

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 152

(Senator Glassman, *et al.*)

Education, Health, and Environmental Affairs

Environmental Matters

Harford County - Sheriff's Office - Power to Enforce Noise Control Laws

This bill authorizes the Secretary of the Environment to delegate enforcement of the Environment Article's sound level limits and noise control rules for Harford County to the Harford County Sheriff, except enforcement regarding: (1) trapshooting, skeetshooting, or other target shooting between the hours of 9 a.m. and 10 p.m. at a shooting sports club in Harford County; (2) lawful trapshooting, skeetshooting, or other target shooting between the hours of 9 a.m. and 8 p.m.; or (3) lawful hunting.

The bill takes effect June 1, 2010.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances.

Local Effect: Harford County operations and expenditures increase minimally in FY 2010 for the sheriff's office to procure an additional sound level meter and to enforce the bill; even so, the bill can be implemented with existing budgeted resources.

Small Business Effect: None.

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 are provisions regarding trapshooting, skeetshooting,

or other target shooting activities between 9 a.m. and 10 p.m. at specified sports shooting clubs.

Political subdivisions are required to send the Maryland Department of the Environment (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 an activity will be in compliance with local and State noise control standards before issuing a permit.

Generally, enforcement of the Environment Article is the duty of the Secretary of the Environment, but enforcement may also be delegated to a county health officer or other official authorized to enforce environmental laws. Specifically, sound level limits and noise control rules must be enforced by MDE, using the services of appropriate local government agencies to the maximum extent possible. Sheriffs are not local government officials, but rather constitutionally mandated officers of the State. MDE may assist the noise control efforts of any appropriate agency of any political subdivision by giving that agency technical assistance in the form of personnel or equipment.

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 defunded. Although MDE continues to receive telephone and written complaints of noise violations, these are referred to local governments for action. MDE has authority to issue a civil penalty of up to \$10,000 for each violation of State noise regulations. No enforcement action has been taken by MDE since the program was defunded.

Local Fiscal Effect: Although sheriffs are constitutionally mandated officers, they are supported financially by the counties, in accordance with State law. Thus, the estimated \$350 necessary to procure an additional sound level meter for enforcement under the bill is to be incurred by Harford County. The county advises that this increase in expenditures and the additional enforcement and judicial activities anticipated under the bill can be handled with existing budgeted resources. The enacted fiscal 2010 budget for the Harford County Sheriff's Office is about \$63.7 million.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Harford County,
Department of Legislative Services

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ncs/lgc Revised - Senate Third Reader - March 30, 2010
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