

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2024 Legislative Session

Bill No. CB-073-2024

Chapter No. _____

Proposed and Presented by Council Member Dernoga

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Noise Control

3 For the purpose of clarifying the County noise policy; providing for a certain definition;
4 providing for maximum allowable noise levels; repealing waivers and certain regulations and
5 fees for noise level and noise disturbance standards for construction; repealing certain
6 exceptions; providing for certain exemptions; providing for increased penalties; providing for
7 changes for certain civil citation; and generally regarding noise control.

8 BY repealing and reenacting with amendments:

9 SUBTITLE 19. POLLUTION.

10 Sections 19-121, 19-122, 19-122.01,
11 19-123, 19-124 and 19-125,
12 The Prince George's County Code
13 (2023 Edition).

14 BY repealing:

15 SUBTITLE 19. POLLUTION.

16 Section 19-122.02,
17 The Prince George's County Code
18 (2023 Edition).

19 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
20 Maryland, that Sections 19-121, 19-122, 19-122.01, 19-123, 19-124, and 19-125 of the Prince
21 George's County Code be and the same are hereby repealed and reenacted with the following

1 | amendments:

2 | **SUBTITLE 19. POLLUTION.**

3 | **DIVISION 2. NOISE CONTROL.**

4 | **Sec. 19-120. Declaration of Policy.**

5 | The County Council for Prince George's County, Maryland, hereby declares it to be the
6 | public policy of the County that every resident of the County is entitled to noise levels that are
7 | not detrimental to health, safety, or welfare and the use, enjoyment and protection of property;
8 | and the general intent of this Division is to control noise levels throughout the County so as to
9 | promote public health, safety, welfare, the peace and quiet of the inhabitants of the County.

10 | **Sec. 19-121. Definitions.**

11 | (a) For the purposes of this Division, the following words and phrases shall have the
12 | meanings respectively ascribed to them in this Section:

13 | (1) **Commercial** means anything other than a residential zone or industrial zone as
14 | set forth in Subtitle 27.

15 | (1.1) **Construction** means temporary activities directly associated with site
16 | preparation, assembly, erection, repair, alteration, or demolition of structures or roadways.

17 | (2) **dBA** means decibels of sound, as determined by the A-weighting network of a
18 | sound level meter or by calculation from octave band or one-third octave band data.

19 | (2.1) **dBC** means decibels of sound, as determined by the C-weighting network of a
20 | sound level meter or by calculation from octave band or one-third octave band data.

21 | (3) **Daytime** means the hours from 7 a.m. to 9 p.m.

22 | (4) **Decibel** means a unit of measure equal to 10 times the logarithm to the base 10 of
23 | the ratio of a particular sound pressure squared to the standard reference pressure squared. The
24 | standard reference pressure is 20 micropascals.

25 | (5) **Department** shall mean the Department of Permitting, Inspections, and
26 | Enforcement or another authorized designee agency or department.

27 | (6) **Director** shall mean the Director of the Department of Permitting, Inspections,
28 | and Enforcement for Prince George's County, Maryland, or their authorized designee.

29 | (7) **Enforcement officer** means:

30 | (A) for a noise originating from any source:

31 | (i) an employee or agent of the Department designated by the Director to

1 enforce this Division;

2 (ii) a police officer; or

3 (B) for a noise originating from an animal source, the Director of the Animal
 4 Control Division or the Director's authorized designee within the Department of the
 5 Environment.

6 (7.1) **Industrial Zone** means any property that has been zoned industrial.

7 (8) **Landlord** shall mean the person who manages, leases, holds, or otherwise
 8 controls the property of an owner.

9 (9) **Nighttime** means the hours from 9 p.m. to 7 a.m.

10 (10) **Noise** means sound, created or controlled by human activity, from one or more
 11 sources, heard by an individual over a period of time.

