

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2011 Legislative Session**

Bill No. CB-21-2011

Chapter No. 38

Proposed and Presented by Council Members Olson, Turner and Toles

Introduced by Council Members Olson, Turner, Toles, Franklin, Patterson, Lehman  
and Campos

Date of Introduction October 18, 2011

**BILL**

1 AN ACT concerning

2 Noise Control

3 For the purpose of authorizing the Director of Environmental Resources and Police Department  
4 to administer and enforce the County's noise control program, and providing for civil citations  
5 and penalties for violations of this section.

6 BY repealing:

7 SUBTITLE 19. POLLUTION.

8 Section 19-126

9 The Prince George's County Code

10 (2007 Edition, 2010 Supplement).

11 BY adding:

12 SUBTITLE 19. POLLUTION.

13 Sections 19-120, 19-121, 19-122, 19-123,

14 19-124 and 19-125

15 The Prince George's County Code

16 (2007 Edition, 2010 Supplement).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
18 Maryland, that Section 19-126 of the Prince George's County Code be and the same is hereby  
19 repealed:

20 **SUBTITLE 19. POLLUTION.**  
21 **DIVISION 2. NOISE CONTROL.**

1 **[Sec. 19-126. Noise in a residential area.**

2 (a) No person, who has been ordered by a police officer to cease using, operating, or  
 3 permitting to be played or operated any radio, television set, tape or disk recorder, phonograph,  
 4 musical instrument, or any other machine, equipment, or tool which produces or reproduces any  
 5 sound or noise which is audible more than fifty (50) feet from the source of the sound or noise,  
 6 shall continue to use, operate, or permit to play or operate the device causing the sound or noise.

7 (b) This Section shall apply only to a sound or noise, which is audible in a residential area  
 8 between the hours of 9:00 P.M. and 7:00 A.M. of the next day. Residential area is an area located  
 9 within a residential zone listed in Section 27-109(a)(1) of this Code.

10 (c) This Section shall not apply:

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

13 (2) To any sound resulting from the operations of an instrumentality of the Federal,  
 14 State, or County government, or of a municipality;

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

16 (4) On private property for which a use and occupancy permit has been issued for  
 17 purposes of sporting, recreational, entertainment events, or for any other event to which the  
 18 public is invited; or

19 (5) To an event or activity which takes place on property owned by the United States,  
 20 the State, the County, the Board of Education, a bicounty agency, or a municipality.

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

25 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,  
 26 Maryland, that Sections 19-120, 19-121, 19-122, 19-123, 19-124 and 19-125 of the Prince  
 27 George's County Code be and the same are hereby added:

28  
 29 **SUBTITLE 19. POLLUTION.**

30 **DIVISION 2. NOISE CONTROL.**

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

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

6 **Sec. 19-121. Definitions.**

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

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

14            (2) **Department** shall mean the Department of Environmental Resources or another  
 15 authorized designee agency or department.

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

18            (4) **Director** shall mean the Director of the Department of Environmental Resources  
 19 for Prince George's County, Maryland, or their authorized designee.

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

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

25            (7) **Residential area** is an area located within a residential zone listed in Section 27-  
 26 109(a)(1) of this Code, including residential areas abutting mixed-use, commercial and industrial  
 27 areas as defined in Subtitle 27.

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

30 **Sec. 19-122. Prohibition**

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

3 **Sec. 19-123. Exceptions**

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

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

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

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

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

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

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

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

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

23           (a) Any person, who after instructed to cease the noise, shall allow or cause a continued  
 24 violation of this Section shall, upon conviction, be guilty of a misdemeanor and subject to a fine  
 25 not exceeding \$500 for a first offense, and \$1,000 for each subsequent offense or imprisonment  
 26 not exceeding thirty (30) days, or both such fine and imprisonment.

27           (b) As an alternative to criminal action, the Director, Police Chief or police officer may  
 28 issue a civil citation for any violation of this Section not exceeding \$500 for a first offense, and  
 29 \$1,000 for each subsequent offense.

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

31           (a) The Director, Chief of Police, police officer or a designee may issue a civil citation to

1 the owner or landlord of the building or premises from which noise in violation of Section 19-  
2 122 of this title emanates, if more than three civil citations have been filed against an occupant,  
3 at one address, within a 60-day period.

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

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

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

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

Adopted this 15th day of November, 2011.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Ingrid M. Turner  
Chair

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.