

Mayor  
Elise Partin

Mayor Pro-Tem  
James E. Jenkins

Council Members  
Phil Carter  
Ann Bailey-Robinson  
Tim James

City Manager  
Tracy Hegler

Assistant City Manager  
James E. Crosland



**City of Cayce  
Special Council Meeting  
Monday, November 2, 2020 at 2:00 p.m.**

**Cayce City Council is currently meeting virtually via Zoom.  
Please use one of the following methods to attend the Council Meeting:**

**Virtual Attendance, click**

**<https://us02web.zoom.us/j/82627967557?pwd=SVdmT3RzQ2lUVktXOWNZN0lkdzJBQT09>**

**or**

**Telephone: 1-929-205-6099**

**Meeting ID: 826 2796 7557**

**Passcode: 688947**

**caycesc.gov**

**I. Call to Order**

A. Invocation and Pledge of Allegiance

**II. Public Comment Regarding Items on the Agenda**

**Special Note: Anyone wishing to speak to Council about an item not on the agenda will need to call the City Clerk at 803-550-9557 by 12:00 p.m. the Friday prior to the Council Meeting. Anyone wishing to speak on an item on the Agenda will need to call the City Clerk at 803-550-9557 by 11:00 a.m. the day of the Council Meeting.**

**III. Ordinances**

A. Discussion and Approval of Ordinance 2020-36 Amending, Repealing, and Replacing Section 28-81 of the City Code Concerning Noise – First Reading

**IV. City Manager's Report**

**V. Council Comments**

**VI. Executive Session**

A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege

**VII. Reconvene**

**VIII. Possible Actions by Council in follow up to Executive Session**

**IX. Adjourn**

**SPECIAL NOTE: Upon request, the City of Cayce will provide this document in whatever form necessary for the physically challenged or impaired.**

<p><b>STATE OF SOUTH CAROLINA )</b>  <b>COUNTY OF LEXINGTON )</b>  <b>CITY OF CAYCE )</b></p>	<p><b>ORDINANCE 2020-36</b>  <b>Amending, Repealing, and Replacing</b>  <b>Section 28-81 of the City Code</b>  <b>Concerning Noise</b></p>
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**WHEREAS**, the City Council, on the recommendation of City Administration, has determined that it is in the interest of the City and its citizens, inhabitants and businesses to revise and clarify the current provisions of the City Code concerning loud, excessive, and unnecessary noise,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Cayce, in Council, duly assembled, that Section 28-81 ("Unreasonable Noise Prohibited") of Article IV ("Offenses Against Public Peace") of Chapter 28 Offenses and Miscellaneous Provisions") of the City Code is hereby amended, repealed and replaced so as to provide as follows:

**Section 28-81. - Prohibitions on Loud, Excessive and Unnecessary Noise**

- (a) **It shall be unlawful for any person(s) to willfully make or continue, or cause to be made or continued, any loud, excessive, unnecessary, or unusual noise that disturbs the peace, safety and quiet of any area in the City or that causes discomfort to or endangers any other person. Such noise may include, but is not limited to, noises made by motor vehicles, motorboats, busses, motorcycles, mechanical devices, drills, pumps, electrical devices, electronic devices, loudspeakers, bells, whistles, human voices, animals, musical devices, or any other instrument that makes excessive noise, or the loading or unloading of any vehicle or containers, the demolition by explosives of any structure, or the opening and destruction of bales, boxes, or crates.**
  
- (b) **The time frame for lower tolerance of noise as loud, excessive, unnecessary or unusual, is from 10:00 pm until 7:00 am.**
  
- (c) **To determine whether a noise described above violates this section, the court, law enforcement officer, or other legal authority having jurisdiction shall consider:**
  - 1. **The time of day or night the noise is occurring;**
  - 2. **The reasonableness of the noise activity occurring and the expectation of individuals in proximity;**
  - 3. **The general characteristics of the location where the noise is occurring;**
  - 4. **The intensity of the noise; and**

**5. Prior incidents or complaints from the general vicinity or location in question**

**(d) The complaint of one person, when combined with the complaint of a public safety officer, is prima facie evidence that noise regulated by this section disturbs or endangers the peace, safety or health of others, in violation of this section.**

**(e) The provisions of this section shall not apply to;**

- 1. Noises from any authorized emergency vehicle;**
- 2. Noise from church bells or chimes;**
- 3. Noise resulting from parades (as defined in Article II of Chapter 36 of this Code) to the extent allowed under the terms of the permit issued by the public safety director; and**
- 4. Noise resulting from the discharge or shooting of fireworks as permitted by City Code section 20-47.**

**(f) Notwithstanding the above, a limited waiver of the time period for lower tolerance for noise, as described in subsection (b), may be granted when a reputable person or organization can establish to the City Manager or his or her designee that the person or organization will utilize effective sound control technology such as a Line Array Sound System. With a waiver, the time period for lower tolerance of noise can be extended to 11:00 p.m.**

This Ordinance shall become effective upon Council approval on second reading.

**DONE IN MEETING DULY ASSEMBLED, this \_\_\_\_\_ day of \_\_\_\_\_ 2020.**

\_\_\_\_\_  
Elise Partin, Mayor

Attest:

\_\_\_\_\_  
Mendy Corder, CMC, Municipal Clerk

First Reading: \_\_\_\_\_

Second Reading and Adoption: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Danny C. Crowe, City Attorney