

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2024 Legislative Session

Bill No. CB-073-2024

Chapter No. 80

Proposed and Presented by Council Member Dernoga

Introduced by Council Members Dernoga, Blegay, Watson, Olson, Ivey, Fisher, Oriadha, Hawkins and Burroughs

Co-Sponsors

Date of Introduction October 22, 2024

BILL

1 AN ACT concerning

2 Noise Control

3 For the purpose of clarifying the County noise policy; providing for a certain definition;
4 providing for maximum allowable noise levels; repealing waivers and certain regulations and
5 fees for noise level and noise disturbance standards for construction; repealing certain
6 exceptions; providing for certain exemptions; providing for increased penalties; providing for
7 changes for certain civil citation; providing for the issuance of regulations establishing the
8 equipment and techniques used to measure vibrations effective on a certain date; and generally
9 regarding noise control.

10 BY repealing and reenacting with amendments:

11 SUBTITLE 19. POLLUTION.
12 Sections 19-121, 19-122, 19-122.01,
13 19-123, 19-124 and 19-125,
14 The Prince George's County Code
15 (2023 Edition).

16 BY repealing:

17 SUBTITLE 19. POLLUTION.
18 Section 19-122.02,
19 The Prince George's County Code
20 (2023 Edition).

1 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
2 Maryland, that Sections 19-121, 19-122, 19-122.01, 19-123, 19-124, and 19-125 of the Prince
3 George's County Code be and the same are hereby repealed and reenacted with the following
4 amendments:

5 **SUBTITLE 19. POLLUTION.**

6 **DIVISION 2. NOISE CONTROL.**

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

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

13 **Sec. 19-121. Definitions.**

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

16 (1) **Commercial** means anything other than a residential zone or industrial zone as
17 set forth in Subtitle 27.

18 (1.1) **Construction** means temporary activities directly associated with site
19 preparation, assembly, erection, repair, alteration, or demolition of structures or roadways.

20 (2) **dBA** means decibels of sound, as determined by the A-weighting network of a
21 sound level meter or by calculation from octave band or one-third octave band data.

22 (2.1) **dBC** means decibels of sound, as determined by the C-weighting network of a
23 sound level meter or by calculation from octave band or one-third octave band data.

24 (3) **Daytime** means the hours from 7 a.m. to 9 p.m.

25 (4) **Decibel** means a unit of measure equal to 10 times the logarithm to the base 10 of
26 the ratio of a particular sound pressure squared to the standard reference pressure squared. The
27 standard reference pressure is 20 micropascals.

28 (5) **Department** shall mean the Department of Permitting, Inspections, and
29 Enforcement or another authorized designee agency or department.

30 (6) **Director** shall mean the Director of the Department of Permitting, Inspections,

1 and Enforcement for Prince George's County, Maryland, or their authorized designee.

2 (7) **Enforcement officer** means:

3 (A) for a noise originating from any source:

4 (i) an employee or agent of the Department designated by the Director to
5 enforce this Division;

6 (ii) a police officer; or

7 (B) for a noise originating from an animal source, the Director of the Animal
8 Control Division or the Director's authorized designee within the Department of the
9 Environment.

10 (7.1) **Industrial Zone** means any property that has been zoned industrial.

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

13 (9) **Nighttime** means the hours from 9 p.m. to 7 a.m.

14 (10) **Noise** means sound, created or controlled by human activity, from one or more
15 sources, heard by an individual over a period of time.

16 (11) **Noise disturbance** means any noise that is:

17 (A) unpleasant, annoying, offensive, loud, or obnoxious;

18 (B) unusual for the time of day or location where it is produced or heard;

19 (C) detrimental to the health, comfort, quality of life, or safety of any individual
20 or to the reasonable enjoyment of property or the lawful conduct of business because of the
21 loudness, duration, or character of the noise or;

22 (D) exceeds the objective standards of this Division.

23 (12) **Noise-suppression plan** means a written plan to use the most effective noise-
24 suppression equipment, materials, and methods appropriate and reasonably available for a
25 particular type of construction.

26 (13) **Owner** shall mean the person listed on the tax records of the County as the
27 property owner.

28 (14) **Person** means an individual, group of individuals, corporation, firm, partnership,
29 or voluntary association; or a department, bureau, agency, or instrument of the County or any
30 municipality, or of any other government to the extent allowed by law.

31 (15) **Police Chief or officer** shall mean the Chief of the Prince George's County Police

1 Department, a sworn member of the Prince George's County Police Department, or their
 2 authorized designee.

3 (16) **Receiving property** means any real property where people live or work and
 4 where noise is heard, including an apartment, condominium unit, or cooperative building unit.

