the noise:
 - a. Aircraft in flight or in operation at an airport;
 - b. Railroad equipment in operation on railroad rights-of-way; or
 - c. Motor vehicles, otherwise in lawful operation, on all public streets and highways.
- (7) The sound of water splashing produced by any waterfall, stream, decorative water fountain, or irrigation device when established or operated in an ordinary and customary manner.
- (8) Additionally, this article does not apply to noise between the hours of 7:00 a.m. and 9:59 p.m. which emanates from lawn and yard maintenance activities, tree harvesting or clearing, or explosives for construction and land clearing.
- (9) The unamplified sound emanating from a ballpark, playing field, stadium, or comparable outdoor facility designed and intended for recreational or sports activity when used for organized exhibitions or participatory sports or recreational activities.
- (10) Any lawful business operating as of the date of this article that is not in compliance with this article and does not fall under exceptions set out in this article shall have six months from the date of the ordinance from which this article derives to come into compliance with this article.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-36. Enforcement factors.

In the enforcement of this article, an enforcement officer may be required to exercise judgment in determining if a particular noise is sufficiently loud or otherwise so offensive that it would substantially interfere with persons occupying nearby public or private property. When making such determinations, the enforcement officer may consider the following and other relevant 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 type and intensity of ambient noise, if any.
- (6) The nature and zoning of the area in which the noise is heard.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-37. Special permits.

- (a) Entertainment or recreational events. Whenever the county administrator or his designee issues, on a temporary basis, special permits for events of an entertainment or recreational nature, then those events shall be exempt from the prohibitions of this article, provided noise is otherwise regulated in the supervision of the activity and provided that the permit shall be subject to revocation at the discretion of the county administrator or his designee on the basis of violation of permit conditions or excessive or inappropriate noise. Whenever such revocation occurs, the activities of the event shall then become subject to the prohibitions of this article.
- (b) Construction or maintenance operations. The county administrator or his designee may issue a permit exempting specific construction, solid waste pickup arrangements, and maintenance of public streets and rights-of-way from the prohibitions of this article otherwise applicable to nighttime (10:00 p.m. to 6:59 a.m.) activity, provided the person seeking such permit can make a showing that no reasonable alternatives exist to creating the noise at night and the activity involved is compatible with the public interest.
- (c) Specific and limited permits may be issued and allowed, upon request for the purposes of public enjoyment, celebrations, concerts, performances, and holidays and to promote interest and tourism in the county. Noise ordinance standards for such events shall be allowed, measured, and enforced at the furthestmost boundary line of the event grounds and shall be regulated to a maximum of 85 decibels A weighted, averaged per minute.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-38. Administrative stop orders.

The county administrator or his designee may issue administrative stop orders to prohibit temporarily or to reschedule activities otherwise exempt under this article, when the continuation of the activity imposes a great hardship or substantial and aggravating inconvenience upon persons reasonably occupying or utilizing nearby premises, provided such administrative stop order is not used to prohibit completely an otherwise lawful activity and the county administrator or his designee gives due consideration to balancing the hardships involved.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-39. Measurement of noise level; establishment of prima facie violation.

- (a) A prima facie violation of section 12-32 shall be established whenever a measurement of the offending noise shall be taken in accordance with this article and shown to produce a level of noise in excess of 70 decibels ("dB(A)") between the hours of 7:00 a.m. and 9:59 p.m. or in excess of 60 ("dB(A)") between the hours of 10:00 p.m. and 6:59 a.m. Any sound exceeding such levels is hereby declared a nuisance and is prohibited.
- (b) The inference established by subsection 12-39(a) shall be subject to rebuttal based on the time, place, and circumstances of the occurrence.
- (c) Noise levels identified shall be measured in decibels and A-weighted, with the unit of measurement being designated as dB(A). For the purpose of determining dB(A)s, the noise shall be measured on the A-weighting scale and the slow meter response on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute (ANSI).
- (d) Measurements shall be taken so as to provide a reasonable representation of the sound being measured with due regard to the location where the noise is heard by any person making a complaint. If no complaint has been made, enforcement officers shall measure the noise from a point approximately 100 feet from the point from which the noise is emanating. Precise positioning of the meter, however, is not required.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-40. Enforcement procedures; penalty; additional remedies.

- (a) With respect to suspected ordinance violations resulting from vehicle noise, law enforcement officers shall have the authority to charge persons under the provisions of this article without having received a complaint from a member of the public.
- (b) Law enforcement officers in the ordinary course of their duties shall have the authority to request compliance with the provisions of this article without having received a complaint from a member of the public.
- (c) Law enforcement officers may take any one of the following actions in accordance with this article:
 - (1) Warn the offender, who will then have the opportunity to immediately abate the offending noise without penalty. If the violation continues or reoccurs, the officer may cite or arrest the violator. A warning and opportunity to abate the offending noise is not required, however, if the officer deems citation or arrest immediately necessary under the circumstances then present.
 - (2) Issue a courtesy summons or other properly authorized citation device for the offender to appear in a magistrate court.
 - (3) Make a custodial arrest.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-41. Owner responsibility.

No property owner shall allow a violation of this article to be created or maintained on or at his property. A property owner shall be responsible and liable for any violation(s) of this article by tenants, guests, licensees, or other occupants in, on, or at the owner's property if the owner is present at the time of the violation(s) or has actual or constructive knowledge of a potential violation.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-42. Penalties.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and shall for every offense be punished in accordance with section 1-7. Each day on which there is a violation, or every separate and distinct event constituting a violation, of this article shall constitute a separate and distinct violation and offense under this article. The county may also seek injunctive or other relief, as appropriate.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Secs. 12-43—12-70. Reserved.

Sec. 16-91. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Except as otherwise provided, all words in this division shall be given their ordinary and customary meaning.

Ambient noise means the generally prevailing sound or combination of sounds at the location where a listener receives the sound of the noise about which a complaint is being made. It is the sound or combination of sounds which a person of ordinary sensibilities would reasonably expect to encounter at the location in the ordinary and customary use of the premises.

Central business district (CBD) means the downtown area, more particularly identified as zoning district C-4, as may from time to time be amended or adjusted under the city's zoning ordinances.

(Code 1985, § 7-2-12; Code 1997, § 16-91; Ord. No. 96-26, § 2(7-2-12(k)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-92. - Prohibited noise generally.

Any noise of such character, intensity or duration which substantially interferes with the comfortable enjoyment of persons of ordinary sensibilities occupying, owning or controlling nearby properties, or persons making use of public properties for their intended purposes, is hereby declared to be unlawful and to be a nuisance, and is prohibited.

(Code 1985, § 7-2-12; Code 1997, § 16-92; Ord. No. 96-26, § 2(7-2-12(a)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-93. - Standard of reasonableness and use of technology.

It is the intent of the city council in regulating noise to take into account the latest scientific advances in noise measurement and control while at the same time preserving the common sense and common law determination of what constitutes a disturbance or public nuisance. Therefore, technological sound level measurements, while desirable, shall not be required to demonstrate a violation of this division or any other ordinance or statute which establishes the creation of disturbance or public nuisance. Decibel level measurements less than those specified in this division may still establish a violation of this division when due regard is made for the time, place and circumstances of the noise.

(Code 1985, § 7-2-12; Code 1997, § 16-93; Ord. No. 96-26, § 2(7-2-12(b)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

City of Greenville, SC Code of Ordinances

Sec. 16-94. - Specific noises prohibited.

- (a) *Operation of certain instruments, devices and equipment.* Nuisance noises shall include, but not be limited to, the use or operation of the following instruments, devices or pieces of equipment when operated in the manner prohibited by section 16-92:
- (1) Musical instruments.
 - (2) Radios, receivers, stereos, televisions, disc players, tape players and comparable mechanical and electronic devices which produce sound.
 - (3) Loudspeakers, amplifiers or other devices which enhance or influence the level of sound in any way.
 - (4) Mechanical devices operating by compressed air, such as pneumatic drills and jackhammers.
 - (5) Horns, sirens and signal devices using loud, brash or harassing noises, whether on vehicles or otherwise.
 - (6) Motorized vehicles in operation, regardless of location, without mufflers or with ineffective mufflers or when there is rapid throttle advancing ("revving").
 - (7) The human voice when used to yell, shout, scream or the like.
 - (8) When operated at night, construction machinery, heavy duty equipment used in street repair and maintenance, and domestic and commercial power tools, unless a permit is obtained.
- (b) *Continuous or repeated noises.* Regardless of the level of sound, the following shall be deemed a nuisance and shall be prohibited under section 16-92:
- (1) To keep any animal, including a bird, causing a frequent or long continued noise, such as barking, howling or screeching, disturbing the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.
 - (2) To install or operate a burglar alarm system which uses an audible warning or bell without a functioning device that will shut off the warning or bell within 20 minutes after application of the system when the alarm cannot be readily or conveniently silenced manually by persons who are disturbed by its activation. Each activation of such an alarm that continues beyond 20 minutes shall be deemed a separate offense.

(Code 1985, § 7-2-12; Code 1997, § 16-94; Ord. No. 96-26, § 2(7-2-12(c), (d)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-95. - Exemptions.

