

**AS AMENDED ON JULY 27, 2015
ORDINANCE NO. 2350**

**AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION
8.20 NOISE, OF THE SALISBURY MUNICIPAL CODE.**

WHEREAS, the City has consistently defined weekday to be Monday through Saturday;
and

WHEREAS, confusion has arisen among the public and demands have been made that
the City prohibit construction on Saturday; and

WHEREAS, the City does not wish to prohibit construction on Saturday, but wishes to
regulate time of day on both Saturday and Sunday when construction activities may occur
without being in violation of this ordinance.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of
Salisbury, Maryland, that Chapter 8.20 be amended, as follows:

Chapter 8.20 – NOISE

8.20.010 - Unreasonably loud noises prohibited.

- A. It shall be unlawful for any person to make, continue or cause to be made or continued any unreasonably loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the corporate limits of the city of Salisbury.

- B. It shall be unlawful for any person to knowingly permit the making, creation or maintenance of unreasonably loud noises upon any premises owned or possessed by him or under his control.

8.20.020 - Prohibited noises enumerated.

The following acts, among others, are hereby declared to be unreasonably loud noises, in violation of this chapter:

- A. Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or other public place of the city, 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 and unreasonable period 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. Radios, Phonographs, etc.

1. 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 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 eleven p.m. and seven a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation.
2. 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 on any street or other public ways 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 convenient hearing of the individual carrying the instrument, machine or device, or those individuals immediately adjacent thereto and who are voluntary listeners thereto.

C. Loudspeakers or 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, except as provided in Sections 8.20.030 through 8.20.120 of this chapter.

D. Yelling, Shouting, etc.

1. 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, or private property from which the noise emanates, between the hours of eleven p.m. and seven a.m.
2. Yelling, shouting, hooting, whistling or singing on the public streets or public areas or from private property, between the hours of eleven p.m. and seven a.m. or 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, after having been warned to quiet or cease such noisemaking.

E. Animals or Birds.

The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any persons in the vicinity.

F. Exhausts.

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

G. Motor Vehicles.

1. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
2. The making of frequent, repetitive sounds from engines or motor vehicles between the hours of six p.m. and seven a.m. so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence or of any persons in the vicinity after having been warned to quiet or cease such noisemaking.

H. Loading or Unloading Operations; Opening of Boxes.

1. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
2. The loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers on any commercial property located within one hundred (100) yards of a residential structure between the hours of eleven p.m. and seven a.m.

I. Construction or Repairing of Buildings.

The erection (including excavation), demolition, alteration or repair of any building other than between the hours of seven a.m. and six p.m. on ~~weekdays~~, Monday through Friday, between the hours of nine a.m. and six p.m. on Saturday, and between the hours of twelve p.m. and six p.m. on Sunday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the department of Building, Permitting and Inspections ~~neighborhood services and code compliance~~ which permit may be granted for a period not to exceed three days ~~or less~~ while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the department of Building, Permitting and Inspections ~~neighborhood services and code compliance~~ should determine that the public health and safety will not be impaired by the erection, excavation, demolition, alteration or repair of any building ~~within the hours of six p.m. and seven a.m.~~ at times other than the hours set forth herein, and if ~~he~~ it shall further determine that loss or inconvenience would result to any party in interest, ~~he~~ the department may grant permission for such work to be done ~~within~~ during the hours when it is otherwise prohibited ~~of six p.m. and seven a.m.~~, upon application being made at the time that the permit for work is awarded or during the progress of the work.

J. Schools, Courts, Churches or Hospitals.

The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use or adjacent to any hospital which unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

K. Blowers.

The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids between the hours of eleven p.m. and seven a.m., unless the noise from such blower or fan is muffled, and such engine is equipped with a muffler device sufficient to deaden such noise.

L. Trash Collection.

The collection of trash from commercial property, excluding an apartment complex, located within one hundred (100) yards of a residential structure between eleven p.m. and seven a.m.

8.20.030 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Sound-amplifying equipment" means any machine or device for the amplification of the human voice, music or any other sound and shall not be construed to include standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

"Sound truck" means any ~~motor vehicle or horse-drawn~~ vehicle having mounted thereon or attached thereto any sound-amplifying equipment.

8.20.040 - Registration statement required for noncommercial use.

No person shall use or cause to be used a sound truck with its sound-amplifying equipment in operation for noncommercial purposes in the city without filing a registration statement in writing with the city clerk.

8.20.050 - Form and contents of registration statement.

