

**COMMISSIONERS OF OXFORD**

**Ordinance No. 1706**

**Introduced by: Gordon Fronk**

**Date: July 11, 2017**

**AN ORDINANCE OF THE TOWN OF OXFORD TO REPEAL AND  
REPLACE CHAPTER 4, ARTICLE IV OF THE TOWN CODE TITLED  
“NOISE”**

Introduced, read first time, ordered posted, and public hearing scheduled on August 8, 2017 at 6:00 p.m. at the Oxford Town Meeting Room, Market Street, Oxford, Maryland 21654.

By Order \_\_\_\_\_  
Town Clerk

I hereby certify that the foregoing Ordinance Number 1706 of the Town of Oxford was duly read, advertised, and enacted in accordance with the applicable provisions of the Charter of the Town of Oxford on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Attest: \_\_\_\_\_  
Cheryl Lewis, Clerk/Treasurer  
Town of Oxford

**COMMISSIONERS OF OXFORD**

**ORDINANCE NUMBER 1706**

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**AN ORDINANCE OF THE TOWN OF OXFORD TO REPEAL AND REPLACE CHAPTER 4, ARTICLE IV OF THE TOWN CODE TITLED “NOISE”**

WHEREAS, the Town of Oxford is authorized by the Maryland Code Ann. Local Government Article § 5-202 to adopt such ordinances not contrary to the Constitution of Maryland, public general law, or public local law as it deems necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

*WHEREAS, Md. Code Ann. Environment Article § 3-401 authorizes the Town of Oxford to adopt environmental noise standards consistent with the standards set forth in Section 3-401, as well as the regulations set forth in COMAR 26.02.03.02; and*

WHEREAS, the Commissioners have determined that it is desirable and in the public interest to repeal and replace Chapter 4, Article IV of the Oxford Town Code, titled “Noise”, as set forth in this Ordinance, *to establish environmental noise standards to protect the public health, general welfare and property.*

NOW, THEREFORE, the Commissioners of Oxford hereby ordain as follows:

**Section 1.** The Oxford Town Code, Chapter 4, Article IV is hereby repealed and re-enacted as follows:

**ARTICLE IV. NOISE**

**Section 4.13 Definitions and word usage.**

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

**dB<sub>A</sub>** - The abbreviation for the sound level in decibels by the A-weighting network of a sound level meter or by calculation from octave band or one-third octave band.

**Decibel (dB)** - A unit of measure equal to 10 times the logarithm to the base 10 of the ratio of the square of the sound pressure to the square of a standard reference pressure. For the purpose of this chapter, 20 micro-pascals shall be the standard reference pressure.

**Noise** - The intensity, frequency, duration, and character of sound, including sound and vibration of subaudible frequencies.

**Vibration** - *Any oscillatory motion of solid bodies.*

**Section 4.14 Loud or unnecessary noise prohibited.**

It shall be unlawful for any person or persons to make, continue or cause to be made or continued any loud, unnecessary or unnatural noise or any noise which endangers the health, safety or welfare of the community or which disturbs, injures or endangers the comfort, rest, health, peace or safety of others within the Town of Oxford.

**Section 4.15 Maximum allowable noise levels.**

A. Unless otherwise exempt pursuant to Section 4.18, no person shall cause sound to be produced, reproduced, or amplified to a level that exceeds the limits set forth below.

**Maximum Allowable Noise Level (dBA)**

Day	<del>70</del> 65
Night	<del>65</del> 55

B. In subsection A above, “Day” means 7:00 a.m. to 10:00 p.m.; “Night” means 10:00 p.m. to 7:00 a.m. Measurements to determine compliance with the limits in subsection A shall:

1. Employ equipment and techniques recommended by the Maryland Department of the Environment.
2. Employ sound level meters set to the A-weighting network for all measurements.
3. Be taken on the property line of the receiving property.

**Section 4.16 Prohibited acts enumerated.**

The following acts, among others, are declared to be loud, unnecessary, disturbing and a danger to the health, safety and welfare of the community and its people, in violation of Section 4.14, but the enumeration shall not be deemed to be exclusive:

A. Using, operating or permitting to be played any musical instruments or other musical devices (including, but not limited to live music or performances), or any radio, television, computer, sound amplifier, or any other machine or device for the producing or

reproducing of sound, in such a manner as to disturb the peace, quiet and comfort of any person or persons in the vicinity, which exceeds the levels set forth in Section 4.15.

~~B. On any commercial property located within the Town limits, causing or permitting an audio speaker to be located outside of a fully enclosed structure, or located in any structure that is not fully enclosed or located so that it is exposed directly to the outdoors unless an annual permit has been issued by the Town as set forth in Section 4.17 herein;~~

**B. *The causing or permitting, 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 or within the property line of the receiving property when vibration determinations are made.***

C. The keeping of any dog, bird or other animal causing frequent or long-continued noise shall disturb the comfort or response of any person or persons in the vicinity.