The following noises shall be exempt from the prohibitions of section 16-92, even when they cause a disturbance:

- (1) Other code provisions notwithstanding, the sound produced by construction machinery, heavy duty equipment, and machines and equipment used for construction, repair, cleaning, and maintenance of buildings, streets, or public or private premises when operated between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays and 9:00 a.m. and 7:00 p.m. on Sundays. Such devices shall nevertheless be subject to the administrative stop order provisions of section 16-98.
- (2) The sound produced by horns, sirens and alarms used with authorized emergency vehicles or otherwise used as safety devices to alert persons to danger or attempted crime; however, this exemption shall not apply to improperly operating burglar alarms as identified in section 16-94(b) (2).
- (3) The sound produced by emergency repair measures necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger, following a fire, accident or natural disaster.
- (4) The sound produced by bells or chimes or other carillon instruments when used to signify the passage of hour, half-hour or quarter-hour components, or to commemorate a wedding, funeral or similar event, including regular religious services, provided the sounds do not exceed five continuous minutes in duration in any one-hour period.
- (5) The sound produced by the following, provided there is compliance with any federal regulations applicable to the noise:
 - a. Aircraft in flight or in operation at an airport;
 - b. Railroad equipment in operation on railroad rights-of-way; or
 - c. Motor vehicles, otherwise in lawful operation, on all public streets and highways.
- (6) The sound of water splashing produced by any waterfall, stream, decorative water fountain or irrigation device when established or operated in an ordinary and customary manner.
- (7) The unamplified sound emanating from a ballpark, playing field, stadium or comparable outdoor facility designed and intended for recreational or sports activity when used for organized exhibitions or participatory sports or recreational activities.

(Code 1985, § 7-2-12; Code 1997, § 16-95; Ord. No. 96-26, § 2(7-2-12(e)), 4-22-1996; Ord. No. 2004-11, 2-9-2004; Ord. No. 2014-80, 9-8-2014; Ord. No. 2021-21, § 1, 4-12-2021)

Sec. 16-96. - Enforcement factors.

In the enforcement of this division, an enforcement officer may be required to exercise judgment in determining if a particular noise is sufficiently loud or otherwise so offensive that it would substantially interfere with persons occupying nearby public or private property. When making such determinations, the enforcement officer may consider the following and other relevant 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 type and intensity of ambient noise, if any.
- (6) The nature and zoning of the area in which the noise is heard.

(Code 1985, § 7-2-12; Code 1997, § 16-96; Ord. No. 96-26, § 2(7-2-12(f)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-97. - Special permits.

- (a) *Entertainment or recreational events.* Whenever the city manager or his designee issues, on a temporary basis, special permits for events of an entertainment or recreational nature, which are held in the central business district, parks, public buildings or elsewhere, then those events shall be exempt from the prohibitions of this division, provided noise is otherwise regulated in the supervision of the activity and provided that the permit shall be subject to revocation at the discretion of the city manager or his designee on the basis of excessive or inappropriate noise. Whenever such revocation occurs, the activities of the event shall then become subject to the prohibitions of this division.
- (b) *Construction or maintenance operations.* The city manager or his designee may issue a permit exempting specific construction, solid waste pickup arrangements and maintenance of public streets and rights-of-way from the prohibitions of this division otherwise applicable to nighttime activity, provided the person seeking such permit can make a showing that no reasonable alternatives exist to creating the noise at night and the activity involved is compatible with the public interest.

(Code 1985, § 7-2-12; Code 1997, § 16-97; Ord. No. 96-26, § 2(7-2-12(g)(1)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-98. - Administrative stop orders.

The city manager or his designee may issue administrative stop orders to prohibit temporarily or to reschedule activities otherwise exempt under section 16-95 from the prohibitions of this division, when the continuation of the activity imposes a great hardship or substantial and aggravating inconvenience upon persons reasonably

occupying or utilizing nearby premises, provided such administrative stop order is not used to prohibit completely an otherwise lawful activity and the city manager or his designee gives due consideration to balancing the hardships involved.

(Code 1985, § 7-2-12; Code 1997, § 16-98; Ord. No. 96-26, § 2(7-2-12(g)(2)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-99. - Special provisions for central business district.

Recognizing that the central business district is a place of mixed uses and close proximity, the intent of this division is that recognition be made of the fact that people occupying premises in the central business district must reasonably expect a greater likelihood of audible sounds from nearby locations than people residing in other districts. However, no person providing or permitting musical performances or other entertainment activities in the central business district should do so in a manner which causes undue hardship or disturbance of persons making lawful use of nearby premises, and the standards set forth in this division are a reasonable measure for determining undue hardship or disturbance in the central business district.

(Code 1985, § 7-2-12; Code 1997, § 16-99; Ord. No. 96-26, § 2(7-2-12(h)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-100. - Measurement of noise level; establishment of prima facie violation.

- (a) A prima facie violation of section 16-92 shall be established whenever a measurement of the offending noise shall be taken in accordance with this division and shown to produce a level of noise in excess of the guidelines of the chart contained in this section. The inference established by the chart shall be subject to rebuttal based on the time, place and circumstances of the occurrence.
- (b) Noise levels identified in the chart of guidelines shall be measured in decibels and A-weighted, with the unit of measurement being designated as dB(A). For the purpose of determining dB(A)s, the noise shall be measured on the A-weighting scale and the slow meter response on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute (ANSI).
- (c) Measurements recorded shall be taken so as to provide a reasonable representation of the sound being measured with due regard to the location on the premises where the noise is heard by any person making a complaint. Precise positioning of the meter is not required.
- (d) Guideline measurements establishing a prima facie violation are as follows:

Noise Limit	General, City-Wide	Central Business District
Day-time definition	7:00 a.m.— 10:00 p.m.	7:00 a.m.— 10:00 p.m.
Day-time noise limit	60	80
Night-time noise limit	55	75

NOTES:

(1) dB(A) readings on streets, sidewalks and public property in the central business district will be made at least 3 feet away from the privately owned premises from which the noise is generated, or 3 feet from the source if generated on public property.

(2) dB(A)* readings in parks and recreational areas outside the central business district will be made at least 10 feet away from the location from which the noise is generated.

(Code 1985, § 7-2-12; Code 1997, § 16-100; Ord. No. 96-26, § 2(7-2-12(i)), 4-22-1996; Ord. No. 2004-11, 2-9-2004; Ord. No. 2023-65, § 1, 9-25-2023)

Sec. 16-101. - Enforcement procedures; penalty; additional remedies.

- (a) With respect to suspected ordinance violations resulting from vehicle noise under section 16-94(a)(6), law enforcement officers shall have the authority to charge persons under the provisions of this division without having received a complaint from a member of the public or first requesting compliance with those divisions of this section. Persons violating that section shall be guilty of a violation of this division and shall be subject to a fine of not less than \$100.00 and not more than the maximum fine allowed by state law for violations of municipal ordinances, or imprisonment for not more than 30 days. The minimum fine may not be suspended. The city attorney may also seek injunctive relief, or any other appropriate remedy available at law or in equity, in a court of competent jurisdiction, to ensure compliance.
- (b) With respect to all other violations resulting from violations of this division, law enforcement officers in the ordinary course of their duties shall have the discretion but are not required to request compliance with all requirements of this division, prior to initiating enforcement of the division. Persons violating sections other than section 16-94(a)(6) of the division shall be guilty of a violation of this division and shall be subject to a fine of not less than \$100.00 and not more than the maximum fine allowed by state law for violations of municipal ordinances, or imprisonment for not more than 30 days. The minimum fine may not be suspended. The city attorney may also seek injunctive relief, or any other appropriate remedy available at law or in equity, in a court of competent jurisdiction, to ensure compliance.

(Code 1985, § 7-2-12; Code 1997, § 16-101; Ord. No. 96-26, § 2(7-2-12(j)), 4-22-1996; Ord. No. 2004-11, 2-9-2004; Ord. No. 2023-65, § 1, 9-25-2023)

Secs. 16-102—16-130. - Reserved.

ARTICLE IV: NOISE

Section

15-101 Noise measurement procedures and definitions

15-102 Prohibition

15-103 Citation of violators

15-104 Construction of article

15-104.1 Bass vibratory sounds prohibited

15-105 Penalties

15-106 Penalties and forfeiture, confiscation and disposition of sound equipment in motor vehicles

15-107—15-110 Reserved

§ 15-101 NOISE MEASUREMENT PROCEDURES AND DEFINITIONS.

(a) It is the intent of the county council to incorporate into this article those standards of measurement hereinafter set forth, which will take into account the latest scientific advances in noise measurement and control while at the same time, preserving the common sense and common law determination of what constitutes a disturbance or public nuisance. Therefore, sound level measurements, while universally desirable, shall not be required to demonstrate violation of any other ordinance or statute which establishes the creation of a disturbance or public nuisance.

(b) Sound measurements shall utilize the peak intensity of sound, measured in decibels, the “A” frequency weighting and the “slow” response characteristic of a sound level meter conforming in all respects to the American National Standards Institute (ANSI) standard S 1.4-1071, as revised, for Type 1 or Type 2 instruments.

