

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2018, Legislative Day No. 2

Bill No. 2-18

Mr. Wade Kach, Councilman

By the County Council, January 16, 2018

A BILL
ENTITLED

AN ACT concerning

Animals – Holding Facilities – Noise and Excessive Lighting

FOR the purpose of prohibiting an Animal Shelter from permitting an animal confined or detained on its property to create an unreasonable noise across a real property line which unreasonably disturbs or interferes with the health, comfort, peace, or repose of an affected property owner; defining the term “unreasonable noise;” requiring the County ~~or the owner or operator of the shelter if not the County~~ to promptly mitigate the impact of the unreasonable noise; minimizing excess lighting in certain areas; and generally relating to Animals – Holding Facilities.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike-out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

BY adding

Section 12-6-106
Article 12 – Animals
Title 6 – Holding Facilities
Baltimore County Code, 2015

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

1 § 12-6-106. EXCESSIVE NOISE.

2 (A) DEFINITION. FOR THE PURPOSES OF THIS SECTION, “UNREASONABLE NOISE”
3 MEANS NOISE FROM AN ANIMAL OF SUFFICIENT LOUDNESS, CHARACTER, AND
4 DURATION THAT EXCEEDS A LEVEL OF 60 DBA DURING DAYTIME HOURS
5 BETWEEN 7:00 AM AND 10:00 PM, OR 50 DBA DURING NIGHTTIME HOURS BETWEEN
6 10:00 PM AND 7:00 AM.

7 (B) UNREASONABLE NOISE PROHIBITED.

8 (1) AN ANIMAL SHELTER, ~~INCLUDING A FACILITY~~ OWNED OR OPERATED
9 BY THE COUNTY, SHALL NOT PERMIT ANY DOMESTICATED OR CAGED ANIMALS
10 CONFINED OR DETAINED ON ITS PROPERTY TO CREATE AN UNREASONABLE
11 NOISE ACROSS A REAL PROPERTY LINE WHICH DISTURBS OR INTERFERES WITH
12 THE HEALTH, COMFORT, PEACE, OR REPOSE OF AN AFFECTED PROPERTY OWNER,
13 OR REFUSE OR INTENTIONALLY FAIL TO CEASE AND REMEDIATE THE
14 UNREASONABLE NOISE.

15 (2) UNLESS THE SHELTER HAS WITHIN THE PAST TWENTY-FOUR (24)
16 MONTHS PRIOR TO THE EFFECTIVE DATE OF THIS ACT ACKNOWLEDGED THE
17 OCCURRENCE OF EXCESSIVE NOISE LEVELS EMITTING FROM THE SHELTER, AN

1 AFFECTED PROPERTY OWNER SHALL GIVE NOTIFICATION IN WRITING OF A
2 VIOLATION OF SUBSECTION (B) TO AN EMPLOYEE OF THE ANIMAL SHELTER AND
3 TO THE COUNTY HEALTH OFFICER OR THE HEALTH OFFICER'S DESIGNEE.
4 NOTIFICATION OF A VIOLATION SHALL BE REPORTED WITHIN SEVEN (7) DAYS
5 FOLLOWING THE DATE OF THE OCCURRENCE.

6 (C) EVIDENCE OF VIOLATION.

7 (1) A VIOLATION OF THIS SECTION MAY BE SHOWN BY ANY COMPETENT
8 EVIDENCE, WHICH MAY INCLUDE DOCUMENTATION, AND MAY ALSO BE SHOWN
9 BY AN AUDIO AND VISUAL RECORDING THAT ESTABLISHES THE DATE AND TIME
10 OF AN OCCURANCE AND THE LEVEL OF THE UNREASONABLE NOISE ON A SOUND
11 LEVEL METER DEVICE THAT MEASURES THE NOISE LEVEL IN DECIBELS AT A
12 PROPERTY LINE OF THE SHELTER. EXAMPLES OF UNREASONABLE NOISE MAY
13 INCLUDE BUT NOT BE LIMITED TO:

14 (I) VOCALIZING (HOWLING, YELPING, BARKING, SQUAWKING ETC.)
15 OF NOISE FOR FIVE (5) MINUTES WITHOUT INTERRUPTION, DEFINED AS AN
16 AVERAGE OF FOUR OR MORE VOCALIZATIONS PER MINUTE IN THAT PERIOD; OR,

17 (II) VOCALIZING OF NOISE FOR TWENTY (20) MINUTES
18 INTERMITTENTLY, DEFINED AS AN AVERAGE OF TWO VOCALIZATIONS OR MORE
19 PER MINUTE IN THAT PERIOD.

