

TITLE 9
NOISE REGULATION

SUBTITLE 1
DEFINITIONS; GENERAL PROVISIONS

§ 9-101. Definitions.

(a) *In general.*

In this title, the following terms have the meanings indicated.
(*Ord. 99-548.*)

(b) *Impulse sound.*

“Impulse sound” means a short burst of acoustical energy such as that produced by weapons fire, a punch press, or a drop hammer. A pressure time history of a single impulse includes a rapid rise to a maximum peak pressure followed by a somewhat slower decay, both occurring within 1 second.

(*City Code, 1976/83, art. 11, §230(g)(1).*) (*Ord. 99-548.*)

(c) *Motor vehicle.*

“Motor vehicle” has the meaning stated in § 11-135 of the State Transportation Article {“Maryland Vehicle Law”}.

(*City Code, 1976/83, art. 11, §230(c).*) (*Ord. 99-548.*)

(d) *Noise.*

“Noise” means any steady-state or impulse sound that occurs on either a continuous or intermittent basis.

(*City Code, 1976/83, art. 11, §230(f).*) (*Ord. 99-548.*)

(e) *Peak pressure.*

“Peak pressure” is the sound level in decibels of an impulse sound measured with sound instrumentation that uses the flat response or linear scale.

(*City Code, 1976/83, art. 11, §230(e).*) (*Ord. 99-548.*)

(f) *Steady-state sound.*

“Steady-state sound” means a periodic or random variation, with a duration of more than 1 second, in atmospheric pressure at audible frequencies.

(*City Code, 1976/83, art. 11, §230(g)(2).*) (*Ord. 99-548.*)

§ 9-102. Construction of title.**(a) Liberal construction.**

This title is to be liberally construed to effectuate its purposes.

(b) Conflict with federal or state law.

This title is not to be construed to permit anything that is prohibited by any other federal, state, or local law or regulation.

(City Code, 1976/83, art. 11, §230(g)(2).) (Ord. 99-548.)

§ 9-103. Exemptions.**(a) In general.**

This title does not apply to any of the following:

- (1) motor vehicles, aircraft, or other equipment used in an emergency by any government agency or by any public service company, as defined in State Code Article 78; or
- (2) warning devices necessary for public safety, such as train horns and police, fire, and ambulance sirens.

(b) Qualified exemptions.

This title does not apply to the following, except as specifically stated in this title or where standards are set by the Commissioner's rules or regulations:

- (1) motor vehicles; or
- (2) the construction, repair, or demolition of a structure or street.

(City Code, 1976/83, art. 11, §231.) (Ord. 99-548.)

§ 9-104. Rules and regulations.**(a) Commissioner may adopt.**

The rules and regulations that the Commissioner adopts under § 2-106 of this article may include provisions that set:

- (1) standards and procedures for measuring noise;
- (2) noise standards for motor vehicle operation;
- (3) noise standards for the construction, repair, or demolition of structures or streets;

- (4) standards, limitations, and procedures for obtaining a temporary exemption authorized by Subtitle 2 {"Basic Sound Level Standards"} or Subtitle 3 {"Entertainment and Commercial Noise"} of this title; and
- (5) other noise standards that the Commissioner considers necessary and appropriate for the protection of the public.

(b) *Public hearing.*

- (1) Before adopting any rules or regulations under this section, the Commissioner must hold a public hearing at which all interested persons are given an opportunity to testify on any proposed standard and to submit alternative proposals for the Commissioner's consideration.
- (2) Notice of the hearing must be published in a newspaper of general circulation in Baltimore City, at least once a week for the 2 successive weeks immediately before the hearing.
(City Code, 1976/83, art. 11, §232(d).) (Ord. 99-548.)

SUBTITLE 2
BASIC SOUND LEVEL STANDARDS

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 9-201. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(*Ord. 99-548.*)

(b) *Decibel or dB.*

- (1) “Decibel” or “dB” means the unit of measurement of relative sound intensity equal to 20 times the logarithm to the base 10 of the ratio of the effective sound pressure to a reference pressure of 20 micronewtons per square meter.

- (2) In formula,

$$\text{dB} = 20 \text{ Log}_{10} P/P_0$$

where P is the average pressure of the measured sound, and P₀ indicates the reference pressure considered to be the weakest audible pressure a young ear can detect under ideal listening conditions.

