

MAYOR AND TOWN COUNCIL OF COLMAR MANOR, MARYLAND

ORDINANCE O -5- 2021
Article 5, HEALTH

AN ORDINANCE CONCERNING NOISES AND NOISE CONTROL IN THE TOWN OF COLMAR MANOR PROVIDING FOR LEVELS OF NOISE EMANATING FROM THE USE OF MACHINERY AND OTHER DEVICES, ENTERTAINMENT, AMUSEMENT AND SITUATIONS LEADING TO UNACCEPTABLE NOISE LEVELS AS PROVIDED HEREIN ~~AND AS MEASURED BY APPROPRIATE DEVICES AT CERTAIN DISTANCES AND~~ PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

Section 1. Be it ordained that a new section entitled “Noise Control” be the same is added to Article 5, HEALTH of the Code of Ordinances of Colmar Manor to read as follows:

SECTION 5-110. NOISE, FINDING OF FACT:

A.(I) THE MAYOR AND TOWN COUNCIL FIND THAT LOUD NOISES FROM MACHINERY, ENTERTAINMENT, AMUSEMENT AND OTHER SITUATIONS CREATE A HARMFUL IMPACT ON THE ACTIVITY OF HUMAN LIFE. SOURCES OF NOISE INCLUDE MACHINERY, TRANSPORT, AND ENTERTAINMENT SYSTEMS. URBAN PLANNING MAY GIVE RISE TO NOISE DISINTEGRATION OR POLLUTION, SIDE-BY-SIDE INDUSTRIAL AND RESIDENTIAL BUILDINGS CAN RESULT IN NOISE POLLUTION IN THE RESIDENTIAL AREAS. SOME OF THE MAIN SOURCES OF NOISE IN RESIDENTIAL AREAS INCLUDE LOUD MUSIC, TRANSPORTATION CAUSED BY MOTOR VEHICLES, HAWKERS, LAWN CARE AND LANDSCAPE MAINTENANCE, CONSTRUCTION, ELECTRICAL GENERATORS, AND PEOPLE.

(II) IT IS HEREBY DECLARED TO BE THE POLICY OF THE MAYOR AND TOWN COUNCIL OF COLMAR MANOR TO PREVENT ANY UNREASONABLE, LOUD, DISTURBING AND UNNECESSARY NOISE. NOISE OF SUCH CHARACTER, INTENSITY AND DURATION AS TO BE DETRIMENTAL TO THE LIFE, HEALTH, SAFETY AND GENERAL WELFARE OF ANY INDIVIDUAL OR CONTRARY TO THE PUBLIC WELFARE IS PROHIBITED AS HEREIN PROVIDED.

~~b. The Mayor and Town Council find that noise can be measured by Decibel (dB) level.~~

SECTION 5-111. PROHIBIT ACTS: THE FOLLOWING ACTS, AMONG OTHERS, ARE HEREBY DECLARED TO BE UNREASONABLY LOUD NOISES IN VIOLATION OF THIS DIVISION:

A. (I) THE CONTINUED SOUNDING OF ANY HORN OR SIGNALING DEVICE ON ANY AUTOMOBILE, MOTORCYCLE OR OTHER VEHICLE ON ANY STREET,

WAY, AVENUE OR ALLEY OR OTHER PUBLIC PLACE OF COLMAR MANOR, EXCEPT AS A DANGER WARNING;

(II) THE CREATION BY MEANS OF ANY SUCH SIGNALING DEVICE OF ANY UNREASONABLY LOUD OR HARSH SOUND;

(III) THE SOUNDING OF ANY SUCH DEVICE FOR AN UNNECESSARY OR UNREASONABLE LENGTH OF TIME; THE USE OF ANY SIGNALING DEVICE, EXCEPT ONE OPERATED BY HAND OR ELECTRICITY;

(IV) THE USE OF ANY HORN, WHISTLE OR OTHER DEVICE OPERATED BY ENGINE EXHAUST, AND THE USE OF ANY SUCH SIGNALING DEVICE WHEN TRAFFIC IS FOR ANY REASON HELD UP.

B. USE OF DEVICES INCLUDING, BUT NOT LIMITED TO, TELEVISIONS, RADIOS, PHONOGRAPHS, TAPE DISK OR RECORDED MATERIAL PLAYER, SOUND AMPLIFICATION SYSTEM MUSICAL INSTRUMENTS, ETC.

