

**CITY OF SALISBURY
ORDINANCE NO. 1967**

AN ORDINANCE of the Mayor and the Council of the City of Salisbury to amend Chapter 8.20 of the City Code to prohibit certain conduct on commercial property and to provide penalties for violations.

WHEREAS, the Mayor and City Council have received numerous complaints from residents of the City regarding disturbing noises from commercial properties located in close proximity to residential zones.

WHEREAS, the Mayor and Council desire to prohibit certain conduct on commercial properties to protect the citizens of the City from unreasonable disturbances caused by noise.

NOW, THEREFORE, be it enacted and ordained by the City Council of the City of Salisbury, in regular session, as follows:

1. That Section 8.20.020 of the Salisbury City Code shall be amended as set forth below:

Section 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.

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 Out of Repair or Improperly Loaded.

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 6:00 p.m. and 7:00 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 noise making.

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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 100 yards of a residential structure between the hours of 11:00 p.m. and 7:00 a.m.

I. 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.

J. 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.

K. ~~Q~~. 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~~ 11:00 p.m. and ~~seven~~ 7:00 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)

L. Trash Collection. The collection of trash from commercial property, excluding an apartment complex, located within 100 yards of a

residential structure between 11:00 p.m. and 7:00 a.m.

2. That Section 8.20.130 be added as set forth below:

8.20.130 Violation-Penalty.

Any violation of this chapter shall be punishable as a municipal infraction. A fine of One Hundred Dollars (\$100.00) may be imposed for each violation of this chapter. A fine of Two Hundred Fifty Dollars (\$250.00) may be imposed for a second violation of this chapter. A fine of Five Hundred Dollars (\$500.00) may be imposed for a third or subsequent violation of this chapter. Each day a violation continues shall be deemed a separate municipal infraction.

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 _____, 2005, and having been published as required by law, in the meantime, was finally passed by the Council on the ____ day of _____, 2005.

Brenda J. Colegrove, City Clerk

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

Approved by me, this _____
day of _____, 2005.

Barrie P. Tilghman,
Mayor of the City of Salisbury