

**Chapter 53**

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## **Chapter 53**

### **Noise**

#### § 53-1. Short Title.

This Chapter shall be known and may be cited as the "Noise Control Ordinance."

#### § 53-2. Findings.

The Town finds that the residents, business owners, and visitors of the Town should live in an environment that is free from excessive noise, which may jeopardize their health, general welfare, or property, or otherwise degrade the quality of their lives in the Town.

#### § 53-3. Definitions and Word Usage.

##### A. Word Usage.

1. For the purposes of this Chapter, the following words, terms, phrases, and their derivations shall have the meaning given herein.

2. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural number include the singular number, words used in the singular number include the plural number, and the pronoun of any gender shall include all other genders.

3. The word "shall" is always mandatory and not merely directory.

##### B. Definitions.

1. "Agent" means a person who has been expressly authorized, or placed in a position, by another person (called the "principal") to act for the principal. An agent shall include an employee acting within the actual or apparent scope of his employment for his employer; an officer of a corporation or other legal entity acting within the scope of his actual or apparent authority; and a person who is expressly placed in a position of, or allowed to act in, temporary control of property by a person who has the legal right to control or occupy that property.

2. "Commissioners" mean the governing body of the Town of Church Hill, Maryland.

3. "Noise" means the intensity, frequency, duration, and character of sound, including sound and vibration of sub audible frequencies.

4. "Noise Pollution" means:

(a) the presence of noise of sufficient loudness and character, from a single source or from multiple sources, which is, or may be predicted with reasonable certainty to be, injurious to health or which unreasonably interferes with the proper enjoyment of property or with any lawful business or activity; or

(b) sound in such intensity, frequency, duration and/or character as to exceed the limits set forth in §53-5 of this Chapter.

5. "Person" means any natural person or legal entity.

6. "Public Gathering Area" means any outdoor area, whether publicly or privately owned, regularly open to congregations of the public in numbers of 10 or more persons.

7. "Source" means a person or thing that is actively producing noise or noise pollution.

8. "Town" means the Maryland Municipal Corporation known as "The Commissioners of Church Hill."

#### § 53-4. Prohibited Acts.

A. A person shall not:

1. Be a source of noise pollution;
2. Cause or permit property owned, leased, rented, or otherwise controlled by him or his agent to be a source of noise pollution;
3. Cause or permit a source of noise pollution to exist on property owned, leased, rented, or otherwise controlled by him or his agent.

B. A commercial establishment offering indoor live amplified music or other live amplified entertainment shall not leave its exterior doors open during performances.

C. The following acts, among others, are declared to be noise pollution prohibited by this Chapter:

1. Between the hours of 10:00 p.m. and 7:00 a.m., the playing of, using of, operating of, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the production of sound (hereafter in this paragraph "the source") in such a manner as to be:

(a) when the source is in a residential zone, plainly audible at a distance of 50 feet from the building, structure, or vehicle in which the source is located;

(b) when the source is in a nonresidential zone, plainly audible at a distance of 100 feet from the building, structure, or vehicle in which the source is located, or plainly audible at the nearest border of a residential zone, whichever distance is less.

2. Between the hours of 10:00 p.m. and 7:00 a.m., yelling, shouting, hooting, whistling, or singing in the public streets or public areas or from private property in such a manner as to be plainly audible at a distance of 50 feet from the public street, public area, building, structure, or vehicle from which the noise emanates.

3. Between the hours of 10:00 p.m. and 7:00 a.m., human conversation from a public gathering area at a volume audible inside a closed residence located 75 feet or more from the public gathering area. The actual words of the conversation need not be intelligible; audibility of the sound of conversation, under the conditions described, is sufficient to constitute noise pollution.

#### § 53-5. Maximum Allowable Noise Levels.

A. With the exception of those specific acts and circumstances described in § 53-6 of this Chapter, any sound produced, reproduced, or amplified to a level that exceeds the limits of Table 1 below is hereby declared to be noise pollution.

Table 1

Maximum allowable noise level (dba) for receiving land use categories

	Industrial	Commercial	Residential
Day	75	67	65
Night	75	62	55

B. In Table 1 "day" means 7:00 a.m. to 10:00 p.m.; "night" means 10:00 p.m. to 7:00 a.m. measurements to determine compliance with the limits in Table 1 shall:

1. Employ equipment and techniques recommended by Maryland Department of the Environment;

2. Employ sound level meters set to the a-weighting network for all measurements;

3. Be taken at locations in accord with the following instructions:

(a) if the source of the noise is in a residential zoning district, the measurement shall be taken on the property line of the sending property, as close as possible to the noise source; additional measurements may be taken from points farther away.

(b) if the source of the noise is in a nonresidential zone, the measurement shall be taken on the boundary of the zoning district, as close as possible to the noise source; additional measurements may be taken from points farther away.

(c) measurements may be taken on any property in a residential zone reached by the noise.

§ 53-6. Exceptions.

Each of the following activities is hereby excepted from the prohibitions of this Chapter to the extent noted below:

A. Sound produced by the operation or testing of authorized emergency equipment.

B. Sound produced by the operation of tools and machinery, or the loading or unloading of supplies, used in construction, drilling, repair, alteration, renovation, maintenance, dredging, pile driving, or demolition during the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday and 12:00 p.m. to 8:00 p.m. on Sundays and federal holidays, or such similar activities as may be required during other times under emergency conditions provided it does not exceed 90 decibels a-weighted. For homeowners working on their own property (but not for commercial contractors), the Saturday hours apply also to Sundays and federal holidays.

C. Sound produced by lawn care equipment when used and maintained in accordance with the manufacturer's specifications, between the hours of 7:00 a.m. to 8:00 p.m.

D. Sound produced by snow removal equipment when used for snow removal purposes.

E. Motor vehicles on public roads and boats on state waters.

F. Air-conditioning and heat-pump equipment used to cool or heat housing on residential property that do not exceed 70 decibels for air-conditioning units and 75 decibels for heat pumps.

G. Emergency operations necessary to prevent an imminent threat to human health or safety, carried out by or under the supervision or authority of a governmental entity or public utility.

H. Agricultural field machinery when used and maintained in accordance with manufacturer's specifications during daylight hours.

I. Sound not electronically amplified created by sporting, amusement, and entertainment events and other public gatherings operating according to laws of Church Hill, including but not limited to sound arising from athletic contests, carnivals, parades, and public celebrations.

J. Church bells.

K. Trash trucks.

§ 53-7. Violations and Penalties.

A violation of any provision of this Chapter shall be a municipal infraction, subject to a fine of \$200. Each act of violation of this Chapter shall constitute a separate offense. An action under this section shall be in addition to, and shall not prohibit, an action for nuisance, declaratory judgment and/or injunctive relief.

*Adopted on August 16, 2010 as Ordinance No. 136-10. The date of any amendment will appear below the amended paragraph in brackets ( [ ] ).*