

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1995 Legislative Session

Bill No. _____ CB-86-1995

Chapter No.

Proposed and Presented by _____ Council Member Russell

Introduced by

Co-Sponsors

Date of Introduction

BILL

AN ACT concerning

Noise Pollution

For the purpose of adopting by reference the State Environmental Noise Standards, prohibiting unreasonably loud noise, and providing measurement standards.

BY repealing and reenacting with amendments:

SUBTITLE 19. POLLUTION.

Sections 19-147.02,

19-147.04,

19-147.05, and

19-147.07,

The Prince George's County Code

(1991 Edition, 1994 Supplement).

BY adding:

SUBTITLE 19. POLLUTION.

Sections 19-147.08,

19-147.09, and

19-147.10,

The Prince George's County Code.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 19-147.02, 19-147.04, 19-147.05, and 19- 147.07 of the Prince

George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 19. POLLUTION.

DIVISION 2A. NOISE CONTROL.

Sec. 19-147.02. Definitions.

(a) In addition to the definitions of terms contained in the State regulations, f[F]or the purposes of this Division, the following words and phrases shall have the meanings respectively ascribed to them in this Section, unless the context clearly requires otherwise:

(1) **Health Officer** means the Prince George's County Health Officer or [his] the Health Officer's duly authorized representative.

(2) **Product** means any manufactured article or goods or components thereof.

(3) **Use** means any activity, occupation, business, or operation conducted on land or in or upon a building or other structure, including streets or other thoroughfares; provided, however, that nothing in this Division shall be construed to establish or authorize the establishment of standards in conflict with Federal and/or State standards.

Sec. 19-147.04. [Comprehensive noise survey and report.] State Environmental Noise Standard Regulations adopted by reference.

[(a) No later than eighteen (18) months after the effective date of this Division, the Health Officer shall forward to the County Council and the County Executive a comprehensive report based on a survey of significant sources of community noise in the County. In advance of submission of the foregoing comprehensive report, the Health Officer shall also forward at least three (3) interim reports to the County Council and the County Executive on the progress of the community noise survey.

(b) In conducting the community noise survey in the County, the Health Officer, among other considerations, shall make observations of conditions which may or do cause or affect noise pollution, make acoustic measurements of noise from significant sources, and assess the degree of abatement required.]

(a) The Maryland Department of Environment Noise Standard Regulations, as set out in the Code of Maryland Regulations (COMAR 26.02.03), and as they may be amended from time to time, are hereby adopted by reference as the Prince George's County Noise Standard Regulations and made a part of this Subtitle, with the additions, insertions and changes contained in this Division and in regulations recommended by the Health Officer and adopted by the Council. The Clerk of the Council shall maintain a current set of the regulations for public inspection.

Sec. 19-147.05. Preparation of noise control regulations.

(a) The Health Officer[, based on the results of the community noise survey in the County,] shall prepare a set of recommended County regulations which may include, but not be limited to, the following:

- (1) Establishment of appropriate noise standards for categories of land use in the County and permitted deviations therefrom;
- (2) Rules and procedures for measuring and monitoring noise;
- (3) Standards for noise source emissions where not preempted by Federal and/or State standards;
- (4) Labeling requirements which prohibit the sale or offer to sell or the lease or offer to lease of any product, or class or category thereof, without notice to the prospective purchaser, lessee, or user of the noise levels and characteristics emitted by such product, or its effectiveness in reducing noise, as the case may be, insofar as requirements are not in conflict with any Federal and/or State requirements;
- (5) Real property notice requirement which establish procedures by which prospective purchasers or lessees of real property shall be notified in writing and in advance of agreement to purchase or lease of the existence of, or plans for, major noise sources, including, but not limited to, airports, highways, and mass transit facilities, where such sources may be expected to have an actual or projected adverse impact upon the enjoyment of the property for the use for which it is zoned or for which it is being sold or leased;
- (6) Establishment of special noise insulation districts within which specified

building performance standards and noise insulation standards shall apply, in order to protect building occupants from excessive noise of external origins;

(7) License, registration, or permit requirements for the construction, installation, use and operation of machinery, equipment or facilities, or classes thereof, including such conditions as the Health Officer may deem appropriate for the purposes of this Division;

(8) Controls on airport and aircraft noise to the extent not preempted by Federal and/or State law;

(9) Curfew provisions which prohibit particular noise-making activities or operations during particular days or particular hours;

(10) Provisions to exempt certain uses and activities to include but not be limited to sporting events, carnivals and other public amusement activities, from the provisions of this Division and the regulatory controls authorized by this Section; and

(11) Appropriate provisions for the enforcement of any noise control regulation authorized by this Section and penalties for violations thereof.

