

MAYOR AND TOWN COUNCIL OF COLMAR MANOR, MARYLAND

ORDINANCE O - 5 - 2021

AN ORDINANCE CONCERNING NOISE DISTURBANCES AND NOISE CONTROL IN THE TOWN OF COLMAR MANOR PROVIDING FOR LEVELS OF NOISE EMANATING FROM THE USE OF MACHINERY AND OTHER DEVICES, ENTERTAINMENT, AMUSEMENT AND SITUATIONS LEADING TO UNACCEPTABLE NOISE LEVELS AS PROVIDED HEREIN AT CERTAIN DISTANCES AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

Section 1. Be it ordained that a new section entitled "Noise Control" be and the same is enacted and added to Article 5, HEALTH of the Code of Ordinances of Colmar Manor to read as follows:

SECTION 5-110. NOISE, FINDING OF FACT:

A.(I) THE MAYOR AND TOWN COUNCIL FIND THAT LOUD NOISES FROM MACHINERY, ENTERTAINMENT, AMUSEMENT AND OTHER SITUATIONS CREATE A HARMFUL IMPACT ON THE ACTIVITY OF HUMAN LIFE. SOURCES OF NOISE INCLUDE MACHINERY, TRANSPORT, AND ENTERTAINMENT SYSTEMS. SOME OF THE MAIN SOURCES OF NOISE IN RESIDENTIAL AREAS INCLUDE LOUD MUSIC, TRANSPORTATION CAUSED BY MOTOR VEHICLES, HAWKERS, LAWN CARE AND LANDSCAPE MAINTENANCE, CONSTRUCTION, ELECTRICAL GENERATORS, AND PEOPLE.

(II) IT IS HEREBY DECLARED TO BE THE POLICY OF THE MAYOR AND TOWN COUNCIL OF COLMAR MANOR TO PREVENT ANY UNREASONABLE, LOUD, DISTURBING AND UNNECESSARY NOISE. NOISE OF SUCH CHARACTER, INTENSITY AND DURATION AS TO BE DETRIMENTAL TO THE LIFE, HEALTH, SAFETY AND GENERAL WELFARE OF ANY INDIVIDUAL OR CONTRARY TO THE PUBLIC WELFARE IS PROHIBITED AS HEREIN PROVIDED.

SECTION 5-111 DEFINITIONS

(A) FOR THE PURPOSES OF THIS ORDINANCE, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS RESPECTIVELY ASCRIBED TO THEM:

(1) COMMERCIAL MEANS ANYTHING OTHER THAN A RESIDENTIAL ZONE. CONSTRUCTION MEANS TEMPORARY ACTIVITIES DIRECTLY ASSOCIATED WITH SITE PREPARATION, ASSEMBLY, ERECTION, REPAIR, ALTERATION, OR DEMOLITION OF STRUCTURES OR ROADWAYS.

(2) DBA MEANS DECIBELS OF SOUND, AS DETERMINED BY THE A-WEIGHTING NETWORK OF A SOUND LEVEL METER OR BY CALCULATION FROM OCTAVE BAND OR ONE-THIRD OCTAVE BAND DATA.

(3) DAYTIME MEANS THE HOURS FROM 7:00 A.M. TO 9:00 P.M.

(4) DECIBEL MEANS A UNIT OF MEASURE EQUAL TO 10 TIMES THE LOGARITHM TO THE BASE 10 OF THE RATIO OF A PARTICULAR SOUND PRESSURE SQUARED TO THE STANDARD REFERENCE PRESSURE SQUARED. THE STANDARD REFERENCE PRESSURE IS 20 MICROPASCALS.

(5) DEPARTMENT SHALL MEAN THE COLMAR MANOR POLICE DEPARTMENT. DPIE SHALL MEAN THE PRINCE GEORGE'S DEPARTMENT OF PERMITTING, INSPECTIONS, AND ENFORCEMENT OR OTHER AUTHORIZED DESIGNEE AGENCY OR DEPARTMENT.

(6) DIRECTOR SHALL MEAN THE DIRECTOR OF THE DEPARTMENT OF PERMITTING, INSPECTIONS, AND ENFORCEMENT FOR PRINCE GEORGE'S COUNTY, MARYLAND, OR THEIR AUTHORIZED DESIGNEE.

