



Public Comment
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September 8, 2015
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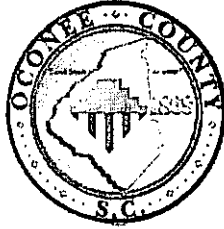
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	FULL NAME		FULL NAME
1	Greg Graham	26	
2	Gary Littlefield	27	
3	William Lusk	28	
4	Jim Bennett	29	
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Everyone speaking before Council will be required to do so in a civil manner. Council will not tolerate personal attacks on individual council members, county staff or any person or group. Racial slurs will not be permitted. Council's number one priority is to conduct business for the citizens of this county. All citizens who wish to address Council and all Boards and Commission appointed by Council should do so in an appropriate manner.

OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

Date: July 9, 2015

To: County Council

From: Planning Commission

Re: Recommendations regarding Ordinance 2015-18

During a meeting on July 7, 2015, the Planning Commission voted, unanimously, to make the following recommendations regarding Ordinance 2015-18:

1. The noise ordinance should be more objective in general by establishing decibel level(s), as determined by Council, for a classification for established/normal businesses and one for special events and these classifications should be measured on a dB(A) scale and dB(C) scale, respectively; and
2. A simple permitting process should be established for special events, as defined by Council. Said process should include a reasonable time frame for notifying the Sheriff's Department. Said process should not include a 72 hour notice requirement for a 1000 foot notification area and should not include a cumulative hour component; and
3. The established decibel level(s), as determined by Council, should be reduced at 11:00 PM and again after 1:00 AM; and
4. The Sheriff's Department should be provided with American National Standards Institute approved measuring devices/equipment; and
5. When responding to complaints, measurements made for the dB(A) scale should be taken from the residence of the complainant, and measurements made for the dB(C) scale should be taken from the "mix position"; and
6. County Council should take the appropriate amount of time to draft an ordinance that strikes the right balance between the enjoyment of events and a person's enjoyment of their private residence.

Please let me know if you have any questions.

Respectfully,

Joshua A Stephens, Deputy Director of Community Development

Frequency Weightings - A-Weighted, C-Weighted or Z-Weighted?

The human ear responds more to frequencies between 500 Hz and 8 kHz and is less sensitive to very low-pitch or high-pitch noises. The *frequency weightings* used in sound level meters are often related to the response of the human ear, to ensure that the meter is measuring pretty much what you actually hear.

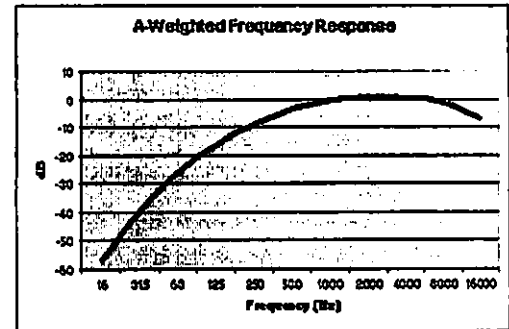
It is extremely important that sound level measurements are made using the correct frequency weighting - usually A-weighting. For example, measuring a tonal noise of around 31 Hz could result in a 40 dB error if using C-weighting instead of A-weighting.

A Weighting

The most common weighting that is used in noise measurement is *A-Weighting*. Like the human ear, this effectively cuts off the lower and higher frequencies that the average person cannot hear.

Defined in the sound level meter standards (IEC 60651, IEC 60804, IEC 61672, ANSI S1.4), a graph of the frequency response can be seen to the right.

A-weighted measurements are expressed as dBA or dB(A).

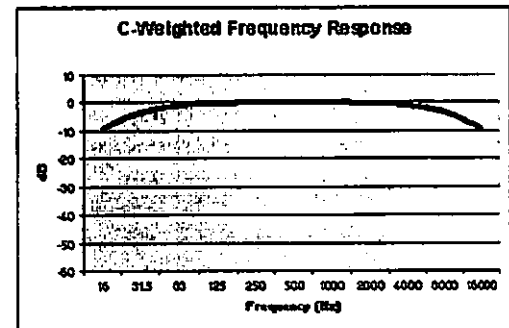


C Weighting

The response of the human ear varies with the sound level. At higher levels, 100 dB and above, the ear's response is flatter, as shown in the C-Weighted Response to the right.

Although the A-Weighted response is used for most applications, C-Weighting is also available on many sound level meters. C-Weighting is usually used for Peak measurements and also in some entertainment noise measurement, where the transmission of bass noise can be a problem.

C-weighted measurements are expressed as dBC or dB(C).



Z Weighting

Z-weighting is a flat frequency response of 10Hz to 20kHz ± 1.5 dB. This response replaces the older "Linear" or "Unweighted" responses as these did not define the frequency range over which the meter would be linear.

Z-weighted measurements are expressed as dBZ or dB(Z).

< Frequently Asked Questions

in accordance with the terms and maps of the city's zoning ordinance.