(c) The microphone used to measure the intensity of a noise may be placed at any point on the exterior property line of the complaining party and shall be at least 5 feet from any wall and not less than 3 feet above the ground. If it is not possible to measure 5 feet from a wall, a 5 dB variance will be allowed. In the case of multifamily dwellings, condominiums or other closely confined living areas, the exterior property line shall be considered the walls separating individual family units and the microphone shall be placed at least 5 feet from any wall and not less than 3 feet above the floor. In the case of vehicles or persons in common areas, public areas, roads, streets or highways, the exterior property line shall be considered the wall of any nearby dwelling unit or school and the microphone shall be placed at least 5 feet, but no more than 10 feet from the exterior side of the wall and not less than 3 feet above the ground.

(1976 Code, § 15-101) (Ord. 2110, § 1, passed 5-1-1990)

§ 15-102 PROHIBITION.

(a) It shall be unlawful for any person, firm, association, partnership, joint venture, corporation or entity within any area of the county to use or operate any radio, receiving set, musical instrument, phonograph set, television set or other machine or device for producing or reproducing of sound or to create, assist in creating, permit, continue or permit the continuance of any noise to emanate beyond the exterior of property line of the complaining party, in excess of 70 decibels (dB) between the hours

of 7:00 a.m. and 10:00 p.m. of 1 day or in excess of 60 decibels (dB) between the hours of 10:00 p.m. of 1 day and 7:00 a.m. of the following day. Notwithstanding the above, it shall further be unlawful for any person to play, use, operate or permit to be played, used or operated, any radio, cassette or CD player or any other sound producing device if the sound producing device is in any motor vehicle and the sound generated is audible at a distance of 50 feet from the device producing the sound.

(b) This article shall not apply to noise on construction sites, emergency signal devices, material handling by sanitation crews, licensed game hunting on property where it is allowed, refuse compacting vehicles, airport and airplane noise, and sounds emanating from governmental activities. This article shall also not apply to the conduct of agricultural or farming activities, tree harvesting or clearing, lawn and yard maintenance activities, parades, carnivals, and public social events which occur between the hours of 7:00 a.m. and 10:00 p.m. of 1 day. Furthermore, this article is specifically not applicable to any lawfully established business or industry in Greenville County with the exception of business establishments where on-site consumption of alcoholic beverages occurs or is permitted.

(1976 Code, § 15-102) (Ord. 2110, § 2, passed 5-1-1990; Ord. 2599, § 2, passed 8-2-1994)

§ 15-103 CITATION OF VIOLATORS.

The Greenville County Sheriff's Office, in cooperation with county government, shall enforce the provisions of this article. After receiving a complaint and upon a finding by an officer of a violation, any offender shall have an opportunity to immediately abate the offending noise without penalty. However, if the violation continues or reoccurs at any time, the offender shall be guilty of a misdemeanor and shall be punished to the extent provided for in this article.

(1976 Code, § 15-103) (Ord. 2110, § 3, passed 5-1-1990)

§ 15-104 CONSTRUCTION OF ARTICLE.

This article is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes of public safety, health and general welfare. The county or sheriff's office nor any employee shall be liable in tort for damages sustained as a result of sound produced in excess of the requirements of this article. The provisions of this article shall not be held to deprive any county or state agency of any power or authority which it had on the effective date of this article or any remedy then existing for the enforcement of its orders, nor shall it deprive any individual, business or corporation of its legal rights as provided by law.

(1976 Code, § 15-104) (Ord. 2110, § 5, passed 5-1-1990)

§ 15-104.1 BASS VIBRATORY SOUNDS PROHIBITED.

(a) *Prohibition.* The playing of any radio, phonograph, musical instrument, including other mechanical, electric, or electronic devices, which emit low bass vibratory sounds, in such a manner as to cause material distress, discomfort or injury to persons of ordinary sensibilities in any dwelling, hotel, or other type of residence is hereby declared to be a nuisance and is prohibited.

(b) *Evidence.* The complaints of 3 or more persons, or of 1 or more persons, when combined with the complaint of a law enforcement officer, is prima facie evidence that sound regulated by this article has been produced.

(c) *Violation.* A violation of this article shall be considered a misdemeanor and subject to the jurisdiction of the magistrate's court.

(1976 Code, § 15-104) (Ord. 2588, §§ 2-4, passed 6-21-1994)

§ 15-105 PENALTIES.

Any person, firm, corporation or agent, who shall violate the provisions of this article shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued.

(1976 Code, § 15-105) (Ord. 2110, § 6, passed 5-1-1990; Ord. 2626, § 3, passed 9-6-1994)

§ 15-106 PENALTIES AND FORFEITURE, CONFISCATION AND DISPOSITION OF SOUND EQUIPMENT IN MOTOR VEHICLES.

In lieu of the penalties enumerated in § 15-105, above, the penalty for a first conviction, guilty plea or plea of nolo contendere of the excessive noise from sound amplifying devices in motor vehicles ordinance shall be a fine not more than \$250. For a second conviction, guilty plea or plea of nolo contendere, the penalty shall be not more than \$500 or 30 days in jail. For a third conviction, guilty plea or plea of nolo contendere, the sound-producing device used during the offense must be forfeited. Upon an order from the court, following a conviction, guilty plea or plea of nolo contendere of a third offense, the defendant will, at his own expense, remove the sound amplifying device and deliver it to the Greenville County Sheriff's Office within 7 days of the date of conviction, guilty plea or plea of nolo contendere.

(1976 Code, § 15-106) (Ord. 2599, § 3, passed 8-2-1994; Ord. 4539, § 1, passed 2-19-2013)

§§ 15-107—15-110 RESERVED.

THE JOURNAL

PUBLISHER'S AFFIDAVIT

STATE OF SOUTH CAROLINA COUNTY OF OCONEE

OCONEE COUNTY COUNCIL

IN RE:

BEFORE ME the undersigned, a Notary Public for the State and County above named, This day personally came before me, Larry Davidson, who being first duly sworn according to law, says that he is the General Manager of THE JOURNAL, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in **Oconee County, Pickens County** and the Pendleton area of **Anderson County** and the notice (of which the annexed is a true copy) was inserted in said papers on

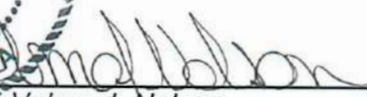
January 10, 2026

the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.

Subscribed and sworn to before me this
1/10/2026




Larry Davidson
General Manager



Velma J. Nelson
Notary Public
State of South Carolina

FILED PLACE

864.973.6676

upstatetoday.com

HOUSES FOR SALE

PUBLISHERS NOTICE

All real estate advertising in this newspaper is subject to Federal Fair Housing Act of 1968 which makes it illegal to advertise "any preference, limitations or discrimination" based on race, color, religion, sex, handicap, familial status or national origin, or intention to make any such preference, limitation or discrimination." This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis.

LEGALS

Public Notice

Linda A. Traynor, of the South Carolina Department of Health and Environmental Control, is a Construction in Navigable Waters Permit to remove 177 cubic yards of silt by using an excavator on a barge at the edge of the shoreline and transported by barge to the off-load staging area. The silt will be removed from under and around the privately owned dock located at 122 Fair Haven Ct in Seneca, SC on Lake Keowee. Comments will be received by South Carolina Department of Health and Environmental Control at 2600 Bull St, Columbia SC 29201, ATTN: Charles Hightower, Division of Water Quality, until January 23, 2025.

Public Notice

Sharon Swindale has applied to the South Carolina Department of Health and Environmental Control for a Construction in Navigable Waters Permit to remove 256 cubic yards of silt by using an excavator on a barge at the edge of the shoreline and transported by barge to the off-load staging area. The silt will be removed from under and around the privately owned dock located at 13058 Janda Road in Seneca, SC on Lake Keowee. Comments will be received by South Carolina Department of Health and Environmental Control at 2600 Bull St, Columbia SC 29201, ATTN: Charles Hightower, Division of Water Quality, until January 23, 2025.

The Oconee County Aeronautics Commission meeting scheduled for Thursday January 29, 2026 has been canceled.

The meeting will instead be held on Tuesday January 27, 2026 at 3:30 pm in the Oconee County Chambers located at 415 S. Pine St., Walhalla, SC.

MEETING NOTICE OF THE PIONEER RURAL WATER DISTRICT

5500 West-Oak Hwy., Westminster, SC
Tuesday January 13, 2026 @ 3:00 pm

Agenda:
Call To Order
Concerns of the District
Limited: 2 citizens per meeting, for 5 minutes,
prior scheduling required.
Agenda & Non Agenda Items: Combined both
are limited to a total of forty (40) minutes, four
(4) minutes per person.
Approval of Minutes
Financial Report / System Report
Treatment Plant PER Discussion
Old Business
New Business
Adjourn

The Oconee County Council will meet in 2026 on the first and third Tuesday of each month with the following exceptions:

June and November meetings, which will be only on the third Tuesday of each of these months; October and December meetings, which will be only on the first Tuesday of each of these months.

