



## Chapter 146, NOISE

[Adopted 07/26/05 by Ord. No. 05-08]

[Editor's Note -- After July 1, 2008, Carroll County is prohibited from enforcing this chapter against a public school in Carroll County that violates this chapter between the hours of 8 a.m. and 9:30 p.m. pursuant to § 3-105(a)(5) of the Environment Article of the Annotated Code of Maryland.]

§ 146-1. Purpose; objectives.	§ 146-5. Variances.
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### § 146-1. Purpose; objectives.

- A. The purpose of this chapter is to provide for the control of sound levels throughout Carroll County so as to promote public health, safety, and welfare, the peace and quiet of the residents of the county, and the use and enjoyment of both public and private property.
- B. The objectives of this chapter include the following:
- (1) To reduce the threat to health, safety, welfare, and economic value when excessive noise impacts a community by defining the circumstances under which such conditions may be considered a threat;
  - (2) To prevent and remove the nuisances associated with excessive noise; and
  - (3) To abate excessive noise conditions, to promote the health, safety and welfare of the residents of Carroll County, and to promote the maximum use and enjoyment of property.

### § 146-2. Definitions.

In this chapter the following terms have the meanings indicated. Any term not defined in this chapter shall have the meaning as defined in any chapter of the Code. Any term not defined in the Code in any chapter shall have its generally accepted meaning.

**ADJOINING** -- Two (2) or more parcels that share a common property line or point of intersection of two (2) property lines. Where land on either side of a public road, or on either side of a strip dividing an original tract and owned in fee simple by a public utility, would otherwise be adjoining except for the existence of the in-fee public ownership of the road or public utility strip, such parcels may be considered adjoining under this chapter.

**ANSI** -- The American National Standards Institute or its successor.

**CONSTRUCTION** -- Any site preparation, assembly, erection, repair, alteration, or similar activity.

**COUNTY** -- The Board of County Commissioners of Carroll County or its designee.

**CURTILAGE** -- The enclosed land surrounding a house or dwelling including all areas maintained in lawn or horticultural plantings and may be bounded by a fence or wall, but would not typically include areas more distant than 300 feet from the dwelling unless those areas were horticulturally maintained and routinely used as areas of personal refuge, or supported accessory structures that were routinely utilized.

**DAYTIME HOURS** -- 7 a.m. to 10 p.m., local time.

**dba** -- An "A" weighted sound pressure, i.e. 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, generally considered to be most closely correlated to human sensitivity to noise.

**DECIBEL or dB** -- A unit of sound measure equal to ten times the logarithm (base 10) of the ratio of the square of the measured sound pressure to the square of a standard reference pressure (20 micropascals).  $L_{dn} = 10 \log_{10}$  where  $L_d$  = the daytime average sound level and  $L_n$  = the nighttime average sound level.

**DEMOLITION** -- Any dismantling, destruction, razing, or removal activities.

**EMERGENCY** -- Any occurrence or set of circumstances involving actual or physical trauma or property damage, which demands immediate attention.

**ENFORCEMENT OFFICIAL** -- Any employee of the Sheriff, Carroll County Government, Maryland

Department of the Environment, or the Carroll County Health Department who is duly trained and certified to conduct noise measurement or otherwise enforce the provisions of this chapter.

**HERTZ OR Hz** -- The international unit of frequency, equal to one cycle per second.

**IEC** -- International Electrotechnical Commission.

**LAND USE AREA** -- An area within Carroll County within which a specific use has been established. Land Use Areas may or may not correspond to Zoning Districts. For the purposes of this chapter, Land Use Areas will be classified as follows:

- A. Commercial is property used for the general commerce, i.e. retail sales.
- B. Industrial is property used for manufacturing and storage of manufactured goods and raw materials.
- C. Residential is property used for single or multifamily dwellings.

**NIGHT-TIME HOURS** -- After 10 p.m. and before 7 a.m., local time.

**NOISE** -- 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, character, and duration, which whether from a single source or multiple sources, 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.