(*City Code, 1976/83, art. 11, §230(a).*) (*Ord. 99-548.*)

(c) *Person.*

“Person” includes, except as used in § 9-218 {“Penalties”} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.

(*Ord. 99-548.*)

(d) *Sound Level A or db(A).*

“Sound level A” or “dB(A)” is the sound level in decibels, measured with a sound level meter that uses the A-weighting network or scale, as specified in ANSI S1.4 (“Specification for Sound Level Meters”), as amended from time to time.

(*City Code, 1976/83, art. 11, §230(d).*) (*Ord. 99-548.*)

(e) *Use.*

“Use” means any activity, occupation, business, or operation that is conducted on land or in or on a street, building, pier, wharf, or other structure.

(*City Code, 1976/83, art. 11, §230(h)(1st sen.).*) (*Ord. 99-548.*)

(f) *Zone, commercial.*

“Zone, commercial” means any of the following zoning districts, as established under the Zoning Code of Baltimore City:

(1) all business zoning districts; and

(2) all M-1 industrial zoning districts.

(*City Code, 1976/83, art. 11, §230(i)(2).*) (*Ord. 99-548.*)

(g) *Zone, manufacturing.*

“Zone, manufacturing” means all M-2 and M-3 industrial zoning districts, as established under the Zoning Code of Baltimore City.

(*City Code, 1976/83, art. 11, §230(i)(1).*) (*Ord. 99-548.*)

(h) *Zone, residential.*

“Zone, residential” means any of the following zoning districts, as established under the Zoning Code of Baltimore City:

(1) all residence zoning districts; and

(2) all office-residence zoning districts.

(*City Code, 1976/83, art. 11, §230(i)(3).*) (*Ord. 99-548.*)

§ 9-202. Declaration of findings and policy.(a) *Findings.*

The Mayor and City Council finds that excessive or unnecessary noise in the City is a menace to the welfare and prosperity of the people of the City.

(b) *Policy.*

It is the public policy of the City that:

(1) everyone is entitled to an ambient noise level that is not detrimental to life, health, or enjoyment of property;

(2) the ambient noise level in the City should be controlled and reduced:

(i) to promote the public health, safety, and welfare and the peace and quiet of the City’s inhabitants; and

(ii) to facilitate the enjoyment of the City’s natural attractions; and

(3) to those ends, standards for noise must be set and enforced, as provided in this subtitle.

(*City Code, 1976/83, art. 11, §229(1st, 2nd pars.).*) (*Ord. 99-548.*)

§§ 9-203 to 9-204. {Reserved}*PART II. MAXIMUM SOUND LEVELS***§ 9-205. In general.***(a) Prohibited conduct.*

- (1) No person may cause or permit a sound level that exceeds the applicable level specified in this subtitle.
- (2) No person may cause or permit a sound level from the construction, repair, or demolition of a structure or street that exceeds any applicable level set by a rule or regulation of Commissioner, except in accordance with a temporary exemption permit or as necessary to do emergency work.
- (3) No person may operate a motor vehicle so as to exceed any applicable sound level set by a rule or regulation of the Commissioner.

(4) No person may use a vehicle horn except:

- (i) as reasonably necessary to assure safe operation; or**
- (ii) as an emergency warning signal.**

(b) Measurements.

For sound levels set in this subtitle, measurements must be made with instruments calibrated by means of accepted acoustical techniques to an accuracy of plus or minus 1 dB(A).

(City Code, 1976/83, art. 11, §§235(a), (e), 238(a), (b), (e).) (Ord. 99-548.)

§ 9-206. Limits.*(a) In general.*

- (1) Except as otherwise specified in this subtitle, the maximum permissible sound levels are as set in this section for the applicable zone.
- (2) Where the property line of a use coincides with a zone boundary, the level specified in this section for the zone boundary controls.
- (3) Where the use is on a public street, the “property line” referred to in this section is the boundary of the public right-of-way.

(b) Manufacturing zones.

If the sound is from a use in a manufacturing zone, the maximum permissible sound level is:

- (1) 75 dB(A) at any point on the property line of the use;
- (2) 70 dB(A) at any point on a boundary that separates the manufacturing zone from a commercial zone; and
- (3) 70 dB(A) at any point on a boundary that separates the manufacturing zone from a residential zone.

