

## Maryland Statutes (Exclusive of Highway and Airport Noise)

### TITLE 3. NOISE CONTROL

#### SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

##### **§ 3-101. Definitions.**

- (a) *In general.*- In this title the following words have the meanings indicated.
- (b) *Committee.*- "Committee" means the Interagency Noise Control Committee.
- (c) *Council.*- "Council" means the Environmental Noise Advisory Council.
- (d) *Environmental noise standard.*- "Environmental noise standard" means a goal for the limitation of noise, from all sources, that exists in a defined area under specified conditions.
- (e) *Noise.*-
  - (1) "Noise" means the intensity, frequency, duration, and character of sound.
  - (2) "Noise" includes sound and vibration of subaudible frequencies.
- (f) *Political subdivision.*- "Political subdivision" means a county or municipal corporation of this State.
- (g) *Sound level limit.*- "Sound level limit" means the maximum allowable noise emission from a noise source in a defined area under specified conditions.
- (h) *Source.*- "Source" means any person or property from which sound originates.

##### **§ 3-102. Legislative findings and intent.**

- (a) *Findings.*- The General Assembly finds:
  - (1) That the people of this State have a right to an environment that is free from any noise that:
    - (i) May jeopardize their health, general welfare, or property; or
    - (ii) Degrades the quality of their lives;
  - (2) That there is a substantial body of knowledge about the adverse effects of excessive noise on the public health, the general welfare, and property, and that this knowledge should be used to develop environmental noise standards that will protect the public health, the general welfare, and property with an adequate margin of safety; and

(3) That it is essential to have coordination and statewide leadership of the noise control activities of the many State agencies and the county and local governments.

(b) *Intent.*- It is the intent of the General Assembly that the Department shall:

(1) Seek appropriate resources to ensure enforcement of the sound level limits and noise control rules and regulations adopted under this title; and

(2) Work cooperatively with the appropriate agencies of political subdivisions in ensuring the implementation and enforcement of the requirements of this title.

### **§ 3-103. Responsibilities of Department.**

(a) *In general.*- Except as otherwise provided by law, and in addition to the duties set forth elsewhere in this title, the Department shall:

(1) Develop a plan for attaining and maintaining the environmental noise standards that are adopted;

(2) Coordinate all State agency programs on noise control; and

(3) Keep a record of each sound level limit that is adopted by any political subdivision or agency of this State.

(b) *Consultation by State agency.*- Each State agency shall consult with the Department before adopting any sound level limit or noise control rule or regulation.

### **§ 3-104. Authority to obtain funds.**

The Department may obtain any federal or other funds that are available to this State for purposes that are within the scope of this title.

### **§ 3-105. Powers and duties of political subdivisions.**

(a) *Power to adopt ordinances, rules, or regulations; limitations on authority.*-

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

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

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

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

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

(ii) 1. Subject to the provisions of subparagraph 2 of this subparagraph, Allegany County, Anne Arundel County, Garrett County, Washington County, or a political subdivision of Allegany County, Anne Arundel County, Garrett County, or Washington County may adopt any noise control ordinance, rule, or regulation, including the environmental noise standards, sound level limits, and noise control rules and regulations adopted under this title, that prohibits trapshooting, skeetshooting, or other target shooting between the hours of 9 a.m. and 10 p.m. by a shooting sports club that the Department determines is not in compliance as of January 1, 2005 with environmental noise standards, sound level limits, or noise control rules or regulations adopted under this title.

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

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

(b) *Duties.*- Each political subdivision:

(1) Shall send to the Department a copy of each noise control ordinance, rule, or regulation that it adopts;

(2) Shall identify on each zoning map, comprehensive plan, or other appropriate document the sound level limits that are adopted under Subtitle 4 of this title; and

(3) Is encouraged to consider:

(i) Compliance with State or local noise standards before acting on any proposed variance requests or changes in zoning classifications; and

(ii) Whether the permit or activity will be in compliance with local and State noise control standards, prior to the issuance of a building, activity permit, or similar authorizing document.

## SUBTITLE 2. ENVIRONMENTAL NOISE ADVISORY COUNCIL

### § 3-201. Council established.

There is an Environmental Noise Advisory Council in the Department.

### § 3-202. Membership.

(a) *Composition; appointment of members.-*

(1) The Council consists of 11 members:

(i) 9 voting members appointed by the Secretary; and

(ii) 2 ex officio members.