A. A registration statement, as referred to in Section 8.20.040 of this chapter, shall be filed in duplicate and shall state the following:

1. The name and home address of the applicant;
2. The address of place of business of the applicant;
3. The license number and motor number of the sound truck to be used by the applicant;
4. The name and address of the person who owns the sound truck;
5. The name and address of the person having direct charge of the sound truck;
6. The names and addresses of all persons who will use or operate the sound truck;
7. The purpose for which the sound truck will be used;
8. A general statement as to the section of the city in which the sound truck will be used;
9. The proposed hours of operation of the sound truck;
10. The number of days of proposed operation of the sound truck;
11. A general description of the sound-amplifying equipment which is to be used;
12. The maximum sound-producing power of the sound-amplifying equipment to be used in or on the sound truck.

B. The registration statement shall include the following:

1. The wattage to be used;
2. The volume in decibels of the sound which will be produced;
3. The approximate maximum distance for which sound will be thrown from the sound truck.

8.20.060 - Time limit for amending registration statement after filing.

All persons using, or causing to be used, sound trucks for noncommercial purposes, shall amend any registration statement filed pursuant to Section 8.20.040 of this chapter within forty-eight (48) hours after any change in the information therein furnished.

8.20.070 - Regulations for noncommercial use.

Noncommercial use of sound trucks in the city with sound-amplifying equipment in operation shall be subject to the following regulations:

- A. The only sounds permitted are music or human speech.
- B. Operations are permitted for four hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four hours of operation shall be between the hours of eleven-thirty a.m. and one-thirty p.m. and between the hours of four-thirty p.m. and six-thirty p.m.

- C. Sound-amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten miles per hour except when such truck is stopped or impeded by traffic. When stopped by traffic, the sound-amplifying equipment shall not be operated for longer than one minute at each such stop.
- D. Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches or courthouses.
- E. The human speech and music amplified shall not be profane, lewd, indecent or slanderous.
- F. The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound truck and so that such volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.
- G. No sound-amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last stage of amplification.

8.20.080 - License required for commercial use.

No person shall operate, or cause to be operated, any sound truck in the city for commercial advertising purposes with sound-amplifying equipment in operation unless a license therefor has been obtained from the city clerk. The fee for such license shall be one dollar (\$1.00), or as subsequently set by Council.

8.20.090 - Application for license—Contents.

A person applying for a license, as required under Section 8.20.080 of this chapter, shall file with the city clerk an application in writing giving in such application the information required in the registration statement under Section 8.20.050 of this chapter.

8.20.100 - Possession and display of license.

A licensee under this chapter shall keep his license in his possession in the sound truck during the time the sound truck's sound-amplifying equipment is in operation. Such license shall be promptly displayed and shown to any policeman of the city upon request.

8.20.110 - Issuance of license.

The City Clerk shall issue a license, as required under Section 8.20.080 of this chapter, upon payment of the required license fee unless the application required in Section 8.20.090 indicates

that the applicant would be in violation of the regulations prescribed in Section 8.20.120 or some other provision of this chapter or other ordinance of the city.

8.20.120 - Noncommercial regulations applicable to commercial use.

No person shall operate, or cause to be operated, any sound truck for commercial sound-advertising purposes in violation of the regulations set forth in Section 8.20.070 of this chapter.

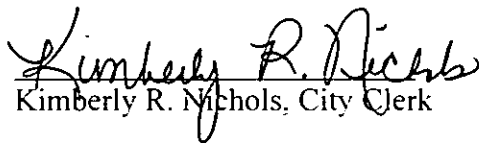
8.20.130 - Violation.

Any violation of this chapter shall be punishable as a misdemeanor.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 27 day of July, 2015 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 10 day of August, 2015, and shall take effect immediately.

ATTEST:


Kimberly R. Nichols, City Clerk


Jacob R. Day, City Council President

Approved by me, this 11th day of Aug, 2015.


James Ireton, Jr.,
Mayor

City of Salisbury



JAMES IRETON JR.
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR



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BARBARA DUNCAN
CHIEF OF POLICE

July 1, 2015

TO: Tom Stevenson
FROM: Chief Barbara Duncan
Subject: Noise Ordinance

Attached please find the amended versions of Chapter 8.20 Noise, and Chapter 17.184 Environmental Noise Standards of the Salisbury City Code.

Chapter 8.20 has been amended in order to reduce confusion on the part of the public by providing a more clearly defined schedule during which construction can legally be conducted within the City.

Chapter 17.184 has been amended to provide the public with the City's policy on the prevention of excessive noise within Salisbury. The amendments also clarify and add definitions to this chapter while providing certain designated City personnel the ability to measure noise levels with appropriate measuring devices.


Barbara Duncan
Chief of Police