

CHAPTER 67

PEACE AND GOOD ORDER

Section 6701.	Disturbing the Peace Prohibited.
Section 6702.	Compliance with Police Orders.
Section 6703.	Firearms and Dangerous Weapons.
Section 6704.	Unlawful Use of Objects Likely to Cause Harm or Injury.
Section 6705.	Damage or Removal of Public Property Prohibited.
Section 6706.	Use of Sound-Amplifying Systems.
Section 6707.	Permit Requirements for Parades and Other Public Entertainment.
Section 6708.	Obstructing Persons on Streets.
Section 6709.	Noise Ordinance.
Section 6710	Violations and Penalties.

\*\*\*\*\*

Section 6701            Disturbing the Peace Prohibited

It shall be unlawful for any person to disturb the peace by:

(A) Loud and unseemly noises.

(B) Making rude or threatening remarks or gestures in such a manner as is calculated to provoke an assault.

Section 6702            Compliance with Police Orders

No person shall willfully fail or refuse to comply with any lawful order or directive of any police officer of Landover Hills within the corporate limits of the Town.

Section 6703            Firearms and Dangerous Weapons

It shall be unlawful for any person other than an officer of the law in the line of duty to discharge any shooting device deemed hazardous or any air rifle, spring gun or BB gun within the Town nor shall any person other than a law enforcement officer have in his or her possession while on the streets of the Town any rifle, revolver, pistol, blackjack, brass knuckles or other dangerous weapon, except guns used in the hunting of game, which shall be carried unloaded or broken. If any offense occurs, the shooting device or firearms will be confiscated and a fine imposed.

Section 6704            Unlawful Use of Objects Likely to Cause Harm or Injury

It shall be unlawful for any person to throw any stone, firework or other missile of any kind in the Town in any way that is likely to do harm or injury to any person or property or in such manner as to cause reasonable apprehension of such harm or injury. No glass, nails, tacks or other articles which would be injurious to automobile tires or other vehicles shall be thrown or broken in the streets.

Section 6705                    Damage or Removal of Public Property Prohibited

It shall be unlawful for any person to break, damage, mutilate or carry away any lantern, glass frame, barrier, street designation fixture, road marker, official sign or designation erected for the regulation and control of traffic or any other Town property.

Section 6706                    Use of Sound-Amplifying Systems

No person shall operate or cause to be operated in or from any street or public property any loudspeaker, public-address system or other sound-amplifying system without first obtaining a permit from the Town.

Section 6707                    Permit Requirements for Parades and Other Public Entertainment

(A) No person or organization shall hold or operate or sponsor or participate in the holding or operation, for profit or gain, of any carnival, street dance, sideshow, game or other entertainment without first obtaining a permit for such function from the Town.

(B) No fee shall be charged for the issuance of such permits, but the issuance may be withheld at the Town's discretion. The Town Council may direct that permit be issued or refuse to issue such a permit for which application is pending. The Mayor and Town Council may at any time, after a proper hearing, revoke forthwith any such permit issued.

(C) No persons or organizations shall hold or conduct a parade in the limits of the Town without first having obtained a permit from the Town to do so.

Section 6708                    Obstructing Persons on Streets

It shall be unlawful for any person willfully to obstruct or hinder, by any means, including but not limited to, threats, intimidation, or physical restraint, the free passage of persons along or by any public street, highway, right-of-way, or sidewalk within the limits of the Town of Landover Hills.

Section 6709                    Noise Ordinance

(A) Purpose

This Ordinance is enacted to protect, preserve and promote the health, safety, welfare, peace and quiet of the citizens of the Town through the reduction, control and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.

(B) Findings

(1) Loud and raucous noise degrades the environment of the Town to a degree that:

(a) Is harmful to the health, welfare and safety of its inhabitants and visitors;

- (b) Interferes with the comfortable enjoyment of life and property;
- (c) Interferes with the well being, tranquility and privacy of the home; and
- (d) Both causes and aggravates health problems.

(2) Both the effective control and the elimination of loud and raucous noise are essential to the health and welfare of the Town's inhabitants and visitors, and to the conduct of the normal pursuits of life, including recreation, work and communication.

(3) The use of sound amplification equipment creates loud and raucous noise that may, in a particular manner and at a particular time and place, substantially and unreasonably invade the privacy, peace and freedom of inhabitants of, and visitors to, the Town.

(4) Certain short-term easing of noise restrictions is essential to allow the construction and maintenance of structures, infrastructure and other elements necessary for the physical and commercial vitality of the Town.

#### (C) Scope

This ordinance applies to the control of all sound originating within the jurisdictional limits of the Town.

#### (D) Definitions

*Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

*Emergency Work* means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

*Town Manager* means the Town Manager of the Town or the Town Manager's designee.

*Noise Sensitive Area* includes, but is not limited to, a posted area where a school, hospital, nursing home, church, court, public library, or similar institution is located.

*Person* means any individual, firm, association, partnership, joint venture, or corporation.

*Public Right-Of-Way* means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a government entity.

*Public Space* means any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

*Residential Area* means any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned, or is legally

nonconforming, for residential use in accordance with the terms and maps of the county's zoning ordinance.