(I) THE USING OF, OPERATING OF OR PERMITTING TO BE PLAYED, USED OR OPERATED ANY RADIO RECEIVING SET, TELEVISION, MUSICAL INSTRUMENT, PHONOGRAPH, TAPE, DISK OR OTHER RECORDED MATERIAL PLAYER, SOUND AMPLIFICATION SYSTEM OR OTHER MACHINE OR DEVICE FOR THE PRODUCING OR REPRODUCING OF SOUND ALONG ANY PUBLIC STREET OR OTHER PUBLIC WAY AT ANY TIME IN SUCH A MANNER AS TO BE PLAINLY AUDIBLE AT A DISTANCE OF 30 FEET FROM THE SOURCE OF SUCH SOUND WHICH IS DEEMED TO BE UNREASONABLY LOUD SO AS TO DISTURB THE PEACE, QUIET AND COMFORT OF OTHER PERSONS OR AT A LOUDER VOLUME THAN IS NECESSARY FOR THE CONVENIENT HEARING OF THE INDIVIDUAL CARRYING THE INSTRUMENT, MACHINE OR DEVICE OR THOSE INDIVIDUALS IMMEDIATELY ADJACENT THERETO AND WHO ARE VOLUNTARY LISTENERS THERETO.

(II) THE USING OF, OPERATING OF OR PERMITTING TO BE PLAYED, USED OR OPERATED ANY RADIO RECEIVING SET, MUSICAL INSTRUMENT, PHONOGRAPH OR OTHER MACHINE OR DEVICE FOR THE PRODUCING OR REPRODUCING OF SOUND BETWEEN THE HOURS OF 10:00 P.M. (LOCAL TIME) AND 8:00 A.M. (LOCAL TIME) ON SUNDAYS THROUGH THURSDAYS AND BETWEEN THE HOURS OF 11:00 P.M. (LOCAL TIME) FRIDAY AND SATURDAY AND 8:00 A.M. (LOCAL TIME) SATURDAY AND SUNDAY MORNING IN SUCH A MANNER AS TO BE PLAINLY AUDIBLE AT A DISTANCE OF 50 FEET FROM THE BUILDING, STRUCTURE OR VEHICLE FROM WHICH IT IS EMANATING.

(III) YELLING, SHOUTING, HOOTING, WHISTLING AND SINGING.

(IV) YELLING, SHOUTING, HOOTING, WHISTLING OR SINGING ON THE PUBLIC STREETS OR PUBLIC AREAS OR FROM PRIVATE PROPERTY IN SUCH A MANNER AS TO BE PLAINLY AUDIBLE AT A DISTANCE OF 50 FEET FROM THE PUBLIC STREET, PUBLIC AREA, BUILDING, STRUCTURE OR VEHICLE FROM

WHICH THE NOISE EMANATES, BETWEEN THE HOURS OF 12:00 MIDNIGHT AND 8:00 A.M.

(V) THE OPERATION OF ANY MACHINERY, AUTOMOBILE OR THE USE OF ANY SIREN OR OTHER NOISE-PRODUCING OR NOISE-AMPLIFYING INSTRUMENT OR MECHANICAL DEVICE IN SUCH A MANNER THAT THE PEACE AND GOOD ORDER OF A NEIGHBORHOOD ARE DISTURBED. IT SHALL BE UNLAWFUL FOR ANY PERSON TO KNOWINGLY PERMIT THE MAKING, CREATION OR MAINTENANCE OF UNREASONABLY LOUD NOISES UPON ANY PREMISES OWNED OR POSSESSED BY HIM OR UNDER HIS CONTROL.

SECTION 5-112 LIMITATIONS ON BUSINESSES. IT SHALL BE UNLAWFUL FOR ANY PERSON OR PERSONS, BUSINESS ENTITY TO OPERATE, MAINTAIN OR CARRY ON AS A BUSINESS AS PART OF WHICH OR INCIDENTAL TO WHICH MUSIC, DANCING AND ENTERTAINERS ARE OR ANY OF THEM IS OFFERED FOR THE ENTERTAINMENT OF THE PATRONS OF SUCH BUSINESS, EXCEPT IN A ROOM OR ROOMS THAT HAS OR HAVE BEEN SO SOUNDPROOFED OR IS SO LOCATED OR CONSTRUCTED THAT NO NOISE EMANATES FROM SUCH ESTABLISHMENT ~~which is in excess of 65 db(a) in the daytime hours and 55 db(a) after 8:00 p.m. (Local time)~~ AT THE PROPERTY LINE. EACH DAY ANY SUCH BUSINESS SHALL BE OPERATED, MAINTAINED OR CARRIED ON IN VIOLATION HERE SHALL CONSTITUTE A SEPARATE OFFENSE.

