

ORDINANCE NO. 2351

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION 17.184 – ENVIRONMENTAL NOISE STANDARDS, OF THE SALISBURY MUNICIPAL CODE.

WHEREAS, the City desires to more particularly define noise and the manner in which the City will measure noise; and

WHEREAS, the City desires to amend Chapter 17.184 of the Code to more clearly identify the City's Noise policy.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, Maryland, that Chapter 17.184 be amended, as follows:

Chapter 17.184 - ENVIRONMENTAL NOISE STANDARDS

17.184.010 - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

"ANSI" The American National Standards Institute or its successor bodies.

"Daytime hours" means seven a.m. to ten p.m. local time.

"dBA" means the abbreviation for the sound level, in decibels, determined by the A-weighting network of a sound-level meter or by calculation from an octave band or one-third octave band.

"Decibel (dB)". A unit of measure, on a logarithmic scale, or the ratio of a particular sound pressure squared to a standard reference pressure squared. For the purpose of this section, 20 micropascals shall be the standard reference pressure.

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

"L_{dn}" means the abbreviation for the day-night average sound level, which means, in decibels, the average sound level for a twenty-four-hour day with a ten-decibel penalty applied to noise occurring during the nighttime period.

"L_{eq}" means the abbreviation for the equivalent sound level, which means the level of a constant sound which, in a given situation and time period, would convey the same sound energy as does the actual time-varying sound during the same period.

"Nighttime hours" means ten p.m. to seven a.m., local time.

“Noise”. The intensity, frequency, duration and character of sound, including sound and vibration of subaudible frequencies.

“Person”. Any individual, group of individuals, lessee, lessor, guest, licensee, firm, partnership, voluntary association or private or public corporation (but not the Mayor and City Council of the City of Salisbury) responsible for the use of the property.

“Sound Level”. In decibels, the weighted sound pressure level measured by the use of a sound level meter satisfying the requirements of ANSI SI.4, 1971. Specifications for Sound Level Meters. “Sound level” and “noise level” are synonymous.

“Sound level meter”. An instrument meeting ANSI SI.4, 1974 Specification for Sound Level Meters, comprising a microphone, an amplifier, an output meter and frequency weighting network or networks, that is used for the measurement of sound pressure levels in a specified manner.

“Sound pressure”. Minute fluctuations in atmospheric pressure which accompany the passage of a sound wave.

“Sound pressure level”. In decibels, 20 times the logarithm to the base of 10 of the ratio of a sound pressure to the reference sound pressure of 20 micropascals (20 micronewtons per square meter). In the absence of any modifier, the level is to be that of a root-mean-square pressure.

“Source”. Any person or property, real or personal, contributing to the noise.

17.184.020 - Policy.

It is hereby declared to be the policy of the Mayor and City Council of the City of Salisbury, Maryland, to prohibit and prevent excessive noise as herein defined, for the purpose of securing and promoting public health, comfort, convenience, safety, welfare, and peace and quiet in residentially zoned districts.

17.184.020 30 - General standards.

A.

The following sound levels represent the general standards prescribed by the Maryland Department of Health and Mental Hygiene for the state of Maryland by general zoning districts under the Environmental Noise Act of 1974:

TABLE 1
Environmental Noise Standards

Zoning District	Level (dBA)	Measure
Industrial	70	L _{eq} (24)
Commercial	64	L _{dn}
Residential	55	L _{dn}

B.

For the purpose of this chapter, property which is not zoned residential, commercial or industrial shall be classified according to use as follows:

1. "Commercial" means property used for buying and selling goods and services.
2. "Industrial" means property used for manufacturing and storing goods.
3. "Residential" means property used for dwellings.

17.184.030-40- Prohibitions of Noise and Vibration—Exceptions—Exemptions.

A. Noise and Vibration

In addition to the noise restrictions of Chapter 8.20 of this Code,

1. A person may not cause or permit noise levels which exceed those specified in the following table 2, except as provided under subsection (A (2) or (3)B), ~~exceptions;~~ and (B C), ~~exemptions;~~ of this section:

TABLE 2

Maximum Allowable Noise Levels by Zoning Category

Effective Date	Day / Night	Industrial (dBA)	Commercial (dBA)	Residential (dBA)
January 1, 1980	Day	75	67	65

Effective Date	Day / Night	Industrial (dBA)	Commercial (dBA)	Residential (dBA)
January 1, 1980	Night	75	62	55

B. — Exceptions.

~~1.~~ 2. A person may not cause or permit noise levels emanating from construction or demolition site activities which exceed:

- a. Ninety (90) dBA during daytime hours;
- b. The levels specified in Table 2 during nighttime hours.

~~2.~~ 3. A person may not cause or permit the emission of prominent discrete tones and periodic noises which exceed a level which is five dBA lower than the applicable level listed in Table 2.

~~3.~~ 4. A person may not cause or permit beyond the property line of a source, vibration of sufficient intensity to cause another person to be aware of the vibration by such direct means as sensation of touch or visual observation of moving objects. The observer shall be located at the property line of the receiving property when vibration determinations are made.

C-B. Exemptions.

1. The provisions of this chapter ~~may~~shall not apply to devices used pursuant to legal authorization solely for the purpose of warning, protecting or alerting the public, or some segment thereof, of the existence of an emergency situation.

