

5 November 2024

John D. Chadwick
7018 Braeburn Place
Bethesda, MD 20817

Montgomery County Board of Appeals
Stella B. Werner Office Building
100 Maryland Avenue Room 217
Rockville, MD 20850

Re: Bannockburn Community Swim Club
Bethesda, MD 20817
Special Exception #2141

Dear Sir / Madame,

This letter is to submit a formal noise complaint against the Bannockburn Community Swim Club at 6513 Laverock Lane, Bethesda, MD. I am submitting this complaint to the Board of Appeals because I believe the pool operates under a Special Exception #S-2141 that was granted by the Board many years ago and that has since been updated – revised several times.

The noise complaint is specifically related to the pool's use of outside vendors (AKA food – ice cream trucks) which visit the pool's premises several times each day during the swim season. These trucks advertise their presence by using loud electronically amplified sound in the form of musical jingles. I have repeatedly contacted the swim club board advising that the amplified sound used by the truck vendors constitutes an unpleasant, annoying, offensive, and obnoxious noise disturbance to the neighborhood. At least one other neighbor has also similarly advised the Board.

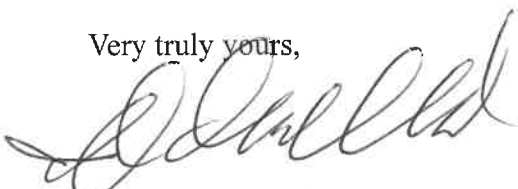
Based on my research I believe that the use of electronically amplified sound by these trucks is a violation of Maryland Transportation Section 22-410.1 and the Montgomery County DEP "Notice Ice Cream Truck Vendors" (copies attached). I have also provided copies of these documents to the pool board.

I have requested the Board to require their truck vendors to cease their use of amplified sound. I have said that I have no objection to the trucks themselves or their commercial activity, only to their loud and offensive amplified advertisement. The pool board has so far repeatedly refused to comply with my requests.

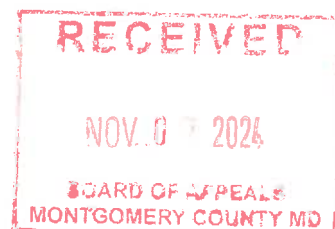
Due to the intransigence of the pool board on this matter, I am requesting that Board of Appeals intervene by ordering the Bannockburn Swim Club to stop allowing their truck vendors to use amplified sound (which again appears to be a violation of the relevant State and County regulations) as a condition of the pool board's continued permission to operate their facility under the special exception.

Thank you for your attention to this matter and I look forward to hearing from you after your review of this request.

Very truly yours,



John D. Chadwick
301 312 4955



There is a newer version of the Maryland Code



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Maryland Transportation Section 22-401.1

Article - Transportation

§ 22-401.1.

A vehicle from which ice cream products and similar products are sold may be equipped with, and the driver of the vehicle may use, a bell not exceeding 3 1/2 inches in diameter, or a set of bells, provided that no bell or set of bells may be:

- (1) Operated by mechanical or electrical means or by any means other than manually;
 - (2) Amplified by any electrical or electronic means;
 - (3) Capable of emitting sound audible under normal conditions from a distance of more than 400 feet;
 - (4) Used for any purpose between the hours of 10 o'clock p.m. and 8 o'clock a.m.;
- or
- (5) Used as an ordinary warning signal at any time.



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice Ice Cream Truck Vendors

Owners and operators of mobile ice cream vending trucks in Montgomery County are required to have a valid Mobile Food Service License and a valid Regular Route Vending License. For information on how to obtain the appropriate licenses please call 311 from a land line located within Montgomery County, or 240-777-0311 from a cell phone or land line located outside Montgomery County.

In addition to the above licenses, there are specific noise requirements pertaining to the operation of ice cream trucks within Montgomery County and the State of Maryland.

Section 22-401.1 of the Transportation Article of the Maryland Code establishes specific limits on the type and size of sound producing device that may be used for commercial advertising by mobile ice cream vendors. Only a manually operated bell or set of bells not exceeding 3.5 inches in diameter may be used. Audible sound from bells is restricted to a maximum volume that travels no more than 400 feet under normal conditions, and bells may not be used between the hours of 10:00 p.m. and 8:00 a.m. Electronically amplified bells are prohibited.

Also, the Montgomery County Noise Control Ordinance, Chapter 31B of the County Code, places limits on electronically amplified sound sources operated on public streets for commercial advertising or to attract public attention. Noise from electronically amplified sound systems can qualify as a noise disturbance in violation of County law.

As defined in County Code Section 31B-2, a noise disturbance is any noise that is:

1. unpleasant, annoying, offensive, loud, or obnoxious;
2. unusual for the time of day or location where it is produced or heard; or
3. detrimental to the health, comfort, or safety of any individual or to the reasonable enjoyment of property or the lawful conduct of business because of the loudness, duration, or character of the noise.

To minimize the creation of a noise disturbance it is advisable to reduce volume levels of electronically amplified sound systems and minimize the playing of music when the truck is stopped and conducting business.