

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2002 Legislative Session

Bill No. CB-3-2002

Chapter No. 2

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Member Hendershot

Co-Sponsors _____

Date of Introduction March 5, 2002

BILL

1 AN ACT concerning

2 Noise Control

3 For the purpose of repealing obsolete provisions of the Prince George's County noise control
4 ordinance.

5 BY repealing:

6 SUBTITLE 19. POLLUTION.

7 Sections 19-120, 19-121, 19-122, 19-123, 19-124, and 19-125,

8 The Prince George's County Code

9 (1999 Edition, 2001 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Sections 19-120, 19-121, 19-122, 19-123, 19-124, and 19-125 of the Prince
12 George's County Code be and the same are hereby repealed:

13 **SUBTITLE 19. POLLUTION.**

14 **DIVISION 2. NOISE CONTROL.**

15 **Sec. 19-120. [Declaration of Policy.] Reserved.**

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 that excessive or unnecessary noises within the County are a menace to the health, safety,
20 welfare, and prosperity of the residents of the County; that the policy of the County and the
21 general intent of this Division is to control noise levels throughout the County so as to promote

1 public health, safety, welfare, the peace and quiet of the inhabitants of the County, and to
 2 facilitate the use and enjoyment of the natural attractions and resources of the County; that a
 3 substantial body of science and technology exists or will be established in the immediate future
 4 which will permit the County to effectively control excessive or unnecessary noise within the
 5 County; and that in order to effectuate the purposes of this Division, it is necessary and
 6 appropriate for Prince George's County, Maryland, to develop, implement and maintain a
 7 comprehensive, County-wide noise control program.]

8 **Sec. 19-121. [Definitions.] Reserved.**

9 [(a) For the purposes of this Division, the following words and phrases shall have the
 10 meanings respectively ascribed to them in this Section, unless the context clearly requires
 11 otherwise:]

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

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

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

19 **Sec. 19-122. [Administration of Enforcement of Division.] Reserved.**

20 [(a) The authority to administer and enforce the provisions of this Division and the
 21 regulations prepared and approved pursuant hereto is hereby vested in the Health Officer.]

22 [(b) In order to effectively develop and implement the County's noise control program as
 23 described herein, the Health Officer, in addition to such other powers and duties as are assigned
 24 herein, shall have the authority to:]

25 [(1) Employ additional personnel or retain private consultants, with the budgetary and
 26 legal limitations of County Charter, trained or expert in acoustical engineering or equivalent
 27 fields to assist the Health Officer in developing and implementing the County's noise control
 28 program;]

29 [(2) Procure, within the budgetary and legal limitations of County Charter, noise
 30 measuring and monitoring equipment for the effective implementation, administration and
 31 enforcement of the County's noise control program;]

1 [(3) Review and comment upon County environmental impact statements required by
2 Federal, State or County law;]

3 [(4) Conduct programs of public education regarding the causes and effects of noise
4 and means for its abatement and control and encourage the participation of appropriate
5 professional, scientific, conservation, and other public interest groups, corporate and other
6 business groups and interests, and private citizens in related public information efforts; and]

7 [(5) Coordinate the development and implementation of the County's noise control
8 program, on a continuing basis, with such business and citizen groups, associations, committees,
9 and other County, bi-County, State, and Federal governmental agencies as are necessary and
10 appropriate.]

11 **Sec. 19-123. [Comprehensive noise survey and report.] Reserved.**

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

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

22 **Sec. 19-124. [Preparation of noise control regulations.] Reserved.**

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

26 [(1) Establishment of appropriate noise standards for categories of land use in the
27 County and permitted deviations therefrom;]

28 [(2) Rules and procedures for measuring and monitoring noise;]

29 [(3) Standards for noise source emissions where not preempted by Federal and/or
30 State standards;]

1 [(4) Labeling requirements which prohibit the sale or offer to sell or the lease or offer
2 to lease of any product, or class or category thereof, without notice to the prospective purchaser,
3 lessee, or user of the noise levels and characteristics emitted by such product, or its effectiveness
4 in reducing noise, as the case may be, insofar as requirements are not in conflict with any Federal
5 and/or State requirements;]

6 [(5) Real property notice requirement which establish procedures by which
7 prospective purchasers or lessees of real property shall be notified in writing and in advance of
8 agreement to purchase or lease of the existence of, or plans for, major noise sources, including,
9 but not limited to, airports, highways, and mass transit facilities, where such sources may be
10 expected to have an actual or projected adverse impact upon the enjoyment of the property for
11 the use for which it is zoned or for which it is being sold or leased;]

12 [(6) Establishment of special noise insulation districts within which specified building
13 performance standards and noise insulation standards shall apply, in order to protect building
14 occupants from excessive noise of external origins;]

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

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

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

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

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

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

1 degree of noise reduction achievable through the application of the best available technology, the
2 Health Officer shall take into consideration technology, which may be available at the time the
3 regulation becomes effective.]

4 **Sec. 19-125. [Approval of Noise Control Regulations.] Reserved.**

5 [Upon preparation of the noise control regulations authorized and required by Section 19-
6 124, above, the Health Officer shall transmit said recommended regulations to the County
7 Executive for review and comment. Within one (1) calendar month after receipt thereof, the
8 County Executive shall forward said recommended regulations to the County Council for
9 approval with or without any written recommendations thereon. Upon receipt of said regulations
10 from the County Executive, the County Council in its capacity as the Prince George's County
11 Board of Health shall cause to be published in the County newspapers of record the place, date,
12 and time of a public hearing on the noise control regulations submitted by the County Executive.
13 After the public hearing, the County Council, sitting as the Prince George's Board of Health, may
14 amend any part of said regulations and shall act by resolution to approve said regulations. Once
15 approved, said regulations shall have the force and effect of law and shall constitute the County's
16 noise control program.]

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SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 26th day of March, 2002.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Acting 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.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.