SECTION 5-113 WAIVER

A. THE MAYOR AND TOWN COUNCIL, BY APPROPRIATE RESOLUTION, SHALL HAVE THE RIGHT TO WAIVE ANY AND/OR ALL OF THE REQUIREMENTS HEREIN IN CASES OF EMERGENCY WHERE THE WELFARE OF PERSONS OR PROPERTY MAY BE JEOPARDIZED BY THEIR STRICT ENFORCEMENT.

B. IT SHALL BE UNLAWFUL FOR ANY PERSON OR PERSONS, FIRM OR CORPORATION TO USE OR PERMIT TO BE USED FOR BUSINESS AND NOT FOR GOVERNMENTAL PURPOSES UPON ANY PUBLIC STREET, SIDEWALK, ALLEY OR WAY WITHIN THE CORPORATE LIMITS OF THE TOWN OF COLMAR MANOR ANY MECHANICAL DEVICE FOR MAGNIFYING THE HUMAN VOICE OR MUSIC OR OTHER SOUNDS.

SECTION 5-114 NOISE POLLUTION CONTROL

THE FOLLOWING TERMS, WHEREVER USED HEREIN, SHALL HAVE THE RESPECTIVE MEANINGS ASSIGNED TO THEM UNLESS A DIFFERENT MEANING CLEARLY APPEARS FROM THE CONTEXT:

~~ANSI. The American National Standards Institute or its successor bodies.~~

~~dB(A). The abbreviation for the sound level in decibels determined by the A-weighting network of a sound level meter or by calculation from octave band or one-third octave band data.~~

~~Decibel (dB). A unit of measure, on a logarithmic scale, or the ratio of a particular sound pressure squared to a standard reference pressure squared. For the purpose of this division, 20 micropascals shall be the standard reference pressure.~~

EMERGENCY. ANY OCCURRENCE OR SET OF CIRCUMSTANCES INVOLVING ACTUAL OR IMMINENT PHYSICAL TRAUMA OR PROPERTY DAMAGE WHICH DEMANDS IMMEDIATE ACTION. THE INTENSITY, FREQUENCY, DURATION AND CHARACTER OF SOUND, INCLUDING SOUND AND VIBRATION OF SUB-AUDIBLE FREQUENCIES.

NOISE POLLUTION. THE PRESENCE OF NOISE OF SUFFICIENT LOUDNESS AND CHARACTER, FROM A SINGLE SOURCE OR FROM MULTIPLE SOURCES, WHICH IS, OR MAY BE PREDICTED WITH REASONABLE CERTAINTY TO BE, INJURIOUS TO HEALTH OR WHICH UNREASONABLY INTERFERES WITH THE PROPER ENJOYMENT OF PROPERTY OR WITH ANY LAWFUL BUSINESS OR ACTIVITY. NOISE/SOUND PRESSURE LEVELS EXCEEDING THOSE PERMITTED IN THE TOWN ~~any district~~ CONSTITUTE "NOISE POLLUTION."

PERSON. ANY INDIVIDUAL, GROUP OF INDIVIDUALS, LESSEE, LESSOR, GUEST, LICENSEE, FIRM, PARTNERSHIP, VOLUNTARY ASSOCIATION OR PRIVATE OR PUBLIC CORPORATION RESPONSIBLE FOR THE USE OF PROPERTY.

