

## MEMORANDUM

TO: MAYOR AND CITY COUNCIL  
JOHN R. PICK  
BRENDA R. COLEGROVE  
CHIEF ALLAN WEBSTER

RE: CITY OF SALISBURY - 30303-247  
Noise Ordinance

DATE: September 20, 2004

FROM: CBM

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I have attached a copy of the proposed changes to the City's Noise Ordinance for your review. As you will notice, all of the changes are noted by striking over text that is being deleted and underlining text that is being added.

Initially, we added the language which is now labeled Section 8.20.010 (A) and (B) to clarify that it is *unlawful* for a person to create unreasonably loud noises. The prior Code merely stated that the enumerated noises were loud, disturbing and unnecessary, but did not declare them to be unlawful.

We added Subsection 8.20.020 (B) to prohibit the disturbing use of radios, phonographs, etc., on any street or other public way. The prior Code only addressed the disturbing use of these machines in a room, vehicle or chamber.

We amended the paragraph dealing with yelling and shouting, because it only addressed yelling and shouting on public streets between the hours of 11:00 p.m. and 7:00 a.m. We divided this paragraph into two (2) subparagraphs, the first prohibiting yelling and shouting between the hours of 11:00 p.m. and 7:00 a.m. that can be heard at a distance of fifty feet (50') or greater. If the yelling or shouting is disturbing people between the hours of 11:00 p.m. and 7:00 a.m., but

can only be heard when closer than fifty feet (50'), the person making the noise is entitled to a warning before being cited under the Statute.

Next, we deleted some paragraphs prohibiting specific types of noises, which are outdated or a duplication of noises covered by other sections of the ordinance. For example, hawkers and peddlers shouting on the street would be covered by the yelling and shouting paragraph.

Finally, we renumbered the remaining sections of the ordinance due to the addition of text at the beginning of the Chapter.

Please note that we corrected one (1) typographic error on page 2 of the ordinance since we sent it to Chief Webster and the City Clerk. Please substitute this version of the ordinance for the earlier version.

CBM/mam

**CITY OF SALISBURY  
ORDINANCE NO. 1913**

AN ORDINANCE of the Mayor and the Council of the City of Salisbury to amend Chapter 8.20 of the City Code to clarify the prohibited conduct.

WHEREAS, the City of Salisbury currently has legislation prohibiting certain noises; and

WHEREAS, the Mayor and Council desire to clarify the conduct prohibited by said legislation.

NOW, THEREFORE, be it enacted and ordained by the City Council of the City of Salisbury, in regular session, that Chapter 8.20 of the Salisbury City Code shall be amended as follows:

**CHAPTER 8.20**

**NOISE**

Sections:

- 8.20.010 ~~Certain~~ Unreasonably loud noises prohibited.
- 8.20.020 ~~Definitions~~ Prohibited noises enumerated.
- 8.20.030 Definitions.
- 8.20.040 Registration statement required for noncommercial use.
- 8.20.050 Form and contents of registration statement.
- 8.20.060 Time limit for amending registration statement after filing.
- 8.20.070 Regulations for noncommercial use.
- 8.20.080 License required for commercial use.
- 8.20.090 Application for license--Contents.
- 8.20.100 Possession and display of license.
- 8.20.110 Issuance of license.
- 8.20.120 Noncommercial regulations applicable to commercial use.

Section 8.20.010 - ~~Certain~~ 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.

~~Section 8.20.010~~ Section 8.20.020 Prohibited noises enumerated.

The following acts, among others, are hereby declared to be unreasonably loud, ~~disturbing and unnecessary noises, but such enumeration shall not be deemed to be~~ exclusive 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 ~~8.20.020 through 8.20.110~~ 8.20.030 through 8.20.120.

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. Steam Whistles. The blowing of any locomotive steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper city authorities.~~

G. 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.

H. Vehicles Out of Repair or Improperly Loaded. 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.

I. Loading or Unloading Operations; Opening of Boxes. The creation of a load and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

J. 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, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, 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 building inspector 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., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours 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.

K. 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.

~~L. Hawkers and Peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.~~

~~M. Drums, etc. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.~~

~~N. Transportation of Metal Rails, Pillars and Columns. The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.~~

O. 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. (Prior Code § 102-1)

~~8-20-020~~ 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. (Prior code § 102-2)

~~8-20-030~~ 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.

~~8.20.040~~ 8.20.050 Form and contents of registration statement.

A. A registration statement, as referred to in Section 102-3, 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. (Prior code § 102-4)

~~8.20.050~~ 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 ~~8.20.030~~ 8.20.040 within forty-eight (48) hours after any change in the information therein furnished. (Prior code § 102-5)

~~8.20.060~~ 8.20.070 Registrations 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 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 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. Where stopped by traffic, the sound-amplifying equipment shall not be operated for longer than one minute at each such stop.

~~8-20-060~~ 8.20.070 Regulation 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 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 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. (Prior code § 102-6)

~~8-20-070~~ 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). (Prior code § 102-7)

~~8-20-080~~ 8.20.090 Application for license—Contents.

A person applying for a license, as required under Section ~~8-20-070~~ 8.20.080, shall file with the City Clerk an application in writing giving in such application the information required in the registration statement under Section ~~8-20-040~~ 8.20.050. (Prior code § 102-8)

~~8-20-090~~ 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. (Prior code § 102-9)

~~8-20-100~~ 8.20.110 Issuance of license.

The City Clerk shall issue a license, as required under Section ~~2-20-070~~ 2.20.080, upon payment of the required license fee unless the application required in Section ~~8-20-080~~ 8.20.090 indicates that the applicant would be in violation of the regulations prescribed in Section ~~8-20-110~~ 8.20.120 or some other provision of this chapter or other ordinance of the City. (Prior code § 102-10)

~~8-20-110~~ 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 ~~8.20.060~~ 8.20.070. (Prior code § 102-11)

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the \_\_\_\_ day of \_\_\_\_\_, 2004, and having been published as required by law, in the meantime, was finally passed by the Council on the \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Brenda J. Colegrove, City Clerk

\_\_\_\_\_  
Michael P. Dunn,  
President of the Council of  
the City of Salisbury

Approved by me, this \_\_\_\_\_  
day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Barrie P. Tilghman,  
Mayor of the City of Salisbury