



## Legislation Details (With Text)

**File #:** O-28-23      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 8/23/2023      **In control:** Environmental Matters Committee

**On agenda:** 2/12/2024      **Final action:** 2/12/2024

**Title:** City Noise Prohibitions and Enforcement - For the purpose of updating the Annapolis City Code noise prohibition section by adding a ban on certain noise in residential areas; expanding enforcement; and generally related to noise prohibitions.

**Sponsors:** Elly Tierney, Rob Savidge, Karma O'Neill

**Indexes:** Environmental Matters Committee, Public Safety Committee, Rules and City Government Committee

**Code sections:**

**Attachments:** 1. O-28-23 First Reader, 2. O-28-23 Legislative Summary, 3. O-28-23 & R-51-23 Fiscal Impact Note, 4. O-28-23 Staff Report - Revised, 5. O-28-23 Amendment 1 - O'Neill, 6. O-28-23 Amendment 2 - Savidge, 7. O-28-23 Amendment 3 - Savidge, 8. O-28-23 Signed (color), 9. O-28-23 Signed (b&w)

Date	Ver.	Action By	Action	Result
2/12/2024	1	City Council	adopt on second reader	Pass
2/12/2024	1	City Council	amend	Pass
2/12/2024	1	City Council	amend	Pass
2/12/2024	1	City Council	adopt as amended	Pass
2/12/2024	1	City Council	adopt on third reader	Pass
2/8/2024	1	Environmental Matters Committee	Recommend Favorably-Amendment	Pass
2/2/2024	1	Rules & City Government Committee	postpone	Pass
1/26/2024	1	Environmental Matters Committee	postpone	Pass
12/11/2023	1	City Council	postpone	Pass
12/11/2023	1	City Council	refer	
12/1/2023	1	Rules & City Government Committee	postpone	Pass
11/30/2023	1	Environmental Matters Committee	postpone	Pass
10/12/2023	1	Environmental Matters Committee	postpone	Pass
10/6/2023	1	Rules & City Government Committee	postpone	Pass
10/2/2023	1	Public Safety Committee	recommend favorably	Pass
9/26/2023	1	City Council	declare the public hearing closed	
9/11/2023	1	City Council	adopt on first reader	
9/11/2023	1	City Council	refer	
9/11/2023	1	City Council	refer	
9/11/2023	1	City Council	refer	

**City Noise Prohibitions and Enforcement** - For the purpose of updating the Annapolis City Code noise prohibition section by adding a ban on certain noise in residential areas; expanding enforcement; and generally related to noise prohibitions.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 28-23**

**Introduced by: Alderwoman Tierney  
Co-sponsored by: Aids. Savidge, O'Neill, Arnett**

**Referred to:**

Public Safety Committee  
Environmental Matters Committee  
Rules & City Government Committee

**AN ORDINANCE** concerning  
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**City Noise Prohibitions and Enforcement**

**FOR** the purpose of updating the Annapolis City Code noise prohibition section by adding a ban on certain noise in residential areas; expanding enforcement; and generally related to noise prohibitions.

**BY** repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2023 Edition  
**11.12.020**

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

**Title 11 - PUBLIC PEACE, MORALS AND WELFARE  
Chapter 11.12 - Public Peace and Order  
Section 11.12.020 Noise prohibition.**

A. Code of Maryland Regulations 26.02.03.01 and 26.02.03.02, as amended from time to time, are hereby adopted as the Environmental Noise Standards of the City of Annapolis except that the maximum decibel levels allowed within the City of Annapolis are set forth in the following table, which table shall supersede Code of Maryland Regulation 26.02.03.02 Table 1:

Area or activity	Maximum decibel level may not exceed:	
	Daytime hours of 7 a.m. to 10 p.m.	Nighttime hours of 10 p.m. to 7 a.m.
Residential zoning districts as identified in Chapter 21.40	65 dBA	55 dBA
Office and mixed use districts as identified in Chapter 21.44	67 dBA	62 dBA
Commercial and industrial zoning districts as identified in Chapter 21.42	75 dBA	75 dBA

- B. Code of Maryland Regulations 11.14.07.02 through 11.14.07.12, as amended from time to time, are hereby adopted as the Motor Vehicle Noise Standards of the City of Annapolis.
- C. A violation of this section is subject to penalty pursuant to Section 11.12.120.

