

44 of Riverdale Park (January 2008 Revision as Supplemented), to follow immediately after Section
45 47-1 of Chapter 47, BURGLAR AND HOLDUP ALARMS, and to read as follows:

46
47 **CHAPTER 49, NOISE CONTROL**

48
49 **SEC. 49-1. DECLARATION OF POLICY.**

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51 THE TOWN COUNCIL FOR RIVERDALE PARK, MARYLAND, HEREBY DECLARES IT
52 TO BE THE PUBLIC POLICY OF THE TOWN THAT EVERY RESIDENT OF THE TOWN
53 IS ENTITLED TO NOISE LEVELS THAT ARE NOT DETRIMENTAL TO HEALTH,
54 SAFETY, OR WELFARE AND THE USE, ENJOYMENT AND PROTECTION OF
55 PROPERTY; AND THE GENERAL INTENT OF THIS CHAPTER IS TO CONTROL NOISE
56 LEVELS THROUGHOUT THE TOWN SO AS TO PROMOTE PUBLIC HEALTH, SAFETY,
57 WELFARE, THE PEACE AND QUIET OF THE INHABITANTS OF THE TOWN.

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59 **SEC. 49-2. DEFINITIONS.**

60
61 (a) FOR THE PURPOSES OF THIS CHAPTER, THE FOLLOWING WORDS AND
62 PHRASES SHALL HAVE THE MEANINGS RESPECTIVELY ASCRIBED TO
63 THEM IN THIS SECTION:

64
65 (1) **COMMERCIAL** MEANS ANYTHING OTHER THAN A RESIDENTIAL ZONE
66 OR INDUSTRIAL ZONE AS SET FORTH IN SUBTITLE 27 OF THE PRINCE
67 GEORGE'S COUNTY CODE.

68
69 (2) **CONSTRUCTION** MEANS TEMPORARY ACTIVITIES DIRECTLY
70 ASSOCIATED WITH SITE PREPARATION, ASSEMBLY, ERECTION, REPAIR,
71 ALTERATION, OR DEMOLITION OF STRUCTURES OR ROADWAYS.

72
73 (3) **DBA** MEANS DECIBELS OF SOUND, AS DETERMINED BY THE A-
74 WEIGHTING NETWORK OF A SOUND LEVEL METER OR BY CALCULATION
75 FROM OCTAVE BAND OR ONE-THIRD OCTAVE BAND DATA.

76
77 (4) **DAYTIME** MEANS THE HOURS FROM 7 A.M. TO 10 P.M.

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79 (5) **DECIBEL** MEANS A UNIT OF MEASURE EQUAL TO 10 TIMES THE
80 LOGARITHM TO THE BASE 10 OF THE RATIO OF A PARTICULAR SOUND
81 PRESSURE SQUARED TO THE STANDARD REFERENCE PRESSURE
82 SQUARED. THE STANDARD REFERENCE PRESSURE IS 20 MICROPASCALS.

83
84 (6) **DEPARTMENT** SHALL MEAN THE RIVERDALE PARK POLICE
85 DEPARTMENT.

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87 (7) **DIRECTOR** MEANS THE RIVERDALE PARK POLICE CHIEF OR THE CHIEF'S

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AUTHORIZED DESIGNEE.

