

Chapter 11.5

NOISE CONTROL*

* **Editors Note:** In order to maintain this Code's alphabetical order of chapter titles, Ch. 20, Noise Control, adopted by Ord. No. 1115, has been redesignated Ch. 11.5, at the editor's discretion.

Art. I. In General, §§ 11.5-1, 11.5-2

Art. II. Noise in Residential Area, §§ 11.5-3

Art. III. Unreasonably Loud Noise, §§ 11.5-4--11.5-11

Art. IV. Responsibility and Penalties, §§ 11.5-12, 11.5-13

Art. V. Exemptions, §§ 11.5-14, 11.5-15

ARTICLE I.

IN GENERAL

Sec. 11.5-1. Declaration of policy.

(a) The city hereby declares it to be the public policy of the city that every person is entitled to an environment free of noise levels which are detrimental to life, health and enjoyment of property. The purpose of this chapter of the Greenbelt City Code is to establish the lawful and unlawful limits of noise within the city and the enforcement procedures and requirements pertaining thereto, and to control noise sources to protect public health and allow the peaceful enjoyment of property.

(b) This chapter shall not apply:

- (1) To any sound resulting from the emergency operation of a public service company as defined in Article 78, Section 2(o), Annotated Code of Maryland;
- (2) To any sound resulting from the operations of an instrumentality of the federal, state or county government or of a municipality;
- (3) To a sound resulting from the operation of farm equipment or aircraft;
- (4) On private property for which a use and occupancy permit has been issued for the purpose of sporting, recreational, or entertainment events or for any other event to which the public is invited; or
- (5) To an event or activity which takes place on property owned by the United States, the state, the county, the board of education, a bi-county agency, or a municipality.

(Ord. No. 1115, 3-28-94; Ord. No. 1188, 1-24-00; Ord. No. 1229, 8-12-02)

Sec. 11.5-2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

Ambient noise shall mean the total noise associated with a given environment, being usually a composite of normal or existing sounds from all sources near and far, excluding the noise source at issue.

Code official shall mean a civilian employee of the city empowered by the city council or city manager to enforce this chapter.

Construction shall mean temporary activities directly associated with site preparation, assembly, erection, repair, alteration, or demolition of buildings, structures, and roadways.

dBA shall mean decibels of sound, as determined by the A-weighting network of a sound level meter or by calculation from octave band or one-third octave band data.

Daytime shall mean the hours from 7:00 a.m. to 9:00 p.m. on weekdays and from 9:00 a.m. to 9:00 p.m. on weekends and holidays.

Decibel shall mean a unit of measurement equal to ten (10) times the logarithm to the base ten (10) of the ratio of a particular sound pressure squared to the standard reference pressure squared.

Leaf blower means any portable, hand-held or back-pack, engine-powered device with a nozzle that creates a directable airstream which is capable of and intended for moving leaves and light materials.

Nighttime shall mean the hours from 9:00 p.m. to 7:00 a.m. on weekdays and from 9:00 p.m. to 9:00 a.m. on weekends and holidays.

Noise shall mean sound created or controlled by or for the benefit of human activity, from one (1) or more sources, or sound from an animal or mechanical source, heard by an individual; the intensity, frequency, duration, and character of sound, including sound and vibration of sub-audible frequencies.

Noise disturbance shall mean any noise that is unpleasant, annoying, offensive, loud or obnoxious; unusual for the time of day or locations where it is produced or heard; or detrimental to the health, comfort, or safety of any individual or to the reasonable enjoyment of property or the lawful conduct of business because of the loudness, duration, or character of the noise.

Person shall mean an individual, group of individuals, corporation, limited liability company, partnership, or voluntary association; or a department or agency of the city, county, or any other government to the extent allowed by the law.

Power lawn tool shall mean any mechanically powered lawn or garden tool, lawn mower, or powered snow removal equipment, or other similar device commonly used outdoors.

Receiving property or receiving noise area shall mean any real property where people live or work where noise is heard.

Sound shall mean something heard, as in a noise or a musical tone.

Source shall mean any person or property, real or personal, from which sound originates.

Unreasonable/unreasonably shall mean exceeding the bounds of reason or moderation.
(Ord. No. 1229, 8-12-02)

ARTICLE II.

NOISE IN RESIDENTIAL AREA

Sec. 11.5-3. General prohibition.

