

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 509 (Senator Stone)  
Education, Health, and Environmental Affairs

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Environment - Noise Control Ordinances - Political Subdivisions

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This bill requires a political subdivision 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 political subdivision must (1) send MDE a copy of each noise control ordinance, rule, or regulation it adopts; (2) identify on each zoning map, comprehensive plan, or other appropriate 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.

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Fiscal Summary

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

**Local Effect:** Local government expenditures increase in all 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.

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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 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:** It is unknown at this time how many 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 a fiscal impact, on each county and municipality that has not enacted a noise ordinance. 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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1063; however, it is not identical.

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

**Fiscal Note History:** First Reader - March 6, 2009  
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