(Code 1977, § 17-3101)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 74-132. Scope.

The provisions of this article shall apply to the control of all sound originating within the geographical limits of the city and outside the city limits, within all territory to which the jurisdiction of the city extends.

(Code 1977, § 17-3100)

Sec. 74-133. Excessive noise.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud or excessive noise which unreasonably interferes with the comfort, response, health and safety of others within the jurisdiction of the city.

(Code 1977, § 17-3102)

Sec. 74-134. Specific prohibitions.

In addition to the general prohibition set out in section 74-133, the following specific acts are declared to be in violation of this article:

(1) *Horns, signaling devices.* The sounding of any horn or signaling device of a motor vehicle on any street or public place within the jurisdiction of the city continuously or intermittently for a period in excess of 60 seconds, except as a danger or emergency warning.

(2) *Radios, televisions, musical instruments and similar devices.*

a. The operation or playing of any radio, musical instrument or similar device which produces sound on the public right-of-way in such a manner as to be plainly audible to any person other than the player or operator of the device.

b. The operating or playing of any radio, television, phonograph, musical instrument or similar device which produces or reproduces sound in a manner as to be plainly audible at a distance of 15 meters (50 feet) to any person in a commercial, industrial, residential or noise-sensitive area, multifamily dwelling, motor vehicle or public space.

(3) *Loudspeakers and sound amplifiers.* The use or operation of any loudspeaker system, sound amplifier or other similar device between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays, within or adjacent to residential or noise-sensitive areas, public rights-of-way or public space such that the sound therefrom is plainly audible across the real property line of the source; provided that this shall not apply to any public performance, gathering or parade for which a permit has been obtained from the city, nor shall it apply to performances at the Chastain Park Amphitheater or at any amphitheater constructed upon the Lakewood Fairgrounds whenever the same is governed by another ordinance or by contract as to acceptable levels of sound and as to hours.

(4) *Street sales.* The offering for sale by shouting or outcry within any residential, commercial or noise-sensitive area, public rights-of-way or public space except by permit issued by the city.

(5) *Animals.* The owning, possessing or harboring of any animal which frequently or continuously howls, barks, meows, squawks or makes other sounds which create excessive noise across a residential or commercial real property line or within a noise-sensitive area. For the purpose of this article, barking dogs shall include a dog that barks, bays, cries, howls or makes any other noise continuously for a period of ten minutes, or barks intermittently for one-half hour or more to the disturbance at any time of day or night regardless of whether the dog is physically

amplification equipment so as to create sounds registering fifty-five (55) db(A) between 9:00 a.m. and 9:00 p.m. or fifty (50) db(A) between 9:00 p.m. and 9:00 a.m., as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the noise control officer.

(3) As to places of public entertainment having a capacity of one thousand (1,000) or more persons, operate or allow the operation of any sound amplification equipment so as to create sounds registering more than sixty-five (65) db(A) between 9:00 a.m. and 9:00 p.m., or fifty (50) db(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the noise control officer.

(4) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than sixty (60) db(A) at or on the boundary of the nearest public right-of-way or park.

(5) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than sixty (60) db(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 a.m. and 9:00 p.m., or fifty (50) db(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m.

(b) The foregoing limitations on the operation of sound amplification equipment shall not apply to the operation of horns, sirens, or other emergency warning devices actually being used in emergency circumstances.

(Code 1961, § 13-53.3; Ord. No. 1401, § 1, 8-8-83; Ord. No. 2243, § 1, 7-27-87; Ord. No. 3273, § 3, 12-9-91)

Sec. 15-70. Permits for additional amplification.

(a) *Application.* The application for a permit for additional amplification under section 15-69 shall be submitted to the noise control officer at least fifteen (15) working days in advance of the planned use except in case of emergency. The application shall designate an individual person or persons who shall be in control of the sound amplification equipment and assure that its use complies with the terms of the permit.

(b) *Notice of tentative approval.* Upon tentative approval, the applicant for a permit shall be responsible for mailing or otherwise delivering to the occupants of each property within a one-thousand-foot radius of the facility for which the permit has been granted, as shown on the tax maps of the county, a notice stating the date and hours of the event. The notice shall be delivered at least seventy-two (72) hours in advance of the event. The permit shall not be actually granted and issued until the applicant submits an affidavit to the noise control officer that such notices have actually been mailed or otherwise delivered.

(c) *Number of hours.* No permits shall be issued which shall have the effect of allowing more than twenty (20) hours of excess amplification per year at any place of public entertainment having a capacity of one thousand (1,000) or more persons or ten (10) hours of excess amplification at any other location. Permits shall be tentatively approved and subsequently granted by the noise control officer in the order of receipt unless permits for twenty (20) or more hours have previously been issued for the same or other locations within a one-thousand-foot radius of the facility in the same calendar year, in which event the applicant shall elect whether to limit his request so as to keep the year's accumulated hours of excess amplification in that location below twenty (20) hours or select another location.