20 (2) A VIOLATION IS ALSO SHOWN AND CONFIRMED IF IN THE PAST
21 TWENTY-FOUR (24) MONTHS AN ANIMAL SHELTER, ~~INCLUDING A FACILITY~~
22 OWNED OR OPERATED BY THE COUNTY, HAS COMMISSIONED A PROFESSIONAL
23 STUDY OF AN EXISTING SHELTER AND HAS FOUND THE SHELTER TO BE IN

1 VIOLATION OF SUBSECTION (B) AND HAS NOT PERMANENTLY REMEDIATED THE
2 CONDITION.

3 (D) DETERMINATION BY HEALTH OFFICER.

4 (1) AFTER PROVIDING THE AFFECTED PROPERTY OWNER WITH THE
5 OPPORTUNITY TO OFFER EVIDENCE OF THE UNREASONABLE NOISE OCCURRENCE
6 WITHIN 30 DAYS OF THE OCCURRENCE, THE HEALTH OFFICER OR THE HEALTH
7 OFFICER'S DESIGNEE SHALL MAKE A WRITTEN DETERMINATION WITHIN FIFTEEN
8 (15) DAYS AS TO WHETHER THE SHELTER IS IN VIOLATION OF SUBSECTION (B).
9 THE WRITTEN DETERMINATION SHALL BE SENT TO THE COUNTY ~~OR THE OWNER~~
10 ~~OF THE SHELTER IF NOT THE COUNTY~~ AND TO THE AFFECTED PROPERTY OWNER.

11 (2) A DECISION THAT IS ADVERSE TO THE PROPERTY OWNER SHALL BE
12 APPEALABLE DE NOVO WITHIN 30 DAYS OF THE DATE OF THE WRITTEN
13 DETERMINATION TO THE COUNTY BOARD OF APPEALS.

14 (E) REQUIREMENT TO REMEDIATE NOISE.

15 (1) UPON A DETERMINATION BY THE HEALTH OFFICER OR THE HEALTH
16 OFFICER'S DESIGNEE, OR THE BOARD OF APPEALS UPON APPEAL, THAT THE NOISE
17 LEVEL FROM THE ANIMAL SHELTER EXCEEDS ANY OF THE LEVELS SET FORTH IN
18 SUBSECTION (A), THE COUNTY ~~OR THE OWNER OR OPERATOR OF THE SHELTER IF~~
19 ~~NOT THE COUNTY~~ SHALL PROMPTLY, AND IN ANY EVENT WITHIN 90 DAYS,
20 REMEDIATE THE NOISE TO LEVELS IN COMPLIANCE WITH SUBSECTION (A).

21 (2) REMEDIATION EFFORTS SHALL BE COMPLETED TO PERMANENTLY
22 REDUCE FUTURE EMITTED NOISE FROM THE SHELTER TO LEVELS BELOW THOSE
23 SET FORTH IN SUBSECTION (A). THOSE REMEDIATION ACTIONS MAY INCLUDE

1 BUT ARE NOT LIMITED TO AN APPROPRIATELY SIZED SOUND WALL OR
2 ACOUSTICAL PANELS.

3 (F) EXCESSIVE LIGHT POLLUTION. ~~THE COUNTY OR THE OWNER OR OPERATOR~~
4 ~~OF THE SHELTER IF NOT THE COUNTY~~ SHALL MINIMIZE THE BRIGHTNESS OF
5 EXCESS LIGHTING WHEN IN OR ADJACENT TO A RESIDENTIALLY ZONED AREA BY
6 UTILIZING SECURITY LIGHTING THAT IS MOTION SENSITIVE IN A LOCALIZED
7 AREA AND DOES NOT EXCEED ONE (1) FOOT CANDLE AT THE PROPERTY LINE,
8 EXCEPT FOR THE PRIMARY ENTRANCE AREA OF THE SHELTER.

9

10 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the
11 affirmative vote of five members of the County Council, shall take effect on March 5, 2018.