

**CITY OF BALTIMORE
COUNCIL BILL 11-0707
(First Reader)**

Introduced by: Councilmembers Cole, Middleton, Kraft, Branch, Holton, Henry, Welch, Clarke,
Spector, Reisinger, Curran

Introduced and read first time: May 23, 2011

Assigned to: Health Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Police Department,
Environmental Control Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Noise Regulations – Entertainment and Commercial Noise**

3 FOR the purpose of prohibiting certain noise or other sounds that can be heard within any part of
4 a dwelling, including a multiple-family dwelling, hotel, motel, boarding house, apartment
5 hotel, apartment building, rooming house, or other place of lodging, located more than 50
6 feet from the property or vehicle in which the source of the sound is located.

7 BY repealing and reordaining, without amendments

8 Article - Health

9 Section(s) 9-306 and 9-308

10 Baltimore City Revised Code

11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article - Health

14 Section(s) 9-312

15 Baltimore City Revised Code

16 (Edition 2000)

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
18 Laws of Baltimore City read as follows:

19 **Baltimore City Revised Code**

20 **Article – Health**

21 **Title 9. Noise Regulation**

22 ***Subtitle 3. Entertainment and Commercial Noise***

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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Part II. Entertainment Noise

§ 9-306. Prohibited conduct — in general.

Except as authorized under § 9-303 {“Temporary exemptions”} of this subtitle, no person may play, operate, or permit to be played or operated any radio, musical instrument, phonograph, tape- or compact disc-player, or other device for the production or reproduction of sound if:

(1) that sound is used or intended for entertainment; and

(2) either:

(i) the device is in a building or other structure or in a vehicle, and the sound can be heard more than 50 feet away from the building, structure, or vehicle or, if further, 50 feet from the boundaries of the property surrounding the building or structure;

(ii) the device is in or on a public street, building, park, or other public area, in or on a public access area, such as a shopping mall, parking lot, etc., or on any private property and the sound can be heard more than 50 feet from its source; or

(iii) the device is being played between 10 p.m. and 8 a.m. in or on a public street, unless the person is participating in a school band or a licensed parade or has otherwise been authorized to play the device.

§ 9-308. Presumptions.

(a) *Devices indoors.*

If the device is located in a building or other structure or in a vehicle, the owner, occupant, resident, manager, operator, or other person in charge of the premises or vehicle, if present, is presumed to be responsible in the absence of evidence to the contrary.

(b) *Devices outdoors.*

If the device is outdoors, the person possessing it is presumed to be responsible in the absence of evidence to the contrary.

Part III. Commercial Noise

§ 9-312. Loudspeakers, etc.

(a) *In general.*

No commercial enterprise may broadcast over a loudspeaker or other device so that the sound:

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1 (1) can be heard more than 100 feet from the boundaries of the building or property
2 where the device is located or, if the device is in a vehicle, more than 100 feet
3 from that vehicle; OR

4 (2) CAN BE HEARD WITHIN ANY PART OF A DWELLING, INCLUDING A MULTIPLE-FAMILY
5 DWELLING, HOTEL, MOTEL, BOARDING HOUSE, APARTMENT HOTEL, APARTMENT
6 BUILDING, ROOMING HOUSE, OR OTHER PLACE OF LODGING, THAT IS LOCATED
7 MORE THAN 50 FEET FROM THE BOUNDARIES OF THE BUILDING OR PROPERTY
8 WHERE THE DEVICE IS LOCATED OR, IF THE DEVICE IS IN A VEHICLE, MORE THAN 50
9 FEET FROM THAT VEHICLE.

10 (b) *Presumption.*

11 The owner, manager, operator, or other person in charge of the building, premises, or
12 vehicle from which the sound emanates is presumed to be responsible in the absence of
13 evidence to the contrary.

14 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
15 are not law and may not be considered to have been enacted as a part of this or any prior
16 Ordinance.

17 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
18 after the date it is enacted.