

Introduced – September 24, 2025
Public Hearing – October 22, 2025
Adopted – October 22, 2025
Enacted – November 12, 2025

ORDINANCE NO. 571

AN ORDINANCE AMENDING CHAPTER 216, “NOISE”, TO CLARIFY CONDITIONS WARRANTING THE ISSUANCE OF AN ANNUAL PERMIT FOR OUTDOOR MUSIC, AND INCREASING THE EFFICIENCY AND EFFICACY OF CODE ENFORCEMENT EFFORTS IN RESPONSE TO NUISANCE COMPLAINTS RELATED TO NOISE

WHEREAS, pursuant to Md. Code Ann., Local Government, § 5-202, the Commissioners of St. Michaels (“the Town”) have the general power to adopt such ordinances as it may deem necessary in order to assure the good government of the Town, to protect and preserve the Town’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 residents of the Town; and

WHEREAS, Md. Code Ann., Environment Article, Title 3 “Noise Control” (“Title 3”), does not limit the power of a political subdivision to adopt noise control ordinances, rules, or regulations, except that a political subdivision may not adopt any noise control ordinance, rule, or regulation that is less stringent than the environmental noise standards, sound level limits, and noise control rules and regulations adopted under Title 3; and

WHEREAS, pursuant to this authority, and as authorized by the Town Charter, the Town enacted Chapter 216, “Noise,” of the Town Code; and

WHEREAS, the Commissioners desire to preserve peace and good order in the Town and to protect the health, comfort, and convenience of the residents of the Town by amending the Town’s Noise Ordinance to establish the authority to charge a fee for an annual permit, establish conditions for issuance of an annual permit, and revise the Chapter to increase the efficiency and efficacy of code enforcement efforts in response to noise complaints as a result of outdoor music.

SECTION 1. NOW THEREFORE BE IT ORDAINED AND ENACTED that Chapter 216, “Noise,” of the Code of St. Michaels, Section §216-3, “Definitions and word usage” be and hereby is amended as follows:

§ 216-3. Definitions and word usage.

* * *

LEAF BLOWER

PORTABLE EQUIPMENT POWERED BY ELECTRICITY OR BATTERY, OR AN INTERNAL FUEL COMBUSTION ENGINE, INCLUDING BUT NOT LIMITED TO GASOLINE, METHANE AND PROPANE THAT IS USED IN ANY LANDSCAPE, MAINTENANCE, CONSTRUCTION, PROPERTY REPAIR, OR PROPERTY MAINTENANCE FOR THE PURPOSE OF BLOWING, DISPERSING, OR REDISTRIBUTING DUST, DIRT, LEAVES, GRASS CLIPPINGS, CUTTINGS AND TRIMMINGS FROM TREES, SHRUBS OR OTHER DEBRIS.

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SECTION 2. BE IT FURTHER ORDAINED AND ENACTED that Chapter 216, “Noise,” of the Code of St. Michaels, Section §216-4, “Prohibited acts” be and hereby is amended as follows:

§ 216-4. Prohibited acts.

A. A person shall not:

- (1) Be a source of noise pollution;
- (2) Cause or permit a source of noise pollution to exist on property owned, leased, rented, or otherwise controlled by the person or the person's agent.

B. In the Central Commercial Zone, ~~Gateway Commercial Zone~~, Historic Redevelopment Zone, or the Maritime Commercial Zone, a person shall not:

- (1) Cause or permit an audio speaker to be located outside of a fully enclosed structure, or located in any structure that is not fully enclosed or located so that it is exposed directly to the outdoors unless an annual permit has been issued by the Town as noted in § ~~216-5C~~ 216-6 of this chapter.
- (2) Cause or permit an audio speaker that is located within a structure to be directed toward an open window, door, or other opening in the structure.

~~C. In the Central Commercial, Maritime Commercial and Historic Redevelopment Zones, outdoor music accessory to a business, the primary purpose of which is the sale of food and beverages to the general public, requires a permit from the Town, which shall be subject to the following conditions:~~

- ~~(1) A permit may be issued only for music intended for the pleasure of the customers of the primary structure in the outdoor dining area of the permit holder's business establishment.~~
- ~~(2) Music must stop by 9:00 p.m. on Sunday through Thursday and 10:00 p.m. on Friday and Saturday.~~
- ~~(3) Music shall not exceed the dBA levels as set forth in § ~~216-5A~~.~~
- ~~(4) Three violations of this chapter within any calendar year shall result in the revocation of the permit, which may not be reissued for a period of six months.~~
- ~~(5) Four written notices of violations and/or citations may result in the denial of future permits.~~

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~~(6) All written warnings and citations shall be issued to the permit holder with notification of such violation to the property owner. Fines associated with the foregoing violations must be paid in full prior to the reissuance of a new permit.~~

~~(7) When baseline noise measurements are not possible due to environmental or background noise or when the use of equipment to provide a baseline measurement is not feasible, an officer may issue a citation based on the officer's observations of noise conditions of a degree and duration that would substantially and unreasonably disturb the peace of persons of ordinary sensibilities on other properties. "Baseline noise measurement" means the measurement of dBA sound levels taken prior to the alleged source of noise pollution at a receiving property.~~

~~D C.~~ A commercial establishment offering indoor live ~~amplified~~ music/SOUND or other live amplified entertainment shall not leave its exterior doors or windows open during performances.