~~Sound level. In decibels, the weighted sound pressure level measured by the use of a sound level meter satisfying the requirements of ANSI S1.4, 1971, Specifications for Sound Level Meters. "Sound level" and "noise level" are synonymous.~~

~~Sound level meter. An instrument meeting ANSI S1.4, 1971, Specifications for Sound Level Meters, comprising a microphone, an amplifier, an output meter and frequency weighting network or networks, that is used for the measurement of sound pressure levels in a specified manner.~~

~~Sound pressure. Minute fluctuations in atmospheric pressure which accompany the passage of a sound wave.~~

~~Sound pressure level. In decibels, 20 times the logarithm to the base 10 of the ratio of a sound pressure to the reference sound pressure of 20 micropascals (20 micronewtons per square meter). In the absence of any modifier, the level is to be that of a root-mean-square pressure.~~

SOURCE. ANY PERSON OR PROPERTY, REAL OR PERSONAL, CONTRIBUTING TO NOISE POLLUTION.

SECTION 5-115 SEVERABILITY. IF ANY PHRASE, SENTENCE, PARAGRAPH, SUBSECTION OR SECTION OR ANY PART OF A SECTION HEREOF IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THIS HOLDING SHALL NOT AFFECT

THE REMAINDER OF THIS DIVISION OR THE CONTEXT IN WHICH SUCH SECTION OR PART OF A SECTION SO HELD INVALID APPEARS. IT IS EXPRESSLY HEREBY STATED BY THE MAYOR AND TOWN OF COLMAR MANOR, MARYLAND, THAT IT IS THE DESIRE AND INTENTION OF THIS BODY THAT ALL PORTIONS OF THIS ORDINANCE BE AND THEY ARE SEVERABLE FROM EVERY OTHER PORTION.

SECTION 5-116 CIVIL RELIEF PROCEDURES.

INJUNCTION. IN ADDITION TO THE MUNICIPAL INFRACTION PENALTIES HEREIN DESCRIBED, IF ANY PERSON WILLFULLY VIOLATES ANY PROVISION HEREOF AND/OR COMMITS NOISE POLLUTION AND/OR CAUSES OR ALLOWS NOISE AS HEREIN PROHIBITED, THE MAYOR AND TOWN COUNCIL OF COLMAR MANOR MAY INSTITUTE AN ACTION FOR INJUNCTIVE RELIEF AGAINST SUCH PERSON TO PROHIBIT OR PREVENT SUCH VIOLATIONS.

SECTION 5-117— Measurement of noise levels.

- (a) In the event of a sound measurement to determine noise levels being made, such measurement shall be conducted at points on the property line of the source
- (b) ~~Measurement equipment shall be sound level meters complying with ANSI SI.4, 1971, Specifications for Sound Level Meters, of at least type 2 quality and sensitivity, comprising a microphone, amplifier, output meter and frequency weighting network(s).~~
- (c) ~~Measurement equipment operators shall be properly trained in the operation of sound level meters.~~

SECTION 5-118 EXEMPTIONS.

A. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO DEVICES USED SOLELY FOR THE PURPOSE OF WARNING, PROTECTING OR ALERTING THE PUBLIC, OR SOME SEGMENT THEREOF, AUTHORIZED BY PROPER GOVERNMENTAL AUTHORITY OF THE EXISTENCE OF AN EMERGENCY SITUATION.

B. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE FOLLOWING:

C. EXCEPT AS PROVIDED ELSEWHERE HEREIN, MOTOR VEHICLES ON PUBLIC ROADS, BUT THIS SUBSECTION SHALL NOT BE CONSTRUED TO INTERFERE WITH ANY OTHER REGULATIONS OF SAID MOTOR VEHICLES UNDER OTHER COLMAR MANOR ORDINANCES, OR OTHER COUNTY STATE OR FEDERAL LAW OR REGULATIONS.

D. EMERGENCY UTILITY OPERATIONS.

E. NON-AMPLIFIED SOUND EMANATING FROM MARKETS, CONTESTS, PARADES AND MUNICIPALLY SPONSORED PUBLIC EVENTS.

F. THE COLLECTION OF TRASH, GARBAGE AND RECYCLABLES.

SECTION 5-1189 FREQUENCY OF VIOLATION, VIOLATION NOTICE.

THE CHIEF OF POLICE OR A PERSON AUTHORIZED BY THE CHIEF OF POLICE MAY, BUT SHALL NOT BE REQUIRED TO, ISSUE A NOTION OF VIOLATION OF THE PROVISIONS HEREOF TO ANY PERSON BELIEVED TO BE IN VIOLATION HEREOF.

SECTION 5-1192~~0~~ PERSON TO BE CHARGED OR NOTIFIED.

