

Article - Natural Resources

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§5–209.

(a) The Department may make rules and regulations for the maintenance of order, safety, sanitation, traffic control, or for the protection of trees and other property and the preservation of the natural beauty within the State parks and forests, State reserves, scenic preserves, parkways, historical monuments, recreational areas, and any other lands under its control. The rules and regulations shall be posted in conspicuous places upon the lands and enforced by the forest and park officers.

(b) (1) The Secretary shall promulgate rules and regulations regarding equipment standards and the operation of off-road vehicles by type, as defined in § 10–410(d) of this article, on property owned or controlled by the Department.

(2) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, the Secretary shall conduct appropriate studies and, by January 1, 1975, designate and identify areas for use by the general public for operation of motorcycles, snowmobiles and other off-road vehicles on that property exclusive of wildlife management areas or State fisheries management areas to the extent such use is compatible with the character and established uses of property controlled by the Department.

(ii) An off-road vehicle may not be used:

1. Where its operation will damage the wildland character of the property; or

2. Where the noise from its operation will be audible at or interfere with the use of a picnic or camping area open to public use.

(iii) The Department may not establish an off-road vehicle trail on State-owned property located in Sideling Hill in Washington County, including:

1. The Sideling Hill Wildlife Management Area; and

2. The areas of Sideling Hill that are located to the north and south of Interstate 68.

(3) (i) Prior to March 31, 1976, every off-road vehicle to be used on Department lands shall be registered and provided suitable identification by the

Department, which shall charge an annual uniform fee for all registrants, revenues derived from which shall be used to acquire and maintain areas for off-road vehicle use by the general public.

(ii) Any investment earnings derived from the revenues shall be credited to the General Fund of the State. Revenues from the fee are not subject to § 7-302 of the State Finance and Procurement Article.

(iii) Revenues may be used for administrative costs calculated in accordance with § 1-103(b)(2) of this article.

(4) Any property to be acquired or designated for off-road vehicle use shall be subject to a public hearing held in the county or counties wherein the property is situated.

(c) The Department shall, with the endorsement of the Secretary of Natural Resources and the Secretary of Health, after a public hearing following 60 days' notice, adopt and publish maximum sound level limits under specified measurement conditions governing the operation of motor-driven off-highway vehicles in State parks and forests and other lands under its control not later than January 1, 1976. Such limits shall be established at the most restrictive level consistent with the attainment of the environmental noise standards adopted by the Maryland Department of Health which is achievable through the application of the best available technology and at a reasonable cost. The Department shall adopt and enforce regulations for the administration and enforcement of this section, taking into account accepted scientific and professional methods for measurement of sound levels.

(d) (1) No person may sell, offer for sale, distribute, or lease any new motor-driven off-highway recreational vehicle that is of a type not subject to registration under the Maryland Vehicle Law and that has a maximum sound level potential exceeding the sound level limits established by the Department for the maximum allowable noise emissions from such vehicles.

(2) The Department shall, after consultation with the Department of Transportation, and with the endorsement of the Secretary of Natural Resources and Secretary of Health, after a public hearing following 60 days' notice, adopt and publish maximum sound level limits for the various classes of such vehicles not later than January 1, 1976. Such limits shall be established at the most restrictive level consistent with the environmental noise standards adopted by the Maryland Department of Health which is achievable through the application of the best available technology and at a reasonable cost.

(3) The Department shall establish test procedures to establish compliance with the limits adopted, taking into consideration accepted scientific and professional standards for the measurement of sound. Such test procedures shall be in substantial conformity with test procedures contained in applicable standards and recommended practices established by the Society of Automotive Engineers, Inc., or its successor bodies, or the American National Standards Institute or its successor bodies, for the measurement of sound levels.

(4) The manufacturer, distributor, importer, or designated agent shall file a written certificate under oath with the Department that the makes and models described thereon comply with the requirements established pursuant to this section. Such certificates shall be filed for each make and model sold in this State.

(e) The Department shall adopt regulations that prescribe the type and color of paint to be used for posting private property under § 6–402 of the Criminal Law Article.

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