

# HOUSE BILL 1514

L2

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By: **Howard County Delegation**

Introduced and read first time: March 4, 2013

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 13, 2013

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

3 **Ho. Co. 9-13**

4 FOR the purpose of ~~prohibiting Howard County or a political subdivision of Howard~~  
5 ~~County from adopting a certain noise control ordinance, rule, or regulation for~~  
6 ~~an outdoor concert venue with a certain capacity;~~ prohibiting the Department of  
7 the Environment from adopting a certain noise control ordinance, rule, or  
8 regulation that prohibits the electronic amplification of sound between certain  
9 hours at an outdoor concert venue with a certain capacity in Howard County,  
10 subject to certain limitations; prohibiting an outdoor concert venue with a  
11 certain capacity from producing any electronic amplification of sound during a  
12 certain time period, subject to a certain exception; providing that certain noise  
13 control ordinances, rules, or regulations adopted by Howard County in effect on  
14 a certain date do not apply to the electronic amplification of sound at an outdoor  
15 concert venue with a certain capacity in Howard County; and generally relating  
16 to the adoption of sound level limits and noise control ordinances, rules, and  
17 regulations concerning the electronic amplification of sound at an outdoor  
18 concert venue in Howard County.

19 BY repealing and reenacting, with amendments,  
20 Article – Environment  
21 Section ~~3-105(a)~~ and 3-401(c)  
22 Annotated Code of Maryland

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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 (2007 Replacement Volume and 2012 Supplement)

2 BY repealing and reenacting, without amendments,  
3 Article – Environment  
4 Section 3–105(a) and 3–401(a)  
5 Annotated Code of Maryland  
6 (2007 Replacement Volume and 2012 Supplement)

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

9 **Article – Environment**

10 3–105.

11 (a) (1) Except as provided in this section, this title does not limit the  
12 power of a political subdivision to adopt noise control ordinances, rules, or regulations.

13 (2) A political subdivision may not adopt any noise control ordinance,  
14 rule, or regulation that is less stringent than the environmental noise standards,  
15 sound level limits, and noise control rules and regulations adopted under this title.

16 (3) (i) A political subdivision may not adopt any noise control  
17 ordinance, rule, or regulation, including the environmental noise standards, sound  
18 level limits, and noise control rules and regulations adopted under this title, that  
19 prohibits trapshooting, skeetshooting, or other target shooting between the hours of 9  
20 a.m. and 10 p.m. by a shooting sports club that is chartered and in operation as of  
21 January 1, 2001.

22 (ii) This paragraph does not apply in Baltimore City or  
23 Allegany, Anne Arundel, Calvert, Charles, Garrett, Howard, Montgomery, St. Mary's,  
24 and Washington counties.

25 (4) (i) Except as provided in subparagraph (ii) of this paragraph,  
26 Allegany County, Anne Arundel County, Garrett County, Washington County, or a  
27 political subdivision of Allegany County, Anne Arundel County, Garrett County, or  
28 Washington County may not adopt any noise control ordinance, rule, or regulation,  
29 including the environmental noise standards, sound level limits, and noise control  
30 rules and regulations adopted under this title, that prohibits trapshooting,  
31 skeetshooting, or other target shooting between the hours of 9 a.m. and 10 p.m. by a  
32 shooting sports club that is chartered and in operation as of January 1, 2005.

33 (ii) 1. Subject to the provisions of subparagraph 2 of this  
34 subparagraph, Allegany County, Anne Arundel County, Garrett County, Washington  
35 County, or a political subdivision of Allegany County, Anne Arundel County, Garrett  
36 County, or Washington County may adopt any noise control ordinance, rule, or  
37 regulation, including the environmental noise standards, sound level limits, and noise

1 control rules and regulations adopted under this title, that prohibits trapshooting,  
2 skeetshooting, or other target shooting between the hours of 9 a.m. and 10 p.m. by a  
3 shooting sports club that the responsible political subdivision determines is not in  
4 compliance as of January 1, 2005 with environmental noise standards, sound level  
5 limits, or noise control rules or regulations adopted under this title.

6                   2. A noise control ordinance, rule, or regulation adopted  
7 under subparagraph 1 of this subparagraph shall allow trapshooting,  
8 skeetshooting, and other target shooting between the hours of 9 a.m. and 10 p.m. by a  
9 shooting sports club that the responsible political subdivision determines has become  
10 compliant with environmental noise standards, sound level limits, and noise control  
11 rules and regulations adopted under this title.

12                   (5) Carroll County or a political subdivision of Carroll County may not  
13 enforce any noise control ordinance, rule, or regulation, including the environmental  
14 noise standards, sound level limits, and noise control rules and regulations adopted  
15 under this title, against a public school in Carroll County that violates the ordinance,  
16 rule, or regulation between the hours of 8 a.m. and 9:30 p.m.

