

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 1201

(Calvert County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

Calvert County - Noise Control Ordinance

This bill authorizes the Calvert County Commissioners to enact an ordinance that (1) adopts environmental noise standards, sound level limits, and noise controls as necessary to protect public health, welfare, and property; (2) authorizes the Calvert County Sheriff to enforce the ordinance; and (3) specifies that a violation of the ordinance is a civil offense subject to a fine of up to \$10,000.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: Calvert County expenditures increase minimally for the sheriff's office to procure additional sound level equipment and to enforce the bill; even so, the bill can be implemented with existing budgeted resources. Potential increase in local revenues from any fines collected for violations of the ordinance once enacted.

Small Business Effect: None.

Analysis

Current Law: A political subdivision may not adopt a noise control ordinance that is less stringent than the noise standards, sound level limits, and noise control rules and regulations adopted pursuant to Title 3 of the Environment Article. Excepted from this rule in many political subdivisions are provisions regarding trapshooting, skeet shooting, or other target shooting activities between 9 a.m. and 10 p.m.

A political subdivision is required to send the Maryland Department of the Environment (MDE) a copy of each noise control rule that it adopts and to identify, on each zoning map or comprehensive plan, the sound level limits adopted. Political subdivisions are encouraged, but not required, to consider compliance with State or local noise standards before acting on any proposed variance requests or changes in zoning classifications and to consider whether an activity will be in compliance with local and State noise control standards before issuing a permit.

Generally, enforcement of the Environment Article is the duty of the Secretary of the Environment, but enforcement may also be delegated to a county health officer or other official authorized to enforce environmental laws. Specifically, sound level limits and noise control rules must be enforced by MDE, using the services of appropriate local government agencies to the maximum extent possible. Sheriffs are not local government officials, but rather constitutionally mandated officers of the State. MDE may assist the noise control efforts of any appropriate agency of any political subdivision by giving that agency technical assistance in the form of personnel or equipment.

Background: The MDE Noise Control Program was designed to handle noise complaints that are not adequately addressed at the local level. However, in 2005 the Noise Control Program was defunded. Although MDE continues to receive telephone and written complaints of noise violations, these are referred to local governments for action. MDE advises that most noise problems are the result of improper or inadequate attention to potential noise issues during planning, zoning, and building permit activities undertaken by local authorities; thus, MDE encourages local governments to adopt and enforce local noise control programs. And while MDE has authority to issue a civil penalty of up to \$10,000 for each violation of State noise regulations, no enforcement action has been taken by MDE since the program was defunded.

Local Expenditures: Although sheriffs are constitutionally mandated officers, they are supported financially by the counties, in accordance with State law. Thus, the minimal increase in expenditures (likely less than \$1,000) necessary to procure two additional sound level meters and one calibration device for enforcement of the bill will be incurred by Calvert County. These expenditures and the additional enforcement and judicial activities anticipated under the bill can be handled with existing budgeted resources. The fiscal 2009 budget for the Calvert County Sheriff's Office was about \$11.9 million.

Local Revenues: Calvert County revenues increase to the extent any fines are collected pursuant to the bill's civil penalty provision. The bill establishes that any ordinance enacted specify a violation of the ordinance as a civil offense subject to a fine of up to \$10,000.

Additional Information

Prior Introductions: None.

Cross File: SB 958 (Senator Miller) – Education, Health, and Environmental Affairs.

Information Source(s): Calvert County, Maryland Department of the Environment,
Department of Legislative Services

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