12 (11) **Noise disturbance** means any noise that is:

13 (A) unpleasant, annoying, offensive, loud, or obnoxious;

14 (B) unusual for the time of day or location where it is produced or heard;

15 (C) detrimental to the health, comfort, quality of life, or safety of any individual
 16 or to the reasonable enjoyment of property or the lawful conduct of business because of the
 17 loudness, duration, or character of the noise or;

18 (D) exceeds the objective standards of this Division.

19 (12) **Noise-suppression plan** means a written plan to use the most effective noise-
 20 suppression equipment, materials, and methods appropriate and reasonably available for a
 21 particular type of construction.

22 (13) **Owner** shall mean the person listed on the tax records of the County as the
 23 property owner.

24 (14) **Person** means an individual, group of individuals, corporation, firm, partnership,
 25 or voluntary association; or a department, bureau, agency, or instrument of the County or any
 26 municipality, or of any other government to the extent allowed by law.

27 (15) **Police Chief or officer** shall mean the Chief of the Prince George's County Police
 28 Department, a sworn member of the Prince George's County Police Department, or their
 29 authorized designee.

30 (16) **Receiving property** means any real property where people live or work and
 31 where noise is heard, including an apartment, condominium unit, or cooperative building unit.

(17) **Residential** means any property in a residential zone as set forth in Subtitle 27.

(18) **Residential area** is an area located within a residential or rural and agricultural zone listed in Subtitle 27 of this Code, including residential areas abutting Transit-Oriented/Activity Center zones and mixed-use, commercial, and industrial areas as defined in Subtitle 27.

(19) **Recreational or Entertainment Establishment** is an establishment as defined in Subtitle 27 of this Code.

(20) **Sound** means an auditory sensation evoked by the oscillation of air pressure.

(21) **Source** means any person, installation, device, or animal causing or contributing to noise.

Sec. 19-122. Prohibition.

(a) Maximum allowable noise levels.

(1) Except as otherwise provided in Section 19-122.01, a person must not cause or permit noise levels that exceed the following levels:

Maximum Allowable Noise Levels (dBA) for Receiving Land Use Categories

| Day/Night | Industrial | Commercial | Residential |
|-----------|------------|------------|-------------|
| Day | 75 | 67 | 65 |
| Night | 75 | 62 | 55 |

(2) A person must not cause or permit the emission of a prominent discrete tone or impulsive noise that exceeds a level, at the location on a receiving property where noise from the source is greatest, that is 5 dBA lower than the level set in paragraph (1) for the applicable noise area and time. Impulsive noise may include, for example, noise from weapons fire, pile drivers, or punch presses.

(3) A person may not cause or permit, beyond the property line of a source, vibration of sufficient intensity to cause another person to be aware of the vibration by such direct means as sensation of touch or visual observation of moving objects. The observer shall be located at or within the property line of the receiving property when vibration determinations are made.

(4) A person may not operate or permit to be operated an off-road internal combustion engine powered recreational vehicle, including, but not limited to, a dirt bike, an all-terrain vehicle, a go cart, a snowmobile, or a similar vehicle, on private property closer than 300 feet to a neighboring residence or the associated curtilage, without the written permission of the affected

1 resident, unless it can be demonstrated to the Department that the vehicle can be operated within
 2 the noise limits specified in paragraph (1) above.

3 [(3)](5) Sound that crosses between residential and non-residential areas must not exceed
 4 the level set in paragraph (1) for residential noise areas.

5 (6) For an alleged noise disturbance which results in part from low frequency sound
 6 (20 – 200 Hz), the maximum allowable noise levels may be measured dBC.

7 (b) Noise disturbance. A person must not cause or permit noise that creates a noise
 8 disturbance.

9 (c) Examples. The following examples illustrate common noise-producing acts that violate
 10 this section if they exceed the noise level standards set in subsection (a) or create a noise
 11 disturbance. The examples are illustrative only and do not limit or expand the noise level or
 12 noise disturbance standards of this section:

13 (1) Sounding a horn or other signaling device on any motor vehicle on private
 14 property except:

15 (A) in an emergency; or

16 (B) as a danger warning signal during daytime hours if the device complies with
 17 noise level limits.

