

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 863 (Senator Simonaire)
Education, Health, and Environmental Affairs

Environment - Exemption from Noise Restrictions - Marinas and Boatyards

This bill provides an exemption from State noise restrictions for equipment used, between 7 a.m. and 7 p.m., to store and maintain a marine vessel at a marina or boatyard.

Fiscal Summary

State Effect: None.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: Minimal. Small marinas and boatyards benefit to the extent they are not required to take action to reduce or minimize noise resulting from their operations.

Analysis

Current Law: The Maryland Department of the Environment (MDE) is required to adopt environmental noise standards, sound level limits, and noise control rules and regulations as necessary to protect the public health, the general welfare, and property. The following activities are exempt from this requirement: (1) construction or repair work on public property; (2) fire or rescue station alerting devices; and (3) specified fairs and other events held on fairgrounds in Frederick County or Frederick City.

Background: Because noise can have negative impacts on health and quality of life, MDE's Noise Control Program was established to handle noise complaints throughout the State. State noise law and standards provided a degree of uniformity across Maryland, which is one of few states with a state-level program. However, in 2005,

MDE's Noise Control Program was defunded. Although MDE continues to receive telephone and written complaints about noise, these are generally 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, other than those begun prior to the loss of program funding.

MDE continues to work with local jurisdictions to create local noise ordinances and delegate enforcement via memoranda of understanding. Also, MDE maintains two noise meters that are made available to local authorities upon request. Since the Noise Control Program was defunded, MDE has been approached by only two businesses (both marinas) seeking variances to the State standards.

Additional Information

Prior Introductions: None.

Cross File: HB 1215 (Delegate Schuh, *et al.*) - Environmental Matters.

Information Source(s): Maryland Department of the Environment, Department of Natural Resources, Montgomery County, Baltimore City, cities of Frederick and Havre de Grace, Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2011
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