- (8) **ENFORCEMENT OFFICER** MEANS AN EMPLOYEE OR OFFICER OF THE DEPARTMENT DESIGNATED BY THE DIRECTOR.
- (9) **INDUSTRIAL ZONE** MEANS ANY PROPERTY THAT HAS BEEN ZONED INDUSTRIAL BY PRINCE GEORGE’S COUNTY.
- (10) **LANDLORD** MEANS THE PERSON WHO MANAGES, LEASES, HOLDS, OR OTHERWISE CONTROLS THE PROPERTY OF AN OWNER.
- (11) **NIGHTTIME** MEANS THE HOURS FROM 10 P.M. TO 7 A.M. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER.
- (12) **NOISE** MEANS SOUND, CREATED OR CONTROLLED BY HUMAN ACTIVITY, FROM ONE OR MORE SOURCES, HEARD BY AN INDIVIDUAL OVER A PERIOD OF TIME.
- (13) **NOISE DISTURBANCE** MEANS ANY NOISE THAT IS:
 - (A) 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, COMFORT, QUALITY OF LIFE, OR SAFETY OF ANY INDIVIDUAL OR WHICH UNREASONABLY INTERFERES WITH THE PROPER ENJOYMENT OF PROPERTY OR WITH ANY LAWFUL BUSINESS OR ACTIVITY; OR
 - (B) UNUSUAL FOR THE TIME OF DAY OR LOCATION WHERE IT IS PRODUCED OR HEARD; OR
 - (C) EXCEEDING THE OBJECTIVE STANDARDS OF THIS CHAPTER.
- (14) **OWNER** MEANS THE PERSON LISTED ON THE TAX RECORDS OF THE TOWN AS THE PROPERTY OWNER.
- (15) **PERSON** MEANS AN INDIVIDUAL, GROUP OF INDIVIDUALS, CORPORATION, FIRM, PARTNERSHIP, OR VOLUNTARY ASSOCIATION; OR A DEPARTMENT, BUREAU, AGENCY, OR INSTRUMENT OF THE TOWN, OR OF ANY OTHER GOVERNMENT TO THE EXTENT ALLOWED BY LAW.
- (16) **PLAINLY AUDIBLE** MEANS ANY SOUND PRODUCED BY A RADIO, TAPE PLAYER, PHONOGRAPH, DISC PLAYER, COMPUTER, LOUD SPEAKER, MICROPHONE OR OTHER MECHANICAL SOUND-MAKING DEVICE OR

132 INSTRUMENT, INCLUDING AN AMPLIFIED, ACOUSTIC OR PERCUSSIVE
133 INSTRUMENT, WHICH CAN BE CLEARLY HEARD BY A PERSON USING
134 HIS OR HER OWN NORMAL HEARING FACULTIES. ANY ENFORCEMENT
135 OFFICER WHO HEARS A SOUND THAT IS PLAINLY AUDIBLE, AS DEFINED
136 HEREIN, SHALL BE ENTITLED TO MEASURE THE SOUND ACCORDING TO
137 THE FOLLOWING STANDARDS:

138
139 (A) THE PRIMARY MEANS OF DETECTION SHALL BE BY MEANS OF THE
140 ENFORCEMENT OFFICER'S ORDINARY AUDITORY SENSES, SO LONG AS
141 THE OFFICER'S HEARING IS NOT ENHANCED BY ANY MECHANICAL
142 DEVICE, SUCH AS A HEARING AID.

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144 (B) THE ENFORCEMENT OFFICER NEED NOT DETERMINE THE
145 PARTICULAR WORDS OR PHRASES BEING PRODUCED OR THE NAME
146 OF ANY SONG OR ARTIST PRODUCING THE SOUND. THE DETECTION
147 OF A RHYTHMIC BASS REVERBERATING-TYPE SOUND IS SUFFICIENT
148 TO CONSTITUTE A PLAINLY AUDIBLE SOUND.

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150 (C) THE ENFORCEMENT OFFICER MUST BE ABLE TO DETERMINE THE
151 SOURCE OR ORIGIN OF THE SOUND WHETHER BY DIRECT LINE OF
152 SIGHT FROM THE AFFECTED RESIDENTIAL PROPERTY OR BY
153 ARTICULATING SUCH OTHER REASONABLE BASIS FOR SUCH
154 DETERMINATION IF THERE IS NO DIRECT LINE OF SIGHT
155 CONFIRMATION OF THE SOURCE OR ORIGIN OF THE SOUND.