(7) ENFORCEMENT OFFICER MEANS:

(A) FOR A NOISE ORIGINATING FROM ANY SOURCE: THE CHIEF OF POLICE; CODE INSPECTOR; A POLICE OFFICER; OR DESIGNEE OF THE CHIEF OF POLICE

REDUNDANT

(8) LANDLORD SHALL MEAN THE PERSON WHO MANAGES, LEASES, HOLDS, OR OTHERWISE CONTROLS THE PROPERTY OF AN OWNER.

(9) NIGHTTIME MEANS THE HOURS FROM 9:00 P.M. TO 7:00 A.M.

(10) NOISE MEANS SOUND, CREATED OR CONTROLLED BY HUMAN ACTIVITY, FROM ONE OR MORE SOURCES, HEARD BY AN INDIVIDUAL OVER A PERIOD OF TIME.

(11) NOISE DISTURBANCE MEANS ANY NOISE THAT IS:

(A) UNPLEASANT, ANNOYING, OFFENSIVE, LOUD, OR OBNOXIOUS;

(B) UNUSUAL FOR THE TIME OF DAY OR LOCATION WHERE IT IS PRODUCED OR HEARD;

(C) DETRIMENTAL TO THE HEALTH, COMFORT, QUALITY OF LIFE, OR SAFETY OF ANY INDIVIDUAL OR TO THE REASONABLE ENJOYMENT OF PROPERTY OR THE LAWFUL CONDUCT OF BUSINESS BECAUSE OF THE LOUDNESS, DURATION, OR CHARACTER OF THE NOISE OR;

(D) EXCEEDS THE OBJECTIVE STANDARDS OF THIS DIVISION.

(12) NOISE-SUPPRESSION PLAN MEANS A WRITTEN PLAN TO USE THE MOST EFFECTIVE NOISE-SUPPRESSION EQUIPMENT, MATERIALS, AND METHODS APPROPRIATE AND REASONABLY AVAILABLE FOR A PARTICULAR TYPE OF CONSTRUCTION.

(13) OWNER SHALL MEAN THE PERSON LISTED ON THE TAX RECORDS OF PRINCE GEORGE'S COUNTY AS THE PROPERTY OWNER.

(14) PERSON MEANS AN INDIVIDUAL, GROUP OF INDIVIDUALS, CORPORATION, FIRM, PARTNERSHIP, OR VOLUNTARY ASSOCIATION; OR A DEPARTMENT, BUREAU, AGENCY, OR INSTRUMENT OF THE TOWN OF COLMAR MANOR OR OF ANY OTHER GOVERNMENT TO THE EXTENT ALLOWED BY LAW.

(15) POLICE CHIEF OR OFFICER SHALL MEAN THE CHIEF OF THE COLMAR MANOR POLICE DEPARTMENT, OR OTHER OFFICER UNDER HIS/HER/THEIR SUPERVISION TO INCLUDE: THE CODE INSPECTOR; ANY POLICE OFFICER; OR ANY OTHER DESIGNEE OF THE CHIEF OF POLICE.

(16) RECEIVING PROPERTY MEANS ANY REAL PROPERTY WHERE PEOPLE LIVE OR WORK AND WHERE NOISE IS HEARD, INCLUDING A FREE-STANDING RESIDENCE; AN APARTMENT, CONDOMINIUM UNIT, OR COOPERATIVE BUILDING UNIT.

(17) RESIDENTIAL MEANS ANY PROPERTY IN A RESIDENTIAL ZONE

(18) RECREATIONAL OR ENTERTAINMENT ESTABLISHMENT IS AN ESTABLISHMENT AS DEFINED IN SECTION 27-107.1(A)(192) OF THE PRINCE GEORGE'S COUNTY CODE.

(19) SOUND MEANS AN AUDITORY SENSATION EVOKED BY THE OSCILLATION OF AIR PRESSURE.

(20) SOURCE MEANS ANY PERSON, INSTALLATION, DEVICE, OR ANIMAL CAUSING OR CONTRIBUTING TO NOISE.

SECTION 5-112. PROHIBITED ACTS: THE FOLLOWING ACTS, AMONG OTHERS, ARE HEREBY DECLARED TO BE UNREASONABLY LOUD NOISES IN VIOLATION OF THIS DIVISION:

A. (I) THE CONTINUED 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 COLMAR MANOR, EXCEPT AS A DANGER WARNING;

(II) THE CREATION BY MEANS OF ANY SUCH SIGNALING DEVICE OF ANY UNREASONABLY LOUD OR HARSH SOUND;

(III) THE SOUNDING OF ANY SUCH DEVICE FOR AN UNNECESSARY OR UNREASONABLE LENGTH OF TIME; THE USE OF ANY SIGNALING DEVICE, EXCEPT ONE OPERATED BY HAND OR ELECTRICITY;

(IV) 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 DEVICES INCLUDING, BUT NOT LIMITED TO, TELEVISIONS, RADIOS, PHONOGRAPHS, TAPE DISK OR RECORDED MATERIAL PLAYER, SOUND AMPLIFICATION SYSTEM MUSICAL INSTRUMENTS, ETC.