All Council meetings, unless otherwise noted, are held in Council Chambers, Oconee County Administrative Offices, 415 South Pine Street, Walhalla, South Carolina.

Oconee County Council will also hold a Planning Retreat beginning at 9:00 a.m. on Friday, February 20, 2026 to establish short- and long-term goals. This meeting will be held off-site at Tri-County Technical College, Oconee Campus, conference room located at 552 Education Way, Westminster, South Carolina.

Oconee County Council will also meet on Tuesday, January 5, 2027 in Council Chambers at which point they will establish their 2027 Council and Committee meeting schedules. Additional Council meetings, workshops, and/or committee meetings may be added throughout the year as needed.

Oconee County Council Committees will meet in 2026 prior to County Council meetings on the following dates/times in Council Chambers located at 415 South Pine Street, Walhalla, South Carolina unless otherwise advertised. The Law Enforcement, Public Safety, Health, & Welfare Committee at 4:30 p.m. on the following dates: February 17, May 19, July 21, & September 15, 2026.

The Transportation Committee at 4:30 p.m. on the following dates: February 17, May 19, July 21, & September 15, 2026.

The Real Estate, Facilities, & Land Management Committee at 4:30 p.m. on the following dates: April 7, June 16, August 18, & October 06, 2026. The Planning & Economic Development Committee at 4:30 p.m. on

the following dates: April 7, June 16, August 18, & October 06, 2026. The Budget, Finance, & Administration Committee at 9:00 a.m. on the following dates: Friday, February 20th [Strategic Planning Retreat], Friday, February 27th [Budget Workshop] and 4:30 p.m. on the following dates: March 3, April 21, & May 5, 2026.

The Corinth-Shiloh Fire Commission will meet during 2026 on the third Thursday of each month. All Commission meetings, unless otherwise noted, will be held at the Corinth-Shiloh Fire Department, 940 Old Clemson Highway, Seneca, SC 29672, at 6:00 p.m. in the training room.

The Commission will hold two budget workshops on Tuesday, February 12, and Tuesday, March 6, at 6:00 p.m. at the fire department. The annual budget meeting will be held on Thursday, March 19, 2026, at 6:00 p.m.

Additional Commission meetings and/or workshops may be scheduled throughout the year as needed. A monthly schedule is available at the fire department.

Members of the Commission are invited to attend Corinth-Shiloh Volunteer Fire Department meetings, trainings, and community activities. These events will have no Commission agenda items and no Commission action will be taken. The monthly department meeting is held on the first Monday of each month. Training is held on the third Monday of each month, as well as the Saturday following the third Monday. A monthly schedule of activities, including dates and times, is available at the fire department.

Several fire department ceremonies are planned for 2026, to which the Fire Commission is invited. These events will have no Commission agenda items and no Commission action will be taken. Scheduled events include Meet the Chief on January 15 from 5:00 p.m. to 6:00 p.m., and the Transfer of Command on Friday, February 27, at 6:00 p.m. Summer and fall family events, Station Open Houses and other community fire department events, and the annual Christmas dinner has not yet been scheduled. Once finalized, dates, times, and locations will be available at the fire department. These events will have no Commission agenda items and no Commission action will be taken.

Commission agendas will be available and publicized no later than the day prior to the scheduled meeting and/or workshop at www.corinthshilohfd.com. All meetings and workshops, with the exception of executive sessions, are open to the public.

CLASSIFIEDS WORK!

Oconee County Council

Oconee County
Administrative Offices
415 South Pine Street
Walhalla, SC 29691

Phone: 864-718-1023
Fax: 864 718-1024

E-mail:
jennifercadams@oconeesc.com

John Elliott
District I

Matthew Durham
Chairman
District II

Don Mize
Vice Chairman
District III

Thomas James
Chairman Pro Tem
District IV

J. Glenn Hart
District V



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Sec. 2-61. - Access to and conduct at county meetings, facilities and property.

(a) *Purpose.* The county council has determined that it is necessary to regulate access to county facilities, grounds and property in order to ensure the safety and security of the public who visit these areas or the county employees who serve them. The conduct of persons who visit county facilities and/or who have contact with county employees must also be regulated to preserve public order, peace and safety. The regulation of access and conduct must be balanced with the right of the public to have reasonable access to public facilities and to receive friendly, professional service from county employees. These regulations apply to all county facilities and meetings, as defined below, for and over which county council exercises control and regulation, and to the extent, only, not pre-empted by state or federal law.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Facility means any building, structure, or real property owned, leased, rented, operated or occupied by the county or one of its departments, offices or agencies.

Meeting means any assemblage of persons for the purpose of conducting county governmental business, operations or functions or any assemblage of persons within a county governmental facility. The term "meeting" includes, but is not limited to, county council meetings, county board and committee and staff meetings, trials, hearings and other proceedings conducted in the courts of general sessions and common pleas, family court, master-in-equity, probate court and magistrate's court; and other meetings by entities duly authorized by the county council.

(c) *Prohibited acts.* It shall be unlawful for any person to:

- (1) Utter loud, obscene, profane, threatening, disruptive or abusive language or to engage in any disorderly or disruptive conduct that impedes, disrupts or disturbs the orderly proceedings of any meeting, or operations of any department or function of the county government, including, without limitation, speaking when not explicitly recognized and authorized to do so by the presiding official in such meeting.
- (2) Bring, carry, or otherwise introduce any firearm, knife with blade longer than two inches or other dangerous weapon, concealed or not concealed, into any facility or meeting. This prohibition does not apply to law enforcement personnel or any other person whose official, governmental duties require them to carry such firearm, knife, or other weapon.
- (3) Engage in partisan political activity, including speech, in any meeting not authorized and called for the purpose of partisan political activity and explicitly authorized for such purpose in the facility in which such activity is to be conducted, or refusing to cease such activity when

the presiding official of the meeting in question has ruled that the activity in question is partisan political activity and has directed that such activity stop.

- (4) Interfere with, impede, hinder or obstruct any county governmental official or employee in the performance of his duties, whether or not on county government property.
- (5) Enter any area of a county government facility, grounds or property when such entry is prohibited by signs, or obstructed or enclosed by gates, fencing or other physical barriers. Such areas include rooms if clearly marked with signs to prohibit unauthorized entry.
- (6) Enter by vehicle any area of a county governmental facility, grounds or property when such area is prohibited by signs or markings or are obstructed by physical barriers; or park a vehicle in such restricted areas; or park in a manner to block, partially block or impede the passage of traffic in driveways; or park within 15 feet of a fire hydrant or in a fire zone; or park in any area not designated as a parking space; or park in a handicapped parking space without proper placarding or license plate; or park in a reserved parking space without authorization.
- (7) Use any county governmental facility, grounds or other property for any purpose not authorized by law or expressly permitted by officials responsible for the premises.
- (8) Enter without authorization or permission or refuse to leave any county governmental facility, grounds or other property after hours of operation.
- (9) Obstruct or impede passage within a building, grounds or other property of any county governmental facility.
- (10) Enter, without legal cause or good excuse, a county governmental facility, grounds or property after having been warned not to do so; or, having entered such property, fail and refuse without legal cause or good excuse to leave immediately upon being ordered or requested to do so by an official, employee, agent or representative responsible for premises.
- (11) Damage, deface, injure or attempt to damage, deface or injure a county governmental property, whether real property or otherwise.
- (12) Enter or attempt to enter any restricted or nonpublic ingress point or any restricted access area, or bypass or attempt to bypass the designated public entrance or security checkpoint of a facility without authorization or permission.
- (13) Perform any act which circumvents, disables or interferes with or attempts to circumvent, disable or interfere with a facility's security system, alarm system, camera system, door lock or other intrusion prevention or detection device. This includes, without limitation, opening, blocking open, or otherwise disabling an alarmed or locked door or other opening that would allow the entry of an unauthorized person into a facility or restricted access area of the facility.
- (14) Exit or attempt to exit a facility through an unauthorized egress point or alarmed door.

- (d) *Penalty for violation of section.* Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-7. In addition, vehicles that are improperly parked on any county property, facility, or other premises may be towed at the owner's expense.

(Ord. No. 2003-04, §§ 1—4, 4-15-2003; Ord. No. 2012-06, § 1, 4-3-2012)

Fw: Post and Courier

From Michael L. Crenshaw <mcrenshaw@oconeelaw.com>

Date Tue 7/21/2026 3:40 PM

To Michael L. Crenshaw <mcrenshaw@oconeelaw.com>

The Richland County Sheriff's Department was the first law enforcement agency in South Carolina to use license plate reader technology. We did not do that because it was flashy or because it was the newest tool available. We did it because we believed it could help us protect people, solve crimes and get dangerous individuals off the street faster.

Years later, that belief has been proven right.

In law enforcement, time matters. A stolen car can be used in another crime within hours. A suspect wanted in connection with a violent offense can move from one jurisdiction to another before deputies ever receive a call. A missing child, endangered adult or elderly person can be farther away with every passing minute.

License plate readers help law enforcement act quickly in those moments.

