

**COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND**

**Ordinance No.:** O-22-02  
**Introduced by:** City Council  
**Date Introduced:** September 13, 2021  
**First Reading:** September 13, 2021  
**Second Reading:** October 11, 2021  
**Date Approved:** October 11, 2021  
**Date Effective:** November 1, 2021

**AN ORDINANCE concerning**

**CHAPTER 112 – Noise**

**FOR** the purpose of amending Chapter 112 – Noise of the Code of the City of Seat Pleasant to the violations and penalties and prohibiting certain noises above a specified decibels 24 hours per day; and

**BY** amending Chapter 112 – Noise  
Section 112-3 C. and 112-4  
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 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 112-3 and 112-4 of the Code of the City of Seat Pleasant (1994 Edition, as amended) be and it hereby is amended to read as follows:

**§ 112-3. Enumeration of Prohibited Noises.**

A. UNCHANGED

B. Radios, phonographs, 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

**§ 112-4. Violations and penalties.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined ((in an amount not exceeding)) \$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. ((or be imprisoned in the county jail for a period not exceeding six months, or by both such fine and imprisonment.)) Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**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

DocuSigned by:

*Monica Higgs*

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Monica Higgs, Councilmember

DocuSigned by:

*Hope Love*

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Hope Love, Councilmember

DocuSigned by:

*Gerald R. Raynor Sr.*

F410AEB88E6D407  
Gerald R. Raynor, Sr., Councilmember

DocuSigned by:

*Kizzie Scott*

42F860D4E370405  
Kizzie Scott, Councilmember

DocuSigned by:

*Gloria L. Sistrunk*

F67489E1667D422  
Gloria L. Sistrunk, Councilmember

### ATTEST:

DocuSigned by:

*Dashaun N. Lanham*

89D1922DC9EA45B  
Dashaun N. Lanham, CMC  
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 October 19, 2021.

DocuSigned by:

*Dashaun M. Lanham*

Dashaun Lanham, CMC  
City Clerk

In accordance with § C-313 of the Charter of the City of Seat Pleasant, I hereby  
(APPROVE) (DISAPPROVE) of this Ordinance this 10/19/2021, 2021.

DocuSigned by:

*Shirika McCarthy*

Shirika McCarthy,  
Vice Mayor

**EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

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

Underlining indicates amendments to bill.

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