

COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No.: O-25-11
Introduced by: City Council
Date Introduced: May 12, 2025
First Reading: May 12, 2025
Second Reading: June 2, 2025
Date Approved: June 2, 2025
Date Effective: **June 30, 2025**

AN ORDINANCE concerning.

CHAPTER 112 – Noise

FOR the purpose of amending Chapter 112 – Noise of the Code of the City of Seat Pleasant by renaming certain sections and categories, adding a new section and increases the violations and penalties and prohibiting certain noises above a specified decibels 24 hours per day; and

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BY amending Chapter 112 – Noise
Section 112-1 through 112-5
By Adding a new Section 112-6 and renaming certain sections and categories
Code of the City of Seat Pleasant (1994 Edition, as amended)

WHEREAS, pursuant to Md. Code Ann., Local Gov’t § 5-202(1) and § C-501(a) of the Charter of the City of Seat Pleasant (the “Charter”), the Council of the City of Seat Pleasant (the “City Council”) has the power to pass all ordinances not contrary to the Constitution and laws of Maryland or the Charter as it may deem necessary for the good government of the City; and

WHEREAS, the City Council desires to amend Chapter 112 – “Noise” of the Code of the City of Seat Pleasant for the purposes of renaming certain sections and categories, adding a new section, and amending the violations and penalties and prohibiting certain noises above a specified decibels 24 hours per day; and

WHEREAS, the City Council deems it in the interest of the public health, welfare, and safety of the citizens of The City of Seat Pleasant, and for the good government of The City of Seat Pleasant, to enact this Ordinance and to take the actions as described herein.

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that Sections 112-1 through 112-5 are amended with renumbering and renaming of sections, and by adding new sections 112-6 through 112-8 of the Code of the City of Seat Pleasant (1994 Edition, as amended) to read as follows:

§ 112-1. Findings DECLARATION OF POLICY

THE MAYOR AND COUNCIL OF THE CITY OF SEAT PLEASANT HEREBY DECLARE 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 SEAT PLEASANT CODE IS TO ESTABLISH THE LAWFUL AND UNLAWFUL LIMITS OF NOISE WITHIN THE CITY AND THE ENFORCEMENT PROCEDURES AND REQUIREMENTS PERTAINING THERETO.

~~A. UNCHANGED~~

~~B. Radios, photographs, etc. The 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 in such 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 voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device ((between the hours of 11:00 p.m. and 7:00 a.m.)) IS A VIOLATION WHEN THE NOISE LEVEL EXCEEDS 65 DECIBELS BETWEEN 6:00A.M. AND 8:00P.M. (MONDAY THROUGH FRIDAY), BETWEEN 8:00P.M. AND 6:00A.M. (MONDAY THROUGH FRIDAY) AND 10:00PM AND 8:00AM (SATURDAY, SUNDAY AND HOLIDAYS), 55 DECIBELS BETWEEN 8:00P.M. AND 6:00A.M. (MONDAY THROUGH FRIDAY), BETWEEN 10:00P.M. AND 8:00A.M. (SATURDAY, SUNDAY AND HOLIDAYS), or WITHIN A DISTANCE OF 50 FEET FROM THE BUILDING, STRUCTURE OR VEHICLE IN WHICH IT IS LOCATED SHALL BE PROHIBITED. ((in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.))~~

~~C. Loudspeakers; amplifiers for advertising. The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.~~

~~D. Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, ((particularly between the hours of 11:00 p.m. and 7:00 a.m.)) IS A VIOLATION WHEN THE NOISE LEVEL EXCEEDS 65 DECIBELS BETWEEN 6:00A.M. AND 8:00P.M. (MONDAY THROUGH FRIDAY), BETWEEN 8:00P.M. AND 6:00A.M. (MONDAY THROUGH FRIDAY) AND 10:00PM AND 8:00AM (SATURDAY, SUNDAY AND HOLIDAYS), 55 DECIBELS BETWEEN 8:00P.M. AND 6:00A.M. (MONDAY~~

~~THROUGH FRIDAY), BETWEEN 10:00P.M. AND 8:00A.M. (SATURDAY, SUNDAY AND HOLIDAYS), or WITHIN A DISTANCE OF 50 FEET FROM THE BUILDING, STRUCTURE OR VEHICLE IN WHICH IT IS LOCATED SHALL BE PROHIBITED at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence or of any persons in the vicinity.~~