**A. Additional Definitions.** For the purposes of this section, the following terms have the following meanings:

- 1. "Residential district" means resident district zones per Title 21 § 06.010(A) and as shown on the zoning map entitled "City of Annapolis Zoning District Map".

**B. Generally.**

- 1. Code of Maryland Regulations 26.02.03.01 (Definitions) and 26.02.03.02 (Environmental Noise Standards) are adopted as the Environmental Noise Standards of the City of Annapolis.
- 2. In addition to state standards, the City of Annapolis noise standards shall include:
  - a. **Sound levels.** The maximum allowable decibel noise levels shall follow the Code of Maryland Regulations 26.02.03.02 (Environmental Noise Standards). The following chart shows sound levels allowed in specific City of Annapolis zoning districts.

<u>City Zoning Districts</u>	Maximum decibel level may not exceed:	
	Daytime hours 7 a.m. to 10 p.m.	Nighttime hours 10 p.m. to 7 a.m.
Residential zoning districts, as identified in Chapter 21.40	65 dBA	55 dBA
Office and mixed use districts, as identified in Chapter 21.44	67 dBA	62 dBA
Commercial and industrial zoning districts as identified in Chapter 21.42	75 dBA	75 dBA

**b. Sound levels from water.**

- i. The noise levels from a boat on the water shall be measured at any point on land.
  - ii. Allowable levels shall be the same decibel levels and during the hours allowed, in Maryland Regulations 26.02.03.02 (Environmental Noise Standards).
- 3. **Motor vehicle noise.** Code of Maryland Regulations 11.14.07.02 through 11.14.07.12 are hereby adopted as the Motor Vehicle Noise Standards of the City of Annapolis.

**C. Prohibited.** The following are prohibited in residential districts:

- 1. **Gas Powered Leaf Blowers.** The use of gasoline-powered leaf blowers in residential districts within the City of Annapolis is prohibited.
- 2. **High Frequency Sound.**

- a. Except as may be permitted for special events or activities or governmental activities, any activity resulting in high-frequency sound in a residential area as set forth in the Maryland Code of Regulations 26.02.03.02(B)(4) is prohibited.
- b. Permits issued by the Department of Public Works may be granted to individuals, groups or organizations for specific events or activities that may result in the occurrence of high-frequency sound in residential areas, including but not limited to scientific research, medical purposes or industrial applications.

**D. Fines.** A violation of this section shall subject violators to fines in accordance with Section 11.12.120 of this title and the annual Fines Schedule found in the City Code appendices.

## **Title 11 - PUBLIC PEACE, MORALS AND WELFARE**

### **Chapter 11 - Public Peace and Order.**

#### **Section - 11.12.120 Public peace and order.**

- A. **Generally.** A violation of any provision of this chapter is declared a municipal infraction, and for each violation the violator shall be subject to a fine as established by resolution of the City Council.
- B. **Noise.** Violations of the City's noise ordinance, Title 11 § 12.020, shall be subject to enforcement by the Director of Planning and Zoning, the Police Chief, or their designees ("Enforcement Official").
  1. The Enforcement Official is not required to issue a warning notice.
  2. Each subsequent offense by the same individual, group or property owner(s) shall be cited at the next highest fine.
  3. In consultation with the City Attorney or their designee, the Enforcement Official may seek additional legal remedies as appropriate under the circumstances.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that Subsection C(1) shall take effect six months after adoption, and all other sections of this ordinance, as amended, shall take effect upon adoption.