

## APPENDIX A

### Montgomery County Noise Ordinance

# Montgomery County Noise Ordinance

## Notice to Contractors

The Montgomery County Council recently enacted a comprehensive revision to the County **Noise Control Ordinance** (Chapter 31B, Montgomery County Code), including **changes** to the provisions concerning **noise** from **construction activities**.

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### GENERAL ORDINANCE STANDARDS (Non-construction related)

Maximum allowable sound levels, measured at the nearest **receiving property** line, are **65 dBA**

(A-weighted decibels) during **daytime hours** and **55 dBA** during **nighttime hours**, for residential receiving properties (**67 dBA daytime** and **62 dBA nighttime** for non-residential receiving property). **Mixed Use Zones** are considered **residential**.

- **"Daytime"** means from **7 a.m. to 9 p.m. weekdays** and **9 a.m. to 9 p.m. weekends and holidays**.
- **"Nighttime"** means from **9 p.m. to 7 a.m. weekdays** and **9 p.m. to 9 a.m. weekends and holidays**.
- **"Receiving Property"** means any property **where people live or work and where noise is heard**.

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### CONSTRUCTION EXEMPTION AND STANDARDS

**"Construction"** means temporary activities directly associated with site preparation, assembly, erection, repair, alteration, or demolition of structures or roadways. **Construction Noise** levels must be measured on a **receiving property**, but no closer than 50' from the noise source.

From **7 a.m. to 5 p.m. Weekdays, Construction Noise Levels** must not exceed:

- **75 dBA** without a **"Noise Suppression Plan"**.
- **85 dBA** with a **"Noise Suppression Plan"**.
- **"Noise Suppression Plan"** means a written plan to use the most effective noise suppression equipment, materials, and methods appropriate and reasonably available for a particular type of construction.

At all **times other than 7 a.m. to 5 p.m. weekdays**, the general standards specified above must be met.

For example: Assuming a residential or mixed-use receiving property, construction noise levels from **5 p.m. to 9 p.m. weekdays** and from **9 a.m. to 9 p.m. weekends and holidays** must not exceed **65 dBA**. From 9 p.m. to 7 a.m. weekdays and 9 a.m. on weekends and holidays, the standard is **55 dBA** (this is unchanged from the previous ordinance).

Construction activities are also subject to the **"Noise Disturbance"** provisions of the Ordinance. Examples of Noise Disturbances are delivering materials or equipment, or loading or unloading in a residential area, or operating construction equipment with audible back-up warning devices during Nighttime Hours.

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### Summary - Construction Noise

Measured at nearest receiving property, but no closer than 50' from the noise source.

**Weekdays** (Monday - Friday), **7 a.m. to 5 p.m.**

Without Suppression Plan: **75 dBA**

With Suppression Plan: **85 dBA**  
5 p.m. to 9 p.m. : **65 dBA**  
9 p.m. to 7 a.m. : **55 dBA**

**Saturday, Sunday, Holidays**

9 a.m. to 9 p.m.: **65 dBA**  
9 p.m. to 9 a.m.: **55 dBA**

In the majority of circumstances in the County, the Receiving Property will be considered residential. In cases where the nearest receiving properties are non-residential, the standards will be 67 dBA/Daytime and 62 dBA/Nighttime, except from 7 a.m. to 5 p.m. weekdays, when the higher construction exemption prevails.

While a **Noise Disturbance**, as defined by the Ordinance, could conceivably occur at any time, it is most likely to happen during the **Nighttime Hours**. The most common complaint involves back-up beepers, and can be avoided by employing lawful alternatives to audible devices.

The Department of Environmental Protection is currently developing Regulations for Noise Suppression Plans, as required by the revised Ordinance. In general, such plans will involve equipment selection and maintenance, scheduling and reasonable care in planning and conducting operations. Often, noise suppression measures can be fabricated on-site using materials at hand.

As a point of reference, two persons, speaking in normal tones of voice at a distance of three feet, will generate about 63 dBA between them. Therefore, normal, fully intelligible conversation would be possible at the receiving property line of a site generating 65 dBA or less. By comparison, for normal, intelligible speech at a distance of about ten feet between speakers, the background sound would have to be 55 dBA or less.

