

HYATTSVILLE CHARTER AND CODE

Chapter 79

NOISE

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[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Section 79-1 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1. Other amendments noted where applicable]

GENERAL REFERENCES

- Municipal infractions - See CH. 20.
- Amusements and entertainment - See Ch. 40.
- Dogs and other animals - See Ch. 52.
- Peace and good order - See Ch. 87.

§ 79-1. Definitions. [Amended 2-2-83 by HB No. 3-83; 12-19-83 by HB No. 15-83]

For purposes of this chapter, the following words or terms shall have meanings ascribed to them:

ANSI - American National Standards Institute or its successor bodies.

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

DAYTIME HOURS - 8:00 a.m. to 8:00 p.m., local time.

DBA - Abbreviation for 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 (1/3) octave band data.

DECIBEL (dB) - A unit of measure equal to ten (10) times the logarithm to the base ten (10) of the ratio of a particular sound pressure squared to a standard reference pressure squared. For the purpose of this chapter, twenty (20) micropascals shall be the standard reference pressure.

DEMOLITION - Any dismantling, destruction or removal activities.

EMERGENCY - Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

NIGHTTIME HOURS - 8:00 p.m. to 8:00 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 - Any individual, group of individuals, firm, partnership, voluntary association or private, public or municipal corporation, or political subdivision of the state.

SOUND LEVEL - In decibels, the weighted sound pressure level measured by the use of a sound level meter satisfying the requirements of ANSI S1.4 1971 Specifications for Sound Level Meters. "Sound Level" and noise level are synonymous. The weighting employed shall always be specified.

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SOUND LEVEL METER - An instrument, meeting ANSI S1.4 1971 Specifications for Sound Level Meters, comprising a microphone, an amplifier, an output meter and frequencyweighting network(s) that is used for the measurement of sound pressure levels in a specified manner.

ZONING DISTRICT - The general land use category as designated and defined in Subtitle 27, Zoning, of the Prince George's County Ordinances.

§ 79-2. Noise standards. [Amended 2-23-83 by HB No. 3-83]

A. No person shall cause or permit the following noise/sound levels measured at points on or within a property line or reasonably adjacent thereto of the source of said noise above the maximum permissible levels in a designated zoning district. Levels exceeding said permissible levels are prohibited.

Land Use	Day- or Night- Time Hours	Level (dBA's)
Industrial	Day	75
	Night	75
Commercial	Day	67
	Night	62
Residential	Day	60
	Night	50

B. Exceptions:

- (1) Construction or demolition activities shall be permitted during daytime hours, provided that such activity shall not exceed a level of ninety (90) dBA's.
- (2) Household tools and portable appliances in normal usage.
- (3) Lawn care and snow removal equipment (daytime only) when used and maintained in accordance with the manufacturer's specifications.
- (4) Agricultural field machinery when used and maintained in accordance with manufacturer's specifications.
- (5) Blasting operations for demolition, construction and mining or quarrying (daytime only).
- (6) Motor vehicles on public roads.
- (7) Aircraft.
- (8) Motor vehicles or boats on state lands or waters.
- (9) Emergency utility operations.
- (10) Pile-driving equipment during the daytime hours of 8:00 a.m. to 5:00 p.m.
- (11) Sound not electronically amplified created by sporting, amusement and entertainment events and other public gatherings operating according to terms and conditions of the appropriate local jurisdictional body. This includes but is not limited to athletic contests, amusement parks, carnivals, fairgrounds, sanctioned auto racing facilities, parades and public celebrations.

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(12) Rapid rail transit vehicles and railroads.

(13) Any activity causing noise if a variance for such activity and the noise resulting there from has been obtained from the environmental health administration of the Maryland Department of Health and Mental Hygiene or is being processed pursuant to the rules and regulations of that Department. This exception shall apply only to the extent of any such variance so granted or being processed.

(14) Use of any machinery or vehicles by personnel of the State of Maryland or any political subdivision thereof.

§ 79-3. Loud and unnecessary noise prohibited. [Amended 2-23-83 by HB No. 3-83]

It shall be unlawful for any person to make, continue or cause to be made or continued any of the following noises, which are hereby declared to be loud and unnecessary.

A. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street, way, avenue or alley 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 any unnecessary or unreasonable length 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. Use of radios, phonographs and musical instruments.

(1) The using of, operating of 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 person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto.

(2) The using of, operating of 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 between the hours of 12:00 midnight and 7:00 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.

C. Yelling, shouting, hooting, whistling and singing.

(1) Yelling, shouting, hooting, whistling or singing on the public streets or from private property at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence or any persons in the vicinity.

(2) Yelling, shouting, hooting, whistling or singing on the public streets or private property at any time or place in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle from which the noise emanates.

D. The operation of any vehicle equipped with any broadcasting, record-playing or amplification system when any music, the human voice or any other noise shall be broadcast from said vehicle.

§ 79-4. Responsibility of property owner. [Amended 2-23-83 by HB No. 3-83]

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Any owner of property who shall permit loud and unnecessary noise or noise which is in violation of the level established by this chapter shall be subject to the penalties hereof.

§ 79-5. Violations and penalties. [Added 3-3-80 by HB No. 6-80; Amended 8-2-82 by HB No. 13-82, Amended 6-1-98 by HR 98-03, Amended 7-16-01 by HB No. 01-03, Amended 12-3-07 by HO-2007-14]

Violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be one hundred dollars (\$100.00), and the fine for each repeat of that offense shall be two hundred dollars (\$200.00).