18 (2) Operating a sound-producing device on public streets for commercial advertising
 19 or to attract public attention.

20 (3) Selling anything by outcry.

21 (4) Loading, unloading, opening, closing or otherwise handling containers, building
 22 materials, construction equipment, or similar objects.

23 (5) Operating a device that produces, reproduces, or amplifies sound.

24 (6) Allowing an animal to create a noise disturbance.

25 **Sec. 19-122.01. Noise level and noise disturbance standards for construction.**

26 (a) Maximum allowable noise levels for construction.

27 (1) A person must not cause or permit noise levels from construction activity that
 28 exceed the following levels:

29 (A) From 7 a.m. to 6 p.m.:

30 (i) 75 dBA if the Department has not approved a noise-suppression plan
 31 for the activity; or

1 (ii) 85 dBA if the Department has approved a noise-suppression plan for
 2 the activity.

3 (B) The level specified in Section 19-122(a) at all other times.

4 (2) Construction noise levels must be measured at the location, at least 50 feet from
 5 the source, on a receiving property where noise from the source is greatest.

6 (3) The Department must establish requirements for noise-suppression plans and
 7 adopt procedures for evaluating and approving plans. The requirements must provide that, at
 8 least 10 days before approving a noise-suppression plan, the Director must provide public notice
 9 reasonably calculated to reach at least a majority of households that might be affected by the
 10 construction activity noise levels above 75 dBA.

11 (b) Construction noise disturbance. The prohibition on noise disturbance in Section 19-
 12 122(b) applies to construction activities, notwithstanding subsection (a).

13 [(c) Violation of waiver. The Director may suspend, modify, or revoke a waiver granted
 14 under this section if a person violates the terms or conditions of the waiver.]

15 [(d) Regulations and fees. The Director must issue regulations implementing this section
 16 that:

17 (1) set the procedures and fees to apply for a waiver under subsections (a) or (b);

18 (2) require the applicant to use the best technology and strategy reasonably available
 19 to mitigate noise, as determined by the Director;

20 (3) allow temporary waivers under subsection (a) of no more than 30 days, renewable
 21 at the discretion of the Director no more than twice; and

22 (4) specify the requirements for the hearing advertisement and sign required under
 23 subsection (b)(3).]

24 **[Sec. 19-123. - Exceptions.]**

25 [The following noise generating activities shall be exempt from enforcement under this
 26 Division:]

27 [(a) any sound resulting from the emergency operation of a public service company or their
 28 contractors as defined in Section 1-101(x), Public Utilities Article of the Annotated Code of
 29 Maryland or resulting from emergency operations by fire and rescue services, and police
 30 agencies;]

31 [(b)any sound resulting from the operations of an instrumentality of the Federal, State, or

1 County government, the Board of Education, a bi-county agency, or of a municipality;]

2 [(c)a sound resulting from the operation of an aircraft.]

3 [(d)an outdoor event on private property for which a valid use and occupancy permit has
4 been issued for purposes of sporting, recreational, entertainment establishment, or for any other
5 event to which the public is invited; or]

6 [(e)an event or activity with a validly issued permit, license or other written authority which
7 takes place on property owned by the United States, the State, the County, and the Board of
8 Education, a bi-county agency, or a municipality.]

9 [(f)farm equipment being used on more than five (5) acres or outside of one hundred (100)
10 feet of the property line.]

11 [(g)lawn care, snow removal equipment and other household tools or equipment when used
12 and maintained in accordance with the manufacturer's specifications between the hours of 7:00
13 am to 9:00 pm.]

14 [(h)a source or condition expressly subject to any State or federal noise-control law or
15 regulation.]