(c) Commercial zones.

If the sound is from a use in a commercial zone, the maximum permissible sound level is:

- (1) 61 dB(A) at any point on the property line of the use;
- (2) 64 dB(A) at any point on a boundary that separates the commercial zone from a manufacturing zone; and
- (3) 58 dB(A) at any point on a boundary that separates the commercial zone from a residential zone.

(d) Residential zone.

If the sound is from a use in a residential zone, the maximum permissible sound level is:

- (1) 55 dB(A) at any point on the property line of the use;
- (2) 61 dB(A) at any point on a boundary that separates the residential zone from a manufacturing zone; and
- (3) 58 dB(A) at any point on a boundary that separates the residential zone from a commercial zone.

(City Code, 1976/83, art. 11, §235(b), (c).) (Ord. 99-548.)

§ 9-207. Nighttime sound reductions.

Between the hours of 9 p.m. and 7 a.m., the maximum permissible sound specified in § 9-206 {"Limits"} of this subtitle must be reduced by 5 dB(A) for any use that:

- (1) borders on a residential zone; or

(2) except for the level permitted by § 9-206(d)(2) of this subtitle, is in a residential zone.

(City Code, 1976/83, art. 11, §236(a).) (Ord. 99-548.)

§ 9-208. Permitted deviations.

(a) Short, durational deviations.

The maximum permissible sound levels specified in § 9-206 {"Limits"} of this subtitle may be exceeded by no more than:

- (1) 5 dB(A) for a total of not more than 12 minutes in any 1-hour period;
- (2) 10 dB(A) for a total of not more than 3 minutes in any 1-hour period; or
- (3) 15 dB(A) for a total of not more than 30 seconds in any 1-hour period.

(b) *Home activities — vehicle repairs; power tools.*

Noncommercial vehicular repairs and the use of home workshops, power tools, and power garden equipment are allowed:

- (1) between the hours of 7 a.m. and 9 p.m. on weekdays; and
- (2) between the hours of 10 a.m. and 10 p.m. on weekends and legal holidays.

(c) *Home activities — air conditioners; heat pumps.*

Air conditioning and heat pump equipment used to cool or heat housing on residential property may exceed the maximum sound levels specified in § 9-206 {"Limits"} of this subtitle as long as the sound level does not exceed:

- (1) for air conditioning equipment, 70 dB(A) at any point on the property line of any other residential property; and
- (2) for heat pump equipment, 75 dB(A) at any point on the property line of any other residential property.

(City Code, 1976/83, art. 11, §236(b), (d).) (Ord. 99-548.)

§ 9-209. Temporary exemptions.

(a) *In general.*

When in the public interest, the Commissioner of Health may grant a temporary exemption from the maximum permissible sound levels specified in this subtitle.

(b) *Application and fee.*

- (1) An application for a temporary exemption must be made in the form that the Commissioner requires.
- (2) In addition to any other information that the Commissioner requires, the application must contain:
 - (i) the name of the applicant;
 - (ii) the location of the property for which the exemption is requested;
 - (iii) the dates and hours for which the exemption is requested;

- (iv) the equipment, instruments, or devices that will be producing the sound;
- (v) the name of the person in charge of operating the equipment, instruments, or devices; and
- (vi) a statement of the reason the exemption is needed or appropriate.

(c) *Form and contents of exemption.*

A temporary exemption must:

- (1) be in writing;
- (2) be signed by the Commissioner; and
- (3) set forth:
 - (i) the name of the person granted the exemption;
 - (ii) the location of the property for which the exemption is granted;
 - (iii) the dates and hours for which the exemption is effective;
 - (iv) the equipment, instruments, or devices to which the exemption is limited; and
 - (v) any conditions or requirements that the Commissioner specifies.

(d) *Exemption limitations.*

A temporary exemption:

- (1) may be granted only for a period that is reasonable in view of all the facts, but in no case for more than 30 days;
- (2) may not be granted more than 3 times in any 1 calendar year for the same location; and
- (3) may not permit its holder to exceed the maximum permissible sound levels specified in this subtitle by more than 25 dB(A).

