



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

Agenda Item No.

11a

TO: Honorable Mayor and Members of City Council
FROM: John F. McDonough, City Manager

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: April 12, 2021

ORDINANCE/RESOLUTION CAPTION:

AMENDING CHAPTER 16, ARTICLE II, DIVISION THREE OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO ADJUST THE DAYS AND TIMES DURING WHICH NOISE GENERATED BY CONSTRUCTION ACTIVITY IS EXEMPTED FROM THE NOISE ORDINANCES

SUMMARY BACKGROUND:

This amendment to the noise ordinance proposes adjusting start and end times for construction activity, as defined in Chapter 16, Article II. No changes are proposed for Monday-Friday. This Ordinance would set the start time on Saturday to 8:00 a.m. and Sunday to 9:00 a.m. The end time on the Saturday and Sunday would be amended from 9:00 p.m. to 7:00 p.m.

City Manager's Office and Planning Staff Recommendation:

Recommend Approval to City Council

IMPACT IF DENIED:

The proposed Ordinance will not be approved and adopted; therefore, the City's noise ordinance would remain in place, as currently adopted.

FINANCIAL IMPACT:

None

REQUIRED SIGNATURES

Department Director _____

OMB Director _____

City Attorney Michael Pitts

City Manager John McDonough

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A N O R D I N A N C E

AMENDING CHAPTER 16, ARTICLE II, DIVISION 3, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO ADJUST THE DAYS AND TIMES DURING WHICH NOISE GENERATED BY CONSTRUCTION ACTIVITY IS EXEMPTED FROM THE NOISE ORDINANCE

WHEREAS, the city of Greenville's (the "City") noise ordinances are set forth in Chapter 16, Article II, Division 3, of the Code of Ordinances and sets permissible standards for noise (the "Noise Ordinance"); and

WHEREAS, the Noise Ordinance has an exception for noise generated by construction and other activity during certain times of the day; and

WHEREAS, the City has enjoyed unprecedented levels of development including, but not limited to, residential infill projects as well as commercial projects abutting established neighborhoods; and

WHEREAS, City Council seeks to strike a reasonable balance between allowing construction activity and the peaceable enjoyment of property, particularly in residential areas; and

WHEREAS, in light of the foregoing, City Council believes it is prudent and reasonable to adjust the days and times during which noise generated by construction and other activity on weekends is exempted from the Noise Ordinance; and

WHEREAS, to that end, City Council desires to amend Section 16-95 of the City Code to accomplish the foregoing objectives;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA:

Section 1. City Code Section 16-95(1) is hereby amended to include the following language as underlined:

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.

Section 2. All other parts and provisions of the City Code not amended hereby, either by explicitly or by implication, remain in full force and effect.

Section 3. Should any part or provision of this Ordinance be deemed unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

Section 4. This Ordinance shall become effective upon second reading and final reading.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER