

ORDINANCE NO. 18-11

[Pertaining to the adoption of Chapter 80, Noise Control,
of the Code of Calvert County]

For the purpose of enacting an ordinance governing the level of sound permitted in Calvert County.

By enacting Chapter 80 of the Code of Calvert County.

Pursuant to authority granted in Title 13 of the Code of Public Local Laws of Calvert County, as may be amended from time to time, of the Annotated Code of Maryland and following a duly advertised public hearing held on April 19, 2011.

Be it ordained by the Board of County Commissioners of Calvert County, Maryland, that the Code of Calvert County read as follows:

Chapter 80
Noise Control

§ 80.1. Adoption of standards. The regulations promulgated by the Maryland Department of the Environment in Title 26, subtitle 02, chapter 03 of the Code of Maryland Regulations, as amended from time to time, are hereby adopted as the Noise Control Ordinance for Calvert County, with the insertions, additions, deletions, and changes indicated below.

§ 80.2. Representation and prosecution by County Attorney. The Office of the County Attorney is designated to represent the interests of the County and to prosecute civil violations under this Chapter.

§ 80.3. Modifications to COMAR 26.02.03:

(a) **Regulation 26.02.03.01 B (9):** Amend to read as follows:

(9) "Department" means the Office of the Sheriff of Calvert County.

(b) **Regulation 26.02.03.03 B(4):** Delete in its entirety.

(c) **Regulation 26.02.03.03 C(5):** Delete "Secretary" and insert "Sheriff."

(d) **Regulation 26.02.03.05:** Amend to read as follows:

.05 Enforcement and Penalties.

A. This chapter shall be enforced by sworn officers of the Office of the Sheriff of Calvert County, Maryland, and/or by the Calvert County Department of Planning and Zoning.

B. A violation of this chapter is a civil infraction and shall be subject to a fine of up to \$1,000 for the first violation, and up to \$10,000 for each subsequent violation.

C. Whenever the enforcement officer determines that a violation of this chapter has occurred, the enforcement officer may deliver a citation to a person whom the official determines has violated the provisions of this chapter. A copy of the citation shall be retained by the enforcement officer and shall bear the official's certification attesting to the truth of the matter set forth in the citation.

D. The citation shall also contain:

- (1) Name and address of the defendant;
- (2) The nature of the infraction, including the section of this chapter alleged to have been violated;
- (3) The location and time that the infraction occurred;
- (4) The amount of the infraction fine assessed;
- (5) The manner, location, and time in which the fine may be paid to the county; and
- (6) The defendant's right to elect to stand trial for the infraction.

E. The defendant may pay the fine to the Calvert County Treasurer within 20 calendar days of receipt of the citation.

F. For each repeat offense, the officer may assess against the defendant a fine not to exceed \$10,000.

G. A defendant may elect to stand trial for the offense by notifying the county of the defendant's intention to stand trial.

- (1) The defendant shall give the notice at least five (5) days prior to the date of payment is due.
- (2) Upon receipt of the notice of the intention to stand trial, the county shall forward to the District Court having venue a copy of the citation.
- (3) Upon receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date.

H. If a defendant fails to file a notice of intention to stand trial for the offense within the time required by subsection G (1) of this section, and fails to pay the fine for the infraction by the date of payment in the citation, the county shall send a formal notice of the infraction to the defendant's last known address.

I. If the citation has not been satisfied within 15 days from the date of the notice, the county shall assess an additional fine not to exceed twice the original fine.

J. If after 35 days the citation has not been satisfied, the county may request adjudication of the case through the District Court.

K. Upon receipt of a request from the county, the District Court shall promptly schedule the case for trial and summons the defendant to appear.

L. In addition to the foregoing penalty, the county may seek any other remedies available at law or in equity.

And be it Further Ordained by the Board of County Commissioners of Calvert County, Maryland, that this Ordinance shall take effect immediately upon recordation with the Clerk of the Circuit Court for Calvert County.

Approved and Done this 14 day of June 2011.

Attest:

Corinne J. Cook
Corinne J. Cook, Clerk

Board of County Commissioners of
Calvert County, Maryland

Susan Shaw
Susan Shaw, President

Patrick Nutter, Vice President

Gerald W. Clark
Gerald W. Clark

Evan K. Slaughterhoup Jr.
Evan K. Slaughterhoup Jr.

Steven R. Weems
Steven R. Weems

Approved for Legal
Sufficiency on 6/14/11
By: Emanuel Demedis
Emanuel Demedis, County Attorney

Received for Record June 16 2011
at 1:37 o'clock P.M. Same day
recorded in Liber XPS No. 36
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OFFICES AND RESOLUTION.

John P. Smith