(I) THE USING OF, OPERATING OF OR PERMITTING TO BE PLAYED, USED OR OPERATED ANY RADIO RECEIVING SET, TELEVISION, MUSICAL INSTRUMENT, PHONOGRAPH, TAPE, DISK OR OTHER RECORDED MATERIAL PLAYER, SOUND AMPLIFICATION SYSTEM OR OTHER MACHINE OR DEVICE FOR THE PRODUCING OR REPRODUCING OF SOUND ALONG ANY PUBIC STREET OR OTHER PUBLIC WAY AT ANY TIME IN SUCH A MANNER AS TO BE PLAINLY AUDIBLE AT A DISTANCE OF TEN (10) FEET FROM THE SOURCE OF SUCH SOUND WHICH IS DEEMED TO BE UNREASONABLY LOUD SO AS TO DISTURB THE PEACE, QUIET AND COMFORT OF OTHER PERSONS OR AT A LOUDER VOLUME THAN IS NECESSARY FOR THE CONVENIENT HEARING OF THE INDIVIDUAL CARRYING THE INSTRUMENT, MACHINE OR DEVICE OR THOSE INDIVIDUALS IMMEDIATELY ADJACENT THERETO AND WHO ARE VOLUNTARY LISTENERS THERETO.

(II) 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 9:00 P.M. (LOCAL TIME) AND 8:00 A.M. (LOCAL TIME) ON SUNDAYS THROUGH THURSDAYS AND BETWEEN THE HOURS OF 11:00 P.M. (LOCAL TIME) FRIDAY AND SATURDAY AND 8:00 A.M. (LOCAL TIME) SATURDAY AND SUNDAY MORNING IN SUCH A MANNER AS TO BE PLAINLY AUDIBLE AT A DISTANCE OF TWENTY (20) FEET BEYOND THE PROPERTY LINE OF THE SOURCE OF THE SOUND, IF A STRUCTURE AND 10 FEET BEYOND THE PHYSICAL STRUCTURE OF ANY VEHICLE.

(III) YELLING, SHOUTING, HOOTING, WHISTLING AND SINGING. 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 10 FEET FROM THE PUBLIC STREET, PUBLIC AREA, BUILDING, STRUCTURE OR VEHICLE FROM WHICH THE NOISE EMANATES, BETWEEN THE HOURS OF 9:00 P.M (LOCAL TIME) AND 8:00 A.M. (LOCAL TIME) SUNDAYS THROUGH THURSDAYS AND 11:00 P.M. (LOCAL TIME) AND 8:00 A.M. (LOCAL TIME) FRIDAYS AND SATURDAYS.

(IV) THE OPERATION OF ANY MACHINERY, AUTOMOBILE OR THE USE OF ANY SIREN OR OTHER NOISE-PRODUCING OR NOISE-AMPLIFYING INSTRUMENT OR MECHANICAL DEVICE IN SUCH A MANNER THAT THE PEACE AND GOOD ORDER OF A NEIGHBORHOOD ARE DISTURBED. IT SHALL BE UNLAWFUL FOR ANY PERSON TO KNOWINGLY PERMIT THE MAKING, CREATION OR MAINTENANCE OF UNREASONABLY LOUD NOISES UPON ANY PREMISES OWNED OR POSSESSED BY HIM OR UNDER HIS CONTROL.

(V) NOISE DISTURBANCE. A PERSON MUST NOT CAUSE OR PERMIT NOISE THAT CREATES A NOISE DISTURBANCE.

(A) EXAMPLES: THE FOLLOWING EXAMPLES ILLUSTRATE COMMON NOISE-PRODUCING ACTS THAT VIOLATE THE PREVIOUS SECTIONS IF THEY CREATE A NOISE DISTURBANCE. THE EXAMPLES ARE ILLUSTRATIVE ONLY AND DO NOT LIMIT OR EXPAND THE NOISE LEVEL OR NOISE DISTURBANCE STANDARDS OF THIS ORDINANCE:

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

(A) IN AN EMERGENCY; OR

(B) AS A DANGER WARNING SIGNAL DURING DAYTIME HOURS IF THE DEVICE COMPLIES WITH NOISE LEVEL LIMITS.