(City Code, 1976/83, art. 11, §239.) (Ord. 99-548.)

§§ 9-210 to 9-211. {Reserved}

PART III. ENFORCEMENT

§ 9-212. Notice of violation.

(a) *In general.*

If the Commissioner of Health believes that any provision of this subtitle has been violated, the Commissioner may issue a written notice to the alleged violator.

(b) *Contents of notice and order.*

The notice must:

- (i) specify the nature and facts of the violation, including the dB(A) readings noted and the time and place of their detection; and
- (ii) order corrective action to be taken within the time the Commissioner specifies.

(City Code, 1976/83, art. 11, §240(a)(parts).) (Ord. 99-548.)

§ 9-213. Enforcement by Commissioner.

If corrective action is not taken within the time specified in the notice, the Commissioner may institute injunctive or other legal proceedings in a court of competent jurisdiction

(City Code, 1976/83, art. 11, §§240(c), 242(b).) (Ord. 99-548.)

§ 9-214. Private actions; civil damages.(a) *Private action to enforce.*

(1) Subject to paragraph (2) of this subsection, any person may bring a civil action against any person who is in violation of a noise control requirement of this subtitle.

(2) An action under this subsection may not be brought:

- (i) before 60 days after the complainant has given notice of the violation to the Commissioner and to the alleged violator; or
- (ii) while the Commissioner is diligently prosecuting a civil action to require the alleged violator to comply with this subtitle.

(b) *Action for civil damages.*

Nothing in this subtitle limits the right of any person to damages or other relief for injury to person or property.

(City Code, 1976/83, art. 11, §§240(d), 242(c).) (Ord. 99-548.)

§§ 9-215 to 9-216. {Reserved}*PART IV. PENALTIES***§ 9-217. Enforcement by citation.**(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {“Environmental Control Board”}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548; Ord. 03-595.)

§ 9-218. Penalties: \$1,000.

(a) *In general.*

Any person who neglects, refuses, or otherwise fails to comply with a notice issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.

(b) *Each day a separate offense.*

Each day a violation continues is a separate offense.

(City Code, 1976/83, art. 11, §242(a).) (Ord. 99-548.)

SUBTITLE 3
ENTERTAINMENT AND COMMERCIAL NOISE

PART I. GENERAL PROVISIONS

§ 9-301. Declaration of findings and intent.

(a) *Findings.*

Having received an increasing number of complaints from citizens about noise and having made certain observations of the subject, the Mayor and City Council of Baltimore finds that:

- (1) excessive noise, when unnecessary for religious, political, civic, commercial, or other constitutionally protected activities or when not generated in the course of other activity needed to carry on daily life, creates a significant threat to the public health, safety, and welfare in an area as densely populated as Baltimore City;
- (2) the noises most obnoxious to the public health, safety, and welfare and least necessary for any constitutionally protected or otherwise necessary activity are those that are loud, boisterous, raucous, or unseemly or that are generated solely for the purpose of entertainment, without regard to the health, welfare, and safety of others who, because of population density, are unable to avoid being subjected to those noises; and
- (3) an alarming increase is occurring in the frequency and volume of this sort of noise, particularly from loud parties and from the plethora of portable sound-producing and reproducing devices available today.

(b) *Intent.*

The Mayor and City Council intend this subtitle, therefore, to serve as a vehicle for the control and regulation of noises that pose a threat to the health, safety, or welfare of the citizens of Baltimore. One part of this subtitle regulates noises generated solely for entertainment purposes. Another balances the public interest in regulating certain types of noisy commercial advertising to protect the public health, safety, and welfare, on the one hand, against the interests of the commercial establishments employing that advertising, on the other.

(City Code, 1976/83, art. 19, §220(parts).) (Ord. 99-548.)

§ 9-302. Scope of subtitle.

(a) *Commercial, etc., speech.*

This subtitle applies to commercial, religious, political, civic, or free speech activities only:

- (1) where the application is clearly indicated; or
- (2) where religious, fraternal, civic, political, charitable, or civic organizations provide entertainment, as in the case of “fund raisers” or similar activities.

(b) *Exemptions from subtitle.*

This subtitle does not apply to:

- (1) City-sponsored events in public parks;
- (2) sound equipment used at any professional sports stadium; or
- (3) any public service company, as defined in State Code Article 78.

