



**Public Safety Committee
11:00 a.m., Tuesday, March 5, 2024
City Hall Council Chambers
1207 Palm Boulevard, Isle of Palms, SC**

Public Comment:

Citizens who wish to speak during the meeting must email their first and last name, address and topic to Nicole DeNeane, City Clerk, at nicoled@iop.net no later than 3:00 p.m. the day before the meeting. Citizens may also provide written public comment here: <https://www.iop.net/public-comment-form>

Agenda

- 1. Call to order and acknowledgement that the press and the public have been duly notified of the meeting in accordance with the Freedom of Information Act.**
- 2. Citizen's Comments** – All comments have a time limit of three (3) minutes.
- 3. Approval of previous meeting's minutes** – February 13, 2024.
- 4. Old Business**
Discussion and consideration of changes to the noise ordinance
- 5. New Business**
Review of Police and Fire Department's FY25 Budget
- 6. Miscellaneous Business** – Next meeting date: 11am, Tuesday, April 2, 2024.
- 7. Adjournment**



Public Safety Committee Meeting
11:00am, Tuesday, February 13, 2024
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to Order

Present: Council members Ward, Anderson, Bogosian

Staff Present: Administrator Fragoso, Director Kerr, Chief Oliverius, Chief Cornett

2. Citizen's Comments -- none

3. Approval of Previous Meeting Minutes – January 16, 2024

The minutes of the January meeting will be voted on in March.

4. Old Business

A. Discussion and consideration of changes to the noise ordinance

Council Member Bogosian said he would like the March meeting to focus on finalizing changes to the noise ordinance so that it can be discussed at the March Council workshop. He would like to have an ordinance passed by May. Administrator Fragoso said the next quarterly meeting with the business community will be on Friday, and she will bring their feedback to the Committee in March.

Director Kerr pointed out that the new draft of the ordinance removed the reference to dropping the decibel levels by 5 dbas for voice and music, “and then to counterbalance that are increasing by five all of the noise levels.” Council Member Ward said he has heard from business owners that the proposed decibel level for GC-2 is too low. Council Member Bogosian intends to discuss the matter with Mr. Ross, Chief Cornett, and Wild Dunes before the next meeting.

Noise monitoring devices in short-term rentals was briefly discussed.

Discussion ensued about making distinctions between violations in residential versus commercial areas. Chief Cornett noted that the person committing a violation in a rental property is issued a ticket and the property gets a strike against it as a founded complaint.

Administrator Fragoso said she would like to find a way for the City to treat short-term rental license violations differently than violations against a commercial establishment. Council Member Bogosian would like penalties that will deter non-conforming behaviors. Administrator

Fragoso cautioned again against removing the City's ability to pull a business license in light of repeated violations.

B. Update on outsourced parking management transition

Administrator Fragoso said the transition with Municipal PCI is going well. She said they will have a 24/7 call center, a dedicated website, and new signage to reflect all changes. She said the City and Municipal PCI will use this year to educate residents on securing residential parking passes so that Municipal PCI can fully take over and digitize the process next year. Municipal PCI will also be pursuing unpaid parking tickets older than 90 days. They will begin working on March 1, 2024 and will have an office in the Public Safety Building.

Administrator Fragoso said the City will still hire 2-3 BSOs to focus on beach services for the season. She also reported that two new parking kiosks have been purchased recently taking only cards. The goal is to move away from cash to a text-based parking system.

5. New Business

A. Discussion of amendments to the short-term rental ordinance to list type of violations that could trigger license revocation

Administrator Fragoso shared a list of violations and penalties found in the City of Folly Beach's short-term rental ordinance. Council Member Bogosian suggested that staff bring a list back to the next meeting of major and minor offenses.

Discussion ensued about lowering the number of complaints that trigger the license revocation process. Director Kerr pointed out that several properties do get 3 complaints per year. Chief Cornett added that they work with the properties to help them to be proactive and comply with the City ordinances.

Director Kerr said, "We'll go through this list to try to kind of categorize each and come up with a policy that adds clarity but that doesn't change how we've historically operated. That that would be a starting point for you all to say okay, let's modify" the number of strikes potentially.

B. Review of Police and Fire Department's 10-year capital plan

Administrator Fragoso shared that the Public Services & Facilities Committee asked for an additional column on the 10-year capital plan that shows the FY25 request as currently envisioned in FY24 and what changes were made from last year's version to the current request."

She then reviewed the capital requests from the Police Department which included vehicle replacement purchases, radios, taser upgrades, half the cost of the access control system for the Public Safety Building, and technology upgrades to the MEOC/training room.