(2) OPERATING A SOUND-PRODUCING DEVICE ON PUBLIC STREETS FOR COMMERCIAL ADVERTISING OR TO ATTRACT PUBLIC ATTENTION.

(3) SELLING ANYTHING BY OUTCRY.

(4) LOADING, UNLOADING, OPENING, CLOSING OR OTHERWISE HANDLING CONTAINERS, BUILDING MATERIALS, CONSTRUCTION EQUIPMENT, OR SIMILAR OBJECTS.

(5) OPERATING A DEVICE THAT PRODUCES, REPRODUCES, OR AMPLIFIES SOUND.

(6) ALLOWING AN ANIMAL TO CREATE A NOISE DISTURBANCE.

SECTION 5-113 LIMITATIONS ON BUSINESSES. IT SHALL BE UNLAWFUL FOR ANY PERSON OR PERSONS, BUSINESS ENTITY TO OPERATE, MAINTAIN OR CARRY ON AS A BUSINESS AS PART OF WHICH OR INCIDENTAL TO WHICH MUSIC, DANCING AND ENTERTAINERS ARE OR ANY OF THEM IS OFFERED FOR THE ENTERTAINMENT OF THE PATRONS OF SUCH BUSINESS, EXCEPT IN A ROOM OR ROOMS THAT HAS OR HAVE BEEN SO SOUNDPROOFED OR IS SO LOCATED OR CONSTRUCTED THAT NO NOISE EMANATES FROM SUCH ESTABLISHMENT AT THE PROPERTY LINE. EACH DAY ANY SUCH BUSINESS SHALL BE OPERATED, MAINTAINED OR CARRIED ON IN VIOLATION HERE SHALL CONSTITUTE A SEPARATE OFFENSE.

SECTION 5-114 WAIVER

A. THE MAYOR AND TOWN COUNCIL, BY APPROPRIATE ACTION SHALL HAVE THE RIGHT TO WAIVE ANY AND/OR ALL OF THE REQUIREMENTS HEREIN IN CASES OF EMERGENCY, SUCH AS FLOODS, STORMS AND OTHER WEATHER EVENTS, OR WHERE THE WELFARE OF PERSONS OR PROPERTY MAY BE JEOPARDIZED BY THEIR STRICT ENFORCEMENT, OR IN SUCH SITUATION AS THEY DETERMINE IS IN THE PUBLIC INTEREST.

B. IT SHALL BE UNLAWFUL FOR ANY PERSON OR PERSONS, FIRM OR CORPORATION TO USE OR PERMIT TO BE USED FOR BUSINESS AND NOT FOR

GOVERNMENTAL PURPOSES UPON ANY PUBLIC STREET, SIDEWALK, ALLEY OR WAY WITHIN THE CORPORATE LIMITS OF THE TOWN OF COLMAR MANOR ANY MECHANICAL DEVICE FOR MAGNIFYING THE HUMAN VOICE OR MUSIC OR OTHER SOUNDS.

SECTION 5-115 SEVERABILITY. IF ANY PHRASE, SENTENCE, PARAGRAPH, SUBSECTION OR SECTION OR ANY PART OF A SECTION HEREOF IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THIS HOLDING SHALL NOT AFFECT THE REMAINDER OF THIS DIVISION OR THE CONTEXT IN WHICH SUCH SECTION OR PART OF A SECTION SO HELD INVALID APPEARS. IT IS EXPRESSLY HEREBY STATED BY THE MAYOR AND TOWN OF COLMAR MANOR, MARYLAND, THAT IT IS THE DESIRE AND INTENTION OF THIS BODY THAT ALL PORTIONS OF THIS ORDINANCE BE AND THEY ARE SEVERABLE FROM EVERY OTHER PORTION.

SECTION 5-116 CIVIL RELIEF PROCEDURES.