~~E. THROUGH N UNCHANGED~~

§ 112-2 DEFINITIONS

- (A) “NOISE” MEANS ANY SOUND OCCURRING ON EITHER A CONTINUOUS, INTERMITTENT, OR IMPULSIVE BASIS. IT ALSO MEANS INTENSITY, FREQUENCY, DURATION AND CHARACTER OF SOUND, INCLUDING SOUND AND VIBRATION OF SUBAUDIBLE FREQUENCIES.
- (B) “CONTINUOUS NOISE” MEANS WHOSE LEVEL DOES NOT VARY TO THE HUMAN EARS FOR AT LEAST FIVE (5) MINUTES.
- (C) “INTERMITTENT NOISE” MEANS ANY NOISE WITH A SOUND LEVEL THAT VARIES TO THE HUMAN HEARING BUT IT IS AUDIBLE FOR MORE THAN A PERIOD OF TEN (10) SECONDS.
- (D) “IMPULSIVE NOISE” MEANS A SHORT BURST OF SOUND NOT EXCEEDING TEN (10) SECONDS.
- (E) “DAYTIME” UNLESS OTHERWISE SPECIFICALLY NOTED, MEANS THE HOURS FROM 8:00AM TO 9:00PM.
- (F) “NIGHTTIME” UNLESS OTHERWISE SPECIFICALLY NOTED, MEANS THE HOURS FROM 9:00PM TO 8:00AM.
- (G) “DECIBEL” MEANS A UNIT OF MEASURE 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. THE STANDARD REFERENCE PRESSURE IS TWENTY (20) MICROPASCALS.
- (H) “DBA” MEANS DECIBLES OF SOUND AS DETERMINED BY THE A-WEIGHING NETWORK OF A SOUND LEVEL METER OR BY CALCULATION FROM OCTAVE BAND OR ONE-THIRD OCTAVE BAND DATA.
- (I) “COMMERCIAL” MEANS ANYTHING OTHER THAN A RESIDENTIAL ZONE OR INDUSTRIAL ZONE.
- (J) “CONSTRUCTION” MEANS TEMPORARY ACTIVITIES DIRECTLY ASSOCIATED WITH SITE PREPARATION, ASSEMBLY, ERECTION, REPAIR ALTERATION, OR DEMOLITION OF STRUCTURES OR ROADWAYS.
- (K) “RESIDENTIAL” MEANS ANY PROPERTY IN A RESIDENTIAL ZONE.

(L) "SOURCE" MEANS ANY PERSON, INSTALLATION, DEVICE, OR ANIMAL CAUSE OR CONTRIBUTING TO NOISE.

§ 112-2 3. NOISE Prohibited acts.

~~It shall be unlawful for any person to make, continue or cause to be made or continued any excessive, unnecessary, or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city.~~

(A) IT SHALL BE UNLAWFUL FOR ANY PERSON WHETHER THAT PERSON BE A HOMEOWNER, OWNER, TENANT, FIRM, OR CORPORATION TO CAUSE A VIOLATION OF THIS CHAPTER OR TO ALLOW ON PROPERTY THAT PERSON OWNS OR OCCUPIES OR ON PROPERTY WHICH THAT PERSON HAS A RIGHT OR LICENSE TO OCCUPY, ANY NOISE OR SOUND LEVEL IN VIOLATION OF THIS CHAPTER OR ANY VIOLATION OF THIS CHAPTER.

(B) IT SHALL BE UNLAWFUL FOR ANY PERSON TO MAKE, CONTINUE TO BE MADE OR CONTINUE ANY EXCESSIVE, UNNECESSARY OR UNUALLY LOUD NOISE OR ANY NOISE WHICH EITHER ANNOYS, DISTURBS, INJURES OR ENDANGERS THE COMFORT, REPOSE, HEALTH, PEACE, OR SAFETY OF OTHERS WITHIN THE LIMITS OF THE CITY.

§ 112-3 4. Enumeration of prohibited noises.

