

HOUSE BILL 1063

M3

9lr0600
CF SB 509

By: **Delegates Stein, Bronrott, Cardin, Morhaim, Olszewski, and Schuler**

Introduced and read first time: February 13, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Noise Control Ordinances – Political Subdivisions**

3 FOR the purpose of authorizing a political subdivision that has a certain population to
4 adopt a certain noise control ordinance; requiring a political subdivision that
5 has a certain population to adopt a noise control ordinance that is at least as
6 stringent as certain standards, limits, and rules adopted by the Department of
7 the Environment; requiring a political subdivision that has a certain population
8 to consider compliance with certain standards before acting on certain variance
9 requests or changes in zoning classifications, and prior to the issuance of certain
10 permits or other authorizing documents; and generally relating to noise control
11 ordinances.

12 BY repealing and reenacting, with amendments,
13 Article – Environment
14 Section 3–105
15 Annotated Code of Maryland
16 (2007 Replacement Volume and 2008 Supplement)

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

19 **Article – Environment**

20 3–105.

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

23 (2) A political subdivision **THAT HAS A POPULATION OF LESS THAN**
24 **10,000** may not adopt any noise control ordinance[, rule, or regulation] that is less

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 stringent than the environmental noise standards, sound level limits, and noise
2 control rules and regulations adopted under this title.

3 **(3) A POLITICAL SUBDIVISION THAT HAS A POPULATION OF MORE**
4 **THAN 10,000 SHALL ADOPT A NOISE CONTROL ORDINANCE THAT IS AT LEAST AS**
5 **STRINGENT AS THE ENVIRONMENTAL NOISE STANDARDS, SOUND LEVEL LIMITS,**
6 **AND NOISE CONTROL RULES AND REGULATIONS ADOPTED UNDER THIS TITLE.**

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

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

16 ~~[(4)]~~ (5) (i) Except as provided in subparagraph (ii) of this
17 paragraph, Allegany County, Anne Arundel County, Garrett County, Washington
18 County, or a political subdivision of Allegany County, Anne Arundel County, Garrett
19 County, or Washington County may not adopt any noise control ordinance, rule, or
20 regulation, including the environmental noise standards, sound level limits, and noise
21 control rules and regulations adopted under this title, that prohibits trapshooting,
22 skeetshooting, or other target shooting between the hours of 9 a.m. and 10 p.m. by a
23 shooting sports club that is chartered and in operation as of January 1, 2005.

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

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

1 [(5)] **(6)** Carroll County or a political subdivision of Carroll County
2 may not enforce any noise control ordinance, rule, or regulation, including the
3 environmental noise standards, sound level limits, and noise control rules and
4 regulations adopted under this title, against a public school in Carroll County that
5 violates the ordinance, rule, or regulation between the hours of 8 a.m. and 9:30 p.m.

6 (b) [Each] **A political subdivision THAT HAS A POPULATION OF LESS THAN**
7 **10,000:**

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

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

13 (3) Is encouraged to consider:

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

16 (ii) Whether the permit or activity will be in compliance with
17 local and State noise control standards, prior to the issuance of a building[,] activity
18 permit[,] or similar authorizing document.

19 **(C) A POLITICAL SUBDIVISION THAT HAS A POPULATION OF MORE THAN**
20 **10,000 SHALL:**

21 **(1) SEND TO THE DEPARTMENT A COPY OF EACH NOISE CONTROL**
22 **ORDINANCE, RULE, OR REGULATION THAT IT ADOPTS;**

23 **(2) IDENTIFY ON EACH ZONING MAP, COMPREHENSIVE PLAN, OR**
24 **OTHER APPROPRIATE DOCUMENT THE SOUND LEVEL LIMITS THAT ARE**
25 **ADOPTED UNDER SUBTITLE 4 OF THIS TITLE; AND**

26 **(3) CONSIDER:**

27 **(I) COMPLIANCE WITH STATE OR LOCAL NOISE**
28 **STANDARDS BEFORE ACTING ON ANY PROPOSED VARIANCE REQUESTS OR**
29 **CHANGES IN ZONING CLASSIFICATIONS; AND**

30 **(II) WHETHER THE PERMIT OR ACTIVITY WILL BE IN**
31 **COMPLIANCE WITH LOCAL AND STATE NOISE CONTROL STANDARDS, BEFORE**
32 **THE ISSUANCE OF A BUILDING ACTIVITY PERMIT OR SIMILAR AUTHORIZING**
33 **DOCUMENT.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2009.