This technology does not replace deputies, investigators or community policing. It does not replace experience, judgment or relationships with the people we serve. What it does is give law enforcement timely information that can help us find stolen vehicles, locate wanted suspects, recover missing people and connect the dots in criminal investigations.

That is not theoretical. It is practical, everyday police work.

When a vehicle connected to a serious crime, stolen property, a missing person or an active investigation passes a camera, law enforcement can receive an alert and respond. That alert does not mean someone is automatically guilty, and it does not replace the

work required to verify information and build a case. It simply gives deputies a lead they can investigate quickly and lawfully.

That can be the difference between recovering a stolen vehicle and losing it. It can be the difference between locating a suspect that day or weeks later. In some cases, it can be the difference between finding a missing person in time or not. Just this month, Beaufort County Sheriff P.J. Tanner said Flock cameras played an important role in [helping identify and track suspects](#) following the July 4 shooting near Coligny Beach on Hilton Head Island.

There has been a lot of controversy recently about license plate readers — two were even intentionally [cut down in Pageland](#) earlier this month — but facts matter. They are not surveillance cameras looking into homes, listening to conversations or monitoring what people are doing in private. They read license plates that are visible in public and compare them against law enforcement databases or active investigative needs.

Like any law enforcement tool, the readers must be used responsibly. That means clear policies, proper training, limited access, audit trails and accountability for misuse. Agencies using this technology should have standards to ensure it is used for legitimate public safety purposes.

Responsible use should be the standard. Eliminating an effective crime-fighting tool should not be.

The people I talk to want safer neighborhoods. They want violent offenders arrested. They want stolen vehicles recovered. They want missing children found. They want law enforcement to have the tools needed to respond before another family becomes a victim.

License plate readers help us do that.

At the Richland County Sheriff's Department, we have always tried to be forward-thinking. We know crime does not stop at a city limit, county line or other jurisdictional boundary. Criminals move quickly, and law enforcement must be able to respond quickly.

License plate reader technology helps agencies share critical information, strengthen investigations and work together across jurisdictions.

Public safety is not about choosing between technology and accountability. We need both. We need modern tools that help law enforcement do its job, and we need responsible policies that ensure those tools are used appropriately.

South Carolina should continue supporting law enforcement agencies that use license plate readers responsibly. Our deputies, officers and communities deserve every lawful tool available to prevent crime, solve cases and protect innocent people.

As sheriff, my responsibility is simple: Protect the people of Richland County. License plate readers help us fulfill that responsibility, and I believe South Carolina is safer because law enforcement has them.

Leon Lott has served as Richland County sheriff since 1997.

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Michael Lindsay Faile, Appellant.

Appellate Case No. 2023-001055

Appeal From York County
William A. McKinnon, Circuit Court Judge

Unpublished Opinion No. 2026-UP-323
Heard April 6, 2026 – Filed July 1, 2026

AFFIRMED

Appellate Defenders Molly M. Keegan and Jessica M.
Saxon, both of Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Assistant
Attorney General Joshua Abraham Edwards, both of
Columbia, and Solicitor Kevin Scott Brackett, of York,
all for Respondent.

PER CURIAM: Michael Faile was sentenced to fifty-four months' imprisonment for shoplifting. He appeals his conviction, arguing the trial court erred in denying

his motion to suppress photographs obtained without a warrant from Flock Safety (Flock), a third-party traffic camera surveillance company. We affirm.

I. FACTS

On May 17, 2022, Faile stole two designer handbags from Belk and then fled the scene in a white Chevrolet pickup truck. Monica Dotson, Belk's Asset Protection Manager, observed the incident on surveillance footage. When the shoplifter fled, Dotson saw the truck's license plate number began with "VM," but she could not make out the remaining numbers because Faile had covered them with black tape.

Damien Williams, a research analyst with the Rock Hill Police Department, searched Flock's database and located two photos—each taken a day apart—of Faile's car. One photo showed the vehicle on the southbound exit off I-77 in Rock Hill, South Carolina, around 6:00 p.m. on the day of the incident. A second photo showed the vehicle the following day in Camden, South Carolina, fifty miles away from Belk. The first photo showed Faile's vehicle with black tape covering all but the first two characters—"VM"—of the license plate, but the plate was fully visible in the second photo.

Prior to trial, Faile moved to suppress the Flock photos, arguing law enforcement's warrantless search of the Flock database was an unreasonable search and seizure in violation of the Fourth Amendment of the United States Constitution and Article I, Section 10 of the South Carolina Constitution. The trial court denied his motion, finding that an individual does not have a privacy interest in the exterior appearance of a vehicle and the police did not use the Flock photos to track Faile's location.

At trial, Williams testified there were twenty-four Flock cameras located in the City of Rock Hill. He explained the Flock cameras and database aid police in locating stolen vehicles and monitoring vehicles connected with Amber alerts and crime investigations, but it requires human verification of the images. He stated he reviewed the images captured from the exit ramp camera because it was approximately a quarter of a mile from the Belk department store. Williams located a photograph of a truck matching the description of Dotson's vehicle exiting the interstate approximately thirty minutes before the shoplifting incident. He testified he used the first image to locate the second image in Flock matching the vehicle's description, which showed the entire license plate number.¹ Williams

¹ Williams used the FBI's National Crime Information Center database (NCIC) to assist in obtaining the second truck photo. First, he looked at the license plate in

provided Darin Swiger, a detective in Rock Hill Police Department's Property Crimes Division, with the truck photos and information he obtained through Flock. Williams testified that the Rock Hill Police Department paid for access to the Flock database, which collects images of vehicles that pass by the Flock cameras and retains the images for thirty days.

Detective Swiger testified SCDMV records revealed the truck Williams identified was registered to Faile. Swiger explained Faile's vehicle registration was linked to a Camden address, which tied Faile to the Flock image of the truck in Camden. He testified that the Flock camera photos confirmed the truck Dotson saw entering the store parking lot was the vehicle associated with Faile's SCDMV registration.

The jury found Faile guilty of shoplifting, and the trial court sentenced him to fifty-four months' imprisonment under the state's enhancement statute for shoplifting third or subsequent offense.² This appeal followed.³

II. STANDARD OF REVIEW

"[A]ppellate review of a motion to suppress based on the Fourth Amendment involves a two-step analysis. This dual inquiry means [appellate courts] review the trial court's factual findings for any evidentiary support, but the ultimate legal conclusion . . . is a question of law subject to de novo review." *State v. Frasier*, 437 S.C. 625, 633–34, 879 S.E.2d 762, 766 (2022).

III. LAW/ANALYSIS

the image with the obscured tag. He then ran some potential tag numbers through NCIC to see if any matched a white Chevrolet truck with South Carolina tags. Once he identified a list of potential plate numbers, he ran those numbers through Flock and found the second image in Camden, South Carolina.

² S.C. Code Ann. § 16-1-57 (2015).

³ Officer Swiger used Faile's DMV photo in a six-person line up, and Dotson identified Faile from the line-up. Initially, Faile filed a brief and motion to be relieved pursuant to *Anders v. California*, 386 U.S. 738 (1967), arguing the trial court erred in admitting Dotson's out-of-court and in-court identifications because the identification procedure used by Swiger was impermissibly suggestive. This court denied Faile's motion pursuant to *Anders* and directed the parties to brief the Flock issues.

A. United States Constitution

Faile argues the Rock Hill Police Department's warrantless search of the Flock database constitutes an unreasonable search and seizure under the Fourth Amendment of the United States Constitution. Faile argues the information contained in Flock for a duration of thirty days implicates the privacy concerns the United States Supreme Court addressed in *Carpenter v. United States*, 585 U.S. 296 (2018). We disagree.

The Fourth Amendment to the United States Constitution provides that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." U.S. Const. amend. IV. For any search, "[t]he ultimate standard set forth in the Fourth Amendment is reasonableness." *State v. Miller*, 423 S.C. 95, 100, 814 S.E.2d 166, 169 (2018) (quoting *Cady v. Dombrowski*, 413 U.S. 433, 439 (1973)). "The Fourth Amendment prohibits only *unreasonable* searches. The reasonableness of a search depends on the totality of the circumstances, including the nature and purpose of the search and the extent to which the search intrudes upon reasonable privacy expectations." *State v. Ross*, 423 S.C. 504, 508, 815 S.E.2d 754, 756 (2018) (quoting *Grady v. North Carolina*, 575 U.S. 306, 310 (2015)). Under *Katz v. United States*, a person must first "exhibit[] an actual (subjective) expectation of privacy and, second, [establish] that the expectation [is] one that society is prepared to recognize as 'reasonable'" to receive Fourth Amendment protection. 389 U.S. 347, 361 (1967) (Harlan, J., concurring).

In *Carpenter v. United States*, the United States Supreme Court held that citizens enjoy a legitimate expectation of privacy in their physical location data compiled and stored by wireless carriers, otherwise known as cell-site location information (CSLI). 585 U.S. at 309–10. The Court found that:

Mapping a cell phone's location over the course of 127 days provides an all-encompassing record of the holder's whereabouts. As with GPS information, the time-stamped data provides an intimate window into a person's life, revealing not only his particular movements, but through them his "familial, political, professional, religious, and sexual associations." These location records "hold for many Americans the 'privacies of life.'"

