

1989 WL 508493 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 31, 1989

*1 The Honorable Joyce C. Hearn
Member
House of Representatives
503-B Blatt Building
Columbia, South Carolina 29211

Dear Representative Hearn:

You have inquired if a county has the right to restrict or regulate loud noises in the county. In a 1985 opinion to the Honorable Olin I. Blanton, Jr., this issue was exhaustively discussed. The conclusion on page four of that opinion was that

... a county possesses the power to adopt an ordinance providing criminal penalties for the making of excessive noise, and that such an ordinance would not violate the State Constitution or the Home Rule Act.

A copy of this opinion is enclosed. In addition, Section 5-7-30, Code of Laws of South Carolina (1976, 1987 Cum.Supp.), confers upon municipalities the power to abate nuisances, which in many cases noise may be said to be; thus, municipalities explicitly have the authority to regulate noise as a nuisance. Please advise if we can be of any further assistance to you on this matter.

Sincerely,

Treva G. Ashworth
Senior Assistant Attorney General

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