Amendment No. 1 to Bill 1403

Proposed by: Mr. Bartlett

Introduced by: Mr. Bartlett, Mr. Pack, Ms. Price

Date: August 14, 2018

A BILL TO ADOPT THE TALBOT COUNTY NOISE ORDINANCE PURSUANT TO ENVIRONMENT ARTICLE § 3-105 AND § 3-401, ET SEQ., MARYLAND CODE ANN. AND TO AMEND SECTIONS OF CHAPTER 11 (ALCOHOLIC BEVERAGES) AND CHAPTER 15 (ANIMALS) TO MAKE SUCH CHAPTERS CONSISTENT WITH THE TALBOT COUNTY NOISE ORDINACNE

KEY

Boldface.....Heading or defined term

Underlining.....Added by amendment

~~Strikethrough~~.....Deleted by amendment

* * * ..... Existing Bill unaffected

Proposed Amendments: The amendments proposed to the text of the Bill are as follows:

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Section 92-4 NOISE STANDARDS

A. It shall be unlawful within the county to make, continue to make, permit, or cause to be made or continued a Noise Disturbance or a Noise level in excess ~~65~~ of 60 dBA during the Daytime or 55 dBA during the Nighttime, except as specifically stated herein.

B. Prominent Discrete Tones, cyclically varying sound, or Periodic or repetitive Noises shall not exceed a Sound Level that is 5 dBA lower than the applicable level allowed in 92-4 A. above.

C. In the VM zone, as defined in Chapter 190 of the Talbot County Code, restaurants, bars and nightclubs required to obtain a Noise Compliance Plan shall not exceed 60 dBA during the Daytime for outdoor amplified music.

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Purpose: This new language is intended to reduce to the permitted daytime decibel level from 65 dBA to 60 dBA.

Amendment not substantive: An amended ordinance cannot be deemed to be a new or different one unless it enlarges or narrows the scope of the original ordinance to such an extent that the ordinance as enacted can be said to be misleading in a substantial manner in its final form. Amendments that do not defeat the original purpose of the ordinance are not so substantial as to become a new ordinance. *Ajamian v. Montgomery County,* 99 Md. App. 665, 684-685 (1994). This amendment does not meet the test and therefore is non-substantive.