(2) Of the 11 Council members:

(i) 1 shall be appointed from a list of at least 3 qualified individuals submitted to the Secretary by the Acoustical Society of America and the Institute of Noise Control Engineering;

(ii) 1 shall be a physician who specializes in hearing, appointed from a list of at least 3 qualified individuals submitted to the Secretary by the Medical and Chirurgical Faculty of the State of Maryland;

(iii) 1 shall be appointed from a list of at least 3 qualified individuals submitted to the Secretary by the Chancellor of the University System of Maryland;

(iv) 2 shall be appointed from the public at large;

(v) 1 shall be appointed from a list of at least 3 individuals submitted to the Secretary by the Maryland Municipal League;

(vi) 1 shall be appointed from a list of at least 3 individuals submitted to the Secretary by the Maryland Association of Counties;

(vii) 2 shall be appointed from a list of at least 3 individuals submitted to the Secretary by the Maryland Chamber of Commerce;

(viii) 1 ex officio member shall be a member of the Senate of Maryland, appointed by the President of the Senate; and

(ix) 1 *ex officio* member shall be a member of the House of Delegates, appointed by the Speaker of the House.

(3) In making any appointment to the Council, the Secretary shall consider giving appropriate representation to the various geographical areas of this State.

(b) *Qualifications*.- Each member of the Council shall be a resident of this State.

(c) *Tenure; vacancies*.-

(1) The term of a member is 5 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

### **§ 3-203. Officers.**

From among the Council members, the Secretary of the Environment shall appoint a chairman, a vice chairman, and a secretary of the Council.

### **§ 3-204. Meetings; compensation; staff.**

(a) *Meetings*.- The Council shall meet at the times and places that the Secretary or the chairman determines.

(b) *Compensation and reimbursement for expenses*.- A member of the Council:

(1) May not receive compensation; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(c) *Staff*.- The Department shall provide the Council with secretarial and stenographic assistance.

### **§ 3-205. Advisory role of Council.**

(a) *Duty of Department*.- Before the Department proposes any changes in the provisions of this title or revisions to the environmental noise regulations, the Department shall:

(1) Submit the proposed revisions to the Council for advice;

(2) Conduct public hearings; and

(3) Prepare or solicit technical input on issues related to the revisions.

(b) *Duty of Council.*- Within 60 days after receiving a proposed revision from the Department, the Council shall give the Department its advice on the proposal by recommending:

(1) Adoption;

(2) Rejection; or

(3) Modification.

(c) *Advice.*- The Council may provide advice to the Department on any matter relating to noise pollution.

### SUBTITLE 3. INTERAGENCY NOISE CONTROL COMMITTEE

#### **§ 3-301. Committee established.**

There is an Interagency Noise Control Committee

#### **§ 3-302. Composition; chairman**

(a) *Composition.*- The Committee consists of:

(1) 1 member of the Governor's executive staff, appointed by the Governor; and

(2) 1 representative of each of the following departments, appointed by the Secretary of that department:

(i) The Department of the Environment;

(ii) The State Department of Transportation;

(iii) The Department of Natural Resources;

(iv) The Department of Planning;

(v) The Department of Health and Mental Hygiene;

(vi) The Department of Business and Economic Development;

(vii) The Department of Labor, Licensing, and Regulation; and

(viii) Any other principal department that develops, adopts, or enforces any noise control rule or regulation.

(b) *Chairman.*- The member who is appointed by the Secretary of the Environment is chairman of the Committee.

**§ 3-303. Meetings; compensation; staff.**

(a) *Meetings.*- The Committee shall meet at least twice a year, at the times and places that it determines.

(b) *Compensation and reimbursement for expenses.*- A member of the Committee:

(1) May not receive compensation; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(c) *Staff, consultants, and facilities.*-

(1) In accordance with the State budget, the Committee may:

(i) Employ a staff;

(ii) Employ consultants; and

(iii) Obtain office facilities.

(2) The Department of the Environment shall provide the Committee with secretarial and stenographic assistance.

**§ 3-304. Duties of Committee.**

(a) *In general.*- The Committee shall:

(1) Receive reports of progress, problems, and proposed plans for attaining and maintaining State environmental noise standards from each agency that is represented on the Committee;

(2) Evaluate the adequacy of existing and proposed efforts to attain and maintain State environmental noise standards;

(3) Review the relationship of State noise control rules and regulations with other environmental laws, rules, regulations, standards, and programs; and

(4) Recommend new or revised noise control rules, regulations, or legislation.