(d) *Not permitted in residentially occupied boundaries.* In no event shall a permit be granted which allows the creation of sounds registering more than seventy (70) db(A) anywhere within the boundary line of the nearest residentially occupied property.

(e) *Denial; exceptional permit.* If an applicant has been denied a permit under this section and believes the denial is illegal by virtue of applicable state or federal law, he shall promptly submit a copy of the denied permit application together with a short statement of the reasons he believes he is entitled to a permit to the city manager.

CODE City of CHARLOTTE, NORTH CAROLINA Final Legislation Ord. No. 844, adopted May 20, 1997.
(Supplement No. 45)
PART II CODE OF THE CITY
Chapter 15 OFFENSES AND MISCELLANEOUS PROVISIONS*

ARTICLE III. NOISE

Sec. 15-66. Loud, disturbing noises prohibited, generally.

It shall be unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in the city.

(Code 1961, § 13-52; Ord. No. 1401, § 1, 8-8-83)

Sec. 15-67. Noise measurement.

For the purpose of determining db(A)'s as referred to in this article, the noise shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.

(Code 1961, § 13-53.1; Ord. No. 1401, § 1, 8-8-83; Ord. No. 3273, § 1, 12-9-91)

Sec. 15-68. Sounds impacting residential life.

(a) It shall be unlawful to carry on the following activities in any residentially zoned area of the city or within three hundred (300) feet of any residentially occupied structure in any zone of the city:

- (1) Operate a front-end loader for refuse collection between the hours of 9:00 p.m. and 7:00 a.m.
- (2) Operate construction machinery between the hours of 9:00 p.m. and 7:00 a.m.
- (3) Operate garage machinery between the hours of 9:00 p.m. and 7:00 a.m.
- (4) Operate lawn mowers and other domestic tools out-of-doors between 9:00 p.m. and 7:00 a.m.

(5) Any mechanical noise which registers more than sixty (60) db(A) at the nearest complainant's property line will be probable cause for a violation.

(b) This section shall not apply to operations which are carried on in such a manner or in such a location as not to create sounds exceeding sixty (60) db(A) and shall not apply to emergency operations designed to protect the public health and safety.

(Code 1961, § 13-53.2; Ord. No. 1401, § 1, 8-8-83; Ord. No. 3273 § 2, 12-9-91)

Sec. 15-69. Amplified sound.

(a) It shall be unlawful to:

(1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) db(A) between 9:00 a.m. and 9:00 p.m. or fifty (50) db(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the noise control officer.

(2) As to multifamily structures including apartments condominiums, or other residential arrangements where boundary lines can not readily be determined, it shall be unlawful to operate or allow the operation of any sound



Atlanta Rhythm Section Audio Rider

Public Address System

Purchaser shall provide, at his/her own cost, with no expense to "ARS"
1 "state of the art" sound system.

At one hour prior to sound check, the aforementioned rig must be able to
reproduce 110 dB of full range un-distorted audio at F.O.H.

System coverage must be suitable to venue with the appropriate amount
Of subs and free of any Phase issues.

F.O.H. desk shall be no less than 32 channels with full parametric EQ, phase reverse
Variable high pass filter, 48v phantom power and insert points on each.

Desk must have no less than 8 subgroups and 8 VCAs

Desk must also have no less than 8 discrete aux sends

F.O.H. outboard processing shall consist of the following:

1 1/3 octave graphic EQ for mains i.e. KT, BSS, Ashly

Additional graphics required for delays, front fills and
aux driven subs if applicable.

2 ch of comp/gate i.e. dbx 166

8 ch noise gates i.e. KT, BSS, Drawmer

8 ch compression i.e. dbx, BSS

2 stereo reverb units i.e. Yamaha, Lexicon, TC electronics

1 digital delay unit i.e. Lexicon, TC electronics, Roland

1 CD player

Monitor System

Monitor desk shall have no less than 32 channels and 10 discrete mixes

Each input channel must have a variable high pass filter, phase reverse,
Fully parametric EQ, pad and 48v phantom power.

10 15X2" or 212X2" bi-amped wedges

1 3 way drum monitor or 2 wedges and sub

2 3 way side fills w/high freq device @ artists head level

10 31 band 1/3 octave graphic EQ's (1 inserted on each mix)

Stage AC for backline (see plot for placement)

Microphones and stands (see input list)

1 FOH systems tech

1 MON systems tech

Adequate power for audio and backline

Lighting must be on separate AC distribution

Ryan Livingston Stage Manager
678.521.9149

The city manager shall have the discretion to grant an exceptional permit waiving locational, time, and/or db(A) requirements, upon his determination that the applicant has made a substantial showing of legal entitlement. Any such exceptional permit shall be promptly reported to city council.

