

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 787 (Carroll County Delegation)
Environmental Matters Education, Health, and Environmental Affairs

Noise Control - Carroll County Public Schools - Enforcement Prohibition

This bill prohibits Carroll County or a political subdivision in the county from enforcing any noise control ordinance, rule, or regulation, including environmental noise standards, sound level limits, and noise control rules and regulations against a public school in Carroll County between the hours of 8 a.m. and 9:30 p.m.

The bill takes effect July 1, 2008.

Fiscal Summary

State Effect: None.

Local Effect: Carroll County Board of Education expenditures could decrease by \$130,000 for noise abatement. Revenues would not be affected.

Small Business Effect: None.

Analysis

Current Law: The Maryland Department of the Environment establishes noise standards, sound level limits, and noise control rules and regulations as necessary to protect the public health, the general welfare, and property and must enforce the noise control rules and regulations. In general, political subdivisions may not establish standards less stringent than MDE's.

Carroll County noise ordinances equal MDE limits in residential areas. During daytime hours (7 a.m. to 10 p.m.) a person cannot create or permit the generation of sound greater than 65 decibels. During the evening, (10 p.m. to 7 a.m.) the limit is 55 decibels. The sound level is measured at the property line of any receiving land. Sporting events, entertainment events, and other public gatherings operating under permit or permission of the appropriate local jurisdiction are exempt from these limits.

Background: The Carroll County Board of Education operates seven high schools, all with active marching bands. One or more complaints were lodged by an individual who lives near Liberty High School in Eldersburg, concerning musical sound generated by the Liberty High School Band during outdoor practice sessions. The Carroll County Sheriff conducted an investigation and notified the board of education of an alleged violation of county noise ordinances. The board of education contracted with an engineering firm and the estimated cost to mitigate the sound would exceed \$130,000. In response, the board filed for an application for variance of county noise ordinances. The variance application was scheduled to be heard on March 25, 2008, but has since been postponed.

Local Fiscal Effect: The bill would exempt public schools from daytime noise control ordinances in Carroll County and allow high school marching bands to continue outdoor practices without having to undertake noise abatement measures. The cost of abating excessive noise at one public school in Carroll County was estimated to cost at least \$130,000.

Additional Comments: MDE receives telephone and written complaints of noise violations. The MDE Noise Control Program was designed to handle noise complaints that are not adequately addressed at the local level. However, in 2005 the Noise Control Program was de-funded. As a result, noise related complaints are referred to local governments for action. Although the bill would preclude Carroll County or a municipality in the county from enforcing noise ordinances, MDE has authority to issue a civil penalty up to \$10,000 for each violation of State noise regulations.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Association of Boards of Education, Maryland Department of the Environment, Maryland State Department of Education, Carroll County, Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2008
mll/hlb

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