

Amending Chapter 7, Public Health and Sanitation  
Sponsored by: Councilmember Laurie Morrissey

AMENDED LEGISLATIVE RESOLUTION 21-0-04

Resolution and Ordinance of the Town of University Park to amend Chapter 7 “Public Health and Sanitation”, by repealing and re-enacting §7-104, “Noise”, of the Code of Ordinances of the Town of University Park.

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, the Mayor and Common Council have adopted Chapter 7, “Public Health and Sanitation” to protect the health and welfare of the residents; and

WHEREAS, the Committee has recommended that the use of gas-powered leaf blowers is ecologically damaging, creates a health hazard for residents and should be prohibited; and

WHEREAS, the Mayor and Common Council have determined that the said recommendation is in the public interest.

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 7 “Noise”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

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EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[~~Brackets~~] indicate matter deleted from existing law

\* \* Asterisks\* \* indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE

~~[Brackets]~~ indicate matter deleted by amendment to the proposed ordinance

§ 7-104 Noise.

A. Restrictions.

- (1) Except for the purpose of necessary property maintenance during the hours of 7:00 a.m. to 8:00 p.m. from Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday and Sunday, it shall be unlawful~~[(1)F]~~ For any owner or occupant of real property located within the Town, or any guest of such person, to make or generate, or continue to make or generate, or allow to be made or generated, any loud or raucous sound so as to cause unreasonable annoyances or disturbances to others living or located nearby. No owner or occupant of real property located in the Town, nor any guest of such person, shall use, operate, or permit to be played, used or operated and radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons using such machine or device or who are voluntary listeners thereto. The generation of loud or raucous sound, or operation of any such machine or device, in such manner as to be plainly audible beyond the property line of the property from which the sound is generated shall be prima facie evidence of a violation of this section.
- (2) BEGINNING JANUARY 1, 2024, IT SHALL BE UNLAWFUL FOR ANY OWNER OR OCCUPANT OF REAL PROPERTY LOCATED WITHIN THE TOWN, OR ANY GUEST, EMPLOYEE OR CONTRACTOR OF SUCH PERSON, TO USE A GAS-POWERED LEAF BLOWER ON THAT PROPERTY.
- (3) THE TOWN MAY OFFER REIMBURSEMENT OF UP TO \$100 TOWARD THE PURCHASE PRICE OF ANY ELECTRIC- OR BATTERY-POWERED LAWN OR YARD MAINTENANCE DEVICE/EQUIPMENT, INCLUDING BUT NOT LIMITED TO LEAF BLOWERS, LAWN MOWERS, EDGERS, AND WEED TRIMMERS. THIS REBATE SHALL NOT EXCEED THE TOTAL COST OF THE EQUIPMENT, INCLUDING TAX, OR \$100, WHICHEVER IS LESS. RESIDENTS WHO APPLY FOR THIS REIMBURSEMENT ARE REQUIRED TO PROVIDE A DATED SALES RECEIPT FOR THE NEW DEVICE. ONE QUALIFYING PURCHASE PER HOUSEHOLD IS PERMITTED DURING A THREE-YEAR TIMEFRAME, TO BEGIN ON JULY 1, 2022 AND END ON JUNE 30, 2025. ANY REIMBURSEMENTS ARE SUBJECT TO APPROPRIATION AND AVAILABLE FUNDING. THE COUNCIL WILL CREATE AN ACCOMPANYING POLICY DETAILING THE IMPLEMENTATION OF THIS ORDINANCE.

B. In the case of real property which is not occupied by its owner, ~~[it shall be unlawful for the owner of such property to permit occupants and guests to violate the provisions of this section; provided, however, that]~~ the owner of such property shall not be deemed to have violated ~~[this]~~ subsection A unless~~[(1)S]~~ Such owner or the DESIGNATED agent of the owner shall have

received notice or other information, from any source, that the occupant, EMPLOYEE, CONTRACTOR, or guest of such property is alleged to have engaged in conduct which violates this section on one or more prior occasions, without regard to whether such conduct has resulted in the issuance of a municipal citation~~[- or~~

~~(2) Such owner or the agent of the owner has failed to take action reasonably calculated under the circumstances to prevent a violation of this section from occurring or recurring].~~

C. State Standards. Nothing herein shall be construed as promulgating a standard less stringent than the environmental noise standards and sound-level limits adopted under Title 3 of the Health-Environmental Article of the Annotated Code of Maryland, as amended from time to time.

D. Notification of state. In accordance with Title 3 of the Health-Environmental Article of the Annotated Code of Maryland, the Town shall send to the Maryland Department of Health and Mental Hygiene a copy of each noise control ordinance, rule or regulation that it adopts and identify on each Zoning Map, Comprehensive Plan or other appropriate document the sound-level limits that are adopted.

E. Enforcement. A violation of this section shall constitute a municipal infraction. In the event that more than one owner and/or more than one occupant or guest of the real property is alleged to have violated the provisions of this chapter, a municipal infraction shall be issued to each alleged violator. A notice of violation of this section may include the requirement that the violation be fully abated immediately. The Town is hereby authorized to seek court action to abate any noise nuisance, in lieu of or in addition to any other enforcement remedies set out in this chapter.

F. Rental housing license. In addition to any other penalty provided in this code, the rental license for a property may be subject to revocation or nonrenewal if three or more violations of this chapter occur within any twelve-month period.

Section 2. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that this Ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park.

Section 3: Be it further resolved that, after adoption, a complete and exact copy of this Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

Section 4. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

APPROVED this 4th day of October, 2021

ATTEST:

MAYOR AND COMMON COUNCIL  
TOWN OF UNIVERSITY PARK

Andrea D. Marcavitch  
Andrea D. Marcavitch, Town Clerk

By:   
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:   
Suellen M. Ferguson, Town Attorney

# TUP Adopted 21-O-04 Amendment of Chapter 7 Gas Powered Leaf Blowers

Final Audit Report

2021-10-08

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