A. Through C NO CHANGE

D. Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets ~~is a violation when the noise level exceeds 65 decibels between 6:00 a.m. and 8:00 p.m. (Monday through Friday); between 8:00 p.m. and 6:00 a.m. (Monday through Friday) and 10:00 p.m. and 8:00 a.m. (Saturday, Sunday and holidays), 55 decibels between 8:00 p.m. and 6:00 a.m. (Monday through Friday), between 10:00 p.m. and 8:00 a.m. (Saturday, Sunday and holidays);~~ or within a distance of 50 feet from a building, structure or vehicle in which it is located shall be prohibited at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence or of any persons in the vicinity.

E. Through N. NO CHANGES

§ 112-5 ~~Additional remedy; injunction~~ NOISE LEVEL AND NOISE DISTURBANCE STANDARDS FOR CONSTRUCTION.

A. MAXIMUM ALLOWABLE NOISE LEVELS.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON MUST NOT CAUSE OR PERMIT NOISE LEVELS THAT EXCEED THE FOLLOWING LEVELS:

| MAXIMUM ALLOWABLE NOISE LEVELS (DBA) | | | |
|--------------------------------------|------------|------------|-------------|
| DAY/NIGHT | INDUSTRIAL | COMMERCIAL | RESIDENTIAL |
| DAY | 75 | 67 | 65 |
| NIGHT | 75 | 62 | 55 |

IF THE NOISE EMANATES FROM SOURCES LOCATED WITHIN A NONRESIDENTIAL ZONE, THE MAXIMUM PERMISSIBLE SOUND LEVEL IS:

(1) DAYTIME:

- A. ANY CONTINUOUS NOISE AUDIBLE FROM A DISTANCE OF FIFTY (50) FEET OR LESS FROM EITHER THE SOURCE OF THE NOISE OR THE PROPERTY THAT IS THE SOURCE OF THE NOISE.**
- B. ANY INTERMITTENT NOISE AUDIBLE FROM A DISTANCE OF THE ONE HUNDRED (100) FEET OR LESS FROM EITHER THE SOURCE OF THE NOISE OR THE PROPERTY THAT IS THE SOURCE OF THE NOISE.**
- C. ANY IMPULSIVE NOISE REPEATED AT LEAST ONCE WITHIN A FIVE-MINUTE PERIOD THAT IS AUDIBLE FROM A DISTANCE OF ONE HUNDRED FIFTY (150) FEET OR LESS FROM EITHER THE SOURCE OF THE NOISE OR THE PROPERTY THAT IS THE SOURCE OF THE NOISE.**

2. NIGHTTIME:

- A. ANY NOISE AUDIBLE FROM A DISTANCE OF FIFTY (50) FEET OR LESS FROM EITHER THE SOURCE OF THE NOISE OR THE PROPERTY THAT IS THE SOURCE OF THE NOISE.**
- B. IF THE NOISE EMANATES FROM SOURCES LOCATED WITHIN A RESIDENTIAL USE ZONE OR IF THE NOISE CAN BE HEARD WITHIN A RESIDENTIAL USE ZONE. REGARDLESS OF ITS PLACE OF ORIGIN, THE MAXIMUM PERMISSIBLE SOUND LEVEL IS:**

1. DAYTIME:

- A. ANY CONTINUOUS NOISE AUDIBLE FROM A DISTANCE OF FIFTY (50) FEET OR LESS FROM EITHER THE SOURCE OF THE NOISE OR THE PROPERTY THAT IS THE SOURCE OF THE NOISE.**
- B. ANY INTERMITTENT NOISE AUDIBLE FROM EITHER THE SOURCE OF THE NOISE OR A DISTANCE OF FIFTY (50) FEET OR LESS FROM THE PROPERTY THAT IS THE SOURCE OF THE NOISE.**

C. ANY IMPULSIVE NOISE AUDIBLE FROM EITHER THE SOURCE OF THE NOISE OR A DISTANCE OF FIFTY (50) FEET OR LESS FROM THE PROPERTY THAT IS THE SOURCE OF THE NOISE.

2. NIGHTTIME:

ANY NOISE AUDIBLE FROM A DISTANCE OF THIRTY (30) FEET OR LESS FROM EITHER THE SOURCE OF THE NOISE OR THE PROPERTY THAT IS THE SOURCE OF THE NOISE.