5 (17) **Residential** means any property in a residential zone as set forth in Subtitle 27.

6 (18) **Residential area** is an area located within a residential or rural and agricultural
 7 zone listed in Subtitle 27 of this Code, including residential areas abutting Transit-
 8 Oriented/Activity Center zones and mixed-use, commercial, and industrial areas as defined in
 9 Subtitle 27.

10 (19) **Recreational or Entertainment Establishment** is an establishment as defined in
 11 Subtitle 27 of this Code.

12 (20) **Sound** means an auditory sensation evoked by the oscillation of air pressure.

13 (21) **Source** means any person, installation, device, or animal causing or contributing
 14 to noise.

15 **Sec. 19-122. Prohibition.**

16 (a) Maximum allowable noise levels.

17 (1) Except as otherwise provided in Section 19-122.01, a person must not cause or
 18 permit noise levels that exceed the following levels:

19 Maximum Allowable Noise Levels (dBA) for Receiving Land Use Categories

20 Day/Night	Industrial	Commercial	Residential
21 Day	75	67	65
22 Night	75	62	55

23 (2) A person must not cause or permit the emission of a prominent discrete tone or
 24 impulsive noise that exceeds a level, at the location on a receiving property where noise from the
 25 source is greatest, that is 5 dBA lower than the level set in paragraph (1) for the applicable noise
 26 area and time. Impulsive noise may include, for example, noise from weapons fire, pile drivers,
 27 or punch presses.

28 (3) A person may not cause or permit, beyond the property line of a source, vibration
 29 of sufficient intensity to cause another person to be aware of the vibration by such direct means
 30 as sensation of touch or visual observation of moving objects. The observer shall be located at or
 31 within the property line of the receiving property when vibration determinations are made.

1 (4) A person may not operate or permit to be operated an off-road internal combustion
 2 engine powered recreational vehicle, including, but not limited to, a dirt bike, an all-terrain
 3 vehicle, a go cart, a snowmobile, or a similar vehicle, on private property closer than 300 feet to
 4 a neighboring residence or the associated curtilage, without the written permission of the affected
 5 resident, unless it can be demonstrated to the Department that the vehicle can be operated within
 6 the noise limits specified in paragraph (1) above.

7 [(3)](5) Sound that crosses between residential and non-residential areas must not exceed
 8 the level set in paragraph (1) for residential noise areas.

9 (6) For an alleged noise disturbance which results in part from low frequency sound
 10 (20 – 200 Hz), the maximum allowable noise levels may be measured dBC.

11 (b) Noise disturbance. A person must not cause or permit noise that creates a noise
 12 disturbance.

13 (c) Examples. The following examples illustrate common noise-producing acts that violate
 14 this section if they exceed the noise level standards set in subsection (a) or create a noise
 15 disturbance. The examples are illustrative only and do not limit or expand the noise level or
 16 noise disturbance standards of this section:

17 (1) Sounding a horn or other signaling device on any motor vehicle on private
 18 property except:

19 (A) in an emergency; or

20 (B) as a danger warning signal during daytime hours if the device complies with
 21 noise level limits.

22 (2) Operating a sound-producing device on public streets for commercial advertising
 23 or to attract public attention.

24 (3) Selling anything by outcry.

25 (4) Loading, unloading, opening, closing or otherwise handling containers, building
 26 materials, construction equipment, or similar objects.

27 (5) Operating a device that produces, reproduces, or amplifies sound.

28 (6) Allowing an animal to create a noise disturbance.

29 **Sec. 19-122.01. Noise level and noise disturbance standards for construction.**

30 (a) Maximum allowable noise levels for construction.

31 (1) A person must not cause or permit noise levels from construction activity that

1 exceed the following levels:

2 (A) From 7 a.m. to 6 p.m.:

3 (i) 75 dBA if the Department has not approved a noise-suppression plan
4 for the activity; or

5 (ii) 85 dBA if the Department has approved a noise-suppression plan for
6 the activity.

7 (B) The level specified in Section 19-122(a) at all other times.

8 (2) Construction noise levels must be measured at the location, at least 50 feet from
9 the source, on a receiving property where noise from the source is greatest.

10 (3) The Department must establish requirements for noise-suppression plans and
11 adopt procedures for evaluating and approving plans. The requirements must provide that, at
12 least 10 days before approving a noise-suppression plan, the Director must provide public notice
13 reasonably calculated to reach at least a majority of households that might be affected by the
14 construction activity noise levels above 75 dBA.

