

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND  
LEGISLATIVE SESSION 2022-09**

**BILL NO. 2022-06**

**Title of Bill:** Residential Noise Ordinance

**Synopsis:** : An Act to add new Chapter 250, Noise in Residential Areas, of the Code of Cecil County; to prohibit certain noises in certain areas during specified hours; to establish certain exemptions to this prohibition; to establish fines for violating this prohibition; and generally relating to noise.

**Introduced by:** Council President on behalf of the Council

**Introduced and order posted on:** April 19, 2022

**Public hearing scheduled on:** May 17, 2022 at 7:00 p.m.

**Consideration scheduled on:** June 7, 2022

By: \_\_\_\_\_  
Council Manager

**PUBLIC HEARING**

Notice of time and place of public hearing and title of Bill having been posted by (date) at the County Administration Building, 200 Chesapeake Blvd., Elkton, and having been published according to the Charter on (date), a public hearing was held on (date) and concluded on (date).

By: \_\_\_\_\_  
Council Manager

**Explanation:** CAPITAL LETTERS INDICATE LANGUAGE ADDED TO EXISTING DOCUMENT  
~~Strike through~~ indicates language deleted from existing document  
Underlining indicates language added to document by amendment.  
~~Double Strike through~~ indicates language stricken from document by amendment.

1           **WHEREAS**, Cecil County residents are entitled to a peaceful and quiet environment without the  
2 intrusion of noise which may be hazardous to their health and welfare; and

3           **WHEREAS**, the people of Maryland have a right to an environment that is free from any noise that  
4 may jeopardize their health, general welfare, or property; or degrades the quality of their lives; pursuant  
5 to the Environment Article, Section 3.102 of the Annotated Code of Maryland; and

6           **WHEREAS**, the State has determined that there is a substantial body of knowledge about the  
7 adverse effects of excessive noise on the public health, the general welfare, and property, and that this  
8 knowledge should be used to develop environmental noise standards that will protect the public health,  
9 the general welfare, and property with an adequate margin of safety; and

10           **WHEREAS**, a political subdivision may not adopt any noise control ordinance, rule, or regulation  
11 that is less stringent than the environmental noise standards, sound level limits, and noise control rules  
12 and regulations adopted under this title; and

13           **WHEREAS**, political subdivisions are given the power to adopt noise control ordinances, rules or  
14 regulations; pursuant to Section 3.105 in the Environment Article of the Annotated Code of Maryland; and

15           **WHEREAS**, pursuant to Section 3.401 in the Environment Article of the Annotated Code of  
16 Maryland, political subdivisions that adopt environmental noise standards and noise control rules and  
17 regulations should consider:

18           (1) Information published by the Administrator of the United States Environmental Protection  
19 Agency on the levels of environmental noise that must be attained and maintained in defined  
20 areas under various conditions to protect public health and welfare with an adequate margin of  
21 safety; and

22           (2) Scientific information about the volume, frequency, duration, and other  
23 characteristics of noise that may harm public health, safety, or general welfare,  
24 including:

25                   (a) Temporary or permanent hearing loss;

26                   (b) Interference with sleep, speech communication, work, or other human activities;

27                   (c) Adverse physiological responses;

28                   (d) Psychological distress;

29                   (e) Harm to animal life;

30                   (f) Devaluation of or damage to property; and

31 (g) Unreasonable interference with the enjoyment of life or property.

32 **WHEREAS**, the political subdivision shall consider, among other things:

- 33 (1) The residential, commercial, or industrial nature of the area affected;
- 34 (2) Zoning;
- 35 (3) The nature and source of various kinds of noise;
- 36 (4) The degree of noise reduction that may be attained and maintained using
- 37 the best available technology;
- 38 (5) Accepted scientific and professional methods for measurement of sound levels; and
- 39 (6) The cost of compliance with the sound level limits.

40 **WHEREAS**, pursuant to Section 3-403 of the Environment Article of the Annotated Code of

41 Maryland, a political subdivision may enforce the sound level limits and noise control rules and

42 regulations adopted; and

43 **WHEREAS**, pursuant to Section 3-403, a political subdivision that enforces a noise control

44 standards adopted by an ordinance concerning noise may:

- 45 (1) Investigate a complaint concerning noise;
- 46 (2) Institute and conduct a survey and testing program concerning noise;
- 47 (3) Test or make another determination of the source of a noise;
- 48 (4) Assess the degree of required abatement of the noise; and
- 49 (5) Apply the sound limit standard at the boundary of the property or as determined
- 50 by ordinance.