156
157 (17) **RECEIVING PROPERTY** MEANS ANY REAL PROPERTY WHERE PEOPLE
158 LIVE OR WORK AND WHERE NOISE IS HEARD, INCLUDING AN
159 APARTMENT, CONDOMINIUM UNIT, OR COOPERATIVE BUILDING UNIT.

160
161 (18) **RESIDENTIAL** MEANS ANY PROPERTY IN A RESIDENTIAL ZONE AS SET
162 FORTH IN SUBTITLE 27 OF THE PRINCE GEORGE'S COUNTY.

163
164 (19) **RECREATIONAL OR ENTERTAINMENT ESTABLISHMENT** IS AN
165 ESTABLISHMENT AS DEFINED IN SECTION 27-107.1(A)(192) OF THE
166 PRINCE GEORGE'S COUNTY CODE.

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168 (20) **SOUND** MEANS AN AUDITORY SENSATION EVOKED BY THE
169 OSCILLATION OF AIR PRESSURE.

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171 (21) **SOURCE** MEANS ANY PERSON, INSTALLATION, DEVICE, OR ANIMAL
172 CAUSING OR CONTRIBUTING TO NOISE.

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175 SEC. 49-3. PROHIBITIONS.

176

177 (A) MAXIMUM ALLOWABLE NOISE LEVELS.

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179 (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH 2 OF THIS
 180 SUBSECTION OR IN SECTION 49-4, A PERSON MUST NOT CAUSE OR
 181 PERMIT NOISE LEVELS THAT EXCEED THE FOLLOWING LEVELS:
 182

MAXIMUM ALLOWABLE NOISE LEVELS (DBA) FOR RECEIVING LAND USE CATEGORIES			
DAY/NIGHT	INDUSTRIAL	COMMERCIAL	RESIDENTIAL
DAY	75	67	65
NIGHT	75	62	55

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184 (2) SOLELY FOR THE PURPOSE OF SPECIAL EVENTS AUTHORIZED BY A
 185 SPECIAL EVENTS PERMIT ISSUED BY THE TOWN FOR AN EVENT HELD
 186 IN THE TOWN'S PARKS OR IN COMMERCIAL ZONING DISTRICTS,
 187 MAXIMUM NIGHT ALLOWABLE NOISE LEVELS SPECIFIED IN
 188 PARAGRAPH (1) OF THIS SUBSECTION DO NOT BEGIN TO APPLY UNTIL
 189 11:01 P.M. IN ALL OTHER LOCATIONS IN THE TOWN THE
 190 COMMENCEMENT OF MAXIMUM NIGHT ALLOWABLE NOISE LEVELS
 191 MAY BE EXTENDED NOT TO EXCEED 11:01 P.M. BY WAIVER GRANTED
 192 BY THE TOWN COUNCIL IN ACCORDANCE WITH SECTION 49-5.
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194

195 (3) SOUND THAT CROSSES BETWEEN RESIDENTIAL AND NON-RESIDENTIAL
 196 AREAS MUST NOT EXCEED THE LEVEL SET IN PARAGRAPH (1) FOR
 197 RESIDENTIAL NOISE AREAS.

198

199 (B) NOISE DISTURBANCE. A PERSON MUST NOT CAUSE OR PERMIT NOISE THAT
 200 CREATES A NOISE DISTURBANCE.

