



**CHEVY CHASE
VILLAGE
POLICE
DEPARTMENT**

Police Chief: John M. Fitzgerald

GENERAL ORDER: 5-46.1 NOISE CONTROL

DATE: 12/7/2018 Pages: 3 ◇ New ◆ Amended

DISTRIBUTION: All Personnel

I. POLICY

The noise control law in Chevy Chase Village is a combination of the Montgomery County noise ordinance (Chapter 31B of the County Code) and the Village's own ordinance (Chapter 20, Noise Control).

Due to the negative impact that noise disturbances have on residents' ability to enjoy peace and quiet, it is the policy of the Department that officers shall proactively address suspected noise violations whenever they observe them (EXCEPTION: during power outages, we will enforce generator noise violations upon receiving a complaint). The goal is compliance, so officers shall inform the violator of the law, request immediate compliance, and issue a warning. Officers should cite violators if they refuse to comply or if the officer has information (from CODY or any other source) that the violator has been previously warned for the same offense.

II. DEFINITIONS

A. Daytime means 7 a.m. to 9 p.m. on weekdays, 9 a.m. to 9 p.m. on weekends and holidays.

B. Nighttime means 9 p.m. to 7 a.m. on weekdays, and 9p.m. to 9 a.m. on weekends and holidays.

C. Noise means sound, created or controlled by human activity, from one or more sources, heard by an individual.

D. Noise disturbance means any noise that is:

1. Unpleasant, annoying, offensive, loud, or obnoxious; or
2. Unusual for the time of day or location where it is produced or heard; or
3. Detrimental to the health, comfort, 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.

(only 1 of the above criteria must be met for a noise to be deemed a noise disturbance)

E. SLM means our sound level meter that we use to measure noise.

III. KEY NOISE REGULATIONS UNDER COUNTY CODE

A. Maximum noise limit for most noise sources—31B-5 (measurements must be taken from a complainant's property line closest to the noise source):

- 1. 65 decibels (dBA) during daytime hours** (7 a.m. to 9 p.m. on weekdays, 9 a.m. to 9 p.m. on weekends and holidays) and **55 dBA during nighttime hours.**
2. These limits apply to generators at all times; there is no exception based upon weather or other circumstances.
3. **Violations** are charged via civil citation by using county code **Section 31B-5**. The fine is \$500 for a first offense and \$750 for a subsequent offense (Class A). Each day a violation continues is a separate offense, so fines can accrue daily.

| Maximum Allowable Noise Levels (dBA) for Receiving Noise Areas | | |
|---|---------|-----------|
| | Daytime | Nighttime |
| Non-residential area | 67 | 62 |
| Residential area | 65 | 55 |

B. Maximum noise limits for leafblowers—31B-9 (under Village Code, use of a leafblower is prohibited before 8am and after 6pm on weekdays, and before 9am and after 6pm on weekends or holidays):

- 1. 70 dBA measured at a distance of 50 feet.**
2. **Violations** are charged via civil citation under County Code **Section 31B-9**. The fine is \$500 for a first offense and \$750 for a subsequent offense (Class A). Each day a violation continues is a separate offense, so fines can accrue daily.
3. Consider advising the violator to use the leafblower at partial throttle to reduce noise, and to avoid using more than one leafblower at a time.

C. Maximum noise limits for **construction noise—31B-6** (under Village Code, construction noise is prohibited before 8am and after 6pm on weekdays, and before 9am and after 6pm on weekends or holidays):

1. Noise measurements must be taken from a **complainant’s property line** at a distance of **50 feet or greater**
2. **Weekday maximums: 75 dBA** without a county-approved noise suppression plan and **85 dBA** with a county-approved noise suppression plan 8a-5p; **65 dBA** from 5p-6p on weekdays.
3. **Weekend/holiday maximums: 65 dBA** 9a-6p (construction noise is prohibited at other times)
4. **Violations** are charged via civil citation using county code **Section 31B-6**. The fine is \$500 for a first offense and \$750 for a subsequent offense (Class A). Each day a violation continues is a separate offense, so fines can accrue daily.

IV. 3 ENFORCEMENT PATHWAYS (noise disturbances under county code; exceeding decibel limits under county code; violations of Village noise ordinance)

A. Noise disturbance under the county code (no SLM measurement required)

1. Section 31B-5 (b) of the county code prohibits a person from causing or permitting a noise that creates a noise disturbance (see above definition).
2. Officers shall use their reasonable judgment to determine if a noise meets any one of the three criteria to be deemed a noise disturbance.
3. Officers may issue a civil citation if they personally witness the violation, or if they receive complaints from at least 2 witnesses of the noise disturbance who are willing to testify in court at trial.