(b) Any regulation prepared pursuant to the authority of this Section shall be one which, in the judgment of the Health Officer, is requisite to protect the public health, safety and welfare, taking into account the magnitude and conditions of use of the product or activity involved alone or in combination with other sources, the degree of noise reduction achievable through the application of the best available technology, and the cost of compliance. In determining the degree of noise reduction achievable through the application of the best available technology, the Health Officer shall take into consideration technology which may be available at the time the regulation becomes effective.

Sec. 19-147.07. Noise in a residential area.

(a) No person, who has been ordered by a police officer to cease using, operating, or permitting to be played or operated any radio, television set, tape or disk recorder, phonograph, musical instrument, or any other machine, equipment, or tool which produces or reproduces any sound or noise which is audible more than fifty (50) feet from the source of

the sound or noise, shall continue to use, operate, or permit to play or operate the device causing the sound or noise.

(b) This Section shall apply only to a sound or noise which is audible in a residential area between the hours of 11:00 P.M. and 7:00 A.M. of the next day. Residential area is an area located within a residential zone listed in Section 27-109(a)(1) of this Code.

(c) This Section shall not apply:

(1) To any sound resulting from the emergency operation of a public service company as defined in Article 78, Section 2(o), Annotated Code of Maryland;

(2) To any sound resulting from the operations of an instrumentality of the federal, state, or county government or of a municipality, or

(3) To a sound resulting from the operation of farm equipment or aircraft.

(d) Any person who violates any provision of this Section shall[, upon conviction,] be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding \$250 for a first offense, and \$500 for each subsequent offense or imprisonment not exceeding thirty (30) days, or both such fine and imprisonment.

SECTION 2. BE IT FURTHER ENACTED that Sections 19-147.08, 19-147.09, and 19-147.10 of the Prince George's County Code be and the same are hereby added:

SUBTITLE 19. POLLUTION.

DIVISION 2A. NOISE CONTROL.

Sec. 19-147.08. Unreasonably loud noise prohibited.

(a) A person may not cause or permit, beyond the property line of the source, noise levels which exceed 55 dBA in a residential zone, 64 dBA in a commercial zone or 70 dBA in an industrial zone.

(b) A person may not cause or permit the sounding of any horn or signaling device on any motor vehicle except as a danger warning.

(c) A person may not cause or permit, beyond the property line of the source, the operation of a electronic or mechanical device for the reproduction of recorded sound or for the receipt of broadcast radio, television or other electromagnetic signals, regardless of

frequency or band, between the hours of 12:01 a.m. and 7:00 a.m. at a volume that is plainly audible at a distance of fifty feet from the source of the device or from the property line of the source.

(d) A person may not cause or permit, beyond the property line of the source, the operation of a electronic or mechanical device for the reproduction of recorded sound or for the receipt of broadcast radio, television or other electromagnetic signals, regardless of frequency or band, at a volume louder than is necessary for the convenient hearing of the person or persons who are in the room, vehicle or other enclosed space in which such device is operated.

Sec. 19-147.09. Same - responsibility of owner of premises or vehicle.

(a) A person may not knowingly permit the making, creation or maintenance of noise at levels in excess of that permitted by this Division upon any premises or motor vehicle owned or possessed by the person or under the control of the person.

Sec. 19-147.10. Measurement.

(a) The measurement of noise levels shall be conducted at one or more points on or within the property line of the property receiving the noise or the boundary of a zoning district.

(b) Measurement equipment shall be sound-level meters which comply with the Maryland Department of Environment Noise Standard Regulations.

(c) In the event that a measurement of noise levels results in the finding of a violation of this Division, the person responsible for the violation shall pay the actual costs of measurement in addition to any other fine or penalty.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this _____ day of _____, 1995.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Anne T. MacKinnon
Chairwoman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____

BY:

Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.