(Code 1961, § 3-53.4; Ord. No. 1401, § 1, 8-8-83; Ord. No. 2243, §§ 2--4, 7-27-87; Ord. No. 3273, 4, 12-9-91)

Cross reference(s)--Licenses generally, Ch. 13.

Sec. 15-71. Animals.

It shall be unlawful for any person to own, keep or have in his possession, or harbor, any dog, other animal or bird(s) which, by frequent or habitually howling, yelping, barking or otherwise, cause loud noises, and produce seriously annoying disturbance to any person or to the neighborhood.

(Code 1961, § 13-53.5; Ord. No. 1401, § 1, 8-8-83)

Sec. 15-72. Motor vehicles.

It shall be unlawful to operate or allow the operation of any motor vehicle in the city:

- (1) Which has had its muffler-exhausts- and/or other noise-control equipment removed, altered or maintained in such disrepair as to create unreasonably loud and disturbing noises.
- (2) By engaging in jackrabbit starts, spinning tires, racing engines, or other operations which create unreasonably loud and disturbing noises.
- (3) Off the boundaries of a public street for racing or other operations which create unreasonably loud and disturbing noises.

(Code 1961, § 13-53.6; Ord. No. 1401, § 1, 8-8-83; Ord. No. 3273, § 5, 12-9-91)

Sec. 15-73. Enforcement and penalties.

Where there is a violation of any provision of this article, the city, at its discretion, may take one (1) or more of the following enforcement actions.

- (1) A police officer, noise control officer, or animal control officer may issue a citation as provided in Code section 1-7(c) subjecting the violator to a one hundred-dollar civil penalty, which penalty may provide for a fifteen-dollar delinquency charge upon nonpayment, and which penalty and delinquency charge may be recovered by the city in a civil action.
- (2) A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same. Misdemeanors shall be punishable by a fine of up to five hundred dollars (\$500.00) and/or imprisonment for up to thirty(30) days.
- (3) A civil action seeking a penalty of five hundred dollars (\$500.00) per day of violation plus injunction and order of abatement may be directed toward any person creating or allowing the creation of any unlawful noise, including the owner or person otherwise having legal or actual control of the premises from which it emanates.
- (4) A police officer or noise control officer may issue a citation, as provided in Code section 1-7(c), subjecting the violator of section 1568(a)(1) to a two hundred-dollar civil penalty, which penalty may provide for a fifteen-dollar delinquency charge upon nonpayment and which penalty and delinquency charge may be recovered by the city in a civil action.

For the purposes of this section, violator means either the operator of the front end loader, the employer of the operator, or the company, partnership, corporation or other person or entity which owns, possesses or controls the front end loader utilized by the operator.

Purchaser's Initials: _____

- G. Sufficient personnel to enforce the passes policy noted in Article 5 of the "General Terms and Conditions" section of Artist's Contract Rider.
- H. Head of security, venue manager and promoter representative to be available for a security meeting with Artist's Tour and Production Managers one (1) hour prior to doors.
8. **STAGE REQUIREMENTS:**
- A. Stage dimensions are to be 5-6ft tall, 40ft wide and 40ft deep. Two sets of lighted stairs must be located upstage right and upstage left. Stage and tech wings must have toe rail around entire perimeter.
- B. Sound wings are to be separated from stage and include enough space for working area around enclosures. Sound wings are to be at least 3 feet downstage from the front edge of the stage. All flown enclosures are to be 3 feet downstage from the front edge of the stage.
- C. Purchaser must provide 80 feet of All Access-type barricade or equivalent - must be blow through.
- D. Monitor wings and guitar station wings will be 2ft x 24ft.
- E. Purchaser must provide one 8x8x2 rolling drum riser and one 8x8x1 rolling key riser.
- F. Stage, risers and wings are to be level, sturdy and stable.
- G. Stage and risers must be skirted with a black drape. All risers must be carpeted.
- H. All outdoor events must have complete roofing - rain or shine - for stage, PA, wings, monitor wings, guitar station wings and front-of-house/lighting positions. **NO EXCEPTIONS.**
- I. 8 large tarps (20ft x 20ft) must be provided for inclement weather.

PLEASE NOTE: ABOVE REQUIREMENT IS OF THE UTMOST IMPORTANCE

9. **POWER (ELECTRICAL) REQUIREMENTS:**

THE FOLLOWING POWER REQUIREMENTS MUST BE MADE AVAILABLE TO CONTRACTED SOUND & LIGHTING COMPANIES

- A. A minimum of one 400 AMP per leg and 1- 200 AMP per leg. Three phase disconnects with appropriate neutral and earth ground. This power is to be used by contracted lighting company.
- B. A minimum of one 200 AMP per leg. Three phase disconnects with appropriate neutral and earth ground. This power is to be used by contracted lighting company. This source should be on a different transformer than the lighting power source to prevent interaction between lighting and sound equipment. This power source should also be isolated from any and all kitchen equipment, including (but not limited to) ice machines, ovens, blenders, mixers and cash registers.
- C. A qualified and licensed electrician must be on call for contracted sound and lighting companies from load in to load out.
- D. If power requirements cannot be met by the venue, Purchaser shall, at his sole expense, provide generators for the event.

