

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2004 Legislative Session

Legislative Day # 19

BILL NO. 2004-01

Introduced by: Charles County Commissioners

AN ACT concerning

Noise Control

Date introduced: November 1, 2004

Public Hearing: November 23, 2004

Commissioners Action: 03 / 07 / 2005 Enact

Commissioner Votes: WC: Y, RF: Y, EP: Y, AS: Y

Pass/Fail: Pass

Effective Date: 12:01 a.m. April 21, 2005

Remarks:

Work Session held on January 6, 2004

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2004 Legislative Session

Bill No. 2004-01_____

Chapter. No.260

Introduced by Charles County Commissioners

Date of Introduction November1, 2004

BILL

1 AN ACT concerning

2

3 Noise Control

4

5 FOR the purpose of

6

7 Establishing a set of measurable standards for Environmental Noise, including specific
8 violations and exemptions; providing enforcement procedures; and establishing fines for
9 violations of the provisions of this Act

10

11 BY adding to:

12

13 Chapter 260 - Noise Control
14 Sections 260-1 through 260-6
15 *Code of Charles County, Maryland*
16 (1994 Edition, 2003 Supplement)

17

1 **SECTION 1.** BE IT ENACTED BY THE COUNTY COMMISSIONERS OF
2 CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as
3 follows:

4 **CHAPTER 260**
5 **NOISE CONTROL**

6
7 **§ 260-1. Purpose; objectives.**

8 A. The purpose of this chapter is to provide for the control of noise levels
9 throughout Charles County so as to promote public health, safety, and welfare,
10 the peace and quiet of the residents of the county, and the use and enjoyment of
11 both public and private property.

12
13 B. The objectives of this chapter include the following:

- 14 (1) To reduce the threat to health, safety, welfare, and economic value when
15 excessive noise impacts a community by defining the circumstances
16 under which such conditions may be considered a threat; and
17 (2) To abate excessive noise conditions, to promote the health, safety and
18 welfare of the residents of Charles County, and to promote the maximum
19 use and enjoyment of property.

20
21 **§ 260-2. Definitions.**

22 A. In this Chapter, the following terms have the meanings indicated. Any term not
23 defined in this chapter shall have the meaning as defined in any Chapter of the
24 Code. Any term not defined in the Code in any Chapter shall have its generally
25 accepted meaning.

- 26 (1) "Commercial Land Use." Property zoned or used for the sale of goods or
27 services or for office uses.
28 (2) "dBA." Abbreviation for the sound level in decibels determined by the A-
29 weighting network of a sound level meter or by calculations from octave

- 1 band or 1/3 octave band data.
- 2 (3) "Daytime." Between 7:00 a.m. and 10:00 p.m., local time.
- 3 (4) "Decibel (dB)". A unit of measure equal to ten times the logarithm to the
- 4 base ten of the ratio of a particular sound pressure squared to a standard
- 5 reference pressure squared. For the purpose of this chapter, twenty (20)
- 6 micropascals shall be the standard reference pressure.
- 7 (5) "Department" means the Charles County Health Department.
- 8 (6) "Director" means the Director of Environmental Health.
- 9 (7) "Enforcement Officer" means:
- 10 (a) For a noise originating from any source:
- 11 (I) An employee or agent of the Department designated by the
- 12 Director to enforce this Chapter;
- 13 (II) A Law Enforcement officer;
- 14 (III) A person authorized under the Zoning Ordinance to
- 15 enforce this Chapter; or
- 16 (IV) a person authorized by the County to enforce this Chapter;
- 17 (b) for a noise originating from an animal source, the Chief of the
- 18 Division of Animal Control Services or the Chief's authorized
- 19 designee.
- 20 (8) "Industrial Land Use." Property zoned or used for manufacturing or
- 21 storing goods.
- 22 (9) "Nighttime." Between 10:00 p.m. and 7:00 a.m., local time.
- 23 (10) "Person." Any individual, group, firm, association, agency or other entity.
- 24 (11) "Public Property" Any real property or structures thereon that are owned,
- 25 leased, or controlled by a governmental entity, including any street,
- 26 avenue, boulevard, road, highway, sidewalk, alley or easement that is
- 27 owned, leased, or controlled by a governmental entity.
- 28
- 29 (12) "Residential Land Use." Property zoned or used for dwellings.