...

In fact, historical cell-site records present even greater privacy concerns than the GPS monitoring of a vehicle we considered in *Jones*. Unlike the bugged container in *Knotts* or the car in *Jones*, a cell phone—almost a "feature of human anatomy"—tracks nearly exactly the movements of its owner. While individuals regularly leave their vehicles, they compulsively carry cell phones with them all the time.

Id. at 311 (citations omitted).

While South Carolina courts have not yet addressed law enforcement's use of Flock, several state and federal courts have found the use of Flock cameras did not violate a defendant's Fourth Amendment rights. *See, e.g., United States v. Brown*, 2025 WL 2444596, at *5 (W.D. Okla. 2025) (finding "that [the d]efendant ha[d] not met his burden to show that his Fourth Amendment rights were violated by the search of the Flock system for the suspect vehicle"); *United States v. Jackson*, 2025 WL 1530574, at *7 (D. Kan. 2025) ("The Flock System at issue here lacks the wide and continuous tracking of a defendant which the Supreme Court has stated is constitutionally suspect. In this case, there were only nine distinct points where the Flock System captured the Chevy Cruz on camera, and these photographs occurred over the course of just one day. The photos did not show the identity of anyone inside the car, nor did the photos provide any insight into any intimate details of their personal lives."); *United States v. Martin*, 753 F.Supp.3d 454, 472–73 (E.D. Va. 2024) (finding Flock camera photos obtained by officers did not violate the defendant's reasonable expectation of privacy because "[t]he Flock system is not meant to 'track' or 'monitor' the entirety of an individual's movements during a particular car trip, much less through the activities of their daily life"); *Commonwealth v. Robinson*, 2024 WL 5454692, at *7 (Va. Cir. Ct. 2024) (finding defendant's reasonable expectation of privacy was not violated because "the current Norfolk FLOCK system is not analogous to long-term GPS positioning, ongoing CSLI geolocation, or constant aerial surveillance, *i.e.*, arrangements by which the government can continuously track an individual's movements . . . and thereby deduce the activities and routine of individuals").

We agree with the trial court's holding that Faile did not have a privacy interest in the exterior appearance of his vehicle or his license plate. The very purpose of a license tag is so that the vehicle and its registered owner may be identified visually by law enforcement. *See United States v. Knotts*, 460 U.S. 276, 281 (1983) ("A person [traveling] in an automobile on public thoroughfares has no reasonable expectation of privacy in his movements from one place to another."); *New York v.*

Class, 475 U.S. 106, 114 (1986) ("The exterior of a car . . . is thrust into the public eye, and thus to examine it does not constitute a 'search.'"); *see also* S.C. Code Ann. § 56-3-1240(A) (Supp. 2025) ("[L]icense plates issued for motor vehicles must be attached to the outside rear of the vehicle, open to view."); S.C. Code Ann. § 16-21-50 (2015) (providing a person is guilty of a misdemeanor for "remov[ing] a license plate from a vehicle . . . with intent to conceal or misrepresent the identity of the vehicle or its owner"); *see also id.* (defining "remove" as "deface, cover and destroy").

Appellant argues the Flock database has the potential for law enforcement abuse and intrusion into the private lives of citizens. When evaluating Fourth Amendment issues, however, courts are called to evaluate the facts of the particular case, not to assess the potential future concerns that could arise. *See Dow Chem. Co. v. United States*, 476 U.S. 227, 238 n.5 (1986) ("Fourth Amendment cases must be decided on the facts of each case, not by extravagant generalizations."); *see also Commonwealth v. Church*, 2025 WL 2908089, at *4 (Va. Ct. App. 2025) ("[T]he possibility that someday the Flock system might be improperly used was not the question before the circuit court, nor is it the question before this Court."). Unlike the "12,898 location points cataloging Carpenter's movements over 127 days," officers only found two photos of Faile's car, timestamped one day apart, within Flock's thirty-day retention period. *Carpenter*, 585 U.S. at 296. These two photos did not allow officers to obtain any intimate details related to Faile's movements and the police did not use the Flock photos to track Faile's location. Based on the facts of this case, we find the detective's Flock search was comparable to searching South Carolina DMV records and did not implicate the privacy concerns addressed in *Carpenter*.

B. South Carolina Constitution

Faile argues that the officer's ability to access Flock without a warrant constitutes an unreasonable search and seizure under the heightened privacy protections of Article I, Section 10 of the South Carolina Constitution. We disagree.

Article I, Section 10 guarantees "[t]he right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated." S.C. Const. Art. 1, § 10. "South Carolina's express right against unreasonable invasions of privacy . . . provide[s] greater—or, a more 'heightened'—protection than that provided by the United States Constitution." *State v. German*, 439 S.C. 449, 471, 887 S.E.2d 912, 923 (2023).

Appellant argues that our State's privacy provision is intended to protect citizens from law enforcement's increasingly pervasive use of technology. Faile quotes Chief Justice Kittredge's dissent in *Planned Parenthood South Atlantic v. State* that "[t]he genesis of the privacy provision related solely to modern technology and the ever-increasing volume and acquisition of data and personal information." 438 S.C. 188, 310, 882 S.E.2d 770, 835 (2023) (Kittredge, J., dissenting). In opposition, the State argues that law enforcement's use of Flock was reasonable because it serves society's important interest in preventing crime while still being limited in scope.

Faile was operating his vehicle in plain view on a public road. The Flock camera observed the same information that law enforcement could have obtained from visually noting the license plate number and conducting a routine check of DMV records. Under these facts, we find that law enforcement's Flock search did not constitute an unreasonable search in violation of the South Carolina Constitution.

IV. CONCLUSION

For the above reasons, Faile's conviction and sentence are

AFFIRMED.

GEATHERS, HEWITT, and CURTIS, JJ., concur.

Solid Waste Update

Safety Committee

July 21, 2026

Items For Discussion

- 1. FY26 Recycling Update
- 2. Plastic Recycling
- 3. Private Business and Municipality Residential Haulers

FY26 Recyclable Tonnage	
Item	Tonnage
Cardboard	1795.87
Mixed Paper	267.8
Glass	397.04
Plastic	59.7
Aluminum Cans	44.98
Scrap Metal	1530
Various Recyclables	13.56
Batteries	12.93
Anitfreeze	0.23
Used Oil	86.92
Cooking Oil	6.6
Tires	310.82
Total Recyclables	4526.45

FY26 Recycling Revenue	
Total	\$472,539.34

Top Commodities by Revenue	
Scrap Metal	\$221,153.21
Cardboard	\$153,585.41
Aluminum	\$78,696.20
Total	\$453,434.82

FY26 Recycle Center Plastic											
Center	Round Trip Miles	Pulls	Total Miles	MPG	Gallons of Fuel	Avg Fuel Cost per Gallon	Total Fuel Cost	Tons of Plastic	Avg Tons Per Pull	Revenue	Revenue - Fuel Cost
1	3.6	21	75.6	4.2	18.00	4.89	\$88.02	8.72	0.42	\$0.00	(\$88.02)
2	14.6	23	335.8	4.2	79.95	4.89	\$390.97	9.15	0.40	\$0.00	(\$390.97)
3	16	4	64	4.2	15.24	4.89	\$74.51	1.77	0.44	\$0.00	(\$74.51)
4	40	17	680	4.2	161.90	4.89	\$791.71	7.96	0.47	\$0.00	(\$791.71)
5	14	14	196	4.2	46.67	4.89	\$228.20	6.39	0.46	\$0.00	(\$228.20)
6	36	6	216	4.2	51.43	4.89	\$251.49	2.38	0.40	\$0.00	(\$251.49)
7	34	6	204	4.2	48.57	4.89	\$237.51	2.46	0.41	\$0.00	(\$237.51)
8	30	6	180	4.2	42.86	4.89	\$209.57	2.38	0.40	\$0.00	(\$209.57)
9	26	13	338	4.2	80.48	4.89	\$393.53	4.64	0.36	\$0.00	(\$393.53)
10	26	29	754	4.2	179.52	4.89	\$877.87	13.34	0.46	\$0.00	(\$877.87)
11	42	1	42	4.2	10.00	4.89	\$48.90	0.51	0.51	\$0.00	(\$48.90)
										\$0.00	
Total		140	3085.4		734.62		\$3,592.29	59.7	0.43	\$0.00	(\$3,592.29)

