

HOUSE BILL 677

L2

7lr0711

By: **Howard County Delegation**

Introduced and read first time: February 1, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2017

CHAPTER _____

1 AN ACT concerning

2 **Howard County – Noise Control – Outdoor Concert Venues**

3 **Ho. Co. 18–17**

4 FOR the purpose of clarifying a certain limitation concerning the electronic amplification
5 of sound at an outdoor concert venue with a certain capacity in Howard County;
6 specifying the point from which certain measurements should be taken concerning
7 the electronic amplification of sound at the venue; specifying that certain limitations
8 concerning the electronic amplification of sound at the venue apply even if a satellite
9 stage is used for an event at the venue; defining a certain term; and generally
10 relating to noise control at a certain outdoor concert venue in Howard County.

11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 3–401
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2016 Supplement)

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

18 **Article – Environment**

19 3–401.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) Except as otherwise provided by law, the Department shall adopt
2 environmental noise standards, sound level limits, and noise control rules and regulations
3 as necessary to protect the public health, the general welfare, and property.

4 (b) In adopting environmental noise standards, the Department or a political
5 subdivision that chooses to adopt environmental noise standards shall consider:

6 (1) Information published by the Administrator of the United States
7 Environmental Protection Agency on the levels of environmental noise that must be
8 attained and maintained in defined areas under various conditions to protect public health
9 and welfare with an adequate margin of safety; and

10 (2) Scientific information about the volume, frequency, duration, and other
11 characteristics of noise that may harm public health, safety, or general welfare, including:

12 (i) Temporary or permanent hearing loss;

13 (ii) Interference with sleep, speech communication, work, or other
14 human activities;

15 (iii) Adverse physiological responses;

16 (iv) Psychological distress;

17 (v) Harm to animal life;

18 (vi) Devaluation of or damage to property; and

19 (vii) Unreasonable interference with the enjoyment of life or property.

20 (c) (1) In adopting sound level limits and noise control rules and regulations,
21 the Department or the political subdivision shall consider, among other things:

22 (i) The residential, commercial, or industrial nature of the area
23 affected;

24 (ii) Zoning;

25 (iii) The nature and source of various kinds of noise;

26 (iv) The degree of noise reduction that may be attained and
27 maintained using the best available technology;

28 (v) Accepted scientific and professional methods for measurement of
29 sound levels; and

30 (vi) The cost of compliance with the sound level limits.

1 (2) The sound level limits adopted under this subsection shall be consistent
2 with the environmental noise standards adopted by the Department.

3 (3) The sound level limits and noise control rules and regulations adopted
4 under this subsection may not prohibit trapshooting or other target shooting on any range
5 or other property in Frederick County that the Frederick County Department of Planning
6 and Zoning has approved as a place for those sporting events.

7 (4) The sound level limits and noise control rules and regulations adopted
8 under this subsection shall be as follows for residential heat pumps and air conditioning
9 units:

10 (i) Residential heat pumps 75 dba; and

11 (ii) Residential air conditioning units 70 dba.

12 (5) (i) The sound level limits and noise control rules and regulations
13 adopted under this subsection may not prohibit trapshooting, skeetshooting, or other target
14 shooting between the hours of 9 a.m. and 10 p.m. on any range or other property of a
15 shooting sports club that is chartered and in operation as of January 1, 2001.

16 (ii) This paragraph does not apply in Allegany County, Anne
17 Arundel County, Baltimore City, Calvert County, Charles County, Garrett County, Howard
18 County, Montgomery County, St. Mary's County, and Washington County.

19 (6) (i) Except as provided in subparagraph (ii) of this paragraph, the
20 Department may not adopt sound level limits and noise control rules and regulations under
21 this subsection that prohibit trapshooting, skeetshooting, or other target shooting between
22 the hours of 9 a.m. and 10 p.m. in Allegany County, Anne Arundel County, Garrett County,
23 or Washington County on any range or other property of a shooting sports club that is
24 chartered and in operation as of January 1, 2005.

25 (ii) 1. Subject to the provisions of subsubparagraph 2 of this
26 subparagraph, the Department may adopt sound level limits and noise control rules and
27 regulations under this subsection that prohibit trapshooting, skeetshooting, or other target
28 shooting between the hours of 9 a.m. and 10 p.m. in Allegany County, Anne Arundel
29 County, Garrett County, or Washington County on any range or other property of a
30 shooting club that the Department determines is not in compliance as of January 1, 2005
31 with environmental noise standards, sound level limits, or noise control rules and
32 regulations adopted under this title.