- 1 (13) "Sound." An oscillation in pressure, particle displacement, particle
2 velocity or other physical parameter, in a medium with internal forces that
3 causes compression and rarefaction of that medium. The description of
4 sound may include any characteristic of such sound, including duration,
5 intensity and frequency.
- 6 (14) "Sound Level." The weighted sound pressure level obtained by the use of
7 a sound level meter and frequency weighting network, such as A, B, or C
8 as specified in American National Standards Institute specifications for
9 sound level meters (ANSI S1.4-1971, or the latest approved revision
10 thereof). If the frequency weighting employed is not indicated, the A-
11 weighting shall apply.
- 12 (15) "Sound Level Meter." An instrument designed to measure noise levels,
13 meeting American National Standards Institute S1-4-1971 -
14 Specifications for Type 2 Sound Level Meters.

15
16 **§ 260-3. Noise exceeding measurable standards.**

- 17 A. It is prohibited for any person located within the County to make any noise or
18 operate any sound amplifier on any property owned or occupied by such person,
19 or to permit any noise to be made or any sound amplifier to be operated on
20 property owned or occupied by such person, so as to be clearly audible to any
21 person located beyond the property line of such property at a level higher than
22 those set forth in subsection B. of this section, as such sound may be measured
23 from (a) any point along the front line of the property or any part of the perimeter
24 property line upon which the noise is being made or generated or (b) any place on
25 adjacent property, provided that the person measuring the sound shall first obtain
26 the permission of the adjacent property owner to enter upon said property.
- 27
28 B. The noise prohibited in subsection A. of this section shall include noise
29 exceeding the following standards:

1
2 **Table 260-1**

3 **Maximum Allowable Noise Levels (dBA)**

4 **Measured at Receiving Land Uses**

5

Land Use of Receiving Property	Maximum Decibel Level
Industrial	75 dBA, daytime or nighttime
Commercial	67 dBA, daytime 62 dBA, nighttime
Residential	60 dBA, daytime 50 dBA, nighttime

6
7
8
9
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12

13
14 C. Construction Noise Limits.

15 (1) A person may not cause or permit noise levels emanating from
16 construction or demolition site activities which exceed:

17 (a) 90 dBA from 7:00 a.m. to 10:00 p.m., weekdays;

18 (b) The levels specified in Table 260-1 for nighttime hours at any
19 other time.

20
21 D. The equipment and techniques employed in the measurement of noise levels may
22 be those recommended by the Maryland Department of the Environment, which
23 may, but need not, refer to currently accepted standards or recognized
24 organizations, including but not limited to, the American National Standards
25 Institute (ANSI), American Society for Testing and Materials (ASTM), Society

1 of Automotive Engineers (SAE), and the United States Environmental Protection
2 Agency (EPA).

3
4 ~~§ 260-4. Additional noise.~~

5 ~~A. In addition to the prohibition set forth in Section 260-3 of this Chapter, unless it~~
6 ~~is for the purpose of necessary property maintenance during the daytime, it shall~~
7 ~~be unlawful, at any hour during the daytime or nighttime, for any owner or~~
8 ~~occupant of real property located within the County to make or generate any loud~~
9 ~~or raucous sound on said property, or to permit any loud or raucous sound to be~~
10 ~~made or generated on said property, or for any person to make or generate any~~
11 ~~loud or raucous sound on public property, so as to cause unreasonable annoyance~~
12 ~~to or disturbance to others living or located nearby. The following, among others,~~
13 ~~are declared to be loud and unnecessary noises in violation of this ordinance, but~~
14 ~~said enumeration shall not be deemed to be exclusive, namely:~~