~~E D.~~ Between the hours of 10:00 p.m. and 7:00 a.m., noise, including vocal disturbances (e.g., shouting, whistling or singing), emanating from a public street, public area, or private property in such a manner as to be plainly audible to an enforcing officer and causing a public disturbance of a degree and duration that would substantially and unreasonably disturb the peace of persons of ordinary sensibilities on other properties is declared to be noise pollution prohibited by this chapter.

* * *

SECTION 3. BE IT FURTHER ORDAINED AND ENACTED that Chapter 216, "Noise," of the Code of St. Michaels, Section §216-6, "Exemptions" be and hereby is amended as follows:

§ 216-6. Exemptions and Permits.

* * *

K. The Commissioners of St. Michaels may, in their sole discretion, as a part of a public event permit, allow ~~the use of audio speakers out of doors~~ OUTDOOR MUSIC/SOUND in the Central Commercial, Historic Redevelopment, ~~and Maritime Commercial Zones,~~ MARITIME MUSEUM, WATERFRONT DEVELOPMENT AND PUBLIC PARKS. The noise level associated with these permits shall not exceed ~~65~~ 75 dBA, measured as set forth in § ~~216-4B~~ 216-5.

~~L.(1)~~ The grant of a public event permit authorizing ~~the use of audio speakers out of doors~~ OUTDOOR MUSIC/SOUND shall be conditioned on the applicant meeting all of the following conditions:

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(1) (a) All events involving ~~the use of audio speakers~~ OUTDOOR MUSIC/SOUND which are conducted on Sundays shall begin no earlier than 1:00 p.m. and shall end no later than 6:00 p.m. Such events held on Monday through Friday shall end no later than 6:00 p.m., and venues held on Saturday shall end no later 7:00 p.m., with the exception of:

(i) Midnight Madness, which is normally held on the first weekend in December. Amplified music/sound and announcements for Midnight Madness after 10:00 p.m. shall be restricted to one venue in the Central Commercial Zone and must end by midnight.

(ii) CONCERTS IN THE PARK, WHICH ARE NORMALLY HELD ON THURSDAYS BETWEEN MAY AND AUGUST BEGINNING AT 6:00 P.M. AND ENDING AT 7:30 P.M.

(iii) The number of events for which a public event permit may be issued shall be limited to three per day.

(2) (b) The speakers must be placed at least 75 feet from any boundary of a residential property. To the extent practicable, the speakers should be directed away from the nearest residential property boundary.

(3) (c) Compliance with the above-noted conditions shall be enforced by any sworn police officer of the Town. Upon the receipt of a complaint, the officer shall determine the dBA level at the property line of the ~~complainant~~ PROPERTY ALLEGED TO BE IN VIOLATION. Should a violation be noted, the permit holder shall be notified immediately, ~~and a~~ A written warning MAY BE issued stating that if a reoccurrence of the noise violation occurs at any time during the event, the exemption for that specific venue will be voided. Furthermore the permit holder shall be subject to the provisions of § 250-15 (Violations and penalties) of the Town Code. Consideration of future requests may be affected by the issuance of a citation.

M. L. Noise generated in the Central Commercial, Maritime Commercial, and Historic Redevelopment Zones by a business in possession of a permit pursuant to § 216-4C of this chapter SHALL BE CONDITIONED ON THE APPLICANT OBTAINING AN ANNUAL PERMIT AND MEETING ALL OF THE FOLLOWING CONDITIONS, subject to any restrictions or limitations set forth in this chapter.

(1) IN THE CENTRAL COMMERCIAL, MARITIME COMMERCIAL AND HISTORIC REDEVELOPMENT ZONES, OUTDOOR MUSIC/SOUND ACCESSORY TO A BUSINESS, THE PRIMARY PURPOSE OF WHICH IS THE SALE OF FOOD AND BEVERAGES TO THE GENERAL PUBLIC, REQUIRES A PERMIT FROM THE TOWN, WHICH SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

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(a) A PERMIT MAY BE ISSUED ONLY FOR MUSIC/SOUND INTENDED FOR THE PLEASURE OF THE CUSTOMERS OF THE PRIMARY STRUCTURE IN THE OUTDOOR DINING AREA OF THE PERMIT HOLDER'S BUSINESS ESTABLISHMENT.

(i) NOTIFICATION OF APPLICATION FOR AN OUTDOOR MUSIC PERMIT SHALL BE SENT TO ALL PROPERTY OWNERS WITHIN 200 FEET, BY CERTIFIED MAIL. THIS SHALL BE COMPLETED BY THE PROPERTY OWNER 30 DAYS PRIOR TO APPLICATION TO THE TOWN. A LIST OF NOTIFIED PROPERTIES, RECEIPTS FOR THE CERTIFIED MAIL AND ALL RESPONSES SHALL BE INCLUDED WITH THE APPLICATION.