201

202 (C) EXAMPLES. THE FOLLOWING EXAMPLES ILLUSTRATE COMMON NOISE-
 203 PRODUCING ACTS THAT VIOLATE THIS SECTION IF THEY EXCEED THE NOISE
 204 LEVEL STANDARDS SET IN SUBSECTION (A) OR CREATE A NOISE
 205 DISTURBANCE. THE EXAMPLES ARE ILLUSTRATIVE ONLY AND DO NOT LIMIT
 206 OR EXPAND THE NOISE LEVEL OR NOISE DISTURBANCE STANDARDS OF THIS
 207 SECTION:

208

209 (1) SOUNDING A HORN OR OTHER SIGNALING DEVICE ON ANY MOTOR
 210 VEHICLE ON PRIVATE PROPERTY EXCEPT:

211

212 (A) IN AN EMERGENCY; OR

- 213 (B) AS A DANGER WARNING SIGNAL DURING DAYTIME HOURS IF THE
214 DEVICE COMPLIES WITH NOISE LEVEL LIMITS.
215
- 216 (2) OPERATING A SOUND-PRODUCING DEVICE ON PUBLIC STREETS FOR
217 COMMERCIAL ADVERTISING OR TO ATTRACT PUBLIC ATTENTION.
218
- 219 (3) SELLING ANYTHING BY OUTCRY.
220
- 221 (4) LOADING, UNLOADING, OPENING, CLOSING OR OTHERWISE HANDLING
222 CONTAINERS, BUILDING MATERIALS, CONSTRUCTION EQUIPMENT, OR
223 SIMILAR OBJECTS.
224
- 225 (5) OPERATING A DEVICE THAT PRODUCES, REPRODUCES, OR AMPLIFIES
226 SOUND.
227
- 228 (6) ALLOWING AN ANIMAL TO CREATE A NOISE DISTURBANCE.
229
- 230 (D) A PERSON MAY NOT PLAY, USE, OPERATE OR PERMIT TO BE PLAYED, USED
231 OR OPERATED, ANY RADIO, TAPE RECORDER, CASSETTE PLAYER OR OTHER
232 MACHINE OR DEVICE FOR REPRODUCING SOUND, IF THE SOUND GENERATED
233 IS PLAINLY AUDIBLE AT A DISTANCE OF FIFTY (50) FEET FROM THE DEVICE
234 PRODUCING THE SOUND AND IF THE DEVICE IS LOCATED IN OR ON ANY OF
235 THE FOLLOWING:
236
- 237 (1) ANY PUBLIC PROPERTY, INCLUDING ANY PUBLIC STREET, HIGHWAY,
238 BUILDING, SIDEWALK, PARK, PARKING LOT OR THOROUGHFARE;
239
- 240 (2) ANY MOTOR VEHICLE ON A PUBLIC STREET, HIGHWAY OR PUBLIC
241 SPACE; OR
242
- 243 (3) ANY PRIVATE PROPERTY WITHIN THE TOWN'S CORPORATE
244 BOUNDARY.
245
- 246 (E) A PERSON MANAGING, EMPLOYED AT, OPERATING OR OCCUPYING ANY
247 LOCATION LICENSED TO SERVE ALCOHOLIC BEVERAGES MAY NOT USE ANY
248 PORTION OF THE OWNED OR LEASED PROPERTY, INCLUDING ANY COMMON
249 AREAS APPURTENANT TO A LEASEHOLD, FOR THE OPERATION OR
250 AMPLIFICATION OF SOUND PRODUCED BY A RADIO, TAPE PLAYER,
251 PHONOGRAPH, DISC PLAYER, COMPUTER, SPEAKER OR OTHER MECHANICAL
252 SOUND-MAKING DEVICE OR BY AN INSTRUMENT, INCLUDING AN AMPLIFIED,
253 ACOUSTIC OR PERCUSSIVE INSTRUMENT, SO THAT THE SOUND OF SUCH
254 DEVICE IS PLAINLY AUDIBLE EITHER ON A RESIDENTIAL PROPERTY OR AT A
255 DISTANCE OF ONE HUNDRED (100) FEET FROM THE DEVICE PRODUCING THE
256 SOUND.

257

258 (F) POSSESSION BY A PERSON OR PERSONS OF ANY OF THE MACHINES OR
259 DEVICES ENUMERATED IN SUBSECTIONS (D) AND/OR (E) SHALL BE PRIMA
260 FACIE EVIDENCE THAT PERSON OPERATES, OR THOSE PERSONS OPERATE,
261 THE MACHINE OR DEVICE.