(*City Code, 1976/83, art. 19, §§220(parts), 221(d).*) (*Ord. 99-548.*)

§ 9-303. Temporary exemptions.

(a) *In general.*

The Commissioner of Health may issue a permit for a temporary exemption from this subtitle for commercial, political, civic, charitable, or other organizations to conduct activities such as fund raisers, carnivals, bazaars, meetings, and other special events.

(b) *Application.*

- (1) An application for a temporary exemption must be made in the form that the Commissioner requires.
- (2) In addition to any other information that the Commissioner requires, the application for must contain:
 - (i) the name of the applicant;
 - (ii) the location of the property for which the exemption is requested;
 - (iii) the dates and the hours for which the exemption is requested;
 - (iv) the equipment, instruments, or devices that will be producing the sound;
 - (v) the name of the person in charge of operating the equipment, instruments, or devices;
and
 - (vi) a statement of the reason the exemption is needed or appropriate.

(c) *Considerations.*

Before issuing a temporary exemption, the Commissioner must consider the impact of the proposed activity on the surrounding area.

(d) *Form and contents of exemption.*

A temporary exemption must:

- (1) be in writing;
- (2) be signed by the Commissioner; and
- (3) set forth:
 - (i) the name of the person granted the exemption;
 - (ii) the location of the property for which the exemption is granted;
 - (iii) the dates and hours for which the exemption is effective;
 - (iv) the equipment, instruments, or devices to which the exemption is limited; and
 - (v) any conditions or requirements that the Commissioner specifies.

(City Code, 1976/83, art. 19, §223.) (Ord. 99-548.)

§§ 9-304 to 9-305. {Reserved}

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.

(City Code, 1976/83, art. 11, §238(d), art. 19, §221(a).) (Ord. 99-548.)

§ 9-307. Prohibited conduct —parents or guardians of minors.

A parent or guardian may not knowingly permit a minor for whom the parent or guardian is responsible to violate § 9-306 {“Prohibited conduct — in general”} of this subtitle.

(City Code, 1976/83, art. 19, §221(c)(3)(i).) (Ord. 99-548.)

§ 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.

(City Code, 1976/83, art. 19, §221(b).) (Ord. 99-548.)

§ 9-309. Violations by minors.**(a) Order to stop.**

A police officer who finds any minor violating § 9-306 {"Prohibited conduct — in general"} of this subtitle must order the minor to stop the violation.

(b) Failure to comply.

(1) If the minor fails to comply with the order, the police officer may take him or her into custody.

(2) After the information necessary to carry out the purposes of this subtitle has been recorded, the minor must be:

(i) promptly released to his or her parent or guardian, with written notice to the parent or guardian of the violation; and

(ii) referred to the Baltimore City Police Department's court sanctioned pre-intake adjustment program.

(City Code, 1976/83, art. 19, §221(c)(1), (2).) (Ord. 99-548.)

§§ 9-310 to 9-311. {Reserved}*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 can be heard more than 100 feet from the boundaries of the building or property where the device is located or, if the device is in a vehicle, more than 100 feet from that vehicle.

(b) *Presumption.*

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

(City Code, 1976/83, art. 19, §222.) (Ord. 99-548.)

§ 9-313. Outcrying.(a) *Restricted hours.*

Except as specified in subsection (b) of this section, no person may sell anything by outcry between 10 p.m. and 8 a.m.

(b) *Sporting events, etc.*

This section does not apply to the sale of merchandise, food, or beverages at licensed sporting events, parades, fairs, circuses, and similar, licensed entertainment events.

(City Code, 1976/83, art. 11, §238(c).) (Ord. 99-548.)

§§ 9-314 to 9-315. {Reserved}*PART IV. PENALTIES***§ 9-316. Enforcement by citation.**(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or
- (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548; Ord. 03-595.)

§ 9-317. Penalties.(a) *In general.*

Any person who violates any provision of this subtitle or of a rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, subject to the penalties specified in this section.

(b) *Entertainment noise — adult offenders: \$500 and 30 days.*

For an adult who violates § 9-306 {"Prohibited conduct — in general"} of this subtitle, the penalty is a fine of not more \$500 or imprisonment for not more than 30 days or both fine and imprisonment for each offense.

