
By: **Senator Hafer**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Allegany and Garrett Counties - Sound Level Limits and Noise Control -**
3 **Shooting Sports Clubs**

4 FOR the purpose of prohibiting political subdivisions in Allegany and Garrett
5 counties from adopting certain noise control ordinances, rules, or regulations
6 that prohibit certain target shooting between certain hours by shooting sports
7 clubs that are chartered and in operation by a certain date; authorizing political
8 subdivisions in Allegany and Garrett counties to adopt certain noise control
9 ordinances, rules, or regulations that prohibit certain target shooting between
10 certain hours by shooting sports clubs that the Department of the Environment
11 determines are not in compliance as of a certain date with certain standards,
12 limits, or rules or regulations; requiring ordinances, rules, and regulations
13 adopted under this Act to allow certain target shooting between certain hours by
14 shooting sports clubs that the Department determines have become compliant
15 with certain standards, limits, or rules; prohibiting the Department from
16 adopting certain sound level limits and noise control rules and regulations
17 prohibiting certain target shooting between certain hours in Allegany and
18 Garrett counties at shooting sports clubs that are chartered and in operation by
19 a certain date; authorizing the Department to adopt certain sound level limits
20 and noise control rules and regulations that prohibit certain target shooting
21 between certain hours by shooting sports clubs that the Department determines
22 are not in compliance as of a certain date with certain standards, limits, or
23 rules; requiring sound level limits and noise control rules and regulations
24 adopted under this Act to allow certain target shooting between certain hours by
25 shooting sports clubs that the Department determines have become compliant
26 with certain standards, limits, or rules; and generally relating to sound level
27 limits and noise controls at shooting sports clubs.

28 BY repealing and reenacting, with amendments,
29 Article - Environment
30 Section 3-105(a) and 3-401(c)
31 Annotated Code of Maryland
32 (1996 Replacement Volume and 2004 Supplement)

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

3 **Article - Environment**

4 3-105.

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

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

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

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

19 (4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
20 PARAGRAPH, A POLITICAL SUBDIVISION IN ALLEGANY COUNTY OR GARRETT COUNTY
21 MAY NOT ADOPT ANY NOISE CONTROL ORDINANCE, RULE, OR REGULATION,
22 INCLUDING THE ENVIRONMENTAL NOISE STANDARDS, SOUND LEVEL LIMITS, AND
23 NOISE CONTROL RULES AND REGULATIONS ADOPTED UNDER THIS TITLE, THAT
24 PROHIBITS TRAPSHOOTING, SKEETSHOOTING, OR OTHER TARGET SHOOTING
25 BETWEEN THE HOURS OF 9 A.M. AND 10 P.M. BY A SHOOTING SPORTS CLUB THAT IS
26 CHARTERED AND IN OPERATION AS OF JANUARY 1, 2005.

27 (II) 1. SUBJECT TO THE PROVISIONS OF SUBSUBPARAGRAPH 2
28 OF THIS SUBPARAGRAPH, A POLITICAL SUBDIVISION IN ALLEGANY COUNTY OR
29 GARRETT COUNTY MAY ADOPT ANY NOISE CONTROL ORDINANCE, RULE, OR
30 REGULATION, INCLUDING THE ENVIRONMENTAL NOISE STANDARDS, SOUND LEVEL
31 LIMITS, AND NOISE CONTROL RULES AND REGULATIONS ADOPTED UNDER THIS
32 TITLE, THAT PROHIBITS TRAPSHOOTING, SKEETSHOOTING, OR OTHER TARGET
33 SHOOTING BETWEEN THE HOURS OF 9 A.M. AND 10 P.M. BY A SHOOTING SPORTS
34 CLUB THAT THE DEPARTMENT DETERMINES IS NOT IN COMPLIANCE AS OF JANUARY
35 1, 2005 WITH ANY OTHER ENVIRONMENTAL NOISE STANDARDS, SOUND LEVEL
36 LIMITS, OR NOISE CONTROL RULES OR REGULATIONS ADOPTED UNDER THIS TITLE.

