



HOWARD COUNTY DEPARTMENT OF POLICE

# GENERAL ORDER OPS-05 NOISE ORDINANCE ENFORCEMENT

EFFECTIVE SEPTEMBER 14, 2015

This General Order contains the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. TRAINING, CERTIFICATION AND MAINTENANCE
- IV. ENFORCEMENT PROCEDURES
- V. CANCELLATION

## **I. POLICY**

In accordance with Section 8.900 of the Howard County Code, the Howard County Department of Police (HCPD) is charged with the responsibility of investigating noise complaints and taking enforcement action where appropriate. To this end, the HCPD will use calibrated electronic sound level meters to measure possible violations of Section 8.900 of the Howard County Code.

## **II. DEFINITIONS**

- A. Noise Complaint: any incident where noise is generated by an audio device, musical instrument, mechanical equipment or any other noise or sound producing device which disturbs, injures or endangers the health, peace or safety of others.
- B. Decibel (dB): A unit of measurement used to calculate the intensity of a sound.
- C. Sound Level Meter: An instrument, meeting International Electrotechnical Commission and American National Standards Institute standards comprising a microphone, an amplifier, an output meter and frequency weighting network(s) that is used for the measurement of sound pressure levels in a specified manner.

## **III. TRAINING, CERTIFICATION, AND MAINTENANCE**

- A. Only those officers who have completed approved HCPD training and possess current certification are permitted to use sound level meters for enforcement purposes.
- B. The Operations Command will maintain a current file of all those officers who have completed the requisite training and have been certified.
- C. Each Deputy District Commander will ensure:
  - 1. One sound level meter is available in each district station that is accessible to all certified operators.
  - 2. Each night shift Watch Commander is issued a sound level meter.
  - 3. All HCPD sound level meters are calibrated and/or tested as required by Maryland law. Calibration certificates and maintenance records are stored at the District Court Clerks office.
  - 4. All HCPD sound level meters are provided with all other necessary care and maintenance.

Each Deputy District Commander will also establish and maintain a log for each instrument which records issue date/time, operator utilizing the instrument and return date/time. Additionally, each Deputy District Commander will maintain a separate file which documents all maintenance, repairs and calibrations that are conducted on each sound meter.

- D. Certified operators may carry a sound level meter during their tour of duty. Sound level meters must be returned to the designated storage area upon completion of each tour of duty.
- E. Any operator removing a sound meter from the designated storage area, or returning them to that location, will complete the sign-out log, as appropriate.
- F. Officers using sound level meters will conduct calibration and testing with available equipment in a manner commensurate with the training received. The use of any sound level meter that is not properly calibrated, or otherwise does not function as required is strictly prohibited. Monitoring of noise levels for enforcement purposes will be done in accordance with training received and all applicable laws. Officers discovering a sound level meter that does not function properly will immediately deadline the instrument and notify the Deputy District Commander.
- G. All requests for repair and maintenance of sound level meters will be forwarded by the operator to the appropriate Deputy District Commander. Reports of damage to sound level meters will be submitted per guidelines established in General Order ADM-48, Line Inspections and Equipment Protocol with a copy of all reports sent to the appropriate Deputy District Commander.

#### IV. ENFORCEMENT PROCEDURES

##### A. RESIDENTIAL PROPERTY

- 1. Any officer dispatched to an initial noise complaint call will respond and:
  - a. If the source of the noise is located and does not qualify as an exempted source listed in Howard County Code 8.900(d):
    - 1) Obtain a sound level meter reading of the noise source. The measurement of the noise level shall be conducted at points on or within the property line of the receiving property;
    - 2) If the noise reading is above the maximum allowable noise level, a verbal warning should be issued to the identified violator and notification given that a second violation will result in the issuance of a citation.
    - 3) Request the Communications Division enter into the CAD call record, the name and date of birth of the individual identified as responsible for the noise, and;
    - 4) Advise the complainant, if known, of the identity of the person responsible for the noise, and;
    - 5) Document the incident in a report.
  - b. If the source of the noise cannot be located or the noise has ceased prior to the officer's arrival, the incident may receive a NR designation.
- 2. Should a second or subsequent noise complaint, (verified by the responding officer through a RMS call history check), be received at the same location within 8 hours of the first complaint, the responding officer will:
  - a. If the second or subsequent noise complaint source is located and is occurring between **2200 and 0700 hours**, and does not qualify as an exempted source:
    - 1) Have a sound level meter reading taken of the noise source. The measurement of the noise level shall be conducted at points on or within the property line of the receiving property;

- 2) Identify the person responsible for the noise. If the noise reading is above the maximum allowable noise level, issue a criminal citation to the violator.
  - 3) Document the incident in a report.
- b. If the second or subsequent noise complaint source is located and is occurring between **0700 and 2200 hours**, and does not qualify as an exempted source:
- 1) Have a sound level meter reading taken of the noise source, and;
  - 2) Identify the person responsible for the noise and if the noise reading is above **65 decibels**, issue a criminal citation to the person responsible for the noise, and;
  - 3) Document the incident in a report.

NOTE:

<b>Maximum Allowable Noise Levels (dBA) for Receiving Land Use Categories</b>			
Day/Night	Industrial	Commercial	Residential
Day	75	67	65
Night	75	62	55

- c. If a second or subsequent noise complaint is not located or has ceased prior to the officer's arrival, a written report detailing all actions taken by the assigned officer must be completed.
3. Other Enforcement Options
- a. The HCPD may also enforce the provisions of this section by issuing a civil citation with civil penalties under Title 24 of the Howard County Code.
  - b. For continuing violations, the HCPD can refer the matter to the Office of Law to file a civil action in the Circuit Court on behalf of the County under § 3-406 of the Environment Article of the Maryland Annotated Code.
  - c. Should an officer respond to a noise complaint more than twice and excessive sound levels are recorded, the officer may, at his discretion, either issue a criminal citation or make an arrest.

B. COMMERCIAL OR INDUSTRIAL PROPERTY

If the source of the noise originates from commercial or industrial property, HCPD officers will respond to the complaint and document in a report the sound level meter readings. The officer's supervisor will forward the report to the Howard County Health Department, Bureau of Environmental Health, Community Hygiene Program (fax 410-313-2648) for case responsibility, follow-up and enforcement.

V. **CANCELLATION**

This General Order cancels and replaces General Order OPS-05, Noise Ordinance Enforcement dated November 10, 1997.

AUTHORITY:



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