**THE AUDIO AND LIGHTING SYSTEM MUST BE A CLASS "A" SYSTEM.
NO "B" OR "C" SYSTEMS WILL BE ACCEPTED.**

10. **FRONT OF HOUSE SYSTEM**

- A. Front of house sound system shall be an active 4-way stereo system, capable of producing a flat frequency response from 20HZ - 20KHZ at an undistorted signal of 115db-A SPL at the front of house console in any venue. For outdoor events, delay stacks should be made available.
- B. The FOH speaker enclosures shall be a line array type system. Acceptable systems are L'ACOUSTICS K-1 or V-DOSC; JBL VERTEC (4889 or 4888); or D&B "J" SERIES. Artist's Production Manager must approve any other enclosures.
- C. The FOH speaker enclosures must be flown and properly positioned, capable of producing a flat response for all seated seating areas. This includes front filled position (in front of stage) driven by a matrix or auxiliary send with a separate 1/3 octave EQ.
- D. The FOH speaker enclosures are to be powered adequately, according to speaker and driver requirements.
- E. Power amps are to be LAB GRUPPEN, POWER SOFT or CROWN.
- F. FOH Console is to consist of 80 channels (40 monitor and 4 stereo returns) with a minimum of 8 VCA groups and independent direct outputs on each channel. Consoles accepted are as follows: DIGIDESIGN VENUE or PROFILE; MIDAS XL-4; HERITAGE 8000; YAMAHA M7CL; or YAMAHA PM 4000.

10. SOUND SYSTEMS: (A) Purchaser shall provide at his/her sole expense - first class p.a. and monitors with the following minimum requirements:

Mixing board must have 40 channels. House system must be 3 or 4 way active crossed/ 3rd octave EQ and capable of producing at least 113 dB at 100 feet with frequency response ranging from 20 to 20k. Meyers system preferred. At least Twenty-Five (25) low impedance (150 ohm) microphones in excellent working condition, with sufficient cable to connect each to the mixer station.

Twenty-Five (25) microphone stands, all boom type. In addition, purchaser to provide the following: Three (3) SPX 900. Three (3) DBX 166. One (1) PCM 42. One (1) DBX 900 Rack.

PLEASE REFER TO THE ATTACHED INPUT LIST.

10. SOUND SYSTEMS cont'd: (B) Purchaser will also provide an on-stage monitor mix that is separate and independent of the main (audience) mix, and capable of incorporating the signals of at least Ten (10) BI-AMPED monitor cabinets and ten separate mixes, each of which should contain no less than one fifteen-inch woofer with 2" horn. In addition, 2 wedges must be provided for keyboard stage amplification, capable of being connected to our amplifier (banana plugs), plus Two (2) 3-way side fill cabinets. Drum monitor should be at least 15" with horn. The monitor system should also have equalization and limiting. System should include at least five (5) direct boxes. In addition, there should be a clear communications link between house and monitor technicians.

FOH REQUISITES

- 1. PREFER MEYER SOUND AND CREST AMP POWER
- 2. PREFER CREST, GAMBLE, MIDAS, YAMAHA FOH BOARD.
- 3. 1/3 OCTIVE GRAPHIC EQ'S
- 4. 8 COMPRESSORS, PREFER APHEX, DBX
- 5. 8 GATES, PREFER APHEX
- 6. 2 REVERBS, PREFER LEXICON, T.C. ELECTRONIC, YAMAHA SPX990
- 7. 1 DELAY, PREFER LEXICON PCM42
- 8. 1 CD & TAPEDECK FOR PLAYBACK

MONITOR REQUISITES / PREFER MEYER STEALTH OR ULTRAMONITOR

- 1. 16 CHANNEL MONITOR MIXING BOARD, CREST, GAMBLE, RAMSA
- 2. 8 MONITOR MIXES
- 3. 12 MONITORS: (8) WEDGE (1) DRUM (2) SIDEFILLS
- 4. PREFER CREST OR CROWN POWER AMPS
- 5. 1/3 OCTIVE GRAPHIC EQ ON EACH MIX
- 6. 1 REVERB, PREFER LEXICON OR YAMAHA SPX990
- 7. Microphones: (12) Sen. 421's // (6) Shure Beta 58's // (6) Shure 57's // (4) AKG 451
(5) Direct Boxes with Ground Lift Switches
- 8. Mic Stands: (10) Short Boom // (4) Med. Boom // (12) Regular Boom // (3) Straight

11. LIGHTS: Lighting system should have no less than 16 channels, covering a minimum of no less than 64 assorted lighting units (FOUR OF WHICH MUST BE "INTELLI-BEAM" OR EQUIVALENT), and adequate dimming board with 2400 Watts power per channel (NO ETA LIGHTING SYSTEMS PLEASE). There should be at least two spotlights plus experienced operators. In addition, there should be a clear communications link between lighting director and spotlight operator(s).