The Fire Department is requesting approval for a letter of intent to purchase a new ladder truck in FY26. The trucks take two years to build. Chief Oliverius explained the need for the new truck and how current trucks are used in light of the need for this replacement. Administrator Fragoso pointed out that no capital outlay is needed at this time and the money is due upon delivery of the truck. Chief Oliverius said they could trade in the old truck to help reduce costs.

Administrator Fragoso reviewed Fire Department capital requests for FY 25, which includes 25% of a rescue boat. The remaining 75% of the cost will be covered by a FEMA grant. The City will also pursue cost sharing options with the County on the 25% portion. Chief Oliverius said that several of the water rescues they conducted last year could have benefitted from such a boat. The boat will also increase the City's fire suppression capability. The boat will be in the water at all times. The current boat could be sold or given to the Police Department.

6. Miscellaneous Business

The next meeting of the Public Safety Committee will be Tuesday, March 5, 2024 at 11:00am unless jury trials will be taking place that week.

7. Adjournment

Council Member Anderson made a motion to adjourn, and Council Member Bogosian seconded the motion. The meeting was adjourned at 12:27pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

ORDINANCE 2023-08

AN ORDINANCE AMENDING TITLE 9, OFFENSES, CHAPTER 2, OFFENSES AGAINST PUBLIC PEACE, TO REPEAL AND REPLACE SECTION 9-2-5, NOISE, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Section 9-2-5, “Noise,” is hereby deleted in its entirety and replaced with the following new Section 9-2-5, “Noise,” to state as follows:

“Sec. 9-2-5. Noise.

- a. *Definitions.* In addition to the common meaning of words, the following definitions shall be used in interpreting this section.
 1. *A-weighted scale.* ~~The sound pressure level, in decibels, as measured with the sound level meter using the “A” weighted network (scale). The standard unit notation is “dB(A).” The correction factor applied to a sound pressure measurement as defined in ANSI/IEC documentation.~~
 2. *Amplified sound.* ~~Sound augmented by any electronic means which increases the sound level or volume.~~ the use of any radio, TV, amplified musical instrument (including but not limited to brass or drum instruments), or other amplification device or apparatus making or reproducing music, voice or other sounds.
 3. *ANSI.* American National Standards Institute or its successor bodies.
 4. *Complainant.* Any owner, lessee, manager or person with a legal interest in real property within the corporate limits of the City who reports to the police department being disturbed by sound heard at their residence or place of business and not originating therefrom.
 5. *Construction.* ~~On site erection, fabrication, installation, alteration, demolition or removal of any structure, facility or addition thereto, including all related activities, including, but not restricted to, clearing of land, earth moving, blasting and landscaping.~~
 6. *dB(A).* ~~Sound level in decibels, determined by the “A” weighted~~

~~scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI, S 1.4 1971, or its successor publication(s).~~

- ~~7. *Decibel (dB)*. a unit of level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio. A logarithmic (dimensionless) measure used in describing the amplitude of sound.~~
8. *Excessive noise*. Any unnecessary or unusually loud sound or any sound which disrupts the peace and quiet of any neighborhood and which does annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensibilities.
9. *Emergency work*. Work made necessary to restore property to a safe condition, work required to protect, provide, or prevent persons or property from danger or potential danger, or work by a private or public utility when restoring utility service.
10. *Equivalent Continuous Sound Level*. The constant sound level that has the same energy as the actual time-varying sound level over the measurement period as defined in ANSI/IEC documents for sound level meters. Also referred to as time-averaged sound level and abbreviated as LAeq, LAeq, LAvg
11. *IEC*. The International Electrotechnical Commission
12. *Person*. Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group or agency.
13. *Plainly Audible*. Any sound that can be detected by a person using his or her unaided hearing faculties, including, but not limited to, the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.
14. *Receiving property*. Any residence or place of business on which uninvited noise is plainly audible.
15. *Raucous sound*. Any sound created by yelling, screaming, the use of horns, whistles or similar devices, or the banging of objects with the primary purpose of creating noise.

