

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1514

(Howard County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

Howard County - Noise Control - Outdoor Concert Venues
Ho. Co. 9-13

This bill prohibits State noise control rules, regulations, and sound level limits that prohibit the electronic amplification of sound up to specified levels at an outdoor concert venue with a capacity of over 15,000 individuals in Howard County. The bill also specifies that Howard County noise control ordinances, rules, or regulations in effect on October 1, 2013, do not apply to such a venue. Finally, the bill prohibits such an outdoor concert venue from producing any amplification of sound during specified hours, except for certain activities.

Fiscal Summary

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

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

Small Business Effect: Minimal.

Analysis

Bill Summary: State noise control rules, regulations, and sound level limits may not prohibit the electronic amplification of sound in Howard County at an outdoor concert venue with a capacity of over 15,000 individuals that produces sound (1) between 9 a.m. and 11 p.m. of 95 dba (“decibels” as defined by State regulations) or lower within a quarter mile radius of the venue, or 72.5 decibels or lower outside of this area and (2) between 11 p.m. and 11:30 p.m. of 55 decibels or lower from any distance from the

venue. An outdoor concert venue with a capacity of over 15,000 individuals may not produce any electronic amplification of sound between 11:30 p.m. and 9 a.m., except if the sound is due to an activity sponsored or authorized by the Howard County Public School System between 8 a.m. and 9 a.m.

Current Law:

Howard County Noise Control Law

Howard County law prohibits a person from causing or permitting noise levels to emanate from any property such that the levels received on residential property exceed the levels established in State regulation, which are as follows:

- from an industrial zoning district, 75 decibels during the day or night;
- from a commercial zoning district, 67 decibels during the day and 62 decibels at night; and
- from a residential zoning district, 65 decibels during the day and 55 decibels at night.

Daytime hours are defined by Howard County law as from 7 a.m. to 10 p.m.

A person who violates the noise level limits is guilty of a misdemeanor and subject to a maximum fine of \$100, imprisonment for up to 30 days, or both.

State Noise Control Law

Because noise can have negative impacts on quality of life, the Maryland Department of the Environment's (MDE) noise control program was established to handle noise complaints throughout the State. State noise standards provide a degree of uniformity across Maryland, which is one of only a few states with a state-level program.

However, in 2005, MDE's noise control program was defunded. According to MDE, noise violations are often a result of local land use decisions, which may be most appropriately handled at the local level. Thus, Chapter 360 of 2012 (HB 190) repealed the requirements for MDE to enforce noise control standards and implement a coordinated statewide noise control program. Instead, environmental noise standards, sound level limits, and noise control units are to be adopted and enforced by local governments. The law did not repeal the requirement for MDE to adopt noise control standards, limits, or rules, and maintained the requirement for MDE to revise such standards and limits as necessary or appropriate.

MDE continues to work with local jurisdictions to create local noise ordinances and delegate enforcement via memoranda of understanding. Currently, jurisdictions without a noise ordinance can incorporate the minimum State standard by reference and may continue to do so under Chapter 360. A local government may also develop rules specific to its jurisdiction.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 15, 2013
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