(b) *Annual report.*- If the Council requests, the annual report of the Committee shall include a report of the Council.

## SUBTITLE 4. RULEMAKING AND ENFORCEMENT

### **§ 3-401. Environmental noise standards, sound level limits, and noise control rules and regulations - Adoption.**

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

(b) *Environmental noise standards.* - In adopting environmental noise standards, the Department shall consider:

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

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

(i) Temporary or permanent hearing loss;

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

(iii) Adverse physiological responses;

(iv) Psychological distress;

(v) Harm to animal life;

(vi) Devaluation of or damage to property; and

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

(c) *Sound level limits; noise control rules and regulations; exceptions.* -

(1) In adopting sound level limits and noise control rules and regulations, the Department shall consider, among other things:

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

(ii) Zoning;

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

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

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



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

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

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

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

(i) Residential heat pumps 75dba.

(ii) Residential air conditioning units 70dba.

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

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

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

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

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

(d) *Exceptions.*-

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

(i) Construction or repair work on public property;

(ii) Fire or rescue station alerting devices; or

(iii) In Frederick County or Frederick City:

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

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

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

**§ 3-402. Environmental noise standards, sound level limits, and noise control rules and regulations - Procedures for adoption.**

(a) *Compliance with Administrative Procedure Act.*- The Department may not adopt any environmental noise standard, sound level limit, or noise control rule or regulation unless the requirements of this section and the Administrative Procedure Act are met.

(b) *Public hearing.*- Before adopting any proposed environmental noise standard, sound level limit, or noise control rule or regulation, the Department shall announce and hold a public hearing on the subject.

(c) *Notice.*-

(1) At least 60 days before the public hearing, the Department shall publish notice of the hearing in a newspaper of general circulation within the area concerned.

(2) The notice shall state:

(i) The date, time, and place of the hearing; and

(ii) The purpose of the hearing.

(d) *Public inspection.*- At least 60 days before the public hearing, the Department shall make the proposed environmental noise standard, sound level limit, or noise control rule or regulation available to the public.

(e) *Action after hearing.*- After the public hearing, the Department may adopt the proposed environmental noise standard, sound level limit, or noise control rule or regulation, with or without modification.

**§ 3-403. Environmental noise standards, sound level limits, and noise control rules and regulations - Enforcement.**

(a) *Duty of Department; Harford County.*-

(1) The Department shall enforce the sound level limits and noise control rules and regulations adopted under this title.

(2) In Harford County, the Secretary may delegate enforcement under paragraph (1) of this subsection to the Sheriff of Harford County, except enforcement regarding:

(i) Trapshooting, skeetshooting, or other target shooting between the hours of 9 a.m. and 10 p.m. at a shooting sports club that is chartered and in operation in Harford County;

(ii) Lawful trapshooting, skeetshooting, or other target shooting between the hours of 9 a.m. and 8 p.m.; or

(iii) Lawful hunting.

(b) *Use of agency facilities and services.*- To the maximum extent possible, the Department shall use the facilities and services of appropriate agencies of political subdivisions in its enforcement under this section.

(c) *Assistance to political subdivisions.*- The Department may assist the noise control efforts of any appropriate agency of any political subdivision by giving that agency technical assistance in the form of personnel or equipment.

(d) *Application of sound level limits.*- Each sound level limit shall be applied at the boundary of:

(1) A property; or

(2) A land use category, as determined by the Department.

**§ 3-404. Corrective orders.**

If the Department determines that there is a violation of this title or any sound level limit or noise control rule or regulation adopted under this title, the Department, after notice to the alleged violator, may issue a corrective order.

**§ 3-405. Injunctive actions.**

(a) *In general.*- The Department may bring an action to enjoin any conduct that is a willful violation of any provision of this title or any rule, regulation, or order adopted or issued under this title.

(b) *Prior notice required.*- An action may not be brought under this section unless the person against whom it is brought has been given a reasonable time to comply with the provision that is the basis of the action.

