

Chapter 88

NOISE

[HISTORY: Adopted by the Town Council of Centreville as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Authority to control noise -- See Charter Section 301(b) (38).

ARTICLE I

Sound-Producing Devices

[Adopted 9-16-1993 by Ord. No. 847]

~ 88-1. Nighttime operation restricted.

It is unlawful for any person or persons between the hours of 11:30 p.m. and 7:00 a.m. to play, use, operate or permit to be played, used, or operated, any radio, musical instrument, phonograph, or other machine or device for the producing of sound:

A. If the noise source is located in or upon a public street, highway, building, sidewalk, park, thoroughfare, or other public area, or is located in or upon a public access area, such as a shopping mall or parking lot, or on any private property, and the sound can be heard more than 50 feet from its source; or

B. If the noise is in a building or other structure and the sound can be heard more than 50 feet away from the business or structure or the boundaries of the property surrounding such building or structure, whichever is greater.

~ 88-2. Evidence of violation.

It shall be prima facie evidence of a violation of this section if the sound can be heard outside the limits described.

A. Where the noise source is located in a building or other structure, the owner, occupant, resident, manager, or other person in charge of the premises shall, if present, be presumed to have permitted the noise in the absence of evidence to the contrary.

B. Where portable noise-producing devices, such as radios, tape machines, etc., are present in, or being transported through, a public area, street, etc., the person or persons in possession of the device shall be presumed to have permitted the noise in absence of evidence to the contrary.

~ 88-3. Warning; issuance of citation.

A police officer may, if he has probable cause to believe a prima facie violation of this article is being committed in his presence, view, or hearing, warn the apparent perpetrator or perpetrators to cease such noise as violates this section. If the violation persists after such warning, the officer may issue a citation as hereafter provided.

~ 88-4. Permit for temporary exemption.

A permit for a temporary exemption from the provisions of ~ 88-1 and 88-2 of this article may be issued by the Town Council of Centreville, Maryland, or its designated officials for commercial, political, civic, charitable or other community activities, including, but not limited to, fund-raisers, carnivals, bazaars, meetings and other activities of other than a day-to-day nature.

~ 88-5. Application for permit.

Each application for the permit for a temporary exemption shall be address to the Town Council of Centreville, shall be accompanied by a fee as set by resolution of the Town Council and shall set forth the following:

A. The date and the hours between which such noise is to be made.

B. The nature of the mechanical device to be employed for such purpose.

C. The person or persons to be in charge of the operation thereof.

~ 88-6. Rejection of application.

The application shall be rejected by the Town Council if there is a good and sufficient reason within the meaning and purpose of this article for rejecting the application.

~ 88-7. Violations and penalties.

Any violation of this article shall constitute a municipal infraction, and said person or persons violating this article shall be subject to a fine of not more than \$1,000, provided that a citation for the infraction is served upon the said person or persons in a manner prescribed by ~ 3 of Article 23A of the Annotated Code of Maryland. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$1,000 for each repeat offense, and each day a violation continues shall constitute a separate offense.