262

263 SEC. 49-4. NOISE LEVEL AND NOISE DISTURBANCE STANDARDS FOR
264 CONSTRUCTION.

265

266 (A) MAXIMUM ALLOWABLE NOISE LEVELS FOR CONSTRUCTION OR
267 DEMOLITION.

268

269 (1) A PERSON MUST NOT CAUSE OR PERMIT NOISE LEVELS FROM
270 CONSTRUCTION OR DEMOLITION ACTIVITY THAT EXCEED THE
271 FOLLOWING LEVELS:

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273 (A) FROM 7 A.M. TO 10 P.M.:

274

275 (I) 75 DBA IF THE TOWN HAS NOT APPROVED A NOISE-
276 SUPPRESSION PLAN FOR THE ACTIVITY; OR

277

278 (II) 90 DBA IF THE TOWN HAS APPROVED A NOISE-SUPPRESSION
279 PLAN FOR THE ACTIVITY.

280

281 (B) THE LEVEL SPECIFIED IN SECTION 49-3(A) AT ALL OTHER TIMES.

282

283 (2) CONSTRUCTION NOISE LEVELS MUST BE MEASURED AT THE
284 LOCATION, AT LEAST 50 FEET FROM THE SOURCE, ON A RECEIVING
285 PROPERTY WHERE NOISE FROM THE SOURCE IS GREATEST.

286

287 (B) CONSTRUCTION NOISE DISTURBANCE. THE PROHIBITION ON NOISE
288 DISTURBANCE IN SECTION 49-3(B) APPLIES TO CONSTRUCTION ACTIVITIES,
289 NOTWITHSTANDING SUBSECTION (A).

290

291 SEC. 49-5. WAIVERS.

292

293 (A) UPON WRITTEN REQUEST, THE TOWN COUNCIL MAY WAIVE ANY PART OF
294 THIS CHAPTER FOR A TEMPORARY EVENT IF THE NOISE THE EVENT WILL
295 CREATE OR CAUSE IN EXCESS OF THE LIMITS ESTABLISHED UNDER THIS
296 CHAPTER IS OFFSET BY THE BENEFITS OF THE EVENT TO THE GENERAL
297 PUBLIC. ANY WAIVER GRANTED UNDER THIS SECTION SHALL BE FOR A
298 LIMITED AND FINITE DURATION.

299

300 (B) THE TOWN COUNCIL SHALL PROVIDE PUBLIC NOTICE OF A REQUEST FOR A

301 WAIVER UNDER THIS SECTION BY POSTING SUCH NOTICE ON THE TOWN'S
302 INTERNET WEBSITE, PUBLICATION IN THE TOWN CRIER NEWSLETTER, AND
303 POSTING A SIGN AT THE LOCATION OF THE SOURCE. THE TOWN COUNCIL
304 MAY NOT APPROVE A REQUEST FOR A WAIVER UNDER THIS SECTION UNTIL
305 AT LEAST 10 DAYS AFTER THE INITIAL POSTING OR PUBLICATION OF PUBLIC
306 NOTICE.

307

308 (C) THE TOWN COUNCIL MAY GRANT A WAIVER IF THE COUNCIL DETERMINES
309 THAT COMPLIANCE IN A PARTICULAR CASE IS NOT PRACTICABLE AND
310 WOULD IMPOSE UNDUE HARDSHIP.

311

312 (D) BEFORE GRANTING A WAIVER THE TOWN COUNCIL SHALL CONSIDER THE
313 USE OF THE PROPERTY FROM WHICH THE NOISE SOURCE WILL EMANATE,
314 THE USES OF ADJOINING AND SURROUNDING PROPERTIES AND THE LIKELY
315 IMPACT OF A WAIVER ON THOSE PROPERTIES, THE TYPE AND ANTICIPATED
316 LEVELS OF THE OF NOISE FOR WHICH THE WAIVER IS REQUESTED, AND THE
317 DURATION AND FREQUENCY OF THE EVENT FOR WHICH THE WAIVER IS
318 REQUESTED.