37 2. A NOISE CONTROL ORDINANCE, RULE, OR REGULATION
38 ADOPTED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL ALLOW
39 TRAPSHOOTING, SKEETSHOOTING, AND OTHER TARGET SHOOTING BETWEEN THE
40 HOURS OF 9 A.M. AND 10 P.M. BY A SHOOTING SPORTS CLUB THAT THE DEPARTMENT

1 DETERMINES HAS BECOME COMPLIANT WITH ALL OTHER ENVIRONMENTAL NOISE
2 STANDARDS, SOUND LEVEL LIMITS, AND NOISE CONTROL RULES AND REGULATIONS
3 ADOPTED UNDER THIS TITLE.

4 3-401.

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

7 (i) The residential, commercial, or industrial nature of the area
8 affected;

9 (ii) Zoning;

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

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

13 (v) Accepted scientific and professional methods for measurement
14 of sound levels; and

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

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

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

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

26 (i) Residential heat pumps 75dba.

27 (ii) Residential air conditioning units 70dba.

28 (5) (i) The sound level limits and noise control rules and regulations
29 adopted under this subsection may not prohibit trapshooting, skeetshooting, or other
30 target shooting between the hours of 9 a.m. and 10 p.m. on any range or other
31 property of a shooting sports club that is chartered and in operation as of January 1,
32 2001.

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

1 (6) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
2 PARAGRAPH, THE DEPARTMENT MAY NOT ADOPT SOUND LEVEL LIMITS AND NOISE
3 CONTROL RULES AND REGULATIONS UNDER THIS SUBSECTION THAT PROHIBIT
4 TRAPSHOOTING, SKEETSHOOTING, OR OTHER TARGET SHOOTING BETWEEN THE
5 HOURS OF 9 A.M. AND 10 P.M. IN ALLEGANY COUNTY OR GARRETT COUNTY ON ANY
6 RANGE OR OTHER PROPERTY OF A SHOOTING SPORTS CLUB THAT IS CHARTERED
7 AND IN OPERATION AS OF JANUARY 1, 2005.

8 (II) 1. SUBJECT TO THE PROVISIONS OF SUBSUBPARAGRAPH 2
9 OF THIS SUBPARAGRAPH, THE DEPARTMENT MAY ADOPT SOUND LEVEL LIMITS AND
10 NOISE CONTROL RULES AND REGULATIONS UNDER THIS SUBSECTION THAT
11 PROHIBIT TRAPSHOOTING, SKEETSHOOTING, OR OTHER TARGET SHOOTING
12 BETWEEN THE HOURS OF 9 A.M. AND 10 P.M. IN ALLEGANY COUNTY OR GARRETT
13 COUNTY ON ANY RANGE OR OTHER PROPERTY OF A SHOOTING CLUB THAT THE
14 DEPARTMENT DETERMINES IS NOT IN COMPLIANCE AS OF JANUARY 1, 2005 WITH
15 ANY OTHER ENVIRONMENTAL NOISE STANDARDS, SOUND LEVEL LIMITS, OR NOISE
16 CONTROL RULES AND REGULATIONS ADOPTED UNDER THIS TITLE.

17 2. A SOUND LEVEL LIMIT OR NOISE CONTROL RULE OR
18 REGULATION ADOPTED UNDER THIS SUBSECTION SHALL ALLOW TRAPSHOOTING,
19 SKEETSHOOTING, AND OTHER TARGET SHOOTING BETWEEN THE HOURS OF 9 A.M.
20 AND 10 P.M. BY A SHOOTING SPORTS CLUB THAT THE DEPARTMENT DETERMINES
21 HAS BECOME COMPLIANT WITH ALL OTHER SOUND LEVEL LIMITS AND NOISE
22 CONTROL RULES AND REGULATIONS ADOPTED UNDER THIS TITLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2005.