§ 112-6 MEASUREMENT OF SOUND.

- A. THE EQUIPMENT AND TECHNIQUES EMPLOYED IN THE MEASUREMENT OF NOISE LEVELS UNDER THIS CHAPTER MAY BE THOSE RECOMMENDED BY THE MARYLAND STATE DEPARTMENT OF THE ENVIRONMENT, WHICH MAY, BUT NEED NOT, REFER TO CURRENTLY ACCEPTED STANDARDS OR RECOGNIZED ORGANIZATIONS INCLUDING, BUT NOT LIMITED TO, THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI), AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM), SOCIETY OF AUTOMOTIVE ENGINEERS (SAE), AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA).**
- B. A VIOLATION OF THIS CHAPTER MAY BE ESTABLISHED BY THE USE OF A COMMERCIALY AVAILABLE NOISE METER THAT COMPLIES WITH ONE OR MORE OF THE STANDARDS LISTED IN SUBSECTION A.**
- C. THE MEASUREMENT OF NOISE LEVELS SHALL BE CONDUCTED AT POINTS ON OR WITHIN THE PROPERTY LINE OF THE RECEIVING PROPERTY OR THE BOUNDARY OF A ZONING DISTRICT, AND MAY BE CONDUCTED AT ANY POINT FOR THE DETERMINATION OF IDENTITY IN MULTIPLE SOURCE SITUATIONS.**
- D. THE DETECTION OF SOUND BY AN ENFORCEMENT OFFICER AT A DISTANCE OF FIFTY (50) FEET IS SUFFICIENT TO CONSTITUTE A PLAINLY AUDIBLE SOUND. NO PROVISION OF THIS CHAPTER SHALL BE INTERPRETED TO LIMIT ENFORCEMENT BASED ON A LACK OF EVIDENCE OF A SOUND LEVEL METER READING. EVIDENCE BASED ON THE AUDIBLE IMPRESSIONS FORMED BY AN ENFORCEMENT OFFICER IS EQUALLY SUFFICIENT TO THAT OF SOUND LEVEL METER READING.**

§ 112-7 WAIVERS.

- A. UPON WRITTEN REQUEST, THE CITY MANAGER OR THEIR DESIGNEE MAY WAIVE ANY PART OF THIS CHAPTER FOR A TEMPORARY EVENT IF THE NOISE OF THE EVENT WILL CREATE OR CAUSE IN EXCESS OF THE LIMITS ESTABLISHED UNDER THIS CHAPTER IS OFFSET BY THE BENEFITS OF THE EVENT TO THE GENERAL PUBLIC. ANY WAIVER GRANTED UNDER THIS SECTION SHALL BE FOR A LIMITED AND FINITE DURATION.**
- B. THE CITY MANAGER SHALL PROVIDE PUBLIC NOTICE OF A REQUEST FOR A WAIVER UNDER THIS SECTION BY POSTING SUCH NOTICE ON THE CITY'S WEBSITE, PUBLICATION IN THE CITY'S NEWSLETTER, AND POSTING A SIGN AT THE LOCATION OF THE SOURCE. THE CITY MANAGER MAY NOT APPROVE A REQUEST FOR A PUBLIC WAIVER UNDER THIS SECTION UNTIL AT LEAST TEN**

(10) DAYS AFTER THE INITIAL POSTING OR PUBLICATION OF PUBLIC NOTICE.

- C. THE CITY MANAGER MAY GRANT A WAIVER IF THE MANAGER DETERMINES THAT COMPLIANCE IN A PARTICULAR CASE IS NOT PRACTICABLE AND WOULD IMPOSE UNDUE HARDSHIP.**
- D. BEFORE GRANTING A WAIVER, THE CITY MANAGER SHALL CONSIDER THE USE OF THE PROPERTY FROM WHICH THE NOISE SOURCE WILL EMANATE, THE USES OF ADJOINING AND SURROUNDING PROPERTIES AND THE LIKELY IMPACT OF A WAIVER ON THOSE PROPERTIES, THE TYPE AND ANTICIPATED LEVELS OF THE NOISE FOR WHICH THE WAIVER IS REQUESTED, AND THE DURATION AND FREQUENCY OF THE EVENT FOR WHICH THE WAIVER IS REQUESTED.**
- E. IF THE CITY MANAGER GRANTS A WAIVER THE MANAGER MAY IMPOSE REASONABLE CONDITIONS TO MITIGATE ANY ADVERSE IMPACT ON ADJOINING AND SURROUNDING PROPERTIES THAT MIGHT BE CAUSED BY THE WAIVER.**
- F. THE CITY MANAGER, AFTER NOTICE AND OPPORTUNITY TO BE HEARD, MAY SUSPEND, MODIFY, OR REVOKE A WAIVER GRANTED UNDER THIS SECTION IF A PERSON VIOLATES THE TERMS OR CONDITIONS OF THE WAIVER.**