D. The use of any chain saw, tractor, machinery, automobile, motorcycle, truck, or vehicle so out of repair or loaded or operated in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise between 7:00 p.m. and 7:00 a.m. Monday through Friday, and from 4:00 p.m. and 8:00 a.m. on Saturday and Sunday.

#### **4.17 Permits for outdoor music at commercial establishments.**

A. Any commercial property which desires to permit or provide outdoor music ~~accessory to a business, and whose primary use is the offering of food and beverages to the general public~~ **as an accessory to a business**, may apply for a permit from the Town Office to permit such music, subject to the following conditions:

1. The permit shall be requested annually.
2. The purpose of the music is for the pleasure of the customers of the primary structure. ~~in their outdoor dining area.~~
3. The music shall stop by 9:00 p.m. on Sunday through Thursday and 10:00 p.m. on Friday and Saturday.
4. Maximum dBA levels as set forth in Section 4.15 shall be in effect.
5. The issuance of three citations within any calendar year shall result in the nullification of the permit with no reissuance thereof for a period of six months. Additionally, multiple written notices of violations and the issuance of multiple citations may result in the denial of future permits.
6. All written warnings and citations shall be issued to the permit holder with notification of such violation to the property owner. Fines associated with the foregoing violations must be paid in full prior to the reissuance of a new permit.

#### **Section 4.18 Exemptions.**

Each of the following activities is hereby exempt from the prohibitions of this chapter to the extent noted below:

- A. Sound produced by the operation or testing of authorized emergency equipment.
- B. Sound produced by the operation of tools and machinery, or the loading or unloading of supplies, used in construction, drilling, repair, alteration, renovation, maintenance, dredging, pile driving, or demolition during normal daytime business hours, or such similar activities as may be required during other times under emergency conditions may not exceed 90 decibels A-weighted. For the purposes of this Subsection B, normal daytime business hours are Monday through Friday 7:00 a.m. to 7:00 p.m. and from 8 a.m. until 4:00 p.m. on Saturday, excluding federal holidays. For homeowners working on their own property (but not for commercial contractors), the Saturday hours apply also to Sundays and federal holidays.
- C. The use and maintenance of lawn maintenance equipment by the property owner, where such use and maintenance is in accordance with the manufacturer's specification. This exemption applies only from 7:00 a.m. until dusk Monday through Friday, and from 8:00 a.m. to dusk on Saturday and Sunday. The same exceptions apply to commercial lawn care contractors, except that the use of lawn maintenance equipment by a commercial lawn care contractor is prohibited on Sundays and federal holidays.
- D. Motor vehicles on public roads and boats on waters.
- E. Air-conditioning and heat-pump equipment used to cool or heat housing on residential property may not exceed 70 decibels for air-conditioning units and 75 decibels for heat pumps.
- F. Agricultural field machinery when used in and maintained in accordance with manufacturer's specifications.
- G. Sound not electronically amplified created by sporting, amusement, and entertainment events and other public gathering operating according to the laws of Oxford is excepted. This exception includes but is not limited to athletic contests, carnivals, parades and public celebrations.
- H. The Commissioners of Oxford may, in their sole discretion, as a part of an event open to the public, allow the use of audio speakers out-of-doors, or live outdoor music, pursuant to a permit issued by the Town, for such an event.
- I. Church bells.

*J. The operation, work and work in progress of marinas, boatyards and marine repair and fabrication facilities conducted during normal daytime business hours as defined in Subsection B. hereof.*

**Section 4.19 Violations and penalties.**

A violation of this Chapter 4, Article IV shall constitute a municipal infraction pursuant to Section 1.10.B of the Town Code. Any person who shall, after receiving a written warning from a sworn police officer, or the Town Administrator, or other Town designee, for the violation of this chapter, be in violation of the same provision of this chapter shall be guilty of a municipal infraction and shall be subject to a fine of \$200 for the first violation, a fine of \$300 for the second violation, and a fine of \$500 for a third violation and any successive violation, in any given calendar year, for the violation of this chapter. Each act of violation of this chapter shall constitute a separate offense. An action under this section shall be in addition to, and shall not prohibit, an action for nuisance, declaratory judgment and/or injunctive relief arising out of the same violation. Failure to pay the fines in full may result in the denial of future permits.

~~**Section 2.** This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.~~

**Section 2 3:** This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect twenty (20) days from and after the date of its final passage and adoption.

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

COMMISSIONERS OF OXFORD:

\_\_\_\_\_  
Carole Abruzzese, President

\_\_\_\_\_  
Gordon Graves, Commissioner

\_\_\_\_\_  
Gordon Fronk, Commissioner

I hereby certify that the foregoing Ordinance Number 1706 of the Town of Oxford was duly read, advertised, and enacted with the applicable provisions of the Charter of the Town of Oxford on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

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Cheryl Lewis  
Clerk-Treasurer

Language in ***bold and italicized*** reflects language added by amendment (8.8.17)  
Language ~~stricken~~ reflects language to be deleted by amendment (8.8.17)