16 **Sec. 19-123. Exemptions.**

17 (a) The provisions of this regulation may not apply to devices used solely for the purpose
18 of warning, protecting, or alerting the public, or some segment thereof, of the existence of an
19 emergency or hazardous situation.

20 (b) The provisions of this regulation do not apply to the following:

21 (1) Household tools and portable appliances in normal usage during daytime hours;

22 (2) Lawn care and snow removal equipment (daytime only) when used between the
23 hours of 7:00 am to 9:00 p.m. and maintained in accordance with the manufacturer's
24 specifications ;

25 (3) Agricultural field machinery when used and maintained in accordance with
26 manufacturer's specifications on more than five (5) acres or outside of one hundred (100) feet of
27 the property line;

28 (4) Blasting operations for demolition, construction, and mining or quarrying
29 (daytime only);

30 (5) Motor vehicles on public roads;

31 (6) Aircraft and related airport operations at airports licensed by the Maryland

1 Aviation Administration;

2 (7) Boats on State waters or motor vehicles on State lands under the jurisdiction of
 3 the Department of Natural Resources;

4 (8) Emergency operations;

5 (9) Pile driving equipment during the daytime hours of 8 a.m. to 5 p.m.;

6 (10) Sound, except those sounds that are electronically amplified, between 7 a.m. and
 7 midnight, created by:

8 (A) Sporting events (except trap shooting, skeet shooting, or other target
 9 shooting);

10 (B) Entertainment events; and

11 (C) Other public gatherings operating under permit or permission of the
 12 appropriate local jurisdiction;

13 (11) Rapid rail transit vehicles and railroads;

14 (12) Construction and repair work on public property;

15 (13) Air conditioning or heat pump equipment used to cool or heat housing on
 16 residential property; for this equipment, a person may not cause or permit noise levels which
 17 exceed 70 dBA for air conditioning equipment at receiving residential property and 75 dBA for
 18 heat pump equipment at receiving residential property;

19 (14) Household pets on residential property that are maintained in accordance with
 20 local zoning requirements;

21 (15) Trap shooting, skeet shooting, or other target shooting between the hours of 9
 22 a.m. and 9 p.m. on a range or other property of a shooting sports club that is chartered and in
 23 operation as of January 1, 2001;

24 (16) Trash collection operations between the hours of 7 a.m. and 10 p.m.

25 (17) Marina equipment used to move boats during the period from 7 a.m. to 7 p.m.
 26 provided that the noise level does not exceed 80 dBA at 20 meters from the equipment; or

27 (18) a source or condition expressly subject to any State or federal noise-control law or
 28 regulation that is more stringent than this Division.

29 (c) The events and gatherings under paragraph (a)(10) include, but are not limited to,
 30 athletic contests, amusement parks, carnivals, fairs at fairgrounds, sanctioned auto racing
 31 facilities, parades, and public celebrations.

1 **Sec. 19-124. Enforcement and penalties.**

2 (a) Any person, who after instructed to cease the noise, shall allow or cause a continued
3 violation of this Section shall, upon conviction, be guilty of a misdemeanor and subject to a fine
4 not exceeding [\$500.00] \$1,000.00 for a first offense, and [\$1,000.00] \$1,500.00 for each
5 subsequent offense or imprisonment not exceeding thirty (30) days, or both such fine and
6 imprisonment. Each day a violation continues is a separate offense.

7 (b) As an alternative to criminal action, the Director, Police Chief, enforcement officer or
8 police officer may issue a civil citation for any violation of this Section not exceeding [\$500.00]
9 \$1,000.00 for a first offense, and [\$1,000.00] \$1,500.00 for each subsequent offense.

10 (c) Violations of this Section may be reviewed by the Administrative Court as established
11 in Subtitle 13, Division 15.