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

(b) This section shall apply only to a sound or noise which is audible in a residential area between the hours of 9:00 p.m. and 7:00 a.m. of the next day. Residential area is an area located within a residential zone listed in section 27-109(a)(1) of the Prince George's County Code.

(Ord. No. 1115, 3-28-94; Ord. No. 1188, 1-24-00; Ord. No. 1229, 8-12-02)

Editors Note: Ord. No. 1229, adopted Aug. 12, 2002, redesignated § 11.5-2 as 11.5-3.

ARTICLE III.

UNREASONABLY LOUD NOISE

Sec. 11.5-4. Unreasonably loud noise.

It shall be unlawful for any person, or for any owner or occupant of real property, to make, continue, or cause or permit to be made or continued, any unreasonably loud noise or any noise that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the corporate limits of the City of Greenbelt.

(Ord. No. 1115, 3-28-94; Ord. No. 1188, 1-24-00; Ord. No. 1229, 8-12-02)

Editors Note: Ord. No. 1229, adopted Aug. 12, 2002, redesignated § 11.5-3 as 11.5-4.

Sec. 11.5-5. Prohibited noises enumerated.

The following acts are hereby declared to be unreasonably loud noises in violation of this section, and it shall be unlawful for any person, or for any owner or occupant of real property, to make or allow or permit to be made an unreasonably loud noise, as follows but not limited to:

- (a) The sounding of any horn, signaling device, or alarm on any automobile, motorcycle or other vehicle except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; 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; 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 radios, phonographs, musical instruments, or other machines or devices.
 - (1) Using, operating, or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, stereo, television, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntarily listeners thereto.
 - (2) Using, operating, or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph or other machine or devices for the producing or reproducing of sound in public parks, streets or other public spaces in such a manner as is 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.
 - (3) Using, operating, 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 9:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, unit, or property in or upon which it is located.
- (c) Yelling, shouting, hooting, whistling and singing.
 - (1) Yelling, shouting, hooting, whistling or singing on the public streets or public areas or from private property at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence or any persons in the vicinity, between the hours of 7:00 a.m. and 9:00 p.m.
 - (2) 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 fifty (50) feet from the public street, public area, building, structure, unit, property or vehicle from which the noise emanates, between the hours of 9:00 p.m. and 7:00 a.m.

(Ord. No. 1115, 3-28-94; Ord. No. 1188, 1-24-00; Ord. No. 1229, 8-12-02)

Editors Note: Ord. No. 1229, adopted Aug. 12, 2002, redesignated § 11.5-4 as 11.5-5.

Sec. 11.5-6. Noise level and noise disturbance violations.

(a) Except as otherwise expressly provided in this chapter or applicable regulations, a person must not cause or permit noise levels that exceed the following maximum allowable noise levels (dBA) as measured at a receiving noise area:

- (1) Daytime maximum: 65 dBA
- (2) Nighttime maximum: 55 dBA

(b) In the event the measured ambient noise level exceeds the maximum allowable noise level (dBA) set forth in (a), the noise level standard (the standard against which violations are measured) shall be adjusted so as to equal the ambient noise level plus 3 dBA.

(c) A person must not cause or permit to be caused a noise that creates a noise disturbance.
(Ord. No. 1229, 8-12-02)

Sec. 11.5-7. Noise level and noise disturbance standards for construction.

(a) The prohibition on noise disturbance as set forth in Sec. 11.5-6 shall apply to all construction activities.

(b) Construction activities shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m., including the delivery, movement and operation of machinery; and all day on Sundays and holidays, unless prior permission to operate on prohibited days or times has been given by the city manager or code official.
(Ord. No. 1229, 8-12-02)

Sec. 11.5-8. Measurement of sound.

(a) Noise levels shall be measured with a sound level meter meeting the standards of the American Standards Institute (ANSI) S.1.4 "Specifications for Sound Level Meters" or its successor.

(b) Noise levels shall be measured at the nearest receiving property line or an adjacent residential structure or dwelling unit.

(c) For multiple sources of sound, the sound level may be measured at any point to determine the source of a noise.
(Ord. No. 1229, 8-12-02)

Sec. 11.5-9. Leaf blowers and other power lawn tools.

(a) Except as provided in this section, a person may not sell, buy, offer for sale, or use a leaf blower or other power lawn tool at any time that produces an average sound level exceeding 70 dBA at a distance of fifty (50) feet from the sources. This requirement is in addition to any other noise level or noise disturbance standard that applies under this chapter.

