UNOFFICIAL COPY OF SENATE BILL 685

5lr2579 CF 5lr2578

By: **Senator Hafer** Introduced and read first time: February 4, 2005 Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments Senate action: Adopted Read second time: March 24, 2005

CHAPTER_____

1 AN ACT concerning

Allegany and Garrett, Garrett, and Washington Counties - Sound Level Limits and Noise Control - Shooting Sports Clubs

4 FOR the purpose of prohibiting political subdivisions in Allegany and Garrett

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

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1 with certain standards, limits, or rules; and generally relating to sound level

2 limits and noise controls at shooting sports clubs.

3 BY repealing and reenacting, with amendments,

- 4 Article Environment
- 5 Section 3-105(a) and 3-401(c)
- 6 Annotated Code of Maryland

7 (1996 Replacement Volume and 2004 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

9 MARYLAND, That the Laws of Maryland read as follows:

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Article - Environment

11 3-105.

12 (a) (1) Except as provided in this section, this title does not limit the power 13 of a political subdivision to adopt noise control ordinances, rules, or regulations.

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

17 (3) (i) A political subdivision may not adopt any noise control

18 ordinance, rule, or regulation, including the environmental noise standards, sound

19 level limits, and noise control rules and regulations adopted under this title, that 20 prohibits trapshooting, skeetshooting, or other target shooting between the hours of 9

21 a.m. and 10 p.m. by a shooting sports club that is chartered and in operation as of

22 January 1, 2001.

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

(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
PARAGRAPH, A POLITICAL SUBDIVISION IN ALLEGANY COUNTY OR GARRETT COUNTY
ALLEGANY COUNTY, GARRETT COUNTY, WASHINGTON COUNTY, OR A POLITICAL
SUBDIVISION OF ALLEGANY COUNTY, GARRETT COUNTY, OR WASHINGTON COUNTY
MAY NOT ADOPT ANY NOISE CONTROL ORDINANCE, RULE, OR REGULATION,
INCLUDING THE ENVIRONMENTAL NOISE STANDARDS, SOUND LEVEL LIMITS, AND
NOISE CONTROL RULES AND REGULATIONS ADOPTED UNDER THIS TITLE, THAT
PROHIBITS TRAPSHOOTING, SKEETSHOOTING, OR OTHER TARGET SHOOTING
BETWEEN THE HOURS OF 9 A.M. AND 10 P.M. BY 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, A POLITICAL SUBDIVISION IN ALLEGANY COUNTY OR
 GARRETT COUNTY ALLEGANY COUNTY, GARRETT COUNTY, WASHINGTON COUNTY,
 OR A POLITICAL SUBDIVISION OF ALLEGANY COUNTY, GARRETT COUNTY, OR