12 **Sec. 19-125. Civil citation to owner or landlord.**

13 (a) The Director, Chief of Police, police officer, enforcement officer, or a designee may
14 issue a civil citation to the owner or landlord of the building or premises from which noise in
15 violation of Section 19-122 of this title emanates, if more than two civil citations have been filed
16 against an occupant, at one address, within a [60-day] one-year period.

17 (b) The Director, Chief of Police, police officer, enforcement officer, or a designee may
18 issue additional civil citations for each subsequent violation within 6 months after the initial
19 citation of the owner or landlord.

20 (c) Before issuing a citation, the Director, Chief of Police, enforcement officer, police
21 officer or a designee shall send by certified mail or deliver written notice to the owner or
22 landlord that two citations have been filed under Section 19-122 of this title within a 60-day
23 period.

24 **Sec. 19-126. Measurement of Sound.**

25 (a) The Department must issue regulations establishing the equipment and techniques it
26 will use to measure sound levels. The Department may rely on currently accepted standards of
27 recognized organizations, including the American National Standards Institute (ANSI),
28 American Society for Testing and Materials (ASTM), and the United States Environmental
29 Protection Agency.

30 (b) If the Department adopts regulations based on currently accepted standards of

1 recognized organizations referenced in subsection(s), a prima facia violation may be established
2 by the Department utilizing a commercially available noise meter that complies with the
3 standards in subsection (a).

4 (c) For multiple sources of sound, the Department may measure sound levels at any point
5 to determine the source of a noise.

6 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
7 Maryland, that Section 19-122.02 of the Prince George's County Code be and the same is hereby
8 repealed:

9 **SUBTITLE 19. POLLUTION.**

10 **DIVISION 2. NOISE CONTROL.**

11 **[Sec. 19-122.02. - Waivers.]**

12 [(a)Temporary waiver.]

13 [(1)The Director may waive any part of this Division for a temporary event if the noise
14 the event will create or cause in excess of the limits established under this Division is offset by
15 the benefits of the event to the public.]

16 [(2)When the Director receives an application under this subsection, the Director must
17 provide public notice of the application reasonably calculated to reach at least a majority of
18 households that might be affected by noise levels anticipated for the event. The Director must not
19 approve an application under this subsection less than 10 days after the public notice.]

20 [(b)General waiver.]

21 [(1)The Director may waive any part of this Division if the Director determines that
22 compliance in a particular case is not practical and would impose undue hardship.]

23 [(2)When the Director receives an application under this subsection, the Director must
24 schedule a hearing on the application within 60 days.]

25 [(3)At least 30 days before the hearing, the applicant must advertise the hearing by:

26 (A)placing a display advertisement in a newspaper of general circulation in the
27 community where the source that is the subject of the application is located; and

28 (B)posting a sign at the location of the source.]

29 [(4)Based on evidence presented at the hearing, the Director may grant a waiver for up
30 to 3 years, under terms and conditions appropriate to reduce the impact of the exception.]

31 [(5)The Director may renew a waiver granted under this subsection if the applicant

1 shows that the circumstances supporting the original waiver have not changed.]

2 [(c)Violation of waiver. The Director may suspend, modify, or revoke a waiver granted
3 under this section if a person violates the terms or conditions of the waiver.]

4 [(d)Regulations and fees. The Director must issue regulations implementing this section
5 that:

6 (1)set the procedures and fees to apply for a waiver under subsections (a) or (b);

7 (2)require the applicant to use the best technology and strategy reasonably available to
8 mitigate noise, as determined by the Director;

9 (3)allow temporary waivers under subsection (a) of no more than 30 days, renewable at
10 the discretion of the Director no more than twice; and

11 (4)specify the requirements for the hearing advertisement and sign required under
12 subsection (b)(3).]

13 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
14 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
15 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
16 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
17 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
18 Act, since the same would have been enacted without the incorporation in this Act of any such
19 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
20 or section.

21 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
22 calendar days after it becomes law.

Adopted this ____ day of _____, 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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