16. ~~Sound level. In decibels, a weighted sound pressure level determined by the use of a sound level meter whose characteristics and frequency weightings are specified in ANSI standards. See Equivalent Continuous Sound Level~~
17. ~~Sound level meter. is an instrument including a microphone, an amplifier, an output meter, and "A" frequency weighting network for the measurement of sound levels that conforms to American National Standards Institute (ANSI) Standard S 1.4-1971 "Specifications for Sound Level Meters," or the latest revision. An instrument that measures time-averaged, frequency-weighted sound levels and is certified as meeting the type -2 requirements of ANSI/ASA S1.4-2014/Part 1 / IEC 61672-1:2013. Commonly referred to as an integrating-averaging or integrating sound level meter.~~
18. ~~Sound pressure level. In decibels, twenty (20) times the logarithm to base 10 of the ratio of the magnitude of a~~

~~particular sound pressure to the standard reference pressure. The standard reference pressure is 0.0002 microbars.~~

19. *Sound source.* Any person, animal, device, operation, process, activity, or phenomenon which emits or causes sound.
 20. *Uninvited noise.* Noise not originating from the receiving property.
- b. ~~Noise Sound measurement.~~ **Noise Sound** measurements shall be employed by the police department in the following manner:
1. **Noise Sound** measurements shall be made using a sound level meter taken from anywhere within the boundary line of the complainant's property. If measurement is not possible from the complainant's property, ~~noise sound~~ measurements may be taken at the nearest boundary line of the public right-of-way.
 2. No individual other than the sound meter operator(s) shall be within ten (10) feet of the sound level meter during the sample period.
 3. Sound measurements shall be conducted at that time of day or night when the suspect noise is emitting sound.
 4. The sound level meter shall be employed in accordance with the manufacturer's instructions **to measure the Equivalent Continuous Sound Level using A-weighted scale.**
 5. **Sound measurements shall be taken over a period of 30 seconds or greater. If the measurement exceeds the threshold by 5dBA or more after 15 seconds, testing may be stopped and the sound deemed excessive noise.**
 6. It shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound level measurements.
- c. *Maximum decibel levels.* Unless otherwise specifically indicated, it shall be unlawful for any person to cause or allow the emission of sound from any source or sources which, when measured pursuant to paragraph (b) above, to exceed:
1. ~~60~~**65**dB(A) during daytime hours (~~40~~**7**:00 a.m. to 10:00 p.m. Sunday through Thursday and ~~40~~**7**:00 a.m. to 11:00 p.m. Friday and Saturday) for residential and rental properties,

2. ~~75~~70dB(A) during daytime hours (~~407~~107:00 a.m. to 10:00 p.m. Sunday through Thursday and ~~107~~107:00 a.m. to 11:00 p.m. Friday and Saturday) for commercial establishments; and
3. The maximum decibel level shall not exceed ~~85~~80-85dB(A) during daytime hours (~~107~~7:00 a.m. to 10:00 p.m. Sunday through Thursday and ~~107~~7:00 a.m. to 11:00 p.m. Friday and Saturday) in the GC-2 general commercial zoning district.

4. ~~55~~50dB(A) during ~~evening~~ nighttime hours (10:00 p.m. to ~~107~~7:00 a.m. Sunday through Thursday and 11:00 p.m. to ~~107~~7:00 a.m. Friday and Saturday) for residential properties, rental properties, and commercial establishments.

4. ~~Maximum decibel levels contained in Section 9-2-5(e) shall be reduced by 5dB(A) if the primary source of sound is speech or music.~~

~~The sound meter operator may cease taking readings as soon as the readings already taken show a violation of this ordinance.~~

d. *Excessive noise prohibited.*

1. It shall be unlawful for any person to intentionally produce, intentionally cause to be produced, or intentionally participate in the producing any excessive noise within the municipal limits.
2. In determining whether a sound is excessive noise for purposes of this section, factors that may be considered include, but are not limited to:
 - a. The volume of the noise;
 - b. The intensity of the noise;
 - c. Whether the nature of the noise is usual or unusual;
 - d. Whether the origin of the noise is natural or unnatural;
 - e. The volume and intensity of the background noise, if any;
 - f. The proximity of the noise to residential sleeping facilities;
 - g. The nature and zoning of the area within which the noise emanates;
 - h. The time of the day or night the noise occurs;
 - i. The duration of the noise; and
 - j. Whether the noise is recurrent, intermittent, or constant.

The determination of whether a noise or sound is excessive noise shall be made without considering the content of any message conveyed by the noise or sound.