12. STAGE: Purchaser shall provide a stage, no less than 32' wide and 24' deep with sound wings. Purchaser will provide a carpeted drum riser at least 8' X 8' and a rug at least 4'x4' for the drum area. None of Artist's instruments or equipment is to be moved after soundcheck except with specific consent of Artist or Artist's technical representative. If performance is out of doors, Purchaser agrees to provide a covered stage. In the event of severe or inclement weather, rendering a hazardous condition, Artist shall be paid in full and shall not be required to perform. SEE ATTACHED STAGE PLOT.

ARTICLE II. - NOISE⁽²⁾

Sec. 12-31. - Declaration of nuisance and prohibitions.

- (a) Any unreasonably loud, disturbing or unnecessary noise which causes material distress, annoyance, discomfort, endangerment, injury to a person of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited.
- (b) Any noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared a nuisance and is hereby prohibited.

(Ord. No. 1998-02, § 1, 4-28-1998)

Sec. 12-32. - Creation or continuation of nuisance.

- (a) *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:

Person means any individual, partnership, association, corporation or joint venture.

- (b) *Creation or continuance.* It shall be unlawful for any person to create or continue, or cause to be created or continued any such nuisance. It shall be unlawful for any person, whether present or not, to allow or permit the creation or continuance of any such nuisance at or on the premises over which such person has dominion or control.

(Ord. No. 1998-02, § 2, 4-28-1998)

Sec. 12-33. - Enumeration of specific nuisances.

The following acts, among others, are declared to be nuisances in violation of this article, but such enumerations shall not be exclusive:

- (1) *Musical instruments, radios, phonographs, or any device for production or reproduction of sound.* The using, playing or operating or permitting the use, play, or operation of any musical instrument, radio, phonograph, cassette player, compact disc player, television set, or any machine or device for the producing or reproducing of sound in such a manner or with such volume as to disturb the peace, quiet, comfort, and repose of persons nearby.
- (2) *Loudspeakers and amplifiers.* The use of loudspeakers or amplifiers in such a manner or with such volume as to disturb the peace, quiet, comfort, and repose of persons of ordinary sensibilities in the immediate vicinity thereof.
- (3) *Yelling, shouting and other loud, boisterous and unreasonable noise.* Yelling, shouting, hooting, or making or causing to be made any loud, boisterous, and unreasonable noise which disturbs other persons of ordinary sensibilities in the immediate vicinity thereof.
- (4) *Operation of vehicles.* The running of any automobile, motorcycle or other vehicle so out of repair, so loaded, or in such a manner as to create excessively loud noise or unnecessary grating, grinding, jarring, rattling or vibrating noise, the racing of any motor vehicle engine while such vehicle is not in motion, except when necessary to do so in the course of repairing, adjusting or testing the same between the hours of 7:00 a.m. and 10:00 p.m.

(5)

Horns and other signal devices on vehicles. The sounding of a vehicle horn or signal device except as a danger or warning signal, the continued or frequent sounding of any vehicle horn or signal device for an unnecessary or unreasonable period of time.

- (6) *Construction work.* The erection, excavation, demolition, renovation, alteration, or repair work on any building or building site, or the clearing of any tract of land between the hours of 10:00 p.m. and 6:00 a.m. which results in excessive and disturbing noise, except in cases of urgent necessity in the interest of public convenience or safety.
- (7) *Fireworks and other explosive devices.* 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.
- (8) *Near schools, churches and hospitals.* Any excessive noise in the vicinity of a church, school, other institution of learning, or court of law while the same is in session or near any hospital, rest home, nursing home, or residential care center which unreasonably interferes with the working of such institutions or which unduly disturbs patients, residents, students and/or those in attendance at such institutions.
- (9) *Firearms.* The shooting of firearms which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities in the immediate vicinity thereof.
- (10) *Automobile racetracks.* The operation of any automobile for racing, and the operation of any facility for the conduct of automobile racing, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities in the immediate vicinity thereof.

(Ord. No. 1998-02, § 3, 4-28-1998; Ord. No. 2009-28, § 1, 2-3-2010)

Sec. 12-34. - Exceptions.