(c) *Entertainment noise — parent or guardian of minor: \$100.*

For a parent or guardian who violates § 9- 307 {"Prohibited conduct —parents or guardians of minors"} of this subtitle within 12 months after receiving written notice of the minor's having violated § 9 -306 {"Prohibited conduct — in general"} of this subtitle, the parent or guardian is subject to a fine of not more than \$100 for each offense.

(d) *Commercial noise — Outcrying: \$1,000.*

For any violation of § 9-313 {"Outcrying"} of this subtitle, the penalty is a fine of not more than \$1,000 for each offense.

(e) *Commercial noise — Loudspeakers: \$1,000 and 60 days.*

(1) For any violation of § 9-312 {"Loudspeakers, etc."} of this subtitle, the penalty is a fine of not more than \$1,000 or imprisonment for not more than 60 days or both fine and imprisonment for each offense.

(2) Every day that a violation continues is a separate offense.

(*Ord. 99-548.*)

SUBTITLE 4
AMPLIFIED SOUNDS IN MARKET CENTER
PART I. DEFINITIONS; GENERAL PROVISIONS

§ 9-401. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.
(Ord. 99-548.)

(b) *Commercial speech.*

“Commercial speech” means speech or sound intended to promote any business or other activity carried on for profit.
(City Code, 1976/83, art. 19, §225(d).) (Ord. 99-548.)

(c) *Market Center Urban Renewal Area.*

“Market Center Urban Renewal Area” means the urban renewal area established by the Market Center Urban Renewal Plan.
(Ord. 99-548.)

(d) *Publicly amplified sound.*

“Publicly amplified sound” means any radio, phonograph, tape- or compact disc-player, loudspeaker, or other device that:

- (1) electronically produces, reproduces, or amplifies the human voice or other sound; and
- (2) is located:
 - (i) on public property; or
 - (ii) on private property, but either:
 - (A) in an unenclosed area; or
 - (B) if in an enclosed area, within 9 feet of the nearest outside edge of the enclosed area.

(City Code, 1976/83, art. 19, §225(a).) (Ord. 99-548.)

§ 9-402. Declaration of findings and intent.

(a) *Importance of Market Center.*

- (1) The Mayor and City Council finds that the Market Center Urban Renewal Area serves the City in many important and irreplaceable ways. Most obviously, the area is a heavily used

and essential retail and office district, providing job and shopping opportunities for countless thousands of City residents.

- (2) Equally important, however, is the traditional role that the area serves as a public forum for many diverse kinds of City residents. On any given day, dozens of people come to the district to promote their ideas on a wide variety of topics.

(b) *Amplified sounds as hindrance.*

- (1) The Mayor and City Council further finds that publicly amplified sounds have hindered the use of the Market Center Urban Renewal Area, both as a shopping, office, and employment center and as a marketplace for the exchange of ideas.
- (2) While recognizing that, in some instances, the reasonable use of amplification equipment facilitates the exchange of ideas, the Mayor and City Council finds that the indiscriminate use of this equipment in the Market Center has created a condition demonstrably injurious to the health, welfare, and safety of the citizens of Baltimore.
- (3) Specifically, the Mayor and City Council finds that publicly amplified sound:
- (i) can be injurious to the health of those exposed to it;
 - (ii) when coming from or near a first floor business, impairs the use of offices above that business;
 - (iii) deters people from coming to the Market Center to shop, work, and exchange ideas;
 - (iv) hinders efforts to attract new businesses to the Market Center;
 - (v) can be hazardous to pedestrians and motorists in the Market Center; and
 - (vi) aggravates an already-existing din that is caused by the architecture, building arrangement, proximity of businesses, and topography of the area and that is at its worst between 11 a.m. to 3 p.m.

(c) *Intent.*

Through the enactment of this subtitle, the Mayor and City Council intends:

- (1) to promote the use of the retail district both as a shopping, office, and employment center and as a marketplace for the exchange of ideas; and
- (2) to control the negative effects of publicly amplified sounds while allowing reasonable use of electronic amplification equipment.

(City Code, 1976/83, art. 19, §224.) (Ord. 99-548.)