319

320 (E) IF THE TOWN COUNCIL GRANTS A WAIVER THE COUNCIL MAY IMPOSE
321 REASONABLE CONDITIONS TO MITIGATE ANY ADVERSE IMPACT ON
322 ADJOINING AND SURROUNDING PROPERTIES THAT MIGHT BE CAUSED BY
323 THE WAIVER.

324

325 (F) THE TOWN COUNCIL, AFTER NOTICE AND OPPORTUNITY TO BE HEARD, MAY
326 SUSPEND, MODIFY, OR REVOKE A WAIVER GRANTED UNDER THIS SECTION IF
327 A PERSON VIOLATES THE TERMS OR CONDITIONS OF THE WAIVER.

328

329 SEC. 49-6. EXCEPTIONS.

330

331 THE FOLLOWING NOISE GENERATING ACTIVITIES SHALL BE EXEMPT FROM
332 ENFORCEMENT UNDER THIS CHAPTER:

333

334 (A) ANY SOUND RESULTING FROM THE EMERGENCY OPERATION OF A PUBLIC
335 SERVICE COMPANY OR ITS CONTRACTORS AS DEFINED IN SECTION 1-101(X),
336 PUBLIC UTILITIES ARTICLE OF THE ANNOTATED CODE OF MARYLAND OR
337 RESULTING FROM EMERGENCY OPERATIONS BY FIRE AND RESCUE SERVICES,
338 AND POLICE AGENCIES;

339

340 (B) ANY SOUND RESULTING FROM THE OPERATIONS OF AN INSTRUMENTALITY
341 OF THE FEDERAL, STATE, COUNTY OR TOWN GOVERNMENT, THE BOARD OF
342 EDUCATION, A BI-COUNTY AGENCY, OR OF A MUNICIPALITY;

343

344 (C) A SOUND RESULTING FROM THE OPERATION OF AN AIRCRAFT;