- (a) This article does not apply to noise emanating from industrial, warehouse, distribution and manufacturing activities and facilities and operations related thereto; governmental activities; airports and aircraft, railways, emergency signal devices, firearms discharges as a result of lawful game hunting, agricultural activities, parades, carnivals, school band practice or performances, and school or government sponsored athletic events.
- (b) Additionally, this article does not apply to noise between the hours of 7:00 a.m. and 10:00 p.m. which emanates from lawn and yard maintenance activities, tree harvesting or clearing, or explosives for construction and land clearing.
- (c) Additionally, this article does not apply to any racing automobile equipped with and using a certified automotive racing muffler system, or to any automobile racing facility, at which all participating automobiles are using such a certified automotive racing muffler system, all between the hours of 10:00 a.m. and 11:30 p.m. local time, Monday through Saturday only.
- (d) Additionally, this article does not apply to trucking and railroad operations related to or arising out of industrial, warehouse, distribution or manufacturing activities and facilities, which are lawfully established and operated in the county, in the normal course of business of such activities and

facilities, regardless of whether the trucks and rail operations are owned or operated by the industrial, warehouse, distribution or manufacturing entities, activities, and facilities, or by independent third party trucking or rail firms serving such entities, activities and facilities, as long as such trucking and rail operations are otherwise conducted in accordance with the laws and regulations of the State of South Carolina and the federal government.

- (e) 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.
- (f) Any lawful business or activity 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 will nevertheless be considered to be in compliance with this article if such lawful business or activity has existed or occurred on or at its present location and made noise that is not in compliance with this article prior to the complaining party moving to an area that is affected by the noise. This exception shall not apply to the nuisance described in subsection 12-33(10), which has its own exception, herein.

(Ord. No. 1998-02, § 4, 4-28-1998; Ord. No. 2009-28, § 2, 2-3-2010; Ord. No. 2015-09, § 1(Att. A), 3-17-2015)

Sec. 12-35. - Enforcement of article provisions.

- (a) The county sheriff's department or any duly constituted law enforcement officer will enforce the provisions of this article. After receiving a complaint and upon a finding by the officer of a violation, or upon the occurrence of a violation in the officer's presence which would be in the public interest to quell, the officer may take any one of the following actions:
 - (1) Warn the offender who will 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.
 - (2) Issue a courtesy summons or other properly authorized citation device for the offender to appear in magistrate court.
 - (3) Make a custodial arrest.
- (b) Officers may consider the following factors, among others, when deciding the appropriate method of enforcement:
 - (1) Number of citizen complaints;
 - (2) Proximity and density of nearby dwellings or other occupied structures or areas;
 - (3) Prior complaints regarding the same offender or same location;
 - (4) Cooperation of violator and likelihood of compliance;
 - (5) Nature and volume or intensity of noise; and
 - (6) Time of day.
- (c) In addition, private citizens may petition a county magistrate for an arrest warrant for violations of this article.

(Ord. No. 1998-02, § 5, 4-28-1998; Ord. No. 2009-28, § 3, 2-3-2010)

Sec. 12-36. - Penalties for violation of article.

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 of this article, or every separate and distinct event, heat, race, vehicle, or activity, in the case of 12-33(10), shall constitute a separate and distinct violation and offense under this article.

(Ord. No. 1998-02, § 6, 4-28-1998; Ord. No. 2009-28, § 4, 2-3-2010)

Secs. 12-37—12-70. - Reserved.

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LEGAL NOTICES

LEGALS

**PUBLIC NOTICE OF INTENT
TO TRANSFER HOME
HEALTH LICENSES
PERSUANT TO
SC CODE §44-84-30**

DESCRIPTION: Transfer of Home Health Licenses The SC Department of Health and Environmental Control (DHEC) intends to transfer its statewide Home Health Licenses to other qualified providers, in order to qualify, interested parties are required to provide continued high quality patient care, assurance of the employment of DHEC's current home health employees, and provision of home care services adequate to meet the needs of the State. Statutory requirements are found at SC Code Section 44-84-30. Interested parties are required to file a written Statement of Interest. Detailed application information related to the Statement of Interest, required submission information and selection criteria are posted on the DHEC website at <http://www.scdhc.gov/health/DHECHomeHealthServices>. **QUESTIONS SHOULD BE DIRECTED TO THE FOLLOWING DHEC CONTACT IN WRITING NO LATER THAN SEPTEMBER 11, 2015 BY 2:30 pm. QUESTIONS MAY BE MAILED OR E-MAILED:**

Contracts Officer, Florence Miller
Phone: 803-648-3223 (FEMA) Ad-
dress: florence.miller@dhc.sc.gov
**SUBMIT SCALED STATEMENT OF
INTEREST BY SEPTEMBER 28,
2015 NO LATER THAN 2:30 pm TO
FINISH OF THE FOLLOWING
ADDRESSES:**

MAILING ADDRESS:
SC DHEC-Division of Contract
Services Bureau of Business
Management
Columbia M&E Building
301 Gervais Street
Columbia, S.C. 29201
**PHYSICAL ADDRESS: SCHEC
Division of Contract Services -
Bureau of Business Management
Columbia M&E Building
4th Floor 301 Gervais Street
Columbia, S.C. 29201
NEGOTIATION PERIOD: DHEC will**

LEGAL NOTICES

LEGALS

select one or more qualified interest-
ed Parties to begin negotiations
relating to license transfer NO
LATER THAN October 7, 2015.
Negotiations should be concluded by
November 10, 2015. Transfer of
Home Health Licenses is expected
no later than December 31, 2015.