(b) MUSIC/SOUND MUST STOP BY 9:00 P.M. ON SUNDAY THROUGH THURSDAY AND 10:00 P.M. ON FRIDAY AND SATURDAY.

(c) MUSIC/SOUND SHALL NOT EXCEED THE DBA LEVELS AS SET FORTH IN § 216-5A.

(i) WITH THE EXCEPTION THAT BETWEEN THE HOURS OF 12:00 P.M. AND 5:00 P.M., THE MUSIC/SOUND SHALL NOT EXCEED 75 DBA.

(d) THREE VIOLATIONS OF THIS CHAPTER WITHIN ANY CALENDAR YEAR SHALL RESULT IN THE REVOCATION OF THE PERMIT, WHICH MAY NOT BE REISSUED FOR A PERIOD OF SIX MONTHS.

(e) FOUR WRITTEN NOTICES OF VIOLATIONS AND/OR CITATIONS MAY RESULT IN THE DENIAL OF FUTURE PERMITS.

(f) ALL WRITTEN WARNINGS AND CITATIONS SHALL BE ISSUED TO THE PERMIT HOLDER WITH NOTIFICATION OF SUCH VIOLATION TO THE PROPERTY OWNER. FINES ASSOCIATED WITH THE FOREGOING VIOLATIONS MUST BE PAID IN FULL PRIOR TO THE REISSUANCE OF A NEW PERMIT.

(g) A OFFICER MAY ISSUE A CITATION BASED ON THE OFFICER'S OBSERVATIONS OF NOISE CONDITIONS OF A DEGREE AND DURATION THAT WOULD SUBSTANTIALLY AND UNREASONABLY DISTURB THE PEACE OF PERSONS.

(i) A DECIBEL READING SHALL BE TAKEN ON THE PROPERTY LINE AND RECORDED. THIS MAY BE MADE WITH ANY DECIBEL READER AS AN INDICATIVE MEASUREMENT, TO SEE IF THE NOISE LEVEL IS WITHIN THE ALLOWABLE LIMITS.

(2) THE COMMISSIONERS MAY ESTABLISH AN ANNUAL PERMIT FEE BY RESOLUTION.

M. THE USE OF LEAF BLOWERS BY COMMERCIAL CONTRACTORS. THIS EXEMPTION APPLIES ON MONDAYS THROUGH FRIDAYS BETWEEN THE HOURS OF 8:00 A.M. AND 5:00 P.M. THE USE OF LEAF

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BLOWERS BY COMMERCIAL CONTRACTORS IS PROHIBITED ON SATURDAYS, SUNDAYS, AND OBSERVED FEDERAL HOLIDAYS.

N. Leaf blowers.

(1) Definitions.

LEAF BLOWER

~~Portable equipment powered by electricity or battery, or an internal fuel combustion engine, including but not limited to gasoline, methane and propane that is used in any landscape, maintenance, construction, property repair, or property maintenance for the purpose of blowing, dispersing, or redistributing dust, dirt, leaves, grass clippings, cuttings and trimmings from trees, shrubs or other debris.~~

~~(2) The use of leaf blowers by commercial contractors. This exemption applies on Mondays through Fridays between the hours of 8:00 a.m. and 5:00 p.m. The use of leaf blowers by commercial contractors is prohibited on Saturdays, Sundays, and observed federal holidays.~~

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

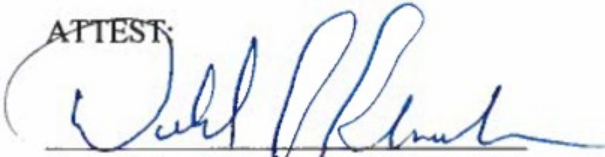
SECTION 6. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days after adoption, having been introduced on the 24th day of September, 2025, and passed by a majority vote of the Commissioners of St. Michaels following a public hearing of the Commissioners of St. Michaels on the 22nd day of October, 2025, which latter date shall be at least six and no more than 70 days after the date of its introduction.

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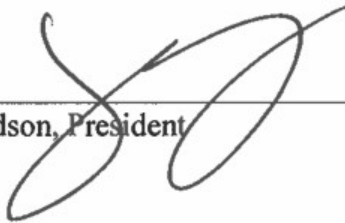
Hudson Yay
Whittington Yay
Mercier Yay
Wojciechowski Yay
Roiter Yay

ATTEST:



Don Richardson, Town Administrator

THE COMMISSIONERS OF ST. MICHAELS



Jay Hudson, President

I HEREBY CERTIFY that an exact copy of the above Ordinance was posted from the 23rd day of October, 2025, at 8:30 a.m. to the 12th day of November, 2025, at 4:30 p.m., on the bulletin board at the St. Michaels Town Office, and that a summary of the above Ordinance, the date of its passage, its effective date, and a statement that the entire text of the Ordinance will appear on the bulletin board of the Town Office, St. Michaels, Maryland, for at least twenty (20) days following the passage, has been published at least once each week for two (2) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

Date: November 12th, 2025



Kristen Payne, Town Clerk