

**Town of Somerset
Ordinance
(Noise Ordinance – Town Pool)**

Resolution No.: 8-24-3
Introduced: 9/9/2024
Adopted: 10/7/2024
Effective Date: 11/12/2024

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO
EXEMPT THE TOWN POOL AND GROUNDS FROM
APPLICATION OF THE COUNTY NOISE ORDINANCE

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 4-111, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to determine by ordinance which county laws shall apply within the municipality;

WHEREAS, Section 83-17 of the Town Charter authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Town Charter, as it may deem necessary for the good government of the Town; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein;

WHEREAS, the Town Council finds that it is impractical for the Town Pool to be subject to the Montgomery County Noise Ordinance, given the inherent noise that accompanies normal pool operations, including but not limited to the hosting of swim meets for Town children;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in public session assembled on the 9th day of September, 2024;

WHEREAS, the Town Council considered the following Ordinance in public session assembled on the 7th day of October, 2024;

WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation the Town's property, rights,

and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

BE IT ORDAINED AND ORDERED, this 7th day of October, 2024, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town Charter that the Code of Ordinances is hereby amended as follows:

* * *

§ 123-1 **County laws applicable.**

The Town is hereby exempt from all legislation heretofore or hereafter enacted by Montgomery County, Maryland, except for the chapters of the Montgomery County Code listed below. Any amendment by the County to such chapters shall become effective within the Town to the extent not disapproved by the Town Council by ordinance. Any repeal by the County of any provision(s) of any chapter listed below or listed in § 123-2 of this chapter shall be effective to repeal such provision(s) within the Town unless an ordinance shall have been adopted by the Town Council expressly enacting such repealed provision(s).

Chapter	Subject Matter	Notes
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Chapter 31B	Noise Control	As modified and supplemented by Chapter 140 of the Town Code; <u>provided however, that Chapter 31B shall not apply to the Town pool and grounds, located at 5545 Warwick Place, Chevy Chase, MD 20815.</u>
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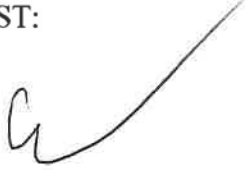
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AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that:

1. If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

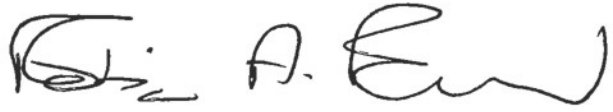
2. This Ordinance shall take effect on the 12th day of November, 2024 (36 calendar days after approval by the Mayor).

ATTEST:



E.J. Hardwick, Manager/Clerk-Treasurer
Town of Somerset

TOWN OF SOMERSET



Robin Barr, President

Town Council

Approved:



Jeffrey Slavin, Mayor
Town of Somerset

Date: 10/8/24

Bold and Underline indicates new material

~~Strikethrough~~ indicates material deleted

* * * indicates material unchanged