INJUNCTION. IN ADDITION TO THE MUNICIPAL INFRACTION PENALTIES HEREIN DESCRIBED, IF ANY PERSON WILLFULLY VIOLATES ANY PROVISION HEREOF AND/OR COMMITS A NOISE DISTURBANCE AND/OR CAUSES OR ALLOWS NOISE AS HEREIN PROHIBITED, THE MAYOR AND TOWN COUNCIL OF COLMAR MANOR IN THEIR SOLE DETERMINATION AND JUDGEMENT MAY INSTITUTE AN ACTION FOR INJUNCTIVE RELIEF AGAINST SUCH PERSON TO PROHIBIT OR PREVENT SUCH VIOLATIONS. SHOULD THE TOWN PREVAIL IN ANY SUCH LEGAL ACTION AS PROVIDED HEREIN, IT SHALL BE ENTITLED TO REQUIRE THE RESPONDENTS IN SUCH ACTIONS TO PAY, JOINTLY AND SEVERALLY, ITS ATTORNEY FEES AND COURT COSTS.

SECTION 5-117 MEASUREMENT OF NOISE LEVELS.

IN THE EVENT OF A SOUND MEASUREMENT TO DETERMINE NOISE LEVELS BEING MADE, SUCH MEASUREMENT SHALL BE CONDUCTED AT POINTS ON THE PROPERTY LINE OF THE SOURCE.

SECTION 5-118 EXEMPTIONS.

A. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO DEVICES USED SOLELY FOR THE PURPOSE OF WARNING, PROTECTING OR ALERTING THE PUBLIC, OR SOME SEGMENT THEREOF, AUTHORIZED BY PROPER GOVERNMENTAL AUTHORITY OF THE EXISTENCE OF AN EMERGENCY SITUATION.

B. EXCEPT AS PROVIDED ELSEWHERE HEREIN, MOTOR VEHICLES ON PUBLIC ROADS SHALL NOT BE CONSTRUED TO INTERFERE WITH ANY OTHER

REGULATIONS OF SAID MOTOR VEHICLES UNDER OTHER COLMAR MANOR ORDINANCES, OR OTHER COUNTY STATE OR FEDERAL LAW OR REGULATIONS.

C. EMERGENCY UTILITY OPERATIONS.

E. SOUND EMANATING FROM MARKETS, CONTESTS, PARADES AND MUNICIPALLY SPONSORED PUBLIC EVENTS.

F. THE COLLECTION OF TRASH, GARBAGE AND RECYCLABLES.

SECTION 5-118 FREQUENCY OF VIOLATION, VIOLATION NOTICE.

THE CHIEF OF POLICE OR A PERSON AUTHORIZED BY THE CHIEF OF POLICE MAY, BUT SHALL NOT BE REQUIRED TO, ISSUE A NOTICE OF VIOLATION OF THE PROVISIONS HEREOF TO ANY PERSON BELIEVED TO BE IN VIOLATION HEREOF.

SECTION 5-119 PERSON TO BE CHARGED OR NOTIFIED.

IN THE EVENT THAT A PERSON OR BUSINESS ENTITY IS BELIEVED TO BE IN VIOLATION THEN A NOTICE OF VIOLATION OR VIOLATIONS AS THE CASE MAY BE, SHALL BE ISSUED TO ONE OR MORE OFFICERS, PROPRIETORS AND/OR PARTNERS OF SAID BUSINESS ENTITY AND THE PROPERTY OWNER WHERE THE VIOLATION OCCURS.

SECTION 5-120 MORE THAN ONE INSTANCE

A CITATION SHALL NOT BE GIVEN UNTIL MORE THAN ONE (1) COMPLAINT IS RECEIVED FOR THE SAME VIOLATION ON THE SAME PROPERTY DURING ANY 24-HOUR PERIOD.

SECTION 5-121 SPECIFIC LIMITATIONS.

A. ICE CREAM VENDORS, HAWKERS, CRIERS AND PEDDLERS ANNOUNCING PRODUCTS OR SERVICES BETWEEN 9:00 P.M. AND 8:00 A.M. DAILY AND IN EXCESS OF 55 DB(A) ARE HEREBY PROHIBITED

B. DOGS BARKING CONTINUOUSLY FOR A PERIOD OF THIRTY (30) MINUTES ARE HEREBY PROHIBITED.

C. THE OPERATION OF LAWN AND LANDSCAPE EQUIPMENT BETWEEN 8:00 P.M. DAILY AND 8:00 A.M. DAILY LEES THAN THIRTY (30) FEET FROM THE

PROPERTY LINE IS HEREBY PROHIBITED, EXCEPT FOR SIDE YARD DISTANCES.

Section 5-122 ENFORCEMENT AND PENALTIES.