IN THE EVENT THAT A BUSINESS ENTITY IS BELIEVED TO BE IN VIOLATION THEN A NOTICE OF VIOLATION OR VIOLATION AS THE CASE MAY BE, THEN SAID NOTICE OF VIOLATION MAY BE ISSUED TO ONE OR MORE OFFICERS AND/OR PARTNERS OF SAID BUSINESS ENTITY AND THE PROPERTY OWNER WHERE THE VIOLATION OCCURS.

SECTION 5-120~~4~~ MORE THAN ONE INSTANCE

A VIOLATION SHALL NOT OCCUR UNTIL MORE THAN ONE (1) COMPLAINT IS RECEIVED IS RECEIVED FOR THE SAME VIOLATION ON THE SAME PROPERTY DURING ANY 25 HOUR PERIOD

SECTION 5-1219 SPECIFIC LIMITATIONS.

A. ICE CREAM VENDORS, HAWKERS, CRIERS AND PEDDLERS ANNOUNCING PRODUCTS OR SERVICES ~~in excess of 65db(a)~~ BETWEEN 8:00 A.M. AND 8:00 P.M. DAILY AND IN EXCESS OF 55 DB(A) DURING OTHER TIMES IS HEREBY PROHIBITED.

B. DOGS BARKING CONTINUOUSLY FOR A PERIOD OF THIRTY (30) MINUTES ARE HEREBY PROHIBITED.

C. THE OPERATION OF LAWN AND LANDSCAPE EQUIPMENT ~~in excess of 65db(a)~~ BETWEEN 8:00 A.M. DAILY AND 8:00 P.M. DAILY THIRTY (30) FEET FROM THE PROPERTY LINE IS HEREBY PROHIBITED ~~a residence,~~ EXCEPT FOR SIDE YARD DISTANCES,

~~d. The operation of automobiles and automotive equipment in excess of 65db(a) between 8:00 a.m. daily and 8:00 p.m. daily and in excess of 55 db(a) from a distance of fifty (50) feet during other times is hereby prohibited.~~

~~e. Amplified sounds of any kind and from any source in excess of 65dB(A) between 8:00 A.M. daily and 8:00 P.M. daily and in excess of 55 dB(A) from a distance of fifty (50) feet during other times are hereby prohibited.~~

Section 5-119 VIOLATIONS.

ANY PERSON, PERSONS, GROUP OF PERSONS OR BUSINESS ENTITIES WHO SHALL VIOLATE THESE PROVISIONS SHALL, UPON CONVICTION THEREOF, BE DEEMED GUILTY OF A MUNICIPAL INFRACTION AND SUBJECT TO A FINE OF \$100.00. THE COMMISSION OF SUCH VIOLATION BY ANY BUSINESS ENTITY, LIMITED LIABILITY COMPANY, CORPORATION OR PARTNERSHIP SHALL BE CONSTRUED, INSOFAR AS IS LEGALLY PERMISSIBLE, AS THE COMMISSION OF SUCH OFFENSES BY ANY AND ALL OFFICERS AND/OR PARTNERS OF SUCH BUSINESS ENTITY, CORPORATION OR MEMBERS OF SAID LIMITED LIABILITY COMPANY OR PARTNERSHIP AND THE PROPERTY OWNER WHERE SUCH VIOLATION OCCURS.

This Ordinance shall take effect on the 45th day after its adoption.

Introduced on the _____ day of _____ 2021.

Adopted on the _____ day of _____ 2021.

ATTEST:

MAYOR AND TOWN COUNCIL
OF COLMAR MANOR,
MARYLAND

Daniel R. Baden
Clerk-Treasurer

Sadara B. Barrow
Mayor

Maliek Harding
Councilmember, Ward I

Irina Hobbs
Councilmember Ward 2

Douglas Bowles
Councilmember Ward 3

Melinda Mendoza
Councilmember Ward 4

I certify that the following motion was made at the meeting of the Mayor and Town Council of Colmar Manor held on _____, 2020.

Motion: _____ moved that the Mayor and Town Council unanimously adopt Ordinance O- - 2021 an Ordinance providing for noise levels and the measurement and times thereof for certain activities within the Town of Colmar Manor.

Second:

VOTE:

Daniel R. Baden