FY 26 Recycle Center Aluminum											
Center	Round Trip Miles	Pulls	Total Miles	MPG	Fuel (Gallons)	Avg Fuel Cost per Gallon	Total Fuel Cost	Tons of Metal	Avg Ton Per Pull	Revenue	Revenue - Fuel Cost
1	3.6	8	28.8	4.2	6.86	4.89	\$33.53	5.52	0.69	\$9,936.11	\$9,902.58
2	12.6	9	113.4	4.2	27.00	4.89	\$132.03	7.24	0.80	\$13,032.14	\$12,900.11
3	16	5	80	4.2	19.05	4.89	\$93.14	4.86	0.97	\$8,748.10	\$8,654.95
4	36	8	288	4.2	68.57	4.89	\$335.31	5.79	0.72	\$10,422.12	\$10,086.80
5	15.4	5	77	4.2	18.33	4.89	\$89.65	3.29	0.66	\$5,922.07	\$5,832.42
6	36	3	108	4.2	25.71	4.89	\$125.74	1.9	0.63	\$3,420.04	\$3,294.30
7	34	2	68	4.2	16.19	4.89	\$79.17	1.68	0.84	\$3,024.03	\$2,944.86
8	30	1	30	4.2	7.14	4.89	\$34.93	1.19	1.19	\$2,142.02	\$2,107.10
9	26	7	182	4.2	43.33	4.89	\$211.90	3.83	0.55	\$6,894.08	\$6,682.18
10	24	12	288	4.2	68.57	4.89	\$335.31	8.45	0.70	\$15,210.17	\$14,874.85
11	42	1	42	4.2	10.00	4.89	\$48.90	0.77	0.77	\$1,386.02	\$1,337.12
Total		61	1305.2		310.76		\$1,519.63	44.52	0.73	\$80,136.89	\$78,617.26

FY24 & FY25 Comparison for Colleges & Universities

TOTAL FOR FY24		TOTAL FOR FY25	
MATERIAL	TONNAGE	MATERIAL	TONNAGE
Banned Items	395.54	Banned Items	179.74
Commingled Recyclables	813.56	Commingled Recyclables	863.54
Glass (containers & packaging)	23.16	Glass (containers & packaging)	4.13
Metal	628.84	Metal	336.27
Organics	2,876.91	Organics	3,680.90
Paper	2,228.91	Paper	1,544.83
Plastic	32.28	Plastic	32.36
Miscellaneous Items	1,472.92	Miscellaneous Items	20,735.55
TOTAL	8,472.12	TOTAL	27,377.32

About this report ...

"The State Agencies & Colleges/Universities Recycling & Buying Recycled Annual Report for Fiscal Year 2025" is submitted by SCDES in compliance with the Act – Section § 44-96-140 (C) – and is published by SCDES's Bureau of Land and Waste Management (BLWM). In addition, Act 119 of 2005 mandates that agencies provide all reports to the General Assembly in an electronic format. **This report was published on November 1, 2025.**

Bureau Chief: Juli Blalock • **Editors:** Katye Deal, Kyle Clark & Sallie Williams • **Layout/Artwork:** Gregg Glymph

Colleges/Universities Reporting for FY25

- Aiken Technical College
- Clemson University
- Coastal Carolina University
- College of Charleston
- Florence Darlington Technical College
- Francis Marion University
- Furman University
- Horry-Georgetown Technical College
- Medical University of South Carolina
- Orangeburg-Calhoun Technical College
- Trident Technical College
- University of South Carolina (USC) – Main Campus
- USC Upstate
- Voorhees University
- Williamsburg Technical College
- Winthrop University
- Wofford College
- York Technical College

★ AI Overview

Yes, it is very hard. Municipalities and counties frequently struggle to find buyers for residential plastic recycling. The economics are highly challenging: demand for mixed, low-grade post-consumer plastics is weak, and processors prefer cleaner, unmixed materials that are expensive for local facilities to sort.  Columbia University +5

The Core Challenges

- **Lack of Buyers:** The market for mixed plastics is volatile. Manufacturers often find it cheaper to buy new (virgin) plastic than to use processed recycled resin.  Plastics For Change +4
- **High Contamination:** Municipal single-stream recycling (where all materials go in one bin) means plastics often get mixed with food, glass, and unrecyclable materials, which destroys the value of the bulk scrap.  RoadRunner WM +2
- **Limited Processing Capability:** Many plastics (such as #3, #4, #6, and #7) are chemically complex or not economically viable to melt down, leaving most buyers only interested in standard PET (#1) and HDPE (#2) bottles.  NBC New York +2
- **Costs Exceed Value:** For many small towns and counties, the cost of collecting, sorting, and transporting these low-value plastics to a processing facility vastly outweighs the revenue made from selling them.  Daytona Beach News-Jo... +1



Recycling Today

<https://www.recyclingtoday.com> › news › the-recycling... 

TRP releases first installment of '2026 State of Recycling ...

Jun 24, 2026 — The report highlights a “growing gap” between what material is placed on the market and what the system can successfully recycle.

Missing: counties find buyer processor



Northeast Recycling Council

<https://www.nerc.org> › commodities-market-hurts-coun... 

Commodities market hurts county recycling revenue

May 1, 2026 — County officials say they sometimes hold materials for weeks or months, waiting for a buyer, Public Works Director Dallas Baker told the county ... [Read more](#)

Missing: processor | Show results with: processor



National Geographic

<https://www.nationalgeographic.com> › Environment 

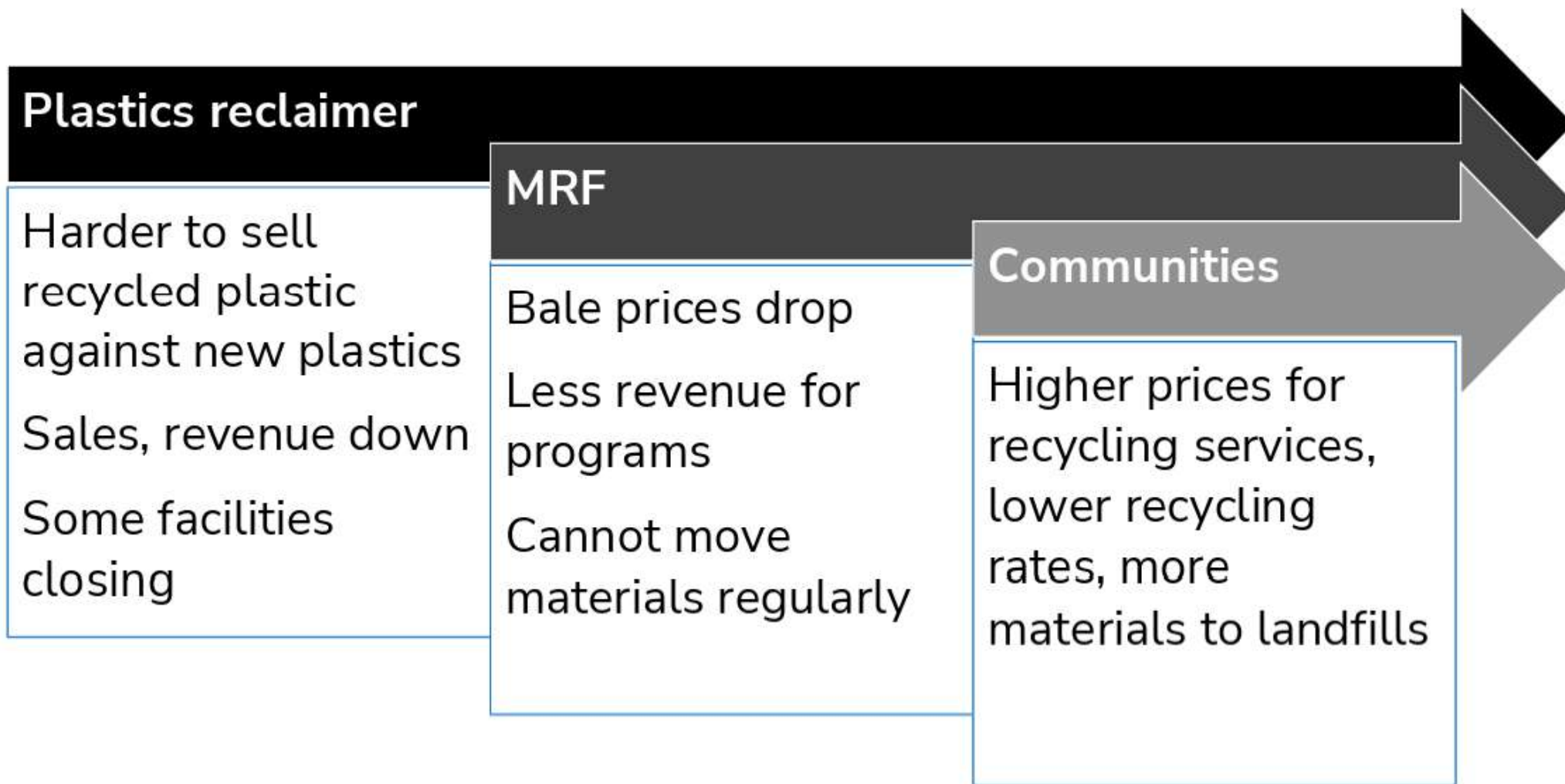
Why only a tiny fraction of your plastic actually gets recycled

Jan 17, 2023 — Some plastic items are designed in ways that make them difficult to recycle or recyclers struggle to find people who want to buy recycled material. [Read more](#)

Missing: hard municipalities counties

WHY PLASTICS MARKET CONDITION MATTER

TRICKLE DOWN IMPACTS



WHY → HISTORIC LOSS OF US RECYCLING PLANTS

- Plastic reclaimers have been struggling to sell recycled PET to make new products.
- In just 18 months, **6 plants closed** or shut down their wash lines, out of 32 plants.
- **20% loss in US processing capacity** for PET bottles and containers.
- Over 500 million pounds of processing capacity lost and over 500 jobs.