§ 112-8 ENFORCEMENT, Violations and Penalties.

- A. UNLESS OTHERWISE HEREIN PROVIDED, BEFORE ISSUING AN INITIAL CITATION SUBJECTING THE VIOLATOR TO A FINE OR OTHER PENALTIES, THE ALLEGED VIOLATOR OR THE OWNER OF THE SOURCE OF NOISE IN QUESTIONS SHALL BE ADVISED VERBALLY OR IN WRITING BY AN OFFICER OF THE CITY OF THE NATURE OF THE ALLEGED VIOLATION AND SHALL BE WARNED AND ORDERED TO CEASE THE VIOLATION AND NOT REPEAT IF OR ELSE BE SUBJECT TO A FINE OR OTHER PENALTIES. IF SUCH ALLEGED VIOLATOR OR OWNER FAILS TO CEASE THE VIOLATION OR SHOULD REPEAT THE VIOLATION, THEN A CITATION SUBJECTING THE VIOLATOR OR OWNER TO A FINE OR OTHER PENALTIES SHALL BE ISSUED. NO WARNING NEEDS TO BE ISSUED IF THE SOURCE OF THE NOISE IS A VEHICLE, OR IF A WARNING HAS BEEN ISSUED WITHIN THE LAST NINETY (90) DAYS OF THE ALLEGED VIOLATOR OR PROPERTY OWNER.**
- B. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined \$500 on the first offense or for the first offense, a written warning and \$1,000 for each additional violation within a six-month time frame. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.**

§ 112-5 9 Additional remedy: injunction.

SECTION 2. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that all other ordinances or parts of ordinances or provisions of the Code of the City of Seat Pleasant (1994 Edition, as amended) in conflict with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT THAT the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 5. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion hereof.

SECTION 6. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk shall certify to the passage of this ordinance, and cause the same or, to the extent permitted by the Charter, a fair summary of the same, to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor or passage by the City Council over the Mayor's veto.

COUNCIL OF THE CITY OF SEAT PLEASANT

Signed by:

Monica Higgs

9FB12B70B75C4F9...
Monica Higgs, Councilmember

Signed by:

Garry A. Jones

AB633965E0E4472...
Garry A. Jones, Councilmember

Signed by:

Ashley Kearney

D54A486975064FF...
Ashley Kearney, Councilmember

Signed by:

Hope Love

C82C3DB9941C490...
Hope Love, Councilmember

Signed by:

Shireka McCarthy

4DAF49502EBC4FE...
Shireka McCarthy, Councilmember

Signed by:

Gerald R. Raynor, Sr.

E410AFBBE5D040A...
Gerald R. Raynor, Sr., Councilmember

Kizzie Scott, Councilmember

ATTEST:

DocuSigned by:

Dashaun N. Ball

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Dashaun N. Ball, CPM, MMC
City Clerk

This Ordinance was presented to the mayor for his approval or disapproval pursuant to § C-313 of the Charter of the City of Seat Pleasant this 6/4/2025.

DocuSigned by:

Dashaun N. Ball

88619229C0EA45B

Dashaun N. Ball, CPM, MMC
City Clerk

In accordance with § C-313 of the Charter of the City of Seat Pleasant, I hereby (APPROVE) (DISAPPROVE) of this Ordinance this 6/4/2025, 2025.

DocuSigned by:

Kelly Porter

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Kelly Porter,
Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicates matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matters stricken from bill by amendment or deleted from the law by amendment.