2. The provisions of this chapter ~~may~~do not apply to the following:

- a. Household tools and portable appliances in normal usage;
- b. Lawn care and snow removal equipment (daytime only) when used and maintained in accordance with the manufacturer's specifications;
- c. Agricultural field machinery when used and maintained in accordance with manufacturer's specifications;
- d. Blasting operations for demolition, construction and mining or quarrying (daytime only);

- e. Motor vehicles on public roads;
- f. Aircraft and related airport operations at airports licensed by the state aviation administration;
- g. Boats on state waters or motor vehicles on state lands under the jurisdiction of the department of motor vehicles;
- h. Emergency operations, including utility operations;
- i. Pile-driving equipment during the ~~daytime~~ hours of eight a.m. to five p.m.;
- j. Sound not electronically amplified created by sporting, amusement and entertainment events and other public gatherings operating according to terms and conditions of 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. This exemption only applies between the hours of seven a.m. and twelve midnight;
- k. Rapid-rail transit vehicles and railroads
- l. Construction and repair work on public property;
- m. Air-conditioning or heat pump equipment used to cool or heat housing on residential property. For such equipment, a person may not cause or permit noise levels which exceed seventy (70) dBA for air-conditioning equipment and seventy-five (75) dBA for heat pump equipment at receiving residential property;
- o. Operations by, or sanctioned by, the proper authorities (City of Salisbury, county state or federal) for the protection of persons or property where imminent physical trauma or property damage demands immediate action;
- p. Operations by City of Salisbury departments;
- q. Operations of municipally owned and/or operated equipment used in the cleaning or preservation of those portions of the Wicomico River and its tributaries within the corporate boundaries of the City of Salisbury;
- r. Mechanical and construction noise except as permitted by the department of building, permitting and inspections;

- s. Any activity causing noise if a variance for such activity and the noise resulting therefrom 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 exemption shall apply only to the extent of any such variance so granted or being processed.

17.184.040-50- Variance, enforcement and appeal.

Procedures for variance, enforcement and appeal of the environmental noise standards are prescribed by the state law and set forth in ~~Sections .03, General Regulations, and .05, Penalties, of Subtitle 20, Noise Pollution, Chapter 01, COMAR Title 26.02.03~~ Control of Noise Pollution.

17.184.060 – Measurement of noise levels.

- a. The measurement of noise levels shall be conducted at points on the property line of the source if the source is in a residential zoning district, or farther away, or on the boundary of a zoning district if the source emanates from property in a nonresidential zoning district, or farther away, or may be made on the premises of any property in a residentially zoned district reached by the sound waves from the noise emanating from the source.
- b. Measurement equipment shall be sound level meters complying with ANSI SI.4, 1971, Specification for Sound Level Meters, of at least type 2 quality and sensitivity, comprising a microphone, amplifier, output meter and frequency weighting network(s).
- c. Measurement equipment operators shall be members of the Salisbury City Police Department and or Salisbury City Neighborhood Services and Code Compliance who have been properly trained in the operation of sound level meters.

17.184.070 – Severability.

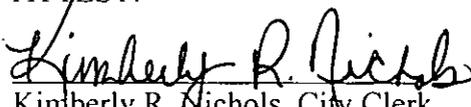
If any phrase, sentence, paragraph, subsection or section or any part of a section of this Article or Chapter is held invalid by a court of competent jurisdiction, this holding shall not affect the remainder of this section or the context in which such section or part of a section so held invalid appears, except to the extent that an entire section or part of a section may be inseparably connected in the meaning and effect with the section or part

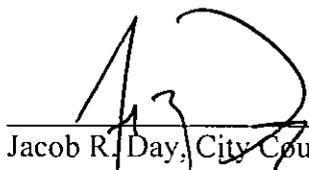
of a section to which such holding shall directly apply. It is expressly hereby stated by the Mavor and City Council of the City of Salisbury, Maryland, that it is the desire and intention of this body that all portions of this section be severable from every other portion.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

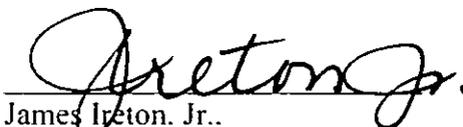
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 27 day of July, 2015 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 10 day of August, 2015, and shall take effect immediately.

ATTEST:


Kimberly R. Nichols, City Clerk


Jacob R. Day, City Council President

Approved by me, this 11th day of Aug, 2015.


James Ireton, Jr.,
Mayor

City of Salisbury



JAMES IRETON JR.
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR



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BARBARA DUNCAN
CHIEF OF POLICE

July 1, 2015

TO: Tom Stevenson
FROM: Chief Barbara Duncan
Subject: Noise Ordinance

Attached please find the amended versions of Chapter 8.20 Noise, and Chapter 17.184 Environmental Noise Standards of the Salisbury City Code.

Chapter 8.20 has been amended in order to reduce confusion on the part of the public by providing a more clearly defined schedule during which construction can legally be conducted within the City.

Chapter 17.184 has been amended to provide the public with the City's policy on the prevention of excessive noise within Salisbury. The amendments also clarify and add definitions to this chapter while providing certain designated City personnel the ability to measure noise levels with appropriate measuring devices.


Barbara Duncan
Chief of Police