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1 WASHINGTON COUNTY MAY ADOPT ANY NOISE CONTROL ORDINANCE, RULE, OR 2 REGULATION, INCLUDING THE ENVIRONMENTAL NOISE STANDARDS, SOUND LEVEL 3 LIMITS, AND NOISE CONTROL RULES AND REGULATIONS ADOPTED UNDER THIS 4 TITLE, THAT PROHIBITS TRAPSHOOTING, SKEETSHOOTING, OR OTHER TARGET 5 SHOOTING BETWEEN THE HOURS OF 9 A.M. AND 10 P.M. BY A SHOOTING SPORTS 6 CLUB THAT THE DEPARTMENT DETERMINES IS NOT IN COMPLIANCE AS OF JANUARY 1, 2005 WITH ANY OTHER ENVIRONMENTAL NOISE STANDARDS, SOUND LEVEL 7 8 LIMITS, OR NOISE CONTROL RULES OR REGULATIONS ADOPTED UNDER THIS TITLE. 9 A NOISE CONTROL ORDINANCE, RULE, OR REGULATION 2. 10 ADOPTED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL ALLOW TRAPSHOOTING, SKEETSHOOTING, AND OTHER TARGET SHOOTING BETWEEN THE 11 12 HOURS OF 9 A.M. AND 10 P.M. BY A SHOOTING SPORTS CLUB THAT THE DEPARTMENT 13 DETERMINES HAS BECOME COMPLIANT WITH ALL OTHER ENVIRONMENTAL NOISE 14 STANDARDS, SOUND LEVEL LIMITS, AND NOISE CONTROL RULES AND REGULATIONS 15 ADOPTED UNDER THIS TITLE. 16 3-401. 17 In adopting sound level limits and noise control rules and (c) (1)18 regulations, the Department shall consider, among other things: 19 The residential, commercial, or industrial nature of the area (i) 20 affected; 21 (ii) Zoning; 22 The nature and source of various kinds of noise; (iii) 23 (iv) The degree of noise reduction that may be attained and 24 maintained using the best available technology; 25 Accepted scientific and professional methods for measurement (v) 26 of sound levels; and 27 (vi) The cost of compliance with the sound level limits. 28 (2)The sound level limits adopted under this subsection shall be consistent with the environmental noise standards adopted by the Department. 29 30 The sound level limits and noise control rules and regulations (3)31 adopted under this subsection may not prohibit trapshooting or other target shooting 32 on any range or other property in Frederick County that the Frederick County 33 Department of Planning and Zoning has approved as a place for those sporting

34 events.

35 (4) The sound level limits and noise control rules and regulations 36 adopted under this subsection shall be as follows for residential heat pumps and air 37 conditioning units:

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4		UNOFH	FICIAL COPY OF SENATE BILL 685
1		(i)	Residential heat pumps 75dba.
2		(ii)	Residential air conditioning units 70dba.
5 6	target shooting betwe	en the ho	The sound level limits and noise control rules and regulations may not prohibit trapshooting, skeetshooting, or other urs of 9 a.m. and 10 p.m. on any range or other lub that is chartered and in operation as of January 1,
	Baltimore City, Calve Washington counties		This paragraph does not apply in Allegany, Anne Arundel, es, Garrett, Howard, Montgomery, St. Mary's, and
13 14 15 16	CONTROL RULES TRAPSHOOTING, S HOURS OF 9 A.M. OR WASHINGTON	AND RE SKEETS AND 10 COUNT	EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS TMENT MAY NOT ADOPT SOUND LEVEL LIMITS AND NOISE GULATIONS UNDER THIS SUBSECTION THAT PROHIBIT HOOTING, OR OTHER TARGET SHOOTING BETWEEN THE P.M. IN ALLEGANY COUNTY OR GARRETT, GARRETT COUNTY, Y ON ANY RANGE OR OTHER PROPERTY OF A SHOOTING HARTERED AND IN OPERATION AS OF JANUARY 1, 2005.
20 21 22 23 24 25 26	NOISE CONTROL I PROHIBIT TRAPSE BETWEEN THE HO <u>GARRETT COUNT</u> OF A SHOOTING O AS OF JANUARY 1	RULES A HOOTING DURS OF <u>Y, OR W</u> CLUB TH , 2005 W MITS, OF	1. SUBJECT TO THE PROVISIONS OF SUBSUBPARAGRAPH 2 , THE DEPARTMENT MAY ADOPT SOUND LEVEL LIMITS AND AND REGULATIONS UNDER THIS SUBSECTION THAT G, SKEETSHOOTING, OR OTHER TARGET SHOOTING 79 A.M. AND 10 P.M. IN ALLEGANY COUNTY OR GARRETT, ASHINGTON COUNTY ON ANY RANGE OR OTHER PROPERTY (AT THE DEPARTMENT DETERMINES IS NOT IN COMPLIANCE (TTH ANY OTHER ENVIRONMENTAL NOISE STANDARDS, R NOISE CONTROL RULES AND REGULATIONS ADOPTED
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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 ALL OTHER SOUND LEVEL LIMITS AND NOISE
 CONTROL RULES AND REGULATIONS ADOPTED UNDER THIS TITLE.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 35 October July 1, 2005.