

# HOUSE BILL 1514

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By: **Howard County Delegation**

Introduced and read first time: March 4, 2013

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Noise Control – Outdoor Concert Venues**

3 **Ho. Co. 9–13**

4 FOR the purpose of prohibiting Howard County or a political subdivision of Howard  
5 County from adopting a certain noise control ordinance, rule, or regulation for  
6 an outdoor concert venue with a certain capacity; prohibiting the Department of  
7 the Environment from adopting a certain noise control ordinance, rule, or  
8 regulation that prohibits the electronic amplification of sound between certain  
9 hours at an outdoor concert venue with a certain capacity in Howard County,  
10 subject to certain limitations; prohibiting an outdoor concert venue with a  
11 certain capacity from producing any electronic amplification of sound during a  
12 certain time period, subject to a certain exception; and generally relating to the  
13 adoption of sound level limits and noise control ordinances, rules, and  
14 regulations concerning the electronic amplification of sound at an outdoor  
15 concert venue in Howard County.

16 BY repealing and reenacting, with amendments,  
17 Article – Environment  
18 Section 3–105(a) and 3–401(c)  
19 Annotated Code of Maryland  
20 (2007 Replacement Volume and 2012 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – Environment  
23 Section 3–401(a)  
24 Annotated Code of Maryland  
25 (2007 Replacement Volume and 2012 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Environment**

2 3–105.

3 (a) (1) Except as provided in this section, this title does not limit the  
4 power of a political subdivision to adopt noise control ordinances, rules, or regulations.

5 (2) A political subdivision may not adopt any noise control ordinance,  
6 rule, or regulation that is less stringent than the environmental noise standards,  
7 sound level limits, and noise control rules and regulations adopted under this title.

8 (3) (i) A political subdivision may not adopt any noise control  
9 ordinance, rule, or regulation, including the environmental noise standards, sound  
10 level limits, and noise control rules and regulations adopted under this title, that  
11 prohibits trapshooting, skeetshooting, or other target shooting between the hours of 9  
12 a.m. and 10 p.m. by a shooting sports club that is chartered and in operation as of  
13 January 1, 2001.

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

17 (4) (i) Except as provided in subparagraph (ii) of this paragraph,  
18 Allegany County, Anne Arundel County, Garrett County, Washington County, or a  
19 political subdivision of Allegany County, Anne Arundel County, Garrett County, or  
20 Washington County may not adopt any noise control ordinance, rule, or regulation,  
21 including the environmental noise standards, sound level limits, and noise control  
22 rules and regulations adopted under this title, that prohibits trapshooting,  
23 skeetshooting, or other target shooting between the hours of 9 a.m. and 10 p.m. by a  
24 shooting sports club that is chartered and in operation as of January 1, 2005.

25 (ii) 1. Subject to the provisions of subparagraph 2 of this  
26 subparagraph, Allegany County, Anne Arundel County, Garrett County, Washington  
27 County, or a political subdivision of Allegany County, Anne Arundel County, Garrett  
28 County, or Washington County may adopt any noise control ordinance, rule, or  
29 regulation, including the environmental noise standards, sound level limits, and noise  
30 control rules and regulations adopted under this title, that prohibits trapshooting,  
31 skeetshooting, or other target shooting between the hours of 9 a.m. and 10 p.m. by a  
32 shooting sports club that the responsible political subdivision determines is not in  
33 compliance as of January 1, 2005 with environmental noise standards, sound level  
34 limits, or noise control rules or regulations adopted under this title.

35 2. A noise control ordinance, rule, or regulation adopted  
36 under subparagraph 1 of this subparagraph shall allow trapshooting,  
37 skeetshooting, and other target shooting between the hours of 9 a.m. and 10 p.m. by a  
38 shooting sports club that the responsible political subdivision determines has become

1 compliant with environmental noise standards, sound level limits, and noise control  
2 rules and regulations adopted under this title.

3 (5) Carroll County or a political subdivision of Carroll County may not  
4 enforce any noise control ordinance, rule, or regulation, including the environmental  
5 noise standards, sound level limits, and noise control rules and regulations adopted  
6 under this title, against a public school in Carroll County that violates the ordinance,  
7 rule, or regulation between the hours of 8 a.m. and 9:30 p.m.

8 (6) HOWARD COUNTY OR A POLITICAL SUBDIVISION OF HOWARD  
9 COUNTY MAY NOT ADOPT A NOISE CONTROL ORDINANCE, RULE, OR  
10 REGULATION, INCLUDING THE ENVIRONMENTAL NOISE CONTROL STANDARDS,  
11 SOUND LEVEL LIMITS, AND NOISE CONTROL RULES AND REGULATIONS  
12 ADOPTED UNDER THIS TITLE, FOR AN OUTDOOR CONCERT VENUE WITH A  
13 CAPACITY OF OVER 15,000 INDIVIDUALS.