STATE OF
SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF
COMMON PLEAS
FOR THE TENTH
JUDICIAL CIRCUIT

Case No.: 2014 DR-37-760
SUMMONS FOR DIVORCE
(One Year Continuous Residency)
Daniel Peaco
Plaintiff,

v.
Keisha Renee Hoover Peaco
Defendant
**TO THE DEFENDANT ABOVE
NAMED:**

YOU ARE HEREBY SUMMONED
and required to answer the Com-
plaint for Divorce herein, a copy of
which is herewith served upon you
and to serve a copy of your Answer
to said Complaint upon the Plaintiff's
attorney, at the address shown
below, within thirty (30) days after
service herof, exclusive of the day
of such service, and if you fail to
answer the Complaint a judgment by
default may be rendered against you
for the relief demanded in the
Complaint.

**SCHUMPERT LITIGATION
& MEDIATION**
Seneca, South Carolina
2014
David B. Schumper III
P.O. Box 1545
Seneca, South Carolina 29174
Phone: (803) 237-4399
COURSEL FOR PLAINTIFF

The Real Estate, Facilities & Land
Management Committee meeting
scheduled for November 10, 2015
has been canceled. The Orange
County Planning & Economic Devel-
opment Committee meeting sched-
uled for September 8, 2015 has been

LEGAL NOTICES

LEGALS

cancelled. The Orange Council has
scheduled a meeting for September
8, 2015 at 6:00 p.m. in Council
Chambers, Orange County Admini-
strative Office, 415 E. Pine Street,
Maitland, SC. If both notice public
input and public discussion regarding
the existing county rules/regulations

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**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE**

OCONEE COUNTY COUNCIL

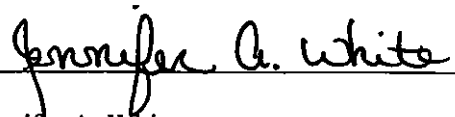
IN RE: Cancelled Meeting on Nov. 10, 2015

BEFORE ME the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, 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 08/27/2015 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.



Hal Welch
General Manager

Subscribed and sworn to before me this
08/27/2015



(Jennifer A. White
Notary Public
State of South Carolina
My Commission Expires July 1, 2024

**JENNIFER A WHITE
NOTARY PUBLIC
State of South Carolina
My Commission Expires July 1, 2024**



Oconee County
Council Office

T. Scott Moulder
Administrator

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

Phone: 864.718.1023
Fax: 864.718.1024

E-mail:
bf@oconee.org

Edda Carmick
Chairman Pro-Tem
District I

Wayne McCall
Chairman
District I

Paul Cain
Vice Chairman
District II

Joe Thrift
District IV

Reginald T. Dexter
District V



.....LEGAL AD.....

**PLEASE ADVERTISE IN THE NEXT ISSUE
OF YOUR NEWSPAPER**

The Real Estate, Facilities & Land Management Committee meeting scheduled for November 10, 2015 has been cancelled.

The Oconee County Planning & Economic Development Committee meeting scheduled for September 8, 2015 has been cancelled.

The Oconee Council has scheduled a meeting for September 8, 2015 at 6:00 p.m. in Council Chambers, Oconee County Administrative Offices, 415, S. Pine Street, Walhalla, SC to both solicit public input and hold discussions regarding the existing county noise regulations.

Beth Hulse

From: Beth Hulse
Sent: Wednesday, August 26, 2015 10:55 AM
To: Beth Hulse; classadmgr@upstatetoday.com
Subject: 9/8 council mtg, no PEC, no 11 REFLM
Attachments: 082615 - PEC cancel - Council Noise scheduled 09-08-15.doc

Please run at your earliest convenience.
Thanks.

Elizabeth G. Hulse, CCC

Clerk to Council

Oconee County Administrative Offices

415 South Pine Street

Walhalla, SC 29691

864-718-1023

864-718-1024 [fax]

bhulse@oconeesc.com

www.oconeesc.com/council

Beth Hulse

From: Beth Hulse
Sent: Wednesday, August 26, 2015 10:57 AM
To: Beth Hulse; Carlos Galarza; Chad Dorsett; DJM News Editor; Fox News; Greenville News (localnews@greenvillenews.com); Kevin; Norman Cannada (ncannada@upstatetoday.com); Ray Chandler; Steven Bradley (sbradley@upstatetoday.com); Westminster News / Keowee Courier (westnews@bellsouth.net); WGOG (dickmangrum@wgog.com); WSPA TV - Channel 7 (assignmentdesk@wspa.com); WYFF 4 News
Subject: FW: Meeting Dates Update

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Elizabeth G. Hulse, CCC

Clerk to Council

Oconee County Administrative Offices

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