(b) The city may inspect, and upon request a person must produce, any leaf blower or other power lawn tool that is sold, offered for sale, or used in the city, in order to determine whether the leaf blower

complies with this section. A person who relies in good faith on a manufacture's written representation of the sound level of a leaf blower or other power lawn tool that has not been modified is not subject to a penalty for violating this section.

(c) No person shall use a leaf blower or other power lawn tool outdoors during the nighttime.
(Ord. No. 1229, 8-12-02)

Sec. 11.5-10. Animals.

No person shall allow a dog, bird, cat or other animal in his or her possession or control to persistently, habitually, or continuously bark, howl, yelp, or make other loud noise common to its species, and cause a noise disturbance to any person or to the neighborhood.
(Ord. No. 1229, 8-12-02)

Sec. 11.5-11. Burglar and vehicle alarms.

(a) Audible burglar alarms for structures or motor vehicles are prohibited unless the operation of such alarm can be terminated within 30 minutes of being activated.

(b) Notwithstanding the requirements of subsection (a), any police officer or code official is authorized to take such steps as may be reasonable and necessary to disconnect any such alarm installed in any building, dwelling, or motor vehicle at any time during the period of its activation.

(c) Any police officer or code official may impound any motor vehicle in which an alarm has sounded continuously for more than 30 minutes.
(Ord. No. 1229, 8-12-02)

ARTICLE IV.

RESPONSIBILITY AND PENALTIES

Sec. 11.5-12. Responsibility of owner of premises.

It shall be unlawful for any person to knowingly permit the making, creation or maintenance of unreasonably loud noises upon any premises owned, possessed, or managed by said person or under his or her control. A person shall be deemed to have been made aware of a violation(s) of this chapter if a written warning has been previously issued advising of prior violations of this chapter at the premises.
(Ord. No. 1115, 3-28-94; Ord. No. 1188, 1-24-00; Ord. No. 1229, 8-12-02)

Editors Note: Ord. No. 1229, adopted Aug. 12, 2002, redesignated § 11.5-5 as 11.5-12.

Sec. 11.5-13. Violations and penalties.

(a) Any person, persons or group of persons who violates this chapter shall be subject to a municipal infraction. Each occurrence of such a violation shall be deemed a separate offense.

(b) Fines shall be established by council resolution.

(c) The city may seek injunctive or other appropriate judicial relief to stop or prevent continuing violations of this chapter.

(d) In addition to any other penalty or enforcement action under this chapter, a code official may issue a stop work order or other order to cease the violation to any person who violates any provision of this chapter.

(e) In the event of construction work, commercial activity, or other work for hire, the person who violates this chapter and the person responsible for the management or supervision of the construction site, area, property or activity from which the noise source originates are jointly and severally responsible for violations of this chapter.

(Ord. No. 1115, 3-28-94; Ord. No. 1188, 1-28-00; Ord. No. 1229, 8-12-02)

Editors Note: Ord. No. 1229, adopted Aug. 12, 2002, redesignated § 11.5-6 as 11.5-13.

ARTICLE V.

EXEMPTIONS

Sec. 11.5-14. Exemptions.

This chapter shall not apply to the following:

- (a) Emergency operations by fire and rescue service, police agencies, or public utilities and their contractors.
- (b) Sound created by snow removal, street sweeping, and leaf collection activities by the city or other government agencies.
- (c) Sound created by garbage, trash, solid waste, and recycling collection activities by the city and its agents.
- (d) Sound created between 9:00 a.m. and 10:00 p.m. by sports, amusements, or entertainment events or other public gatherings operated according to the requirements of the appropriate permit or licensing authority.
- (e) Sound created by city-sanctioned or city-sponsored activities provided the activity is being operated in accordance with the requirements of any permit and city rules for the event.

(Ord. No. 1229, 8-12-02)

Sec. 11.5-15. Waivers.

The city manager may waive any part of this chapter for a temporary event if, in the sole judgment and discretion of the city manager, the noise the event will create or cause in excess of the noise level limits established under this chapter is offset by the benefits of the event to the participants or the public and the noise of the event will not cause undue hardship or disturbance to the surrounding area, and compliance with this chapter is not practical. The city manager may impose terms and conditions appropriate to reduce the impact of the noise level exemption on the grant of the temporary waiver.

(Ord. No. 1229, 8-12-02)