§ 9-403. Scope of subtitle.*(a) In general.*

With respect to publicly amplified sounds in the Market Center Urban Renewal Area, this subtitle supersedes all other noise regulations of the City Code.

(b) Public service companies excepted.

This subtitle does not apply work performed by a public service company, as defined in State Code Article 78.

(City Code, 1976/83, art. 19, §§226, 227.) (Ord. 99-548.)

§§ 9-404 to 9-405. {Reserved}*PART II. GENERAL REGULATIONS***§ 9-406. Commercial speech.***(a) Prohibited during certain hours.*

In the Market Center Urban Renewal Area, between 11 a.m. and 3 p.m., Monday through Saturday, no person may use any publicly amplified sound that contains commercial speech.

(b) Permit required for other times.

At all other times in the Market Center Urban Renewal Area, no person may use any publicly amplified sound that contains commercial speech without a permit to do so from the Commissioner.

(City Code, 1976/83, art. 19, §§228, 229(b)(1st sen.)) (Ord. 99-548.)

§ 9-407. Noncommercial speech.

At all times in the Market Center Urban Renewal Area, no person may use any publicly amplified sound not containing commercial speech without a permit to do so from the Commissioner.

(City Code, 1976/83, art. 19, §229(a)(1st sen.)) (Ord. 99-548.)

§ 9-408. Loud and raucous sounds prohibited.

All loud and raucous sound is prohibited in the Market Center Urban Renewal Area. The receipt of a permit is not a defense to a charge of producing or causing any loud and raucous sound.

(City Code, 1976/83, art. 19, §229(e.)) (Ord. 99-548.)

§§ 9-409 to 9-411. {Reserved}

*PART III. PERMITS***§ 9-412. Applications.***(a) Form.*

An application for a permit must be made in the form that the Commissioner requires.

(b) Contents.

In addition to any other information that the Commissioner requires, the application must contain:

- (1) the name of the applicant;
- (2) the location of the property for which the permit is requested;
- (3) the dates and hours for which the exemption is requested;
- (4) the equipment that will be used to amplify sound; and
- (5) a statement as to whether the sound will contain commercial speech.

(Ord. 99-548.)

§ 9-413. Review and issuance.*(a) In general.*

The Commissioner must:

- (1) review each application for a permit within 3 days of its submission; and
- (2) on a reasonable showing that the amplifying equipment will not be used to produce loud and raucous sounds, promptly issue the permit to the applicant.

(b) Speech content not to be considered.

Except as needed to verify the noncommercial nature of any proposed speech, the Commissioner may not inquire into the content of the speech sought to be amplified.

(c) Fees.

The Commissioner may not charge a fee for the permit.

(d) Term.

Each permit:

- (1) is valid for 60 days; and

(2) may be renewed an indefinite number of times.

(City Code, 1976/83, art. 19, §§ 229(a)(2nd sen.), (b)(2nd sen.), (c), (d), 230(a)(1st sen.)) (Ord. 99-548.)

§ 9-414. Judicial review of denied application.

(a) *Commissioner to seek review.*

Within 3 days after the Commissioner of Health denies any application for a permit, the Commissioner must:

- (1) apply to the Circuit Court for Baltimore City for a review of the denial; and
- (2) notify the applicant by first class mail of this action.

(b) *Absence of Court decision.*

If the Court does not render a decision within 10 days of the permit denial, the applicant may proceed as if a permit had been granted, subject to:

- (1) the same restrictions and obligations that apply to permits issued under this subtitle; and
- (2) immediate termination of all electronic amplification if the Court later affirms the Commissioner's denial.

(c) *Appeal of decision.*

If the Court affirms the Commissioner's denial of the permit, the Commissioner must cooperate with any motion for expedited appeal made by the applicant.

(City Code, 1976/83, art. 19, §230(a)(2nd, 3rd sens.), (b), (c), (d).) (Ord. 99-548.)

§§ 9-415 to 9-416. {Reserved}

PART IV. PENALTIES

§ 9-417. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or
- (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 99-548; Ord. 03-595.)

§ 9-418. Penalties: \$500 and 10 days.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 or to imprisonment for not more than 10 days or to both fine and imprisonment for each offense.

(City Code, 1976/83, art. 19, §231.) (Ord. 99-548.)