(E) General prohibition

(1) No person shall make, continue, or cause to be made or continued:

(a) Any unreasonably loud or raucous noise; or

(b) Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the Town; or

(c) Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

(2) Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:

(a) The proximity of the sound to sleeping facilities, whether residential or commercial;

(b) The land use, nature and zoning of the area from which the sound emanates and the area where it is received or perceived;

(c) The time of day or night the sound occurs;

(d) The duration of the sound; and

(e) Whether the sound is recurrent, intermittent, or constant.

(F) Noises Prohibited

The following acts are declared to be per se violations of this ordinance. This enumeration does not constitute an exclusive list:

(1) *Unreasonable Noises*: The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.

(2) *Vehicle Horns, Signaling Devices and Similar Devices*: the sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the Town, for more than ten (10) consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.

(3) *Non-Emergency Signaling Devices*: sounding or permitting sounding any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than ten (10) consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the Town for traffic control purposes are exempt from the operation of this provision.

(4) *Emergency Signaling Devices*: the intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided below.

(a) Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five (5) minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.

(b) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within five (5) minutes of activation unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this ordinance.

(5) *Radios, Televisions, Boomboxes, Phonographs, Stereos, Musical Instruments and Similar Devices*: The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet and comfort of neighbors and passers-by, or is plainly audible at a distance of 50 feet from the source of the noise in residential or noise sensitive areas, including multi-family or single-family dwellings.

(6) *Loudspeakers, Amplifiers, Public Address Systems and Similar Devices*: The unreasonably loud or raucous or prolonged use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound in the following areas:

(a) Within or adjacent to residential or noise-sensitive areas;

(b) Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud or raucous.

(7) *Yelling, Shouting and Similar Activities*: Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.

(8) *Animals and Birds*: Unreasonably loud or raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird.

(9) *Loading or Unloading Merchandise, Materials, Equipment*: The creation of unreasonably loud, raucous, or excessive noise in connection with the loading or unloading of any vehicle at a place of business or residence.

(10) *Construction or Repair of Buildings, Excavation of Streets and Highways*: The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 7:00 p.m., on weekdays. In cases of emergency, construction or repair noises are exempt from this provision. In non-emergency situations, the Town Manager may issue a permit, upon application, if the Town Manager determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 7:00 p.m. and 7:00 a.m. Will not be impaired, and if the Town Manager further determines that loss or inconvenience would result to a party in interest. The permit shall grant permission in non-emergency cases for a reasonable period of not more than three (3) weeks. The permit may be renewed once for a period of three (3) weeks or less.

(11) *Noise Sensitive Areas - Schools, Courts, Churches, Hospitals and Similar Institutions*: The creation of any unreasonably loud or raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of the institution or which disturbs the persons in these institutions; provided that conspicuous signs delineating the boundaries of the noise sensitive area are displayed in the streets surrounding the noise sensitive area.

(12) *Blowers and Similar Devices*: In residential or noise sensitive areas, between the hours of 9:00 p.m. and 7:00 a.m., the operation of any noise creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is unreasonably loud or raucous and can be heard across the property line of the property from which it emanates.

(13) *Commercial Establishments Adjacent to Residential Property*: unreasonably loud or raucous or prolonged noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, and which is plainly audible from any residential property in the Town.

#### (G) Exemptions

Sounds caused by the following are exempt from the prohibitions set out in section f and are in addition to the exemptions specifically set forth in Section F:

(1) Motor vehicles on traffic ways of the Town, provided that the prohibition of Subsection F(2) above continues to apply.

(2) Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.

(3) Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition contained in Subsection F(4) above continues to apply.

(4) The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

(5) Repairs or excavations of bridges, streets or highways by or on behalf of the Town, the state, or the federal government, between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.

(6) Outdoor school and playground activities. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.

(7) Other outdoor events. Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.

#### (H) Enforcement

(1) The following individuals shall enforce this ordinance: The Town Manager or the Chief of Police or their designees will have primary responsibility for the enforcement of the noise regulations contained herein. Nothing in this ordinance shall prevent the Town from obtaining voluntary compliance by way of warning, notice or education.

(2) If a person's conduct would otherwise violate this ordinance and consists of speech or communication; of a gathering with others to hear or observe speech or communication; or of a gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political or religious questions; the person must be ordered to, and have the opportunity to, move, disperse, or otherwise remedy the violation prior to arrest or a citation being issued.

#### (I) Penalties

(1) A person who violates a provision of 6709 is guilty of a municipal infraction which is punishable by a fine of \$100.00 for a first offense and \$400.00 for subsequent occurrence that occurs within six (6) months of a prior offense.

(2) Each occurrence of a violation, or, in the case of continuous violations, each hour a violation occurs or continues, constitutes a separate offense and may be punished separately.

#### (J) Severability Clause

A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part, of this ordinance shall not affect the validity of the remaining parts to this ordinance.

(O-02-03)

Section 6710                      Violations and Penalties

Any person, firm or corporation violating or failing to comply with any provision of this Chapter shall be subject to a fine in accordance with Section 2802 of Chapter 28 of the Code of the Town of Landover Hills.