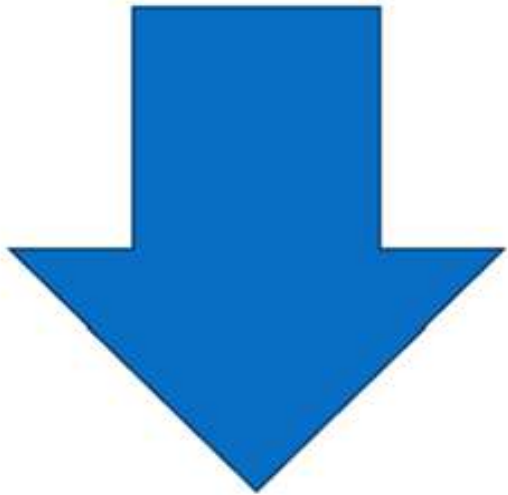
Company	Location	Estimated annual input capacity (lbs.)	Jobs lost
<u>Alpek</u>	Reading, PA	80 million	<u>100</u>
<u>Alpek</u> / Clear Path	Fayetteville, NC	150 million	<u>90</u> *
Evergreen	Riverside, CA	90 million	<u>57</u>
Evergreen	Clyde, OH; Albany, NY	115 million	<u>247</u>
Phoenix Technologies	Bowling Green, OH	100 million	<u>7</u>
TOTAL		535 million <u>lbs</u>	501 jobs



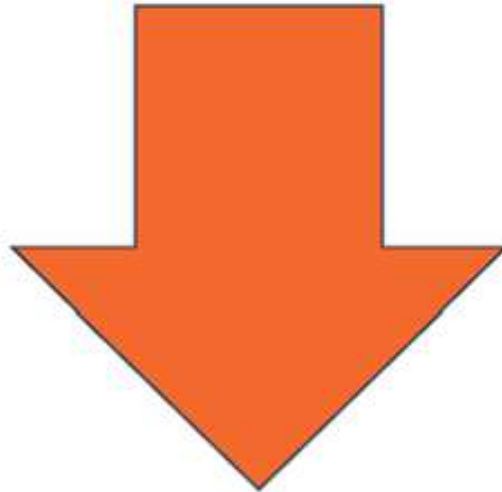
FOUR PROBLEMS UNDERMINING PLASTICS RECYCLING



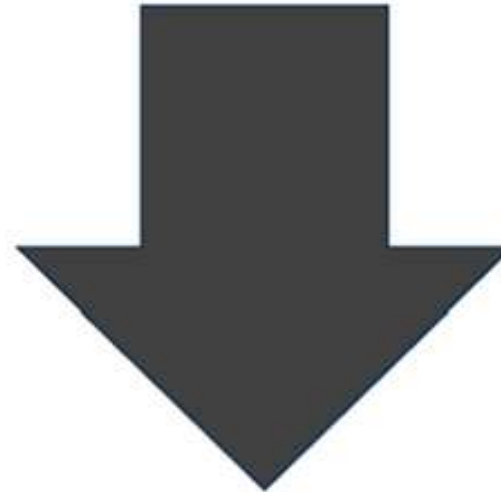
1. More and more new plastic



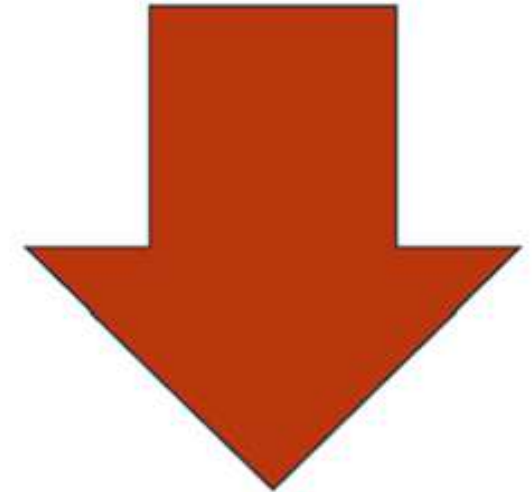
2. Low price of new plastic



3. Brands back off sustainability targets



4. Influx of imported recycled plastics



Plastic Recommendations

- Solid Waste recommends to continue not taking plastic at the centers until markets rebound.
- Keeps the centers transparent to the public.
- Recommend Public to reduce usage of plastic and plastic packaging as much as possible. Reduce and Reuse is the best policy.

	Evolve		L&M		Universal		Morris		Winkler		LMG		HC Services		Trotter		Total Tons	Total	Total Loss
Residential Waste Haulers	Tons	Revenue	Tons	Revenue	Tons	Revenue	Tons	Revenue	Tons	Revenue	Tons	Revenue	Tons	Revenue	Tons	Revenue	Tons		
FY18	572	\$27,424	103	\$5,019	156	\$7,494	128	\$6,164	125	\$5,989	0	0	0	0	0	0			
FY19	661	\$31,709	299	\$14,453	202	\$9,881	117	\$5,641	121	\$5,824	0	\$0	0	\$0	-	-	1,400	\$67,508	
FY20	801	\$39,897	445	\$22,206	265	\$13,427	115	\$5,727	115	\$5,724	0	\$0	0	\$0	-	-	1,741	\$86,981	
FY21	920	\$46,022	686	\$34,312	416	\$21,145	128	\$6,388	111	\$5,561	51	\$2,570	4	\$66	-	-	2,317	\$116,064	
FY22	1054	\$53,649	994	\$49,686	546	\$27,448	128	\$6,437	96	\$4,824	157	\$7,453	41	\$2,055	-	-	3,017	\$151,552	
FY23	1159	\$26	1263	\$1,771	613	\$182	128	\$0	87	\$0	190	\$420	88	\$0	-	-	3,528	\$2,399	\$209,259
FY24	1198	\$5,735	1483	\$3,508	648	\$2,805	123	\$0	59	\$0	240	\$5,586	104	\$0	-	-	3,854	\$17,634	\$232,876
FY25	1285	\$6,777	1706	\$7,812	664	\$5,787	122	\$0	53	\$0	188	\$4,231	126	\$0	-	-	4,144	\$24,607	\$244,753
FY26	1358	\$20,419	1654	\$76	697	\$3,698	115	\$0	41	\$0	175	\$3,127	140	\$0	42	\$6	4,181	\$27,319	\$244,446
Percent Change	138%		1513%		245%		-2%		-66%		243%		242%						

	SENECA			WALHALLA			WESTMINSTER			WEST UNION		
Municipal Waste Haulers	Residential (TONS)	Commercial (TONS)	Total (TONS)	Residential (TONS)	Commercial (TONS)	Total (TONS)	Residential (TONS)	Commercial (TONS)	Total (TONS)	Residential (TONS)	Commercial (TONS)	Total (TONS)
FY18	2639	3632.83	6272	2791	569.66	3361	1176	502.04	1678	111	0	111
FY19	2864	3884	6748	2805	618	3423	947	717	1664	134	0	134
FY20	2991	3893	6885	2915	897	3811	953	584	1537	148	0	148
FY21	3772	3306	7078	2839	1140	3979	1020	786	1805	149	0	149
FY22	4029	3490	7519	2858	1195	4053	987	851	1838	169	0	169
FY23	3596	3999	7595	2862	1160	4022	1027	762	1789	160	0	160
FY24	3158	4123	7281	2927	1401	4328	1053	789	1841	121	0	121
FY25	3518	3882	7401	2994	1508	4501	1051	874	1926	151	0	151
FY26	3437	3982	7419	3045	1457	4502	1128	787	1915	154	0	154
Percent Increase	30.24%	9.61%	18.29%	9.10%	155.71%	33.95%	-4.10%	56.76%	14.11%	39.04%		39.04%

Question 1: Do residential haulers save County Funds by reducing the amount of waste the Solid Waste Department hauls from the recycling centers?

Hauler Tons	Est. Pulls	Avg. Miles	Total Miles	Fuel Consumed	Fuel Cost
4,181	533	25.05	13,352	3,179	\$15,545.75

Hauler Tons	Est. Pulls	Per Pull Cost	Total Cost
4,181	533	\$150	\$79,953

Loss of Revenue
\$244,446.00

Question 2: Do residential haulers reduce the number of residents using the recycle centers?

1. When new residents come to Oconee County, they typically continue disposing of their waste like they have always done. If they come from a place that has residential pickup, they expect to continue having residential pickup. No one who typically goes to the recycle centers will pay for trash pickup if they don't have to.
2. When new residents call about what to do with their trash, we typically start with "Oconee County has 11 staffed recycling centers where you can take your household trash and recyclables." The next response is based on what they say after.
 1. Many will stop us and say who do we call about residential pickup.
 2. The others will ask where the centers are located.

EVOLVE Recycling & Waste



L & M Waste



Universal Sanitation

Winkler Sanitation

