

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 5

Bill No. 26-21

Introduced by Mr. Volke

By the County Council, March 1, 2021

Introduced and first read on March 1, 2021
Public Hearing set for April 5, 2021
Bill Expires on June 4, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Crimes, Civil Offenses, and Fines – Crimes – Noise
2 Disturbances

3
4 FOR the purpose of amending the prohibition against the use of certain audio producing
5 devices at an unreasonably loud volume in residential districts; amending the time
6 during which certain devices with sound at an unreasonably loud volume are prohibited
7 in residential districts; creating a rebuttable presumption that noise heard within a
8 certain distance is a violation; establishing the amount of a civil fine for noise
9 violations; making certain technical changes; and generally relating to crimes, civil
10 offenses, and fines.

11
12 BY repealing and reenacting, with amendments: § 9-1-706
13 Anne Arundel County Code (2005, as amended)

14
15 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
16 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

17 **ARTICLE 9. CRIMES, CIVIL OFFENSES, AND FINES**

18 **TITLE 1. CRIMES**

19 **9-1-706. Noise disturbances.**

20
21
22 (a) **Definition.** In this section, “residential district” means those districts identified as
23 residential in § 18-2-105 of this Code.
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EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 (b) **Scope.** This section does not apply to the use or operation of a device:

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3 (1) in the performance of a governmental function by an agency or instrumentality
4 of federal, State, County, or municipal government;

5
6 (2) in the performance of a public service function by a public service company as
7 defined in ~~[[the Public Utilities Article,]] § 1-101[[,]]~~ OF THE PUBLIC UTILITIES ARTICLE
8 of the State Code;

9
10 (3) under a valid federal, State, County, or municipal license or permit;

11
12 (4) in the activities of an educational institution or a ~~[[bond]]~~ BONA fide nonprofit
13 charitable or philanthropic organization or civic association; or

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15 (5) in farming activities.

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17 (c) **Prohibitions.** A person may not:

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19 (1) at any time, use, operate, or permit the use or operation of a radio~~[[, tape player,~~
20 disc player, boom box, phonograph,]] OR OTHER MUSIC PRODUCING DEVICE, A
21 TELEVISION, ~~[[or similar sound,]]~~ AN AMPLIFIED MUSICAL INSTRUMENT, OR ANY OTHER
22 AUDIO PRODUCING DEVICE at an unreasonably loud volume THAT CAN BE HEARD in a
23 residential district; OR

24
25 (2) between the hours of ~~[[11:00]]~~ 10:00 p.m. and 7:00 a.m., use, operate, or permit
26 the use or operation of a musical instrument or a machine, tool, or similar device at an
27 unreasonably loud volume THAT CAN BE HEARD in a residential district. ~~[[; or (3) at any~~
28 time use, operate, or permit the use or operation of an amplified musical instrument at an
29 unreasonably loud volume at a residence. It is prima facie evidence of a violation of item
30 (1) if the sound generated by the device can be heard at a distance of 50 feet from the
31 device.]]

32
33 (D) **Rebuttable presumption.** THERE IS A REBUTTABLE PRESUMPTION THAT SOUND
34 GENERATED BY A DEVICE LISTED IN SUBSECTION (C) THAT CAN BE HEARD AT A DISTANCE
35 OF 50 FEET FROM THE DEVICE CONSTITUTES A VIOLATION UNDER THIS SECTION.

36
37 ~~[[d]]~~ (E) **Sanctions for violation.** A person who violates subsection (c) is subject to a
38 civil fine FOR A CLASS E CIVIL OFFENSE as provided in § 9-2-101, and a police officer may
39 issue a citation, as provided in § 9-2-101, for a violation of subsection (c). A police officer
40 is not required to issue a warning before charging a violation of subsection (c). Any person
41 who has been ordered by a police officer to cease using, operating, or permitting the use or
42 operation of a device in violation of subsection (c) and refuses or fails to comply with the
43 order is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500
44 or imprisonment not exceeding 30 days or both, and a violation may be tried on a citation
45 prepared in accordance with the rules of the District Court of Maryland.

46
47 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
48 from the date it becomes law.