

Chapter 307

(House Bill 677)

AN ACT concerning

Howard County – Noise Control – Outdoor Concert Venues

Ho. Co. 18–17

FOR the purpose of clarifying a certain limitation concerning the electronic amplification of sound at an outdoor concert venue with a certain capacity in Howard County; specifying the point from which certain measurements should be taken concerning the electronic amplification of sound at the venue; specifying that certain limitations concerning the electronic amplification of sound at the venue apply even if a satellite stage is used for an event at the venue; defining a certain term; and generally relating to noise control at a certain outdoor concert venue in Howard County.

BY repealing and reenacting, with amendments,
Article – Environment
Section 3–401
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

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

Article – Environment

3–401.

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

(b) In adopting environmental noise standards, the Department or a political subdivision that chooses to adopt environmental noise standards shall consider:

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

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

(i) Temporary or permanent hearing loss;

- human activities;
- (ii) Interference with sleep, speech communication, work, or other human activities;
 - (iii) Adverse physiological responses;
 - (iv) Psychological distress;
 - (v) Harm to animal life;
 - (vi) Devaluation of or damage to property; and
 - (vii) Unreasonable interference with the enjoyment of life or property.

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

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

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

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

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

- (i) Residential heat pumps 75 dba; and

(ii) Residential air conditioning units 70 dba.

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

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

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

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

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

(7) (I) IN THIS PARAGRAPH, "MAIN STAGE" MEANS THE PRIMARY AND USUAL PERFORMANCE SPACE USED BY ARTISTS OR OTHER PERSONS AT AN OUTDOOR CONCERT VENUE WITH A FIXED-SEAT CAPACITY FOR 4,000 OR MORE INDIVIDUALS.

[(i)] (II) Except as provided in subparagraph **[(ii)] (IV)** of this paragraph, in Howard County, the sound level limits and noise control rules and regulations adopted under this subsection may not prohibit the electronic amplification of sound at an outdoor concert venue with a capacity of over 15,000 individuals that:

1. Within the area that is included in a 0.25 mile radius of **THE MAIN STAGE OF** the venue, produces sound that, **AT A RESIDENTIAL PROPERTY LINE,** is:

and

A. ~~[95]~~ **85** dba or lower between 9:00 a.m. and 11:00 p.m.;

B. 55 dba or lower between 11:00 p.m. and 11:30 p.m.; ~~[and]~~

2. Within the area that is ~~[outside]~~ **BETWEEN** a 0.25 mile radius **AND A 0.75 MILE RADIUS OF THE MAIN STAGE OF** the venue, produces sound that, **AT A RESIDENTIAL PROPERTY LINE,** is:

A. 72.5 dba or lower between 9:00 a.m. and 11:00 p.m.; and

B. 55 dba or lower between 11:00 p.m. and 11:30 p.m.; **AND**

3. WITHIN THE AREA THAT IS OUTSIDE A 0.75 MILE RADIUS OF THE MAIN STAGE OF THE VENUE, PRODUCES SOUND THAT, AT A RESIDENTIAL PROPERTY LINE, IS:

A. 65 DBA OR LOWER BETWEEN 9:00 A.M. AND 11:00 P.M.;

AND

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

P.M.

(III) THE LIMITATIONS CONCERNING THE ELECTRONIC AMPLIFICATION OF SOUND AT AN OUTDOOR CONCERT VENUE UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH APPLY EVEN IF THE CONCERT VENUE USES ONE OR MORE SATELLITE STAGES FOR AN EVENT AT THE VENUE.

~~[(ii)]~~ **(IV)** 1. Except as provided in subsubparagraph 2 of this subparagraph, an outdoor concert venue with a capacity of over 15,000 individuals may not produce any electronic amplification of sound between 11:30 p.m. and 9:00 a.m.

2. The limitations concerning the electronic amplification of sound at an outdoor concert venue under subsubparagraph 1 of this subparagraph do not apply to an activity sponsored or authorized by the Howard County Public School System between 8:00 a.m. and 9:00 a.m.

~~[(iii)]~~ **(V)** Notwithstanding § 3–105(a)(1) and (2) of this title, the noise control ordinances, rules, or regulations adopted by Howard County and in effect on October 1, 2013, do not apply to the electronic amplification of sound at an outdoor concert venue in the county with a capacity of over 15,000 individuals.

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

- (i) Construction or repair work on public property;
- (ii) Fire or rescue station alerting devices; or
- (iii) In Frederick County or Frederick City:

1. A fair listed in the Maryland Agricultural Fairs and Shows Schedule that is maintained by the Maryland Agricultural Fair Board; or

2. Any other event held on the same grounds as a fair under item 1 of this item.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2017.

Approved by the Governor, April 18, 2017.