

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2017 Legislative Session**

Bill No. CB- -2017

Chapter No. \_\_\_\_\_

Proposed and Presented by \_\_\_\_\_

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**BILL**

1 AN ACT concerning

2 Noise in Commercial Zones

3 For the purpose of providing for a certain prohibition regarding noise in a commercial zone;  
4 providing for a certain exception; and generally relating to noise.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 19. POLLUTION.  
7 Sections 19-121 and 19-122,  
8 The Prince George's County Code  
9 (2015 Edition; 2016 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
11 Maryland, that Sections 19-121 and 19-122 of the Prince George's County Code be and the same  
12 are hereby repealed and reenacted with the following amendments:

13 **SUBTITLE 19. POLLUTION.**

14 **DIVISION 2. NOISE CONTROL.**

15 **Sec. 19-120. Declaration of Policy.**

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

21 **Sec. 19-121. - Definitions.**

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

3 (1) **Noise** shall mean noise related to human activity including noise produced  
4 vocally, with a radio receiving set, musical instrument, phonograph or any other device or  
5 by a machine, tool or other equipment which produces, reproduces or amplifies any sound or  
6 noise which is continuous in nature and audible more than fifty (50) feet from the source of  
7 the sound or noise in the public right of way or an adjacent building.

8 (2) **Department** shall mean the Department of Permitting, Inspections, and  
9 Enforcement or another authorized designee agency or department.

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

12 (4) **Director** shall mean the Director of the Department of Permitting,  
13 Inspections, and Enforcement for Prince George's County, Maryland, or their authorized  
14 designee.

15 (5) **Owner** shall mean the person listed on the tax records of the county as the  
16 property owner.

17 (6) **Police Chief or officer** shall mean the Chief of the Prince George's County  
18 Police Department, a sworn member of the Prince George's County Police Department, or  
19 their authorized designee.

20 (7) **Residential area** is an area located within a residential zone listed in Section  
21 27-109(a)(1) of this Code, including residential areas abutting mixed-use, commercial and  
22 industrial areas as defined in Subtitle 27.

23 (8) **Recreational or Entertainment Establishment** is an establishment as  
24 defined in Section 27-107.1(a)(192) of this Code.

25 **(9) Commercial area** is an area located in a commercial zone listed in Section 27-  
26 109(a)(2) of this Code.

27 **Sec. 19-122. Prohibition.**

28 (a) A person may not create noise or allow noise to be created that disturbs the peace,  
29 quiet, and comfort of a residential area and includes residences in all areas.

1           (b) Noise within a building located in a commercial area within 150 feet of a residential  
2 property should not be heard beyond the boundary line of the commercial property for a period  
3 of more than thirty (30) minutes.

4 **Sec. 19-123. - Exceptions.**

5 The following noise generating activities shall be exempt from enforcement under this  
6 Division:

7           (a) any sound resulting from the emergency operation of a public service company as  
8 defined in Section 1-101(x), Public Utilities Article of the Annotated Code of Maryland;

9           (b) any sound resulting from the operations of an instrumentality of the Federal, State,  
10 or County government, the Board of Education, a bicounty agency, or of a municipality;

11           (c) a sound resulting from the operation of an aircraft.

12           (d) on private property for which a valid use and occupancy permit has been issued for  
13 purposes of sporting, recreational, entertainment establishment, or for any other event to  
14 which the public is invited; or

15           (e) an event or activity with a validly issued permit, license or other written authority  
16 which takes place on property owned by the United States, the State, the County, the Board  
17 of Education, a bicounty agency, or a municipality.

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

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

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

24           (a) Any person, who after instructed to cease the noise, shall allow or cause a  
25 continued violation of this Section shall, upon conviction, be guilty of a misdemeanor and  
26 subject to a fine not exceeding \$500.00 for a first offense, and \$1,000.00 for each  
27 subsequent offense or imprisonment not exceeding thirty (30) days, or both such fine and  
28 imprisonment.

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

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

2 (a) The Director, Chief of Police, police officer or a designee may issue a civil citation  
3 to the owner or landlord of the building or premises from which noise in violation of  
4 Section 19-122 of this title emanates, if more than three civil citations have been filed  
5 against an occupant, at one address, within a 60-day period.

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

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

12 **SECTION 2. BE IT FURTHER ENACTED** that the provisions of this Act are hereby  
13 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
14 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
15 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
16 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
17 Act, since the same would have been enacted without the incorporation in this Act of any such  
18 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,  
19 or section.

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2017.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Derrick Leon Davis  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Rushern L. Baker, III  
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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