33 2. A sound level limit or noise control rule or regulation
34 adopted under this subsection shall allow trapshooting, skeetshooting, and other target
35 shooting between the hours of 9 a.m. and 10 p.m. by a shooting sports club that the
36 Department determines has become compliant with sound level limits and noise control
37 rules and regulations adopted under this title.

1 (7) **(I)** **IN THIS PARAGRAPH, “MAIN STAGE” MEANS THE PRIMARY**
 2 **AND USUAL PERFORMANCE SPACE USED BY ARTISTS OR OTHER PERSONS AT AN**
 3 **OUTDOOR CONCERT VENUE WITH A FIXED-SEAT CAPACITY FOR 4,000 OR MORE**
 4 **INDIVIDUALS.**

5 **[(i)] (II)** Except as provided in subparagraph **[(ii)] (IV)** of this
 6 paragraph, in Howard County, the sound level limits and noise control rules and
 7 regulations adopted under this subsection may not prohibit the electronic amplification of
 8 sound at an outdoor concert venue with a capacity of over 15,000 individuals that:

9 1. Within the area that is included in a 0.25 mile radius of
 10 **THE MAIN STAGE OF** the venue, produces sound that, **AT A RESIDENTIAL PROPERTY**
 11 **LINE,** is:

12 A. **[95] 85 dba** or lower between 9:00 a.m. and 11:00 p.m.;
 13 and

14 B. 55 dba or lower between 11:00 p.m. and 11:30 p.m.; **[and]**

15 2. Within the area that is **[outside]** **BETWEEN** a 0.25 mile
 16 radius **AND A 0.75 MILE RADIUS** of **THE MAIN STAGE OF** the venue, produces sound that,
 17 **AT A RESIDENTIAL PROPERTY LINE,** is:

18 A. 72.5 dba or lower between 9:00 a.m. and 11:00 p.m.; and

19 B. 55 dba or lower between 11:00 p.m. and 11:30 p.m.; **AND**

20 3. **WITHIN THE AREA THAT IS OUTSIDE A 0.75 MILE**
 21 **RADIUS OF THE MAIN STAGE OF THE VENUE, PRODUCES SOUND THAT, AT A**
 22 **RESIDENTIAL PROPERTY LINE,** IS:

23 A. **65 DBA OR LOWER BETWEEN 9:00 A.M. AND 11:00 P.M.;**
 24 **AND**

25 B. **55 DBA OR LOWER BETWEEN 11:00 P.M. AND 11:30**
 26 **P.M.**

27 **(III) THE LIMITATIONS CONCERNING THE ELECTRONIC**
 28 **AMPLIFICATION OF SOUND AT AN OUTDOOR CONCERT VENUE UNDER**
 29 **SUBPARAGRAPH (II) OF THIS PARAGRAPH APPLY EVEN IF THE CONCERT VENUE**
 30 **USES ONE OR MORE SATELLITE STAGES FOR AN EVENT AT THE VENUE.**

1 [(ii)] (IV) 1. Except as provided in subsubparagraph 2 of this
2 subparagraph, an outdoor concert venue with a capacity of over 15,000 individuals may not
3 produce any electronic amplification of sound between 11:30 p.m. and 9:00 a.m.

4 2. The limitations concerning the electronic amplification of
5 sound at an outdoor concert venue under subsubparagraph 1 of this subparagraph do not
6 apply to an activity sponsored or authorized by the Howard County Public School System
7 between 8:00 a.m. and 9:00 a.m.

8 [(iii)] (V) Notwithstanding § 3-105(a)(1) and (2) of this title, the
9 noise control ordinances, rules, or regulations adopted by Howard County and in effect on
10 October 1, 2013, do not apply to the electronic amplification of sound at an outdoor concert
11 venue in the county with a capacity of over 15,000 individuals.

12 (d) (1) This section does not authorize the Department to adopt environmental
13 noise standards, sound level limits, or noise control rules and regulations that apply to
14 noise from:

15 (i) Construction or repair work on public property;

16 (ii) Fire or rescue station alerting devices; or

17 (iii) In Frederick County or Frederick City:

18 1. A fair listed in the Maryland Agricultural Fairs and Shows
19 Schedule that is maintained by the Maryland Agricultural Fair Board; or

20 2. Any other event held on the same grounds as a fair under
21 item 1 of this item.

22 (2) Noise control rules and regulations that apply to Department of
23 Transportation facilities shall be adopted by the Department of Transportation.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 ~~October~~ June 1, 2017.