

Amendment No. 3 to Bill 1403

Proposed by: Ms. Price
Introduced by: 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:

* * *

WHEREAS, the Task Force presented their working draft recommendations to the County Council in a July 2, 2018 joint work session, and such recommendations are detailed below; and,

WHEREAS, the noise regulations set forth herein are intended to strike a balance between the quiet enjoyment of one's own property and a neighbor's right to use his or her property. They protect against excessive and sustained noise disturbances that go beyond routine daily activities and are out of keeping with what a reasonable person would expect in the area. The regulations are not intended to prohibit every single noise that might occur in, for instance, a residential neighborhood, such as the sound created by mowing the lawn or a child's shout while splashing in the swimming pool. The Council expects that all governmental officials enforcing the noise

regulations will be courteous, prompt, and fair-minded, and exercise common sense in responding to noise complaints.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that:

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Purpose: This new language is to clarify the County Council's intent in adopting the new noise ordinance.

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.