15 (b) Construction noise disturbance. The prohibition on noise disturbance in Section 19-
16 122(b) applies to construction activities, notwithstanding subsection (a).

17 [(c) Violation of waiver. The Director may suspend, modify, or revoke a waiver granted
18 under this section if a person violates the terms or conditions of the waiver.]

19 [(d) Regulations and fees. The Director must issue regulations implementing this section
20 that:

21 (1) set the procedures and fees to apply for a waiver under subsections (a) or (b);

22 (2) require the applicant to use the best technology and strategy reasonably available
23 to mitigate noise, as determined by the Director;

24 (3) allow temporary waivers under subsection (a) of no more than 30 days, renewable
25 at the discretion of the Director no more than twice; and

26 (4) specify the requirements for the hearing advertisement and sign required under
27 subsection (b)(3).]

28 **[Sec. 19-123. - Exceptions.]**

29 [The following noise generating activities shall be exempt from enforcement under this
30 Division:]

31 [(a) any sound resulting from the emergency operation of a public service company or their

1 contractors as defined in Section 1-101(x), Public Utilities Article of the Annotated Code of
 2 Maryland or resulting from emergency operations by fire and rescue services, and police
 3 agencies;]

4 [(b)any sound resulting from the operations of an instrumentality of the Federal, State, or
 5 County government, the Board of Education, a bi-county agency, or of a municipality;]

6 [(c)a sound resulting from the operation of an aircraft.]

7 [(d)an outdoor event on private property for which a valid use and occupancy permit has
 8 been issued for purposes of sporting, recreational, entertainment establishment, or for any other
 9 event to which the public is invited; or]

10 [(e)an event or activity with a validly issued permit, license or other written authority which
 11 takes place on property owned by the United States, the State, the County, and the Board of
 12 Education, a bi-county agency, or a municipality.]

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

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

18 [(h)a source or condition expressly subject to any State or federal noise-control law or
 19 regulation.]

20 **Sec. 19-123. Exemptions.**

21 (a) The provisions of this regulation may not apply to devices used solely for the purpose
 22 of warning, protecting, or alerting the public, or some segment thereof, of the existence of an
 23 emergency or hazardous situation.

24 (b) The provisions of this regulation do not apply to the following:

25 (1) Household tools and portable appliances in normal usage during daytime hours;

26 (2) Lawn care and snow removal equipment (daytime only) when used between the
 27 hours of 7:00 am to 9:00 p.m. and maintained in accordance with the manufacturer's
 28 specifications ;

29 (3) Agricultural field machinery when used and maintained in accordance with
 30 manufacturer's specifications on more than five (5) acres or outside of one hundred (100) feet of
 31 the property line;

1 (4) Blasting operations for demolition, construction, and mining or quarrying
2 (daytime only);

3 (5) Motor vehicles on public roads;

4 (6) Aircraft and related airport operations at airports licensed by the Maryland
5 Aviation Administration;

6 (7) Boats on State waters or motor vehicles on State lands under the jurisdiction of
7 the Department of Natural Resources;

8 (8) Emergency operations;

9 (9) Pile driving equipment during the daytime hours of 8 a.m. to 5 p.m.;

10 (10) Sound, except those sounds that are electronically amplified, between 7 a.m. and
11 midnight, created by:

12 (A) Sporting events (except trap shooting, skeet shooting, or other target
13 shooting);

14 (B) Entertainment events; and

15 (C) Other public gatherings operating under permit or permission of the
16 appropriate local jurisdiction;

17 (11) Rapid rail transit vehicles and railroads;

18 (12) Construction and repair work on public property;

19 (13) Air conditioning or heat pump equipment used to cool or heat housing on
20 residential property; for this equipment, a person may not cause or permit noise levels which
21 exceed 70 dBA for air conditioning equipment at receiving residential property and 75 dBA for
22 heat pump equipment at receiving residential property;

23 (14) Household pets on residential property that are maintained in accordance with
24 local zoning requirements;

25 (15) Trap shooting, skeet shooting, or other target shooting between the hours of 9
26 a.m. and 9 p.m. on a range or other property of a shooting sports club that is chartered and in
27 operation as of January 1, 2001;

28 (16) Trash collection operations between the hours of 7 a.m. and 10 p.m.

29 (17) Marina equipment used to move boats during the period from 7 a.m. to 7 p.m.
30 provided that the noise level does not exceed 80 dBA at 20 meters from the equipment; or

31 (18) a source or condition expressly subject to any State or federal noise-control law or

1 regulation that is more stringent than this Division.

