

HOUSE BILL 787

M3

8lr2840

By: **Carroll County Delegation**

Introduced and read first time: February 6, 2008

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 17, 2008

CHAPTER _____

1 AN ACT concerning

2 **Noise Control – Carroll County Public Schools – Enforcement Prohibition**

3 FOR the purpose of prohibiting Carroll County or a political subdivision of Carroll
4 County from enforcing any noise control ordinance, rule, or regulation against a
5 public school in Carroll County that violates the ordinance, rule, or regulation
6 between certain hours; and generally relating to enforcement of noise control
7 ordinances, rules, or regulations against a public school in Carroll County.

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 3–105
11 Annotated Code of Maryland
12 (2007 Replacement Volume and 2007 Supplement)

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

15 **Article – Environment**

16 3–105.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

31 2. A noise control ordinance, rule, or regulation adopted
32 under subparagraph 1 of this subparagraph shall allow trapshooting,
33 skeetshooting, and other target shooting between the hours of 9 a.m. and 10 p.m. by a
34 shooting sports club that the Department determines has become compliant with
35 environmental noise standards, sound level limits, and noise control rules and
36 regulations adopted under this title.

37 **(5) CARROLL COUNTY OR A POLITICAL SUBDIVISION OF**
38 **CARROLL COUNTY MAY NOT ENFORCE ANY NOISE CONTROL ORDINANCE, RULE,**
39 **OR REGULATION, INCLUDING THE ENVIRONMENTAL NOISE STANDARDS, SOUND**
40 **LEVEL LIMITS, AND NOISE CONTROL RULES AND REGULATIONS ADOPTED**
41 **UNDER THIS TITLE, AGAINST A PUBLIC SCHOOL IN CARROLL COUNTY THAT**

1 **VIOLATES THE ORDINANCE, RULE, OR REGULATION BETWEEN THE HOURS OF 8**
2 **A.M. AND 9:30 P.M.**

3 (b) Each political subdivision:

4 (1) Shall send to the Department a copy of each noise control
5 ordinance, rule, or regulation that it adopts;

6 (2) Shall identify on each zoning map, comprehensive plan, or other
7 appropriate document the sound level limits that are adopted under Subtitle 4 of this
8 title; and

9 (3) Is encouraged to consider:

10 (i) Compliance with State or local noise standards before acting
11 on any proposed variance requests or changes in zoning classifications; and

12 (ii) Whether the permit or activity will be in compliance with
13 local and State noise control standards, prior to the issuance of a building, activity
14 permit, or similar authorizing document.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 July 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.