

SENATE BILL 509

M3

9lr2352
CF 9lr0600

By: **Senator Stone**

Introduced and read first time: February 4, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

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

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

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

17 **Article – Environment**

18 3–105.

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

21 (2) A political subdivision [may not] **SHALL** adopt [any] A noise
22 control ordinance[, rule, or regulation] that is [less] **AT LEAST AS** stringent [than] **AS**
23 the environmental noise standards, sound level limits, and noise control rules and
24 regulations adopted under this title.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

34 (5) Carroll County or a political subdivision of Carroll County may not
35 enforce any noise control ordinance, rule, or regulation, including the environmental
36 noise standards, sound level limits, and noise control rules and regulations adopted
37 under this title, against a public school in Carroll County that violates the ordinance,
38 rule, or regulation between the hours of 8 a.m. and 9:30 p.m.

39 (b) Each political subdivision **SHALL**:

1 (1) [Shall send] **SEND** to the Department a copy of each noise control
2 ordinance, rule, or regulation that it adopts;

3 (2) [Shall identify] **IDENTIFY** on each zoning map, comprehensive
4 plan, or other appropriate document the sound level limits that are adopted under
5 Subtitle 4 of this title; and

6 (3) [Is encouraged to consider] **CONSIDER:**

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

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

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