Most equipment manufacturers, and especially those who produce or market in Europe or Asia, will have detailed noise performance specifications for their products. Many also provide silencing packages, both design and retrofit.

Copies of the revised Ordinance will be mailed upon request. If there are any questions or comments, please do not hesitate to contact the [Office of Environmental Policy and Compliance](#) at 240-777-7770.

Issued: March 19, 1997  
By: Tom Ogle, Noise Program Director



## Department of Environmental Protection Temporary Noise Waiver Application

### Authority

Chapter 31B, Section 31B.11(a), of the Montgomery County Code allows the Director of the Department of Environmental Protection (DEP) to waive any part of Chapter 31B for a temporary event if the noise the event will create or cause in excess of the limits established under Chapter 31B is offset by the benefits of the event to the public.

### Application Process

*Review the Code:* The applicant should review and understand the requirements of Chapter 31B, Noise Control, of the Montgomery County Code. Chapter 31B can be found at <http://www.montgomerycountymd.gov/dectmpl.asp?url=/Content/dep/community/ordinance.asp>. Questions regarding any provision of the code should be directed to DEP via e-mail at [depnisewaiver@montgomerycountymd.gov](mailto:depnisewaiver@montgomerycountymd.gov).

*Timing of Application:* In accordance with Section 31B.11(a)(2), DEP is required to provide public notice of any Temporary Noise Waiver request in a manner that could reasonably reach a majority of households that might be affected by the issuance of the waiver. To fulfill this requirement, DEP may publish notices regarding Temporary Noise Waiver requests in a local newspaper. A Temporary Noise Waiver can not be issued until at least 10 days after publication of the notice in the paper. As a result, a Temporary Noise Waiver application that is deemed complete by DEP must be received at least 21 days prior to the date the waiver is needed in order to allow for the public notification process.

*Submission of Application:* Completed applications can be submitted electronically (preferred) or in hard copy. DEP is not responsible for delays in receipt of hard copy applications submitted via the postal service or other delivery method. Applications can be submitted electronically by clicking on the "Submit by e-mail" button at the end of this application. Hard copies should be sent to:

Attn: Temporary Noise Waiver  
Department of Environmental Protection  
255 Rockville Pike, Suite 120  
Rockville, MD 20850

A non-refundable processing fee must be submitted with the application. See Page 3 for details.

*Completing the Application:* The applicant must complete all fields in the application. Incomplete applications will be returned, which may delay processing of the application. Particular attention should be give to providing complete and thorough responses to the items related to the justification for requesting a Temporary Noise Waiver. Additional information (site plans, equipment specifications, mitigation plans, etc.) may be attached to the e-mail that transmits the application.



## Department of Environmental Protection Temporary Noise Waiver Application

### Applicant Information

Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Primary Contact Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

### Noise Source Information

Location of noise source or activity for which the waiver is requested:

Description of noise source or activity that will create the noise:

Date(s) and time(s) for which the waiver is requested:  
*(for example: 9:00 pm, May 1, 2010 to 7:00 am, May 2, 2010)*

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\_\_\_\_\_

### Justification for Requesting a Temporary Waiver

Why is a Temporary Noise Waiver being requested?

How will the public benefit if a Temporary Noise Waiver is issued?

If a Temporary Noise Waiver is issued, DEP may set conditions on the applicant. Describe the steps that have been taken or will be taken to reduce the level or duration of the noise for which the waiver is requested:

**Application Fees**

A non-refundable processing fee based on the fee schedule below must accompany this application. (If the application is submitted electronically, a check must be received by mail or other delivery service prior to publication of the required public notice.) Checks should be made payable to Montgomery County, Maryland.

<b>Activity</b>	<b>First Noise Source/Site</b>	<b>Each Additional Source/Site</b>
Residential, single-family	\$50	n/a
Residential, all others	\$230	+ \$25 per source/site
Construction (all types private)	\$350	+ \$25 per source/site
Commercial	\$350	+ \$25 per source/site
Industrial	\$350	+ \$25 per source/site
Transportation	\$350	+ \$25 per source/site
Government	\$350	+ \$25 per source/site

Questions? Contact DEP at [depnoisewaiver@montgomerycountymd.gov](mailto:depnoisewaiver@montgomerycountymd.gov) or 240-777-7746.