17                   ~~(6) HOWARD COUNTY OR A POLITICAL SUBDIVISION OF HOWARD~~  
18 ~~COUNTY MAY NOT ADOPT A NOISE CONTROL ORDINANCE, RULE, OR~~  
19 ~~REGULATION, INCLUDING THE ENVIRONMENTAL NOISE CONTROL STANDARDS,~~  
20 ~~SOUND LEVEL LIMITS, AND NOISE CONTROL RULES AND REGULATIONS~~  
21 ~~ADOPTED UNDER THIS TITLE, FOR AN OUTDOOR CONCERT VENUE WITH A~~  
22 ~~CAPACITY OF OVER 15,000 INDIVIDUALS.~~

23 3-401.

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

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

31                                   (i) The residential, commercial, or industrial nature of the area  
32 affected;

33                                   (ii) Zoning;

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

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

1 (v) Accepted scientific and professional methods for  
2 measurement of sound levels; and

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

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

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

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

13 (i) Residential heat pumps 75dba.

14 (ii) Residential air conditioning units 70dba.

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

20 (ii) This paragraph does not apply in Allegany, Anne Arundel,  
21 Baltimore City, Calvert, Charles, Garrett, Howard, Montgomery, St. Mary's, and  
22 Washington counties.

23 (6) (i) Except as provided in subparagraph (ii) of this paragraph,  
24 the Department may not adopt sound level limits and noise control rules and  
25 regulations under this subsection that prohibit trapshooting, skeetshooting, or other  
26 target shooting between the hours of 9 a.m. and 10 p.m. in Allegany County, Anne  
27 Arundel County, Garrett County, or Washington County on any range or other  
28 property of a shooting sports club that is chartered and in operation as of January 1,  
29 2005.

30 (ii) 1. Subject to the provisions of subparagraph 2 of this  
31 subparagraph, the Department may adopt sound level limits and noise control rules  
32 and regulations under this subsection that prohibit trapshooting, skeetshooting, or  
33 other target shooting between the hours of 9 a.m. and 10 p.m. in Allegany County,  
34 Anne Arundel County, Garrett County, or Washington County on any range or other  
35 property of a shooting club that the Department determines is not in compliance as of

1 January 1, 2005 with environmental noise standards, sound level limits, or noise  
2 control rules and regulations adopted under this title.

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

8 **(7) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
9 **PARAGRAPH, IN HOWARD COUNTY, THE SOUND LEVEL LIMITS AND NOISE**  
10 **CONTROL RULES AND REGULATIONS ADOPTED UNDER THIS SUBSECTION MAY**  
11 **NOT PROHIBIT THE ELECTRONIC AMPLIFICATION OF SOUND AT AN OUTDOOR**  
12 **CONCERT VENUE WITH A CAPACITY OF OVER 15,000 INDIVIDUALS THAT:**

13 1. **WITHIN THE AREA THAT IS INCLUDED IN A 0.25**  
14 **MILE RADIUS OF THE VENUE, PRODUCES SOUND THAT IS:**

15 A. **95 DBA OR LOWER BETWEEN 9:00 A.M. AND 11:00**  
16 **P.M.; AND**

17 B. **55 DBA OR LOWER BETWEEN 11:00 P.M. AND 11:30**  
18 **P.M.; AND**

19 2. **WITHIN THE AREA THAT IS OUTSIDE A 0.25 MILE**  
20 **RADIUS OF THE VENUE, PRODUCES SOUND THAT IS:**

21 A. **72.5 DBA OR LOWER BETWEEN 9:00 A.M. AND**  
22 **11:00 P.M.; AND**

23 B. **55 DBA OR LOWER BETWEEN 11:00 P.M. AND 11:30**  
24 **P.M.**

25 **(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2**  
26 **OF THIS SUBPARAGRAPH, AN OUTDOOR CONCERT VENUE WITH A CAPACITY OF**  
27 **OVER 15,000 INDIVIDUALS MAY NOT PRODUCE ANY ELECTRONIC**  
28 **AMPLIFICATION OF SOUND BETWEEN 11:30 P.M. AND 9:00 A.M.**

29 2. **THE LIMITATIONS CONCERNING THE ELECTRONIC**  
30 **AMPLIFICATION OF SOUND AT AN OUTDOOR CONCERT VENUE UNDER**  
31 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH DO NOT APPLY TO AN ACTIVITY**  
32 **SPONSORED OR AUTHORIZED BY THE HOWARD COUNTY PUBLIC SCHOOL**  
33 **SYSTEM BETWEEN 8:00 A.M. AND 9:00 A.M.**

1                            (III) NOTWITHSTANDING § 3-105(A)(1) AND (2) OF THIS  
 2 ARTICLE, THE NOISE CONTROL ORDINANCES, RULES, OR REGULATIONS  
 3 ADOPTED BY HOWARD COUNTY AND IN EFFECT ON OCTOBER 1, 2013, DO NOT  
 4 APPLY TO THE ELECTRONIC AMPLIFICATION OF SOUND AT AN OUTDOOR  
 5 CONCERT VENUE IN THE COUNTY WITH A CAPACITY OF OVER 15,000  
 6 INDIVIDUALS.

7                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 8                    October 1, 2013.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.