

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1063

(Delegate Stein, *et al.*)

Environmental Matters

Environment - Noise Control Ordinances - Political Subdivisions

This bill requires a political subdivision with a population greater than 10,000 to adopt a noise control ordinance that is at least as stringent as the environmental noise standards, sound level limits, and noise control rules and regulations adopted by the Maryland Department of the Environment (MDE). Each of these political subdivisions must (1) send MDE a copy of each noise control ordinance, rules or regulation it adopts; (2) identify on each zoning map, comprehensive plan, or other such document, the sound level limits that are adopted; and (3) consider compliance with State or local noise standards before acting on any proposed variance requests or changes in zoning classifications as well as whether the permit or activity will be in compliance with local and State noise control standards before issuing a permit.

Fiscal Summary

State Effect: Minimal operational effect on MDE to process documentation of local ordinances required by the bill.

Local Effect: Local government expenditures may increase in several counties and municipalities that have not enacted an ordinance at least as stringent as State regulations.
This bill imposes a mandate on a unit of local government.

Small Business Effect: Meaningful adverse impact on a small business that is prohibited from operating under current practices or during certain hours.

Analysis

Current Law: A political subdivision may not adopt a noise control ordinance that is *less* stringent than the noise standards, sound level limits, and noise control rules and regulations adopted pursuant to Title 3 of the Environment Article. Excepted from this rule in many political subdivisions is trapshooting, skeetshooting, or other target shooting activities between 9 a.m. and 10 p.m.

Political subdivisions are required to send to MDE a copy of each noise control rule that it adopts, and to identify on each zoning map or comprehensive plan, the sound level limits adopted. Political subdivisions are encouraged, but not required, to consider compliance with State or local noise standards before acting on any proposed variance requests or changes in zoning classifications and to consider whether the a permit or activity will be in compliance with local and State noise control standards before issuing a permit.

Background: The MDE Noise Control Program was designed to handle noise complaints that are not adequately addressed at the local level. However, in 2005 the Noise Control Program was de-funded, although MDE continues to receive telephone and written complaints of noise violations. As a result, noise related complaints are referred to local governments for action. MDE has authority to issue a civil penalty up to \$10,000 for each violation of State noise regulations.

Local Expenditures: According to the U.S. Census, each county in Maryland has a population over 10,000, and 20 municipalities have more than 10,000 residents. It is unknown at this time how many of these counties and municipalities have enacted a noise control ordinance that is at least as stringent as State regulations. For example, while Montgomery and Talbot counties indicate that they have enacted ordinances in accordance with State standards, Harford and Wicomico counties have not. There will be an operational impact, and potentially a fiscal impact, on each county and municipality under the bill that has not enacted a noise ordinance in accordance with State standards. Both Harford and Wicomico counties indicate that expenditures will increase to retain an expert on noise control, procure certain equipment, hire additional staff, and ensure that the ordinance is enforced.

Additional Information

Prior Introductions: None.

Cross File: SB 509 is designated as a cross file, however, it is not identical.

Information Source(s): Harford, Montgomery, Talbot, and Wicomico counties; Maryland Department of Planning; City of Laurel; Maryland Department of the Environment; Department of Legislative Services

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