

SENATE BILL 361

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2003 Regular Session  
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CF 3r1467

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By: **Senators Brinkley and Mooney**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 2003

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CHAPTER 239

1 AN ACT concerning

2 **Frederick County and Frederick City - Environmental Noise Standards -**  
3 **County Fairgrounds - ~~Exception~~ Exemption**

4 FOR the purpose of ~~providing an exception for~~ exempting certain ~~county~~ fairs and  
5 other events in Frederick County and Frederick City to from the authority of the  
6 Department of the Environment to adopt certain environmental noise  
7 standards; ~~and generally relating to State environmental noise standards,~~  
8 sound level limits, and noise control rules and regulations.

9 BY repealing and reenacting, with amendments,  
10 Article - Environment  
11 Section 3-401  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 2002 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Environment**

17 3-401.

18 (a) Except as otherwise provided by law, the Department shall adopt  
19 environmental noise standards, sound level limits, and noise control rules and  
20 regulations as necessary to protect the public health, the general welfare, and  
21 property.

1 (b) In adopting environmental noise standards, the Department shall  
2 consider:

3 (1) Information published by the Administrator of the United States  
4 Environmental Protection Agency on the levels of environmental noise that must be  
5 attained and maintained in defined areas under various conditions to protect public  
6 health and welfare with an adequate margin of safety; and

7 (2) Scientific information about the volume, frequency, duration, and  
8 other characteristics of noise that may harm public health, safety, or general welfare,  
9 including:

- 10 (i) Temporary or permanent hearing loss;
- 11 (ii) Interference with sleep, speech communication, work, or other  
12 human activities;
- 13 (iii) Adverse physiological responses;
- 14 (iv) Psychological distress;
- 15 (v) Harm to animal life;
- 16 (vi) Devaluation of or damage to property; and
- 17 (vii) Unreasonable interference with the enjoyment of life or  
18 property.

19 (c) (1) In adopting sound level limits and noise control rules and  
20 regulations, the Department shall consider, among other things:

- 21 (i) The residential, commercial, or industrial nature of the area  
22 affected;
- 23 (ii) Zoning;
- 24 (iii) The nature and source of various kinds of noise;
- 25 (iv) The degree of noise reduction that may be attained and  
26 maintained using the best available technology;
- 27 (v) Accepted scientific and professional methods for measurement  
28 of sound levels; and
- 29 (vi) The cost of compliance with the sound level limits.

30 (2) The sound level limits adopted under this subsection shall be  
31 consistent with the environmental noise standards adopted by the Department.

32 (3) The sound level limits and noise control rules and regulations  
33 adopted under this subsection may not prohibit trapshooting or other target shooting

1 on any range or other property in Frederick County that the Frederick County  
 2 Department of Planning and Zoning has approved as a place for those sporting  
 3 events.

4 (4) The sound level limits and noise control rules and regulations  
 5 adopted under this subsection shall be as follows for residential heat pumps and air  
 6 conditioning units:

7 (i) Residential heat pumps 75dba.

8 (ii) Residential air conditioning units 70dba.

9 (5) (i) The sound level limits and noise control rules and regulations  
 10 adopted under this subsection may not prohibit trapshooting, skeetshooting, or other  
 11 target shooting between the hours of 9 a.m. and 10 p.m. on any range or other  
 12 property of a shooting sports club that is chartered and in operation as of January 1,  
 13 2001.

14 (ii) This paragraph does not apply in Allegany, Anne Arundel,  
 15 Baltimore City, Calvert, Charles, Garrett, Howard, Montgomery, St. Mary's, and  
 16 Washington counties.

17 (d) (1) This section does not authorize the Department to adopt  
 18 environmental noise standards, sound level limits, or noise control rules and  
 19 regulations that apply to noise from:

20 (i) Construction or repair work on public property; [or]

21 (ii) Fire or rescue station alerting devices; OR

22 (III) ~~4.~~ IN FREDERICK COUNTY OR FREDERICK CITY:

23 1. A COUNTY FAIR LISTED IN THE MARYLAND  
 24 AGRICULTURAL FAIRS AND SHOWS SCHEDULE THAT IS MAINTAINED BY THE  
 25 MARYLAND AGRICULTURAL FAIR BOARD; ~~AND OR~~

26 2. ANY OTHER EVENT HELD ON THE SAME GROUNDS OF THE  
 27 COUNTY AS A FAIR UNDER ITEM 1 OF THIS ITEM.

28 (2) Noise control rules and regulations that apply to Department of  
 29 Transportation facilities shall be adopted jointly by the Department of Transportation  
 30 and the Department of the Environment.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 32 June 1, 2003.

