



September 24, 2024

FISCAL AND POLICY NOTE

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Council Administrator

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THRU: Josh Hamlin 
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FROM: Alex Hirtle 
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Policy Analysis and Fiscal Impact Statement
CB-073-2024 Noise Control

CB-073-2024 (*proposed by*: Council Member Dernoga)

Assigned to Transportation, Infrastructure, Energy, and Environment (TIEE) Committee

AN ACT CONCERNING NOISE CONTROL for the purpose of clarifying the County noise policy; providing for a certain definition; providing for maximum allowable noise levels; repealing waivers and certain regulations and fees for noise level and noise disturbance standards for construction; repealing certain exceptions; providing for certain exemptions; providing for increased penalties; providing for changes for certain civil citations; and generally regarding noise control.

Fiscal Summary

Direct Impact:

Expenditures: Possible modest additional expenditures.

Revenues: Probable increased revenue through higher penalties & additional violations.

Indirect Impact:

Potentially favorable.

Legislative Summary:

CB-073-2024¹ was presented by Council on September 10, 2024, and referred to the Transportation, Infrastructure, Energy, and Environment (TIEE) Committee.

The Bill clarifies the County noise policy by eliminating the authority of the Director (of the Department of Permitting, Inspections, and Enforcement) to waive any part of this Division by repealing the entire Section 19-122.02. Exceptions for lawn care, snow removal equipment and other household tools are made contingent on use and maintenance according to manufacture's specifications between the hours of 7am and 8pm. The Bill provides that exceptions must be to a source or condition expressly subject to any State or federal noise-control law or regulation that is more stringent than the Noise Control Division.

The Bill increases penalties to any person who after being instructed to cease the noise, allows or causes continuation of the violation. Fines for first offense are not to exceed \$1,000 (up from the current \$500), and increase to \$1,500 (up from \$1,000) for each subsequent offense, and/or imprisonment not to exceed 30 days. Each day a violation continues is a separate violation. The Director, Police Chief, enforcement or police officer may issue a civil citation for any violation of this Section not exceeding \$1,000 for the first offense, and \$1,500 for each subsequent offense.

Current Law/Background:

The sponsor has noted that noise violations are consistently one of the most frequent complaints that constituents mention during contact with the council member. Violations include vehicles with modified mufflers, outdoor neighborhood parties, public events with loudspeakers and amplified music, etc.

Upon looking at the State Environmental Article § 3-105, the Article provides the following for counties:

- (9) (1) this title does not limit political subdivisions to adopt noise control ordinances, rules, or regulations.
- Political subdivisions may not adopt any noise control ordinance, rule, or regulation less stringent than under this title.

The sponsor noted that currently the County Code has Exceptions that have no definite standards or limits. COMAR (the State Code of Regulations) provides for Exemptions with very specific activities.² Also, the County Exemptions are less stringent than the State law and regulations.

¹ [CB-73-2024](#)

² <http://mdrules.elaws.us/comar/26.02.03.02>

The objective is to amend the County Noise Control Code to be parallel with COMAR.

The proposed Bill amends the County Code Subtitle 19, Sec. 19-120 through Sec. 19-126.

The Bill adds dBC to the list of definitions- dBC is the A-weighted decibel scale, designed to mimic the human ear's sensitivity to different frequencies, especially mid-range frequencies.

Section 19-122 adds provisions for "vibration or certain intensity", as well as prohibited use of off-road vehicles such as dirt bikes, all terrain vehicles, and go-carts without the permission of affected residents.

In Section 19-123, the Exceptions in the Code have all been removed. In the same section, exemptions have been placed in the proposed amended Code.

Section 19-124 includes the penalties as amended.

Section 19-125 amends civil citation in its frequency from two within 60 days to two within one year.

Finally, Section 19-122.02 removes all text of waivers within that section.

Resource Personnel:

- Michelle Garcia, Chief of Staff, District 1

Discussion/Policy Analysis:

Under the proposed changes, the new Code should provide a tool to both DPIE and the Police Department to enforce noise violations in a more effective manner. With added Prohibitions, deleted Exceptions, and defined Exemptions, coupled with increased maximum fines, there should be incentives for residents as well as event facilitators to respect and keep noise levels within allowed limits, during the hours permitted.

Some questions that need to be asked:

Pertaining to Sec. 19-122, are there more refined ways to measure "vibration of sufficient intensity" than just touch or visual observation?

Will DPIE and the Police Department train sufficient number of personnel to identify and measure alleged violations? And will they be armed with adequate noise meters to measure and document violations?

Do either or both agencies have the resources and personnel to carry out enforcement of this Bill?

Fiscal Impact:

- *Direct Impact*

Enactment of CB-073-2024 is likely to have an adverse fiscal impact on the County, though both expenditures and revenues will likely see an increase. The number of citations and amount of fines collected under the existing law would allow a somewhat reliable estimate of the likely increase in revenue from the fine increases. DPIE did not respond to a request for a fiscal impact analysis, but it can be expected that enforcement of the proposed legislation will necessitate modest additional expenditures for the necessary personnel and technical equipment to carry out the Bill's objective. This additional expense will probably not be entirely offset by the higher fines and additional number of violations, given the history of DPIE's and the Police Department's low volume of issuing violations and citations for noise control.

- *Indirect Impact*

Enactment of CB-073-2024 could have a favorable indirect impact on the County by the reduction of noise and nuisance within communities of our jurisdiction, providing for better quality of life for residents, potentially translating into higher property values and tax receipts.

- *Appropriated in the Current Fiscal Year Budget*

No.

Effective Date of Proposed Legislation:

The proposed Bill shall be effective forty-five (45) calendar days after it becomes law.

If you require additional information, or have questions about this fiscal impact statement, please reach out to me via phone or email.