15 ~~(1) Horns, signaling devices, etc. The sounding of any horn or signaling~~
16 ~~device on any automobile, motorcycle, or other vehicle on any street or~~
17 ~~public place of the County, except as a danger warning; the creation by~~
18 ~~means of any such signaling device of any unreasonably loud or harsh~~
19 ~~sound; and the sounding of any such device for an unnecessary and~~
20 ~~unreasonable period of time. The use of any signaling device except one~~
21 ~~operated by hand or electricity; the use of any horn, whistle or other~~
22 ~~device operated by engine exhaust; and the use of any such signaling~~
23 ~~device when traffic is for any reason held up.~~

24 ~~(2) Loud speakers, amplifiers for advertising. The using, operating or~~
25 ~~permitting to be played, used, or operated of any radio receiving set,~~
26 ~~musical instrument, phonograph, loudspeaker, sound amplifier, or other~~
27 ~~machine or device for the producing or reproducing of sound which is~~
28 ~~broadcast upon the public streets for the purpose of commercial~~

1 advertising or attracting the attention of the public to any building or
2 structure, or for any other purpose so as to annoy the quiet, comfort or
3 repose of persons in any office or in any dwelling, hotel or other type of
4 residence, or of any persons in the vicinity.

5 (3) ~~Yelling, shouting, etc. Yelling, shouting, hooting, whistling, using~~
6 ~~profanity or obscene or unreasonably offensive language or singing so as~~
7 ~~to annoy or disturb the quiet, comfort, or repose of persons in any office~~
8 ~~or in any dwelling, hotel or other type of residence, or of any persons in~~
9 ~~the vicinity.~~

10 (4) ~~Exhausts. The discharge into the open air of the exhaust of any steam~~
11 ~~engine, stationary internal combustion engine, motor boat, or motor~~
12 ~~vehicle except through a muffler or other device which will effectively~~
13 ~~prevent loud or explosive noises therefrom.~~

14 (5) ~~Defect in vehicle or load. The use of any automobile, motorcycle or~~
15 ~~vehicle so out of repair, so loaded or in such manner as to create loud and~~
16 ~~unnecessary grating, grinding, rattling or other noise.~~

17 (6) ~~Loading, unloading, opening boxes. The creation of a loud an excessive~~
18 ~~noise in connection with loading or unloading any vehicle or the opening~~
19 ~~and destruction of bales, boxes, crates, and containers.~~

20 (7) ~~Hawkers, peddlers. The shouting and crying of peddlers, hawkers and~~
21 ~~vendors and/or bells and music emanating from any vehicle or equipment~~
22 ~~used by a peddler, hawker or vendor, that disturb the peace and quiet of~~
23 ~~the neighborhood.~~

24 (8) ~~Drums or other instruments. The use of any drum or other instrument or~~
25 ~~device for the purpose of attracting attention by creation of noise to any~~
26 ~~performance, show or sale or for any other purpose so as to annoy the~~
27 ~~quiet, comfort or repose of persons in the vicinity.~~

1 (9) ~~—Metal rails, pillars and columns, transportation thereof. The transportation~~
2 ~~of rails, pillars or columns of iron, steel or other material, over and along~~
3 ~~streets and other public places upon carts, trays, cars, trucks, or in any~~
4 ~~other manner so loaded as to cause loud noises or as to disturb the peace~~
5 ~~and quiet of such streets or other public places.~~

6 (10) ~~—Blowers. The operation of any noise-creating blower or power fan or any~~
7 ~~internal combustion engine, the operation of which causes noise due to~~
8 ~~the explosion of operating gases or fluids, unless the noise from such~~
9 ~~blower or fan is muffled and such engine is equipped with a muffler~~
10 ~~device sufficient to deaden such noise.~~

11
12 B. ~~—The generation of noise prohibited by subsection A. of this section is a County~~
13 ~~infraction subject to the penalty set forth in Section 260-6 of this Chapter;~~
14 ~~provided however that no County infraction citation shall be issued except upon~~
15 ~~the observation of circumstances constituting a violation of this section by an~~
16 ~~Enforcement Officer or upon the submission of written complaints to the County,~~
17 ~~on an affidavit form obtained from the County, by at least two witnesses residing~~
18 ~~in separate households, each of whom must be at least eighteen years of age and~~
19 ~~have personal knowledge of the alleged violation.~~

20
21 **§260-4. Exemptions.**

22 A. The provisions of this Chapter shall not apply to the following:

23 (1) Household tools and portable appliances, when used for household
24 maintenance during daytime hours and when maintained in accordance
25 with manufacturer's specifications.