B. Violation of maximum noise limits under the county code (measure with SLM)

Officers will:

1. Get the SLM from the station, then respond to the complainant’s location and meet with the complainant.
2. Explain the noise measurement procedure and the noise law to the complainant, then obtain the complainant’s permission to enter the complainant’s yard to conduct the sound measurement.
3. Utilize the SLM to measure the sound in accord with the training and the instruction sheet in the SLM’s carrying case (power on, calibrate,

capture sound for 10 seconds, scroll to the “Max” screen). DO NOT TURN THE SLM OFF; LEAVE IT ON SO THAT YOU CAN SHOW THE READING TO THE PERSON CAUSING THE NOISE.

4. Display the reading on the ‘Max’ screen and show it to the complainant. Remember, per County regulations, we must allow a **2.5 dBA grace** to account for all possible inaccuracies. **This means that a residential nighttime violation requires a reading of at least 57.5 dBA, and a residential daytime violation requires a reading of at least 67.5 dBA.**
5. **No violation:** If the noise is NOT a violation, explain that fact to the complainant and take no further police action. Document the call in CODY as usual.
6. **Violation:** If the noise is a violation, explain to the complainant that you will be making contact with the person causing the noise disturbance and you will instruct that person to cease the noise.

- **Make contact with the violator** and inform them that we received a complaint and that according to our sound meter, the noise that they are making is a violation of the county noise law.
- **Explain the noise limits** (55 dBA nights/65 dBA days) **and explain that a violation is \$500 and \$750 for a subsequent offense, but our goal is not to fine but to seek compliance.**
- **Offer to display** the SLM ‘Max’ reading to the violator.
- **Explain to the violator that they must immediately stop making the noise.**
- **Provide a ‘Noise Law’ handout to the violator** (copies should be in the SLM case).

C. Enforcement of Village Code noise prohibitions (construction and power landscaping equipment noise)

Construction noise and the use of power landscaping equipment is prohibited by Section 20-2 of the Village Code from 6p-8a weekdays and from 6p-9a weekends and holidays. These violations generate a significant number of complaints from residents, and officers shall pay particular attention to these violations while on patrol.

1. Patrol Officers’ Responsibilities

- a. Obtain identifying information and check**

CODY history. Whenever you develop probable cause to believe that a noise violation has occurred, get identifying information (names, DOB's, addresses, phone numbers) for the company AND individual workers involved in the violation, and have the dispatcher check CODY to see if they've been warned previously.

b. Issue warnings for first offenses. If they have NOT been warned before, issue warnings to the workers and the company, and include all information for the company and the individuals in the report so that we can enter them into CODY.

c. Issue citations for second/subsequent offenses. If they have been warned previously, issue a civil citation for the violation of the Village noise ordinance (Sec. 20-2(a), special noise limit; \$100.00).

d. Write a thorough report. Include in your narrative:

- All identifying information for the workers and company;
- That CODY was checked;
- That a warning or citation was issued; and
- That the complainant (if any) was contacted and by whom.

2. Dispatchers' Responsibilities:

a. Check the CODY database as soon as you receive sufficient identifying info from the officer—even if the officer does not ask you to check.

b. If the officer has not provided you with sufficient information to check the CODY database, tell the officer that over the radio.

c. Regardless of what you learn from your CODY search, inform the officer promptly.

V. RESPONDING TO GENERATOR COMPLAINTS

- A. The sound limits *described in this directive* apply to both fixed and portable generators at all times; there is no exception based upon weather or other circumstances.
- B. During power outages, we will respond and investigate noise created by generators when we receive a complaint; we will not search for generators that are in violation of the noise ordinance.
- C. If an officer identifies a generator that is in violation of the noise limits, the officer shall seek compliance by courteously explaining the law to the generator owner, displaying the sound level meter (SLM) reading to them, and instructing them to turn off the

generator until the owner can bring the generator into compliance.

D. Explain the noise limits (55 dBA nights/65 dBA days) and explain that a violation is \$500, but our goal is not to fine but to seek compliance.

- **Offer to display** the SLM 'Max' reading to the violator.
- **Explain to the violator that they must immediately stop making the noise.**
- **Provide a 'Noise Law' handout to the violator** (copies should be in the SLM case).

E. Officers shall charge via civil citation only if the homeowner refuses to comply.

F. Violations are charged via civil citation by using county code **Section 31B-5**. The fine is \$500 for a first offense and \$750 for a subsequent offense. Each day a violation continues is a separate offense, so fines can accrue daily.

G. Procedure for dealing with generators that are used to power medical equipment/devices in the home.

1. When an officer determines that a generator which violates the noise law is being used to power necessary medical equipment/devices in the home, the officer shall inform the resident/owner of the violation and of the requirements of the noise law.

2. Officers shall not direct the resident/owner to turn off the generator and, unless directed to do so by the Chief, will not issue a citation at that time.

3. Officers shall document the event fully in an event report. The Police Department and/or Code Enforcement will contact the resident/owner to make sure they understand the law and to ensure that they bring the generator into compliance.

4. If, after a being given notice of the law and a reasonable opportunity to correct the situation, the resident/owner fails or refuses to correct it, the Chief may direct officers to issue a citation to the violator for future violations.

This directive voids the previous version dated 8/15/2012.