### **§ 3-406. Civil penalty.**

(a) *In general.*- A person who willfully violates any provision of this title or any rule, regulation, or order adopted or issued under this title is liable to a civil penalty not exceeding \$10,000, to be collected in a civil action brought by the Department in the circuit court for any county. Each day a violation continues is a separate violation under this section.

(b) *Compromise.*- If the Attorney General concurs, the Secretary may compromise and settle any claim for a civil penalty under this section.

(c) *Remission of penalty.*- If, within 1 year after a civil penalty is compromised and settled under subsection (b) of this section, the person against whom the penalty is imposed satisfies the Secretary that the violation has been eliminated or the order has been satisfied, the Secretary, with the concurrence of the Attorney General, may return to the person not more than 75 percent of the penalty paid.

(d) *Action not exclusive.*- An action under this section is in addition to and not instead of an action for injunctive relief under § 3-405 of this subtitle.

### **§ 3-407. Plan for compliance.**

(a) *Submission and effect.*- A person is not subject to action for a violation of a provision of this title or any rule or regulation adopted under this title so long as the person acts in accordance with a plan for compliance that:

- (1) The person has submitted to the Secretary; and
- (2) The Secretary has approved, with or without amendments.

(b) *Duty of Secretary to act.*- The Secretary shall act on any plan for compliance within 90 days after the plan is submitted to the Secretary.

### **§ 3-408. Conditions not violations.**

A condition that is caused by an act of God, a strike, a riot, a catastrophe, or a cause over which an alleged violator has no control is not a violation of this title or any rule or regulation adopted under this title.

SUBTITLE 5. DUTIES AND AUTHORITY OF UNITS OF STATE  
GOVERNMENT

**§ 3-501. "Unit" defined.**

In this subtitle, "unit" means a unit of the State government.

**§ 3-502. Support of State noise control policy.**

To the fullest extent consistent with its authority under a law that it administers, a unit shall carry out programs that the unit administers to further the policy of the State to provide people with an environment free from noise that:

- (1) May jeopardize health, general welfare, and property; or
- (2) Degrades the quality of life.

**§ 3-503. Compliance with noise control requirements.**

A unit shall comply with federal, State, and interstate requirements concerning the control of environmental noise if the unit:

- (1) Has jurisdiction over any property or facility; or
- (2) Engages in any activity that results, or may result, in the emission of noise.

**§ 3-504. Sound level limits or regulations.**

A unit that prescribes sound level limits or regulations concerning noise periodically shall:

- (1) Take into account the degree of noise reduction achievable through the application of the best available technology and the cost of compliance; and
- (2) Consult with the Department in prescribing the limits or regulations.

**§ 3-505. Investigation of complaints.**

A unit that enforces a regulation concerning noise may:

- (1) Investigate a complaint concerning noise;
- (2) Institute and conduct a survey and testing program concerning noise;
- (3) Test or make another determination of the source of a noise; and
- (4) Assess the degree of required abatement of the noise.

**§ 3-506. Representatives on Interagency Noise Control Committee.**

A unit that prescribes or enforces a regulation concerning noise shall designate a representative to serve on the Interagency Noise Control Committee.

**TITLE 2. DEPARTMENT OF AGRICULTURE  
SUBTITLE 5. MARYLAND AGRICULTURAL LAND PRESERVATION  
FOUNDATION**

**§ 2-513. Use of land for which easement purchased**

(b) Use for commercial, industrial, or residential purposes.-

(2) Except as provided in paragraphs (3) and (7) of this subsection, on written application, the Foundation shall release free of easement restrictions only for the landowner who originally sold an easement, 1 acre or less for the purpose of constructing a dwelling house for the use only of that landowner or child of the landowner, up to a maximum of three lots, subject to the following conditions:

(i) After certifying that the landowner or child of the landowner has met the conditions provided in subparagraphs (i) through (iv) of this paragraph, the Foundation shall issue a preliminary release which shall:

1. Become final when the Foundation receives and certifies a nontransferable building permit in the name of the landowner or child of the landowner for construction of a dwelling house; or
  2. Become void upon the death of the person for whose benefit the release was intended if the Foundation has not yet received a building permit as provided in this subparagraph.
- (vi) Any release or preliminary release issued under this paragraph shall include:

1. A statement of the conditions under which it was issued, a certification by the Foundation that all necessary conditions for release or preliminary release have been met, and copies of any pertinent documents;