- 345
346 (D) AN OUTDOOR EVENT ON PRIVATE PROPERTY FOR WHICH A VALID USE AND
347 OCCUPANCY PERMIT HAS BEEN ISSUED FOR PURPOSES OF SPORTING,
348 RECREATIONAL, ENTERTAINMENT ESTABLISHMENT, OR FOR ANY OTHER
349 EVENT TO WHICH THE PUBLIC IS INVITED;
350
- 351 (E) AN EVENT OR ACTIVITY WITH A VALIDLY ISSUED PERMIT, LICENSE OR
352 OTHER WRITTEN AUTHORITY WHICH TAKES PLACE ON PROPERTY OWNED BY
353 THE UNITED STATES, THE STATE, THE COUNTY, THE TOWN, THE BOARD OF
354 EDUCATION, A BI-TOWN AGENCY, OR A MUNICIPALITY;
355
- 356 (F) FARM EQUIPMENT BEING USED ON MORE THAN FIVE (5) ACRES OR OUTSIDE
357 OF ONE HUNDRED (100) FEET OF THE PROPERTY LINE;
358
- 359 (G) LAWN CARE, SNOW REMOVAL EQUIPMENT AND OTHER HOUSEHOLD TOOLS
360 OR EQUIPMENT WHEN USED AND MAINTAINED IN ACCORDANCE WITH THE
361 MANUFACTURER'S SPECIFICATIONS BETWEEN THE HOURS OF 7:00 A.M. TO
362 10:00 P.M.;
363
- 364 (H) ANY ACTIVITY CAUSING NOISE IF A VARIANCE FOR SUCH ACTIVITY AND THE
365 NOISE RESULTING THEREFROM HAS BEEN OBTAINED FROM THE
366 ENVIRONMENTAL HEALTH ADMINISTRATION OF THE MARYLAND
367 DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR IS BEING PROCESSED
368 PURSUANT TO THE RULES AND REGULATIONS OF THAT DEPARTMENT. THIS
369 EXCEPTION SHALL APPLY ONLY TO THE EXTENT OF ANY SUCH VARIANCE SO
370 GRANTED OR BEING PROCESSED; OR
371
- 372 (I) A SOURCE OR CONDITION EXPRESSLY SUBJECT TO ANY STATE OR FEDERAL
373 NOISE-CONTROL LAW OR REGULATION.
374
- 375 SEC. 49-7. - MEASUREMENT OF SOUND.
376
- 377 (A) THE EQUIPMENT AND TECHNIQUES EMPLOYED IN THE MEASUREMENT OF
378 NOISE LEVELS UNDER THIS CHAPTER MAY BE THOSE RECOMMENDED BY THE
379 MARYLAND STATE DEPARTMENT OF THE ENVIRONMENT, WHICH MAY, BUT
380 NEED NOT, REFER TO CURRENTLY ACCEPTED STANDARDS OR RECOGNIZED
381 ORGANIZATIONS INCLUDING, BUT NOT LIMITED TO, THE AMERICAN
382 NATIONAL STANDARDS INSTITUTE (ANSI), AMERICAN SOCIETY FOR TESTING
383 AND MATERIALS (ASTM), SOCIETY OF AUTOMOTIVE ENGINEERS (SAE), AND
384 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA).
385
- 386 (B) A VIOLATION OF THIS CHAPTER MAY BE ESTABLISHED BY THE USE OF A
387 COMMERCIALY AVAILABLE NOISE METER THAT COMPLIES WITH ONE OR
388 MORE OF THE STANDARDS LISTED IN SUBSECTION (A).

389

390 (C) THE MEASUREMENT OF NOISE LEVELS SHALL BE CONDUCTED AT POINTS ON
391 OR WITHIN THE PROPERTY LINE OF THE RECEIVING PROPERTY OR THE
392 BOUNDARY OF A ZONING DISTRICT, AND MAY BE CONDUCTED AT ANY POINT
393 FOR THE DETERMINATION OF IDENTITY IN MULTIPLE SOURCE SITUATIONS.
394

395 (D) THE DETECTION OF SOUND BY AN ENFORCEMENT OFFICER AT A DISTANCE
396 OF FIFTY (50) FEET IS SUFFICIENT TO CONSTITUTE A PLAINLY AUDIBLE
397 SOUND. NO PROVISION OF THIS CHAPTER SHALL BE INTERPRETED TO LIMIT
398 ENFORCEMENT BASED ON A LACK OF EVIDENCE OF A SOUND LEVEL METER
399 READING. EVIDENCE BASED ON THE AUDIBLE IMPRESSIONS FORMED BY AN
400 ENFORCEMENT OFFICER IS EQUALLY SUFFICIENT TO THAT OF A SOUND
401 LEVEL METER READING.
402

403 SEC. 49-8. – DETERMINATION OF VIOLATION.
404

405 (A) IT WILL BE PRIMA FACIE EVIDENCE OF A VIOLATION OF THIS CHAPTER IF
406 SOUND OR NOISE CAN BE HEARD OR MEASURED AT THE LEVELS DESCRIBED
407 IN SECTION 49-3(A)(1) ABOVE.
408

409 (B) WHERE A NOISE SOURCE IS LOCATED IN A BUILDING OR OTHER STRUCTURE,
410 THE OWNER, OCCUPANT, RESIDENT, MANAGER, OR OTHER PERSON IN
411 CHARGE OF THE PREMISES, IF PRESENT, SHALL BE PRESUMED TO HAVE
412 PERMITTED THE NOISE IN THE ABSENCE OF EVIDENCE TO THE CONTRARY.
413