26 (2) ~~—Lawn-care and snow removal equipment when used and maintained in~~
27 ~~accordance with the manufacturer's specifications during daytime hours.~~

- 1 (2) Motor vehicles licensed for use on public roads when used in a manner
2 consistent with the Transportation Article of the Annotated Code of
3 Maryland.
- 4 (3) Aircraft and related operations at airports licensed by the Maryland State
5 Aviation Administration.
- 6 (4) Boats and motorized land vehicles, both on and off-road, in operation on
7 public lands under the jurisdiction of the Department of Natural
8 Resources or the County, or operated by other law enforcement or
9 emergency services personnel.
- 10 (5) Emergency operations, including, but not limited to, snow removal
11 operations.
- 12 (6) Pile driving equipment during the hours of 7 a.m. ~~8 a.m.~~ to 5 p.m.
- 13 (7) Trap shooting, skeet shooting, or other target shooting between the hours
14 of Dawn ~~9:00 a.m.~~ and Dusk ~~10:00 p.m.~~
- 15 (8) Trash collection operations between the hours of 7:00 a.m. and 10:00
16 p.m.
- 17 (9) Construction and repair work on public property.
- 18 (10) Noise emanating from household pet activity when kept in a manner
19 consistent with the Zoning Chapter and when activities are in compliance
20 with any applicable section of the Charles County Code. Noise
21 complaints involving household pet activity shall be resolved under the
22 Charles County Animal Regulations, Chapter 230 of the Charles County
23 Code.
- 24 (11) Activities or events conducted or sponsored by the County or other
25 government entity, including, without limitation, agencies working in
26 conjunction with Charles County Animal Control Services, concerts, the
27 4th of July parade and fireworks, and the like.

1 (12) Sound equipment used by Public Service Companies as defined in Article
2 78 of the Annotated Code of Maryland, or to federal, state or local
3 governmental agencies.

4 (13) Sound generated by sporting, amusement, and entertainment events and
5 other public gatherings operating according to terms and conditions of the
6 appropriate local jurisdictional body. This includes but is not limited to
7 athletic contests, amusement parks, carnivals, fairgrounds, sanctioned
8 auto racing facilities, parades and public celebrations. This exemption
9 only applies between the hours of 7:00 a.m. and 12:00 midnight.

10 (14) This Chapter shall not apply to the erection (including excavation),
11 demolition, alteration or repair of any building or structure where it is
12 necessary for public health and safety to allow such activity, and then
13 only with prior written permission from the Department of Planning and
14 Growth Management.

15
16 B. Nothing in this Chapter shall be construed as to supercede or abridge any right
17 granted pursuant to Chapter 100 of the Charles County Code, "Right to Farm."
18

19 **§ 260-5. Penalties.**

20 A. Violations of this Chapter are civil infractions, subject to the penalty and
21 enforcement provisions of Article 25B, Section 13C of the Annotated Code of
22 Maryland, and shall be subject to a fine of up to \$500.00 for the first violation,
23 and up to \$1,000.00 for each subsequent violation.

24
25 B. Each hour during which a violation of sections 260-3 and ~~260-4~~ of this Chapter
26 shall continue to exist shall constitute a separate and additional violation.
27

1 C. In addition to the forgoing penalty, the County may seek any other remedies
2 available at law or in equity.

3
4 D. Nothing herein should be construed to prohibit enforcement of this chapter by the
5 Maryland Department of the Environment.

6
7 **SECTION 2.** BE IT FURTHER ENACTED, that this Act shall take effect FORTY-
8 FIVE (45) calendar days after it becomes law.