**PERSON** -- Includes the federal government, the state, any county, municipal corporation, or other political subdivision of the state, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.

**PROMINENT DISCRETE TONE** -- Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this chapter, a prominent discrete tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third octave bands by 5 dB for center frequencies of 500 Hz and above and by 8 dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

**PUBLIC PROPERTY** -- Any real or personal property owned, leased, or otherwise controlled by any unit of government whether federal, State, County, or municipal.

**SENSITIVE RECEPTORS** -- Land uses that are susceptible to disruption from excessive sound levels. For the purposes of this chapter, sensitive receptors include hospitals, libraries, churches, elder care facilities and day care facilities, and other uses as designated by the Board of County Commissioners.

**SOUND LEVEL** -- In decibels, the weighted sound pressure level measured by the use of a sound level meter. Sound level and noise level are synonymous. The weighting employed shall always be specific.

**SOUND LEVEL METER** -- An instrument meeting appropriate International Electrotechnical Commission (IEC) and ANSI standards for measuring frequency weighted sound pressure.

**SOUND PRESSURE** -- The fluctuations in atmospheric pressure, which are resultant from the wake of the passage of a sound wave.

**SOUND PRESSURE LEVELS** -- In decibels, 20 times the logarithm to the base ten of the ratio of a sound pressure to the reference sound pressure of 20 micropascals (20 micro newtons per square meter). In the absence of any modifier, the pressure is understood to be that of a root-mean-square pressure.

**SOURCE** -- Any person or property, real or personal, contributing to noise pollution.

**VIBRATION** -- Any oscillatory motion of solid bodies.

### **§ 146-3. Noise generation and vibration limits.**

- A. **Land Use Specific Limits.** Except as provided for in § 146-4 no person shall create or permit the generation of noise that exceeds the sound levels specified in Table 146-1 when measured at the property line of any receiving land, which sound levels are the maximum levels permitted when determining limits for multi-use parcels the most restrictive limit will apply.

**Table 146-1**

Maximum Allowable Sound Levels (dBA)  
Measured at Receiving Land Uses

<i>Day/Night</i>	<i>Industrial</i>	<i>Commercial</i>	<i>Residential</i>
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Day	75	67	65
Night	75	62	55

**B. Construction Noise Limits.**

- (1) A person may not cause or permit sound levels emanating from construction or demolition site activities which exceed:
  - (a) Maximum sound level of 90 dBA during daytime hours;
  - (b) The levels specified in Table 146-1 for nighttime hours.
- (2) Construction noise shall be measured either at the property line of the construction site or on a receiving property, whichever is most appropriate.

**C. Prominent Discrete Tones.** A person may not cause or permit the emission of prominent discrete tones or periodic noises, which exceed a sound level that is 5 dBA lower than the applicable level allowed on Table 146-1.

**D. Vibrations.** A person may not cause or permit beyond the property line of a source, vibration of sufficient intensity to cause another person to be aware of the vibration by such means as the sensation of touch or visible observation of movement. The observer shall be located at or within the property line of the receiving property when vibration determinations are made.

**E. Non-Commercial Off-Road Vehicle Use, Setback Requirements.**

- (1) Except as provided for in paragraph (2), a person may not operate or permit to be operated an off-road internal combustion engine powered recreational vehicle, including, but not limited to, a dirt bike, an all terrain vehicle, a go cart, a snowmobile, or a similar vehicle, on private property closer than 300 feet to a neighboring residence or the associated curtilage, without the written permission of the affected resident, unless it can be demonstrated to the enforcement official that the vehicle can be operated within the noise limits specified in Table 146-1.
- (2) This section is not intended to restrict the use of agricultural vehicles, off-road vehicles used for law enforcement, fire, emergency, military, or other governmental purposes, and vehicles used for routine access of a property as determined by the Zoning Administrator.