A. ANY PERSON, PERSONS, OR GROUP OF PERSONS WHO SHALL VIOLATE THESE PROVISIONS SHALL, UPON CONVICTION THEREOF, BE DEEMED GUILTY OF A MUNICIPAL INFRACTION AND SUBJECT TO A FINE OF \$100.00. EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE. WITH EACH NEW OFFENSE, THE FINE SHALL INCREASE BY \$100.00 TO A MAXIMUM OF \$500.00

B. ANY BUSINESS ENTITIES, LIMITED LIABILITY COMPANY, CORPORATION OR PARTNERSHIP WHICH SHALL VIOLATE THESE PROVISIONS SHALL, UPON CONVICTION THEREOF, BE DEEMED GUILTY OF A MUNICIPAL INFRACTION AND SUBJECT TO A FINE OF \$250.00. EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE. WITH EACH NEW OFFENSE THE FINE SHALL INCREASE BY \$100.00 TO A MAXIMUM OF \$1,000.00.-THE COMMISSION OF SUCH VIOLATION BY ANY BUSINESS ENTITY, LIMITED LIABILITY COMPANY, CORPORATION OR PARTNERSHIP SHALL BE CONSTRUED, INsofar AS IS LEGALLY PERMISSIBLE, AS THE COMMISSION OF SUCH OFFENSES BY ANY AND ALL OFFICERS AND/OR PARTNERS OF SUCH BUSINESS ENTITY, CORPORATION OR MEMBERS OF SAID LIMITED LIABILITY COMPANY OR PARTNERSHIP AND THE PROPERTY OWNER WHERE SUCH VIOLATION OCCURS.

C. THE POLICE CHIEF, CODE-ENFORCEMENT OFFICER OR ANY POLICE OFFICER MAY ISSUE A CIVIL CITATION FOR ANY VIOLATION OF THIS SECTION, AS SET FORTH IN SECTIONS A AND B ABOVE, NOT EXCEEDING \$500.00 FOR A FIRST OFFENSE, AND \$1,000.00 FOR EACH SUBSEQUENT OFFENSE.

SECTION 5-123 CIVIL CITATION TO OWNER OR LANDLORD.

(A) THE CHIEF OF POLICE, POLICE OFFICER, ENFORCEMENT OFFICER, OR A DESIGNEE MAY ISSUE A CIVIL CITATION TO THE OWNER OR LANDLORD OF THE BUILDING OR PREMISES FROM WHICH THE NOISE DISTURBANCE EMANATES, IF MORE THAN THREE CIVIL CITATIONS HAVE BEEN FILED AGAINST AN OCCUPANT, AT ONE ADDRESS, WITHIN A 60-DAY PERIOD.

(B) THE CHIEF OF POLICE, POLICE OFFICER, ENFORCEMENT OFFICER, OR A DESIGNEE MAY ISSUE ADDITIONAL CIVIL CITATIONS FOR EACH

SUBSEQUENT VIOLATION WITHIN 6 MONTHS AFTER THE INITIAL CITATION OF THE OWNER OR LANDLORD.

(C) BEFORE ISSUING A CITATION, THE CHIEF OF POLICE, ENFORCEMENT OFFICER, POLICE OFFICER OR A DESIGNEE SHALL SEND BY CERTIFIED MAIL OR DELIVER WRITTEN NOTICE TO THE OWNER OR LANDLORD THAT TWO CITATIONS HAVE BEEN FILED WITHIN A 60-DAY PERIOD.

This Ordinance shall take effect on the 30th day after its adoption.

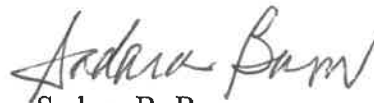
Introduced on the 13th day of April 2021.


Adopted on the 8th day of June 2021.


ATTEST:

MAYOR AND TOWN COUNCIL
OF COLMAR MANOR,
MARYLAND


Daniel R. Baden
Clerk-Treasurer


Sadara B. Barrow
Mayor


Maliek Harding
Councilmember, Ward I


Irina Hobbs
Councilmember Ward 2



Douglas Bowles
Councilmember Ward 3



Melinda Mendoza
Councilmember Ward 4

I certify that the following motion was made at the meeting of the Mayor and Town Council of Colmar Manor held on 6/8, 2021.

Motion: Councilmember Harding moved that the Mayor and Town Council unanimously adopt Ordinance O-5-2021, an Ordinance providing for noise levels and the measurement and times thereof and prohibiting and providing penalties for the violation thereof within the Town of Colmar Manor.

Second: Councilmember Hobbs

VOTE: 5-0



Daniel R. Baden