

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 907

(Senator Astle, *et al.*)

Judicial Proceedings

Environmental Matters

Nuisance Actions - Noise - Sport Shooting Ranges

This bill expands the statutory prohibition against nuisance actions against sport shooting ranges to include public nuisance actions brought by a governmental entity. The bill prohibits a governmental entity from bringing a public nuisance action against a person who owns, operates, or uses a sport shooting range, unless the property affected by the noise is owned by that governmental entity, exclusive of public road or right-of-way.

Fiscal Summary

State Effect: Potential minimal decrease in governmental expenditures to litigate nuisance actions due to the bill's limit on nuisance actions by governmental entities against sport shooting ranges.

Local Effect: For the reasons stated above, potential minimal decrease in local expenditures. Potential decrease in circuit court expenditures due to a decrease in nuisance actions as a result of this bill.

Small Business Effect: Potential meaningful. Sport shooting ranges that are considered small businesses could experience a reduction in litigation expenditures as a result of the limits on nuisance actions in this bill.

Analysis

Current Law: A "sport shooting range" is an area designed and used for trapshooting, skeetshooting, or other target shooting. Current law prohibits a person from bringing a private civil nuisance action for noise against the owner, operator, or user of a sport shooting range within the vicinity of the person's property if the range was established as

of the date the person acquired the property. The prohibition does not apply to sport shooting ranges established on or after June 1, 1997. If there has been no shooting activity at a range for three consecutive years, the date on which shooting is resumed is considered the establishment date of the range.

Background: According to the Maryland Office of Tourism, there are more than 50 public and private ranges in the State. The Maryland Department of the Environment (MDE) advises that there are only two known cases of private nuisance complaints having been filed against sport shooting ranges in Maryland, one in Anne Arundel County and the other in Carroll County. MDE also advises that it knows of no local government public nuisance actions against sport shooting ranges.

Statute requires MDE to establish noise standards, sound level limits, and noise control rules and regulations as necessary to protect the public health, the general welfare, and property. MDE must enforce the noise control rules and regulations. To the extent possible, MDE must use the facilities and services of appropriate agencies of political subdivisions in its enforcement. In general, political subdivisions may not establish standards less stringent than MDE's.

The fiscal 2006 budget did not include any funds for the Noise Control Program in MDE. The rationale behind eliminating funds for this program was that this issue is better handled by local jurisdictions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): City of Havre de Grace, Montgomery County, Prince George's County, Caroline County, Howard County, Judiciary (Administrative Office of the Courts), Maryland Municipal League, Maryland Department of the Environment, Baltimore City, Department of Legislative Services

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