- e. *Specific prohibitions.* The following acts are specifically prohibited:
1. Pets. It shall be unlawful to keep, stable, harbor or maintain any animal or bird which disturbs the comfort or repose of any reasonable person of ordinary sensibilities in the vicinity by making continually or frequently loud noise.
 2. Mufflers. Sound emitting from a motor vehicle's muffler in violation of S.C. Code Ann. § 56-5-5020.
 3. Loudspeakers, etc. It shall be unlawful to use, maintain or operate loudspeakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the street, sidewalks, parks or other outdoor public places owned or under the control of the City **in a manner as to be plainly audible at a distance of ~~±50±~~ ~~±25±~~ feet** except as permitted under paragraph (g) of this section; provided, however, that any City-owned property subject to a commercial lease and a noise control agreement or permit is exempt from the requirements of this paragraph.
 4. Hawking or peddling. It shall be unlawful for any person to make any noise on a public street or in such proximity thereto as to be distinctly and loudly audible on such street by any kind of crying, calling, or shouting or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of attracting attention or of inviting patronage of any persons to any business whatsoever. It is the express intention of this paragraph to prohibit hawking, peddling, soliciting or using other loud noises to attract attention to a business and not to prohibit the spill-over noise emanating from a lawfully operating business.
 5. *Raucous or Amplified Sound Nighttime.* It shall be unlawful for any person to create or cause to create any raucous sound or amplified sound in such a manner that during the hours from 10:00 p.m. to 10:00 a.m. Sunday through Thursday, or between the hours of 11:00 p.m. and 10:00 a.m. Friday and Saturday that is plainly audible on any adjacent property.
 - a. ~~Is plainly audible in any adjacent dwelling or other residence; and~~

- b. ~~Exceeds (50) dBA when measured pursuant to paragraph (b) above.~~

~~6. *Raucous or Amplified Sound Daytime.* It shall be unlawful for any person outside the GC 2 zoning district to create or cause to create any raucous sound or amplified sound in such a manner that during the hours between 10:00 a.m. and 10:00 p.m. Sunday through Thursday, or between the hours of 10:00 a.m. and 11:00 p.m.:~~

~~1. Is plainly audible at a distance of two hundred [200][400] feet or more from any property line bordering the noise source; and~~

~~2. Exceeds [70][75] dBA when measured pursuant to paragraph (b) above.~~

- f. *No employee liability.* No employee of any place of business acting within the scope of his or her employment shall be liable for a violation of this section, unless an employee is also an owner of the business.

- g. *Exceptions.* This section shall not apply to the following sources:

1. Any City-hosted, City-sponsored or City-sanctioned special events.
2. ~~Any city vehicle engaged in city business.~~
3. Excavations or repairs of bridges, streets or highways, by or on behalf of the City, county or state during the night, when the public welfare and convenience renders it impossible to perform the work during the day; nor shall the same apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefore.
4. Construction activities performed by or on behalf of a governmental agency, including, but not limited to, construction, repair or maintenance of public buildings and drainage facilities, dredging activities, beach renourishment activities, and other public projects.
5. It shall be ~~un~~lawful for any contractor, subcontractor, landscaper, supplier or vendor to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists, or other apparatus, tools or equipment, the use of which is attended with loud or disturbing noises, ~~at any time other than~~ between the hours of 7:30 a.m. and 6:00 p.m., Monday through

Friday, and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday. ~~Stationary power equipment such as table saws, miter saws, compressors shall not be operated within 20 feet of a property boundary unless in an enclosed space.~~ No such use shall be permitted on Sundays, or on the following legal holidays: New Year's Day; Memorial Day; Fourth of July; Labor Day; Thanksgiving Day; and Christmas Day. Approval for such use may be granted by the City for performing emergency repairs outside of the hours specified. ~~Nothing in this paragraph shall be construed to prohibit an owner or member of an owner's immediate family from performing maintenance, repairs, or other work on their own property at any time, provided that such work is otherwise in compliance with City ordinances.~~

6. It shall be lawful for an owner or member of an owner's immediate family to perform maintenance, repairs, or other work on their own property ~~at any time~~ between the hours of 7:30 a.m. and 10:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 10:00 p.m. on Saturday and Sunday, provided that such work is otherwise in compliance with City ordinances.
7. A commercial property or business owner may apply to City Council for an exception to this ordinance, and City Council may issue a permit that modifies the maximum decibel levels as it deems reasonable in light of the circumstances to support public good, infrastructure, and resources of the City, including the time and resources of law enforcement and code enforcement.

- h. *Violations.* Any person who violates any provision of this section shall be fined not more than \$500 or imprisoned for not more than 30 days. However, no penalty shall exceed the penalty provided by state law for similar offenses. A separate offense shall be deemed committed on each day that a violation occurs or continues.”
- i. In addition to the penalties set forth in subsection (h) of this section, five (5) repeated violations of this section by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of any business license issued to the premises on which the violations occurred in accordance with section 7-1-15.

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the

provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2023.

Phillip Pounds, Mayor

(Seal)
Attest:

Nicole DeNeane, City Clerk
First Reading: _____
Public Hearing: _____
Second Reading: _____
Ratification: _____

DRAFT