414 (C) WHERE PORTABLE NOISE PRODUCING DEVICES SUCH AS RADIOS, TAPE
415 RECORDERS/PLAYERS, COMPACT DISC PLAYERS, STEREOS, ETC., ARE
416 PRESENT IN, OR BEING TRANSPORTED THROUGH, A PUBLIC AREA, STREET,
417 PARK, ETC., EITHER BY A PERSON OR IN A VEHICLE, THE PERSON OR PERSONS
418 IN POSSESSION OF THE DEVICE OR VEHICLE SHALL BE PRESUMED TO HAVE
419 PERMITTED THE NOISE IN THE ABSENCE OF EVIDENCE TO THE CONTRARY.
420

421 SEC. 49-9. - ENFORCEMENT AND PENALTIES.
422

423 (A) ANY PERSON, WHO, AFTER BEING INSTRUCTED BY AN ENFORCEMENT
424 OFFICER TO CEASE THE NOISE, SHALL ALLOW OR CAUSE A CONTINUED
425 VIOLATION OF THIS CHAPTER SHALL BE GUILTY OF A MUNICIPAL
426 INFRACTION AND SUBJECT TO A FINE NOT EXCEEDING \$100.00 FOR A FIRST
427 OFFENSE, AND \$250.00 FOR EACH SUBSEQUENT OFFENSE. EACH DAY A
428 VIOLATION CONTINUES IS A SEPARATE OFFENSE.
429

430 (B) AN ENFORCEMENT OFFICER, IF THE OFFICER HAS PROBABLE CAUSE TO
431 BELIEVE A VIOLATION OF THIS CHAPTER IS BEING COMMITTED IN HIS OR HER
432 PRESENCE, VIEW, OR HEARING, MAY ISSUE A MUNICIPAL INFRACTION

433 CITATION TO THE PERSON COMMITTING THE VIOLATION.

434

435 SEC. 49-10. - CITATION TO OWNER OR LANDLORD.

436

437 (A) AN ENFORCEMENT OFFICER MAY ISSUE AN INFRACTION CITATION TO THE
438 OWNER OR LANDLORD OF THE BUILDING OR PREMISES FROM WHICH NOISE
439 IN VIOLATION OF SECTION 49-3 OF THIS TITLE EMANATES IF MORE THAN
440 THREE CITATIONS HAVE BEEN ISSUED TO AN OCCUPANT, AT ONE ADDRESS,
441 WITHIN A 60-DAY PERIOD.

442

443 (B) AN ENFORCEMENT OFFICER MAY ISSUE ADDITIONAL CITATIONS TO THE
444 OWNER OR LANDLORD FOR EACH SUBSEQUENT VIOLATION WITHIN 6
445 MONTHS AFTER THE INITIAL CITATION WAS ISSUED TO THE OWNER OR
446 LANDLORD.

447

448 (C) BEFORE ISSUING A CITATION TO AN OWNER OR LANDLORD, THE
449 ENFORCEMENT OFFICER SHALL SEND BY CERTIFIED MAIL OR HAND DELIVER
450 WRITTEN NOTICE TO THE OWNER OR LANDLORD THAT TWO CITATIONS HAVE
451 BEEN ISSUED TO AN OCCUPANT UNDER SECTION 49-3 OF THIS CHAPTER
452 WITHIN A 60-DAY PERIOD.

453

454 SECTION 3: AND BE IT FURTHER ENACTED that this Ordinance shall become
455 effective twenty (20) calendar days after its passage by the Council.

456

457 ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

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Jessica Barnes, Town Clerk


Alan K. Thompson, Mayor

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465 EXPLANATION:

466

467 CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

468 Underlining indicates amendments to the Ordinance.

469 ~~Strike-Out~~ indicates matter deleted from the law or stricken from the Ordinance by amendment.

470 *** indicate omission of existing text not modified by this Ordinance.