51 **WHEREAS**, pursuant to Section 3-404 of the Environment Article of the Annotated Code of

52 Maryland, if a political subdivision determines that there is a violation of this title or any sound level limit

53 or noise control rule or regulation, the political subdivision, after notice to the alleged violator, may issue

54 a corrective order; and

55 **WHEREAS**, a political subdivision may bring an action to enjoin any conduct that is a willful

56 violation of any provision of this title or any rule, regulation, or order adopted or issued, pursuant to

57 Section 3-405 of the Environment Article of the Annotated Code of Maryland; and

58 **WHEREAS**, an action may not be brought under this section unless the person against whom it is

59 brought has been given a reasonable time to comply with the provision; and

60           **WHEREAS**, a person who willfully violates any provision of any regulation is liable to a civil penalty,  
61 not exceeding \$10,000, to be collected in civil action by the political subdivision in circuit court; and

62           **NOW THEREFORE, BE IT HEREBY ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY,**  
63 **MARYLAND**, that a new chapter of the Code of Cecil County to be titled “250. Noise in Residential Areas”,  
64 under Part II: General Legislation, is enacted to read as follows:

65 **CHAPTER 250. NOISE IN RESIDENTIAL AREAS**

66 **§ 250-1. PURPOSE.**

67 **THE PURPOSE OF THIS CHAPTER IS TO ESTABLISH REGULATIONS TO ADDRESS EXCESSIVE NOISE IN A**  
68 **RESIDENTIAL DISTRICT, WHICH HARMS PUBLIC HEALTH AND WELFARE, AND IMPAIRS THE ENJOYMENT**  
69 **OF PRIVATE PROPERTY.**

70 **§ 250-2. DEFINITIONS.**

71 **AS USED IN THIS CHAPTER, THE FOLLOWING TERMS SHALL HAVE THE MEANINGS AS INDICATED:**

72 **RESIDENTIAL DISTRICT -- THOSE DISTRICTS IDENTIFIED AS RESIDENTIAL IN THE CODE OF CECIL COUNTY**  
73 **AND ZONING ORDINANCE.**

74 **NOISE – THE INTENSITY, FREQUENCY, DURATION, AND CHARACTER OF SOUND AND VIBRATION OF**  
75 **SUBAUDIBLE FREQUENCIES.**

76 **§ 250-3. RULES AND REGULATIONS.**

77 **A. DAY TIME RESTRICTIONS. A PERSON MAY NOT, AT ANY TIME, USE, OPERATE OR PERMIT THE**  
78 **USE OR OPERATION OF A RADIO OR OTHER MUSIC PRODUCING DEVICE, A TELEVISION, AN**  
79 **AMPLIFIED MUSICAL INSTRUMENT, OR ANY OTHER AUDIO PRODUCING DEVICE AT AN**  
80 **UNREASONABLE LOUD VOLUME, WHICH CAN BE HEARD OR FELT AS VIBRATION IN A**  
81 **RESIDENTIAL DISTRICT AT A DISTANCE OF 200 FEET AWAY FROM THE PROPERTY AND**  
82 **DISTINCTIVELY HEAR THE LYRICS OF THE SONG OR MUSIC THAT IS PLAYING.**

83 **B. NIGHT TIME RESTRICTIONS. A PERSON MAY NOT, BETWEEN THE HOURS OF 10:00 P.M. AND**  
84 **6:00 A.M., USE, OPERATE, OR PERMIT THE USE OR OPERATION OF RADIO, MUSIC FROM OTHER**  
85 **SOURCES, LATE NIGHT LOUD PARTIES, RECREATIONAL VEHICLES, MOTOR VEHICLES SUCH AS**  
86 **RACING CARS, DIESEL TRUCKS RUNNING WHILE PARKED OVERNIGHT, MOTORCYCLES, DIRT**  
87 **BIKES, ATVS AND THE OPERATION OF CONSTRUCTION EQUIPMENT FOR PERSONAL USE ON A**  
88 **PROPERTY AT AN UNREASONABLY LOUD VOLUME OR VIBRATION THAT CAN BE HEARD OR FELT**

89 AS VIBRATION IN A RESIDENTIAL DISTRICT AT A DISTANCE OF 200 FEET AWAY FROM THE  
90 PROPERTY AND DISTINCTIVELY HEAR THE LYRICS OF THE SONG OR MUSIC THAT IS PLAYING.