14 3-401.

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

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

22 (i) The residential, commercial, or industrial nature of the area  
23 affected;

24 (ii) Zoning;

25 (iii) The nature and source of various kinds of noise;

26 (iv) The degree of noise reduction that may be attained and  
27 maintained using the best available technology;

28 (v) Accepted scientific and professional methods for  
29 measurement of sound levels; and

30 (vi) The cost of compliance with the sound level limits.

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

1           (3)    The sound level limits and noise control rules and regulations  
2 adopted under this subsection may not prohibit trapshooting or other target shooting  
3 on any range or other property in Frederick County that the Frederick County  
4 Department of Planning and Zoning has approved as a place for those sporting events.

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

8                   (i)    Residential heat pumps 75dba.

9                   (ii)   Residential air conditioning units 70dba.

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

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

18           (6)   (i)    Except as provided in subparagraph (ii) of this paragraph,  
19 the Department may not adopt sound level limits and noise control rules and  
20 regulations under this subsection that prohibit trapshooting, skeetshooting, or other  
21 target shooting between the hours of 9 a.m. and 10 p.m. in Allegany County, Anne  
22 Arundel County, Garrett County, or Washington County on any range or other  
23 property of a shooting sports club that is chartered and in operation as of January 1,  
24 2005.

25                   (ii)   1.    Subject to the provisions of subsubparagraph 2 of this  
26 subparagraph, the Department may adopt sound level limits and noise control rules  
27 and regulations under this subsection that prohibit trapshooting, skeetshooting, or  
28 other target shooting between the hours of 9 a.m. and 10 p.m. in Allegany County,  
29 Anne Arundel County, Garrett County, or Washington County on any range or other  
30 property of a shooting club that the Department determines is not in compliance as of  
31 January 1, 2005 with environmental noise standards, sound level limits, or noise  
32 control rules and regulations adopted under this title.

33                               2.    A sound level limit or noise control rule or regulation  
34 adopted under this subsection shall allow trapshooting, skeetshooting, and other  
35 target shooting between the hours of 9 a.m. and 10 p.m. by a shooting sports club that  
36 the Department determines has become compliant with sound level limits and noise  
37 control rules and regulations adopted under this title.

1           **(7) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS**  
2 **PARAGRAPH, IN HOWARD COUNTY, THE SOUND LEVEL LIMITS AND NOISE**  
3 **CONTROL RULES AND REGULATIONS ADOPTED UNDER THIS SUBSECTION MAY**  
4 **NOT PROHIBIT THE ELECTRONIC AMPLIFICATION OF SOUND AT AN OUTDOOR**  
5 **CONCERT VENUE WITH A CAPACITY OF OVER 15,000 INDIVIDUALS THAT:**

6                           **1. WITHIN THE AREA THAT IS INCLUDED IN A 0.25**  
7 **MILE RADIUS OF THE VENUE, PRODUCES SOUND THAT IS:**

8                           **A. 95 DBA OR LOWER BETWEEN 9:00 A.M. AND 11:00**  
9 **P.M.; AND**

10                          **B. 55 DBA OR LOWER BETWEEN 11:00 P.M. AND 11:30**  
11 **P.M.; AND**

12                          **2. WITHIN THE AREA THAT IS OUTSIDE A 0.25 MILE**  
13 **RADIUS OF THE VENUE, PRODUCES SOUND THAT IS:**

14                          **A. 72.5 DBA OR LOWER BETWEEN 9:00 A.M. AND**  
15 **11:00 P.M.; AND**

16                          **B. 55 DBA OR LOWER BETWEEN 11:00 P.M. AND 11:30**  
17 **P.M.**

18                          **(ii) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2**  
19 **OF THIS SUBPARAGRAPH, AN OUTDOOR CONCERT VENUE WITH A CAPACITY OF**  
20 **OVER 15,000 INDIVIDUALS MAY NOT PRODUCE ANY ELECTRONIC**  
21 **AMPLIFICATION OF SOUND BETWEEN 11:30 P.M. AND 9:00 A.M.**

22                          **2. THE LIMITATIONS CONCERNING THE ELECTRONIC**  
23 **AMPLIFICATION OF SOUND AT AN OUTDOOR CONCERT VENUE UNDER**  
24 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH DO NOT APPLY TO AN ACTIVITY**  
25 **SPONSORED OR AUTHORIZED BY THE HOWARD COUNTY PUBLIC SCHOOL**  
26 **SYSTEM BETWEEN 8:00 A.M. AND 9:00 A.M.**

27           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2013.