2 (c) The events and gatherings under paragraph [(a)] (b)(10) include, but are not limited to,
 3 athletic contests, amusement parks, carnivals, fairs at fairgrounds, sanctioned auto racing
 4 facilities, parades, demonstrations, and public celebrations.

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

6 (a) Any person, who after instructed to cease the noise, shall allow or cause a continued
 7 violation of this Section shall, upon conviction, be guilty of a misdemeanor and subject to a fine
 8 not exceeding [\$500.00] \$1,000.00 for a first offense, and [\$1,000.00] \$1,500.00 for each
 9 subsequent offense or imprisonment not exceeding thirty (30) days, or both such fine and
 10 imprisonment. Each day a violation continues is a separate offense.

11 (b) As an alternative to criminal action, the Director, Police Chief, enforcement officer or
 12 police officer may issue a civil citation for any violation of this Section not exceeding [\$500.00]
 13 \$1,000.00 for a first offense, and [\$1,000.00] \$1,500.00 for each subsequent offense.

14 (c) Violations of this Section may be reviewed by the Administrative Court as established
 15 in Subtitle 13, Division 15.

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

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

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

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

28 **Sec. 19-126. Measurement of Sound.**

29 (a) The Department must issue regulations establishing the equipment and techniques it
 30 will use to measure sound levels. The Department may rely on currently accepted standards of
 31 recognized organizations, including the American National Standards Institute (ANSI),

1 American Society for Testing and Materials (ASTM), and the United States Environmental
2 Protection Agency.

3 (b) If the Department adopts regulations based on currently accepted standards of
4 recognized organizations referenced in subsection(s), a prima facie violation may be established
5 by the Department utilizing a commercially available noise meter that complies with the
6 standards in subsection (a).

7 (c) For multiple sources of sound, the Department may measure sound levels at any point
8 to determine the source of a noise.

9 (d) The Department shall issue regulations establishing the equipment and techniques it
10 will use to measure vibrations effective July 1, 2026.

11 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Section 19-122.02 of the Prince George's County Code be and the same is hereby
13 repealed:

14 **SUBTITLE 19. POLLUTION.**

15 **DIVISION 2. NOISE CONTROL.**

16 **[Sec. 19-122.02. - Waivers.]**

17 [(a)Temporary waiver.]

18 [(1)The Director may waive any part of this Division for a temporary event if the noise
19 the event will create or cause in excess of the limits established under this Division is offset by
20 the benefits of the event to the public.]

21 [(2)When the Director receives an application under this subsection, the Director must
22 provide public notice of the application reasonably calculated to reach at least a majority of
23 households that might be affected by noise levels anticipated for the event. The Director must not
24 approve an application under this subsection less than 10 days after the public notice.]

25 [(b)General waiver.]

26 [(1)The Director may waive any part of this Division if the Director determines that
27 compliance in a particular case is not practical and would impose undue hardship.]

28 [(2)When the Director receives an application under this subsection, the Director must
29 schedule a hearing on the application within 60 days.]

30 [(3)At least 30 days before the hearing, the applicant must advertise the hearing by:

31 (A)placing a display advertisement in a newspaper of general circulation in the

1 community where the source that is the subject of the application is located; and

2 (B)posting a sign at the location of the source.]

3 [(4)Based on evidence presented at the hearing, the Director may grant a waiver for up
4 to 3 years, under terms and conditions appropriate to reduce the impact of the exception.]

5 [(5)The Director may renew a waiver granted under this subsection if the applicant
6 shows that the circumstances supporting the original waiver have not changed.]

7 [(c)Violation of waiver. The Director may suspend, modify, or revoke a waiver granted
8 under this section if a person violates the terms or conditions of the waiver.]

9 [(d)Regulations and fees. The Director must issue regulations implementing this section
10 that:

11 (1)set the procedures and fees to apply for a waiver under subsections (a) or (b);

12 (2)require the applicant to use the best technology and strategy reasonably available to
13 mitigate noise, as determined by the Director;

14 (3)allow temporary waivers under subsection (a) of no more than 30 days, renewable at
15 the discretion of the Director no more than twice; and

16 (4)specify the requirements for the hearing advertisement and sign required under
17 subsection (b)(3).]

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

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

Adopted this 19th day of November, 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: Jolene Ivey
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
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.

* * * * *

THE COUNTY EXECUTIVE HAVING FAILED TO RETURN THIS BILL WITH EITHER HER APPROVAL OR VETO WITHIN TEN (10) DAYS AFTER THE DATE OF ITS PRESENTATION TO HER, THIS BILL BECAME LAW ON DECEMBER 20, 2024.