

## Chapter 20 NOISE CONTROL\*

-----  
\*Cross reference(s)--Swimming pools not to cause unnecessary noise, § 8-25; noise for advertising purposes prohibited,  
§ 19-9.  
-----

§ 20-1. Adoption of County law.

§ 20-2. Sections added.

§ 20-3. Sections amended.

§ 20-4. Regulations.

§ 20-5. Authorization to administer and enforce.

§ 20-6. Other ordinances.

### Sec. 20-1. Adoption of County law.

Chapter 31B of the Montgomery County Code (1972), as amended, entitled "Noise Control," is hereby adopted, incorporated by reference and enacted as the noise control code of the Village, with the additions and amendments as set forth in this Chapter.

### Sec. 20-2. Sections added.

The following sections shall apply in the village in addition to the provisions of Chapter 31B of the Montgomery County Code:

- (a) *Definition.* The clause: "which injures or endangers the serenity, comfort or repose of others," shall be construed reasonably. The application of such rule of reason shall take into account all relevant factors, including but not limited to the following:
  - (1) The circumstances and occasion under which the noise is created.
  - (2) The duration and nature of the noise.
  - (3) Whether the noise constitutes a special hazard or nuisance to others because of age, physical condition or special infirmity.
  
- (b) *Special noise limits.* It shall be unlawful for any person to engage in, or permit another to engage in, the following conduct:
  - (1) Sound a horn or other signaling device on any motor vehicle except as an emergency or danger warning signal.
  - (2) Except in an emergency, operation of power landscaping equipment such as a lawn mower, leaf blower or other similar motorized equipment or device after 6:00 p.m. or before 8:00 a.m. on weekdays and after 6:00 p.m. or before 9:00 a.m. on weekends and legal holidays.

- (3) Operate a radio, phonograph, television, loud speaker or other noise producing equipment or device in a manner which injures or endangers the serenity, comfort or repose of others particularly between the hours of 10:00 p.m. on weekdays or 12:00 midnight on Fridays, Saturdays and nights before holidays, and 8:00 a.m.
- (4) Permit a musical instrument or instruments to be played on one's property in a manner which injures or endangers the serenity, comfort or repose of others between the hours of 10:00 p.m. on weekdays or 12:00 midnight on Fridays, Saturdays, or nights before holidays, and 8:00 a.m.
- (5) Permit one's animal to cause noise, which injures or endangers the serenity, comfort or repose of others.

(c) *Municipal infraction.* Any person who violates any of the provisions of section 20-2(b) shall be guilty of a municipal infraction and shall be subject to such prosecution and penalties as are provided in Chapters 5 and 6 of the Village Code.

(No. 01-01-03, 1-13-03; No. 12-01-10, 12-13-10)

**Cross reference(s)**--Fine for violation of § 20-2(b), § 6-3(c).

**Sec. 20-3. Sections amended.**

The provisions of Chapter 31B of the Montgomery County Code (1972), as amended, for the purpose of and as incorporated in this Chapter, are hereby amended as follows:

- (a) All provisions contained in section 31B-11 of the Montgomery County Code (1972), as amended, are for the purposes of this ordinance deleted in their entirety.

**Sec. 20-4. Regulations.**

(a) All regulations now adopted by the County Council and/or by the County Executive for Montgomery County pursuant to the authority contained in Chapter 31B of the Montgomery County Code (1972), as amended, are hereby incorporated by reference and shall be deemed to be in effect within the incorporated limits of the Village.

(b) All regulations or amendments to regulations hereafter adopted pursuant to the authority contained in Chapter 31B of the Montgomery County Code (1972), as amended, as adopted by this Chapter, shall become effective within the Village upon the effective date thereof unless an ordinance shall be adopted by the Board of Managers of the Village disapproving such regulations.

**Sec. 20-5. Authorization to administer and enforce.**

The County is hereby requested and authorized to administer and enforce the noise control code of the Village within the incorporated limits of the village as fully and to the same extent as the County noise control code is administered and enforced in the County.

**Sec. 20-6. Other ordinances.**

Nothing herein contained shall in any way be construed as exempting compliance with any other applicable ordinance of the Village now or hereafter enacted.

**RESERVED**

**RESERVED**

**RESERVED**

**RESERVED**

**RESERVED**