**F. Sensitive Receptors.**

- (1) No person shall generate sound levels that exceed those in Table 146-2 when measured at the property line of the listed sensitive receptors.

**Table 146-2**  
Maximum Allowable Sound Levels (dBA)  
For Sensitive Receptors

<i>Sensitive Receptor</i>	<i>Noise Limit After 7:00 A.M. to Before 7:00 P.M.</i>	<i>Noise Limit After 7:00 P.M. to Before 10:00 P.M.</i>	<i>Noise Limit After 10:00 P.M. to Before 7:00 A.M.</i>
<b>Hospitals, Elder Care Facilities, Nursing Homes</b>	<b>60</b>	<b>55</b>	<b>50</b>
<b>Libraries, Churches, Funeral Homes</b>	<b>60</b>	<b>55</b>	N/A
<b>Day Care Facilities, Special Population Schools</b>	<b>60</b>	<b>55</b>	N/A

- (2) The County may designate specific land within any geographic area as a special noise sensitive area because of its physical features or use to protect public health, safety, or welfare by amendment to this chapter. This designation may carry specific limitations that are more stringent than those listed in this chapter to protect a specific use or feature that may be sensitive to noise pollution. The limits would be designed to apply only to the specifically designated area and that reflect the unique nature or resource that the designation is intended to protect.

**§ 146-4. Exemptions.**

A. The provisions of this chapter do not apply to the following:

- (1) Devices used solely for the purpose of warning, protecting, or alerting the public, or some segment thereof, of the existence of an emergency or hazardous situation.

- (2) Household tools, portable appliances, and off-road vehicles when used for household maintenance during daytime hours and when maintained in accordance with manufacturer's specifications, or sound associated with normal repair and maintenance activities of those vehicles and equipment or when preparing for shipment or transport.
- (3) Lawn-care and snow removal equipment when used and maintained in accordance with the manufacturer's specifications during daytime hours.
- (4) Agricultural field machinery when used and maintained in accordance with manufacturer's specifications.
- (5) Blasting operations for demolition, construction, and mining or quarrying, during daytime hours.
- (6) Motor vehicles licensed for use on public roads when used in a manner consistent with the Transportation Article of the Annotated Code of Maryland.
- (7) Aircraft and related operations at airports licensed by the Maryland State Aviation Administration.
- (8) Boats and motorized land vehicles, both on and off-road, in operation on public lands under the jurisdiction of the Department of Natural Resources or the County, or operated by other law enforcement or emergency services personnel.
- (9) Emergency operations.
- (10) Pile driving equipment during the hours of 8 a.m. to 5 p.m.
- (11) Rail transit vehicles and railroads.
- (12) Air conditioning or heat pump equipment used to cool or heat housing on residential property. For this equipment, a person may not cause or permit sound levels exceeding 70 dBA for air conditioning equipment at a receiving residential property and 75 dBA for heat pump equipment at a receiving residential property.
- (13) Noise emanating from household pet activity when kept in a manner consistent with the Zoning Chapter and when activities are in compliance with any applicable section of the Carroll County Code.
- (14) Sound, except those that are electronically amplified, created by sporting events (except trap shooting, skeet shooting, or other target shooting), entertainment events and other public gatherings operating in accordance with properly issued permits or licenses between the hours of 7:00 a.m. and 12:00 midnight, and otherwise conducted in accordance with the Code.
- (15) Trap shooting, skeet shooting, or other target shooting between the hours of 9:00 a.m. and 10:00 p.m.
- (16) Trash collection operations between the hours of 7:00 a.m. and 10:00 p.m.
- (17) Construction and repair work on public property.
- (18) Activities conducted by a Volunteer Fire Department or held at the Carroll County Farm Museum or Carroll County Agricultural Center.