91 **§ 250-4. EXEMPTIONS.**

92 THE PROVISIONS OF THIS REGULATION DO NOT APPLY TO:

- 93 A. DEVICES USED SOLELY FOR THE PURPOSE OF WARNING, PROTECTION, OR ALERTING THE PUBLIC,  
94 OR SOME SEGMENT THEREOF, OF THE EXISTENCE OF AN EMERGENCY SITUATION.
- 95 B. HOUSEHOLD TOOLS AND PORTABLE APPLIANCES IN NORMAL USAGE.
- 96 C. LAWN CARE AND SNOW REMOVAL EQUIPMENT DURING DAYTIME HOURS, WHEN USED AND  
97 MAINTAINED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
- 98 D. AGRICULTURAL FIELD MACHINERY WHEN USED AND MAINTAINED IN ACCORDANCE WITH  
99 MANUFACTURER'S SPECIFICATIONS.
- 100 E. BLASTING OPERATIONS FOR DEMOLITION, CONSTRUCTION, AND MINING OR QUARRYING,  
101 BETWEEN THE HOURS OF 6:00 A.M. AND 5:00 P.M.
- 102 F. MOTOR VEHICLES ON PUBLIC ROADS.
- 103 G. AIRCRAFTS AND RELATED AIRPORT OPERATIONS AT AIRPORTS LICENSED BY THE STATE  
104 AVIATION ADMINISTRATION.
- 105 H. BOATS ON WATERWAYS OR MOTOR VEHICLES ON STATE LANDS UNDER THE JURISDICTION OF  
106 THE DEPARTMENT OF NATURAL RESOURCES.
- 107 I. EMERGENCY OPERATIONS.
- 108 J. PILE DRIVING EQUIPMENT.
- 109 K. SOUND NOT ELECTRONICALLY AMPLIFIED CREATED BY SPORTING, AMUSEMENT,  
110 OR ENTERTAINMENT EVENTS AND OTHER PUBLIC GATHERING OPERATIONS  
111 ACCORDING TO TERMS AND CONDITIONS IMPOSED BY THE COUNTY, BETWEEN  
112 THE HOURS OF 6:00 A.M. AND 11:00 P.M.
- 113 L. RAPID RAIL TRANSIT VEHICLES AND RAILROADS.
- 114 M. CONSTRUCTION AND REPAIR WORK.
- 115 N. AIR CONDITIONING OR HEAT PUMP EQUIPMENT USED TO COOL OR HEAT HOUSING IN A  
116 RESIDENTIAL PROPERTY.

117 **§250-5. ENFORCEMENT; VIOLATIONS AND PENALTIES.**

- 118 A. A PERSON WHO VIOLATES THIS ORDINANCE IS SUBJECT TO A CIVIL FINE FOR A

119 CLASS E CIVIL OFFENSE AS PROVIDED IN THIS ORDINANCE AND A POLICE OFFICER MAY ISSUE A  
120 CITATION, AS A WARNING BEFORE CHARGING A VIOLATION. ANY PERSON WHO HAS BEEN  
121 ORDERED BY A POLICE OFFICER TO CEASE USING, OPERATING, OR PERMITTING THE USE OR  
122 OPERATION OF A DEVICE IN VIOLATION OF THIS ORDINANCE IS GUILTY OF A MISDEMEANOR.

123 **B. THE GENERAL SCHEDULE OF FINES IS AS FOLLOWS:**

124 (1) A VERBAL WARNING FOR THE FIRST VIOLATION.

125 (2) A FINE OF \$100 FOR THE SECOND VIOLATION FOR A CLASS E CIVIL  
126 OFFENSE.

127 (3) A FINE OF \$500 FOR THE THIRD VIOLATION FOR A CLASS E CIVIL  
128 OFFENSE.

129 (4) AFTER THE THIRD VIOLATION, ANY SUBSEQUENT VIOLATION THAT  
130 OCCURS WITHIN SIX MONTHS FROM THE FIRST VIOLATION, A FINE OF  
131 \$1,000 FOR EACH AND SUBSEQUENT VIOLATION FOR A CLASS E CIVIL  
132 OFFENSE.

133 **C. THESE FINES WILL BE ENFORCED BY THE DISTRICT COURT OF MARYLAND.**

134 **BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that this Bill  
135 shall take effect 60 calendar days from the date that it becomes law.

CERTIFICATION

I, HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and copy was made available on the Cecil County website.

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BY Council Manager