#### **§ 146-5. Variances.**

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- A. The County may grant a variance from any of the requirements of this chapter if there are exceptional circumstances showing that compliance would create an undue hardship or if compliance is not technically possible under specific circumstances.
- B. A written request for a variance shall be submitted to the County and shall state the specific variance sought and the reasons supporting the granting of the variance. An applicant for a variance shall:
  - (1) Describe in sufficient detail the special conditions or exceptional circumstances peculiar to the property or situation, which would cause the undue hardship or prevent the compliance with this chapter; and
  - (2) Demonstrate in sufficient detail that the granting of the variance will not confer on the applicant a special privilege that would be denied to other applicants.
- C. Upon receipt of a request for a variance, the County shall schedule a hearing on the requested variance. The County shall advertise the hearing by posting the property. Notice of the hearing shall be mailed at least 15 days prior to the hearing to all adjoining property owners.
- D. In granting a variance to this chapter, the County shall, based upon evidence presented at the hearing, issue written findings of fact that the applicant has met the requirements of this section and that granting the variance is consistent with the intent of this chapter. The variance may be granted for a period not to exceed five (5) years.
- E. Prior to the expiration of a variance, an applicant may apply for a renewal of the variance pursuant to

subsection C. A renewal may be granted provided the applicant presents sufficient evidence that conditions under which the variance was originally granted have not changed significantly.

- F. The applicant for a variance shall reimburse the County for any costs associated with the hearing or review of the variance request.
- G. Notice of a request for variance shall be given to the Maryland Department of the Environment prior to the hearing to assure that consistency with State noise laws and regulations is maintained. A variance from the Code of Maryland Regulations will be needed in addition to obtaining a variance from this chapter.

#### **§ 146-6. Noise measurement.**

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- A. The measurement of sound levels shall be conducted at points on or within the property line of the receiving property at a height of four feet above the ground level, unless otherwise justified or as designated otherwise in this chapter and may be conducted at any point or multiple points for the determination of identity of single or multiple sources.
- B. Equipment and techniques employed in the measurement of sound levels may be those recommended by the Maryland Department of the Environment or equivalent, which may, but need not, refer to currently accepted standards or recognized organizations.
- C. Sound level meters used to determine compliance shall meet or exceed the specifications of the ANSI S1.4-1971 for Type II sound level meters.

#### **§ 146-7. Violations.**

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- A. Evidence of a violation of this chapter exists if the sound or noise can be heard and measured to exceed the levels listed in § 146-3.
- B. Where the noise source is located in a building or other structure, the owner, occupant, resident, manager, or other person in charge of the premises shall, if present, be presumed to have permitted the noise in the absence of evidence to the contrary.
- C. Any enforcement official of the County may, with probable cause to believe a violation of this chapter is being committed in his or her presence, view, or hearing, issue a citation.

#### **§ 146-8. Penalties.**

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- A. Violation by any person of any provision of this chapter is a misdemeanor punishable by a fine not to exceed \$250.00 for the first offense. For a second violation of this chapter within a twelve-month period, a person is subject to a fine not to exceed \$500.00. For a third or subsequent violation of this chapter within a twelve-month period, a person is subject to a fine not to exceed \$1,000.00.
- B. Each day a violation occurs will be considered a separate offense, and each time that a violation is committed in any one day shall be considered a separate offense.
- C. All fines shall be paid to the County Commissioners of Carroll County, Maryland, Collections Office, 225 N. Center Street, Westminster, Maryland, 21157. Any person who received a fine may elect to stand trial by filing a notice of intent to stand trial, at least 5 days prior to the date of final payment set forth on the citation.
- D. In addition to the foregoing remedy, the County may seek any other remedies available at law or in equity.
- E. A violator may be required to submit a plan designed to achieve compliance with this chapter. After submission to and approval of a plan by the County, noise-generating activities emanating from the site will not be considered in violation of this chapter as long as the activities are in accordance with the approved and accepted plan. All such plans for compliance will be on file with the County and the Carroll County Sheriff's Office.
- F. Nothing herein should be construed to prohibit enforcement of this chapter by the Maryland Department of the Environment.