A. A statement by the landowner or child of the landowner that acknowledges that: A. Adjacent farmland that is subject to an agricultural land preservation easement may be used for any agricultural purpose and may interfere with the use and enjoyment of the property through **noise**, odor, **vibration**, fumes, dust, glare, or other interference;

TITLE 5. SPECIAL TYPES OF CORPORATIONS  
SUBTITLE 6. ELECTRIC COOPERATIVES  
PART I. DEFINITIONS; GENERAL PROVISIONS

**§ 5-6B-01. Definitions.**

- (p) No-impact home-based business.- "No-impact home-based business" means a business that: (1) Is consistent with the residential character of the dwelling unit;  
(2) Is subordinate to the use of the dwelling unit for residential purposes and requires no external modifications that detract from the residential appearance of the dwelling unit;  
(3) Uses no equipment or process that creates **noise**, vibration, glare, fumes, odors, or electrical or electronic interference detectable by neighbors; and

TITLE 5. LIMITATIONS, PROHIBITED ACTIONS, AND IMMUNITIES  
SUBTITLE 4. IMMUNITIES AND PROHIBITED ACTIONS - BUSINESSES,  
ASSOCIATIONS, AND CHARITIES

**§ 5-403. Nuisance suits against agricultural operations**

(c) Operation continued for 1 year or more.- If an agricultural operation or silvicultural operation has been under way for a period of 1 year or more and if the operation is in compliance with applicable federal, State, and local health, environmental, zoning, and permit requirements relating to any nuisance claim and is not conducted in a negligent manner:

- (1) The operation, including any sight, **noise**, odors, dust, or insects resulting from the operation, may not be deemed to be a public or private nuisance; and

**§ 5-403.1. Private nuisance actions against sport shooting ranges**

"Sport shooting range" defined.- In this section, "sport shooting range" means an area designed and used for trapshooting, skeetshooting, or other target shooting.

Scope of section.- This section applies only to private nuisance actions and does not apply to public nuisance actions. Resumption of shooting activity.- If there has been no shooting activity at a sport shooting range for a period of 3 consecutive years, the date of resumption of shooting activity is considered the date of the establishment of a sport shooting range for purposes of this section.

Limitations on nuisance actions.-

- (1) Except as provided in paragraph (2) of this subsection, a person may not bring a civil nuisance action for noise against a person who owns, operates, or uses a sport shooting range located within the vicinity of the property of the person bringing the action if the sport shooting range was established as of the date the person acquired the property.

TITLE 9. CRIMES AGAINST PUBLIC ADMINISTRATION  
SUBTITLE 6. INTERFERENCE WITH GOVERNMENT OPERATIONS

**§ 9-611. Audible alarm system.**

"Audible alarm system" defined.- In this section, "audible alarm system" means system that, when activated, emits an audible noise from an annunciator.

Required equipment: An audible alarm system shall be equipped to automatically silence the

annunciator within 30 minutes after activation; and allow an accidental or negligent activation to be halted or reset.

Prohibited: An alarm system contractor may not sell, lease, rent, or offer to sell, rent an audible alarm system that does not comply with the requirements of this section

Penalty: A person who violates this section is subject to a civil penalty of \$1 00 violation.

## TITLE 10. CRIMES AGAINST PUBLIC HEALTH, CONDUCT, AND SENSIBILITIES

### SUBTITLE 2. DISTURBING THE PEACE, DISORDERLY CONDUCT, AND RELATED CRIMES

#### **§ 10-201. Disturbing the public peace and disorderly conduct.**

(a) Definitions.- In this section the following words have the meanings indicated.

(i) "Public conveyance" means a conveyance to which the public or a portion of the public has access to and a right to use for transportation.

(ii) "Public conveyance" includes an airplane, vessel, bus, railway car, school vehicle, and subway car.

(3)

(i) "Public place" means a place to which the public or a portion of the public has access and a right to resort for business, dwelling, entertainment, or other lawful purpose.

(ii) "Public place" includes:

a restaurant, shop, shopping center, store, tavern, or other place of business;

a public building;

a public parking lot;

a public street, sidewalk, or right-of-way;

a public park or other public grounds;

the common areas of a building containing four or more separate dwelling units, including a corridor, elevator, lobby, and stairwell;

a hotel or motel;

a place used for public resort or amusement, including an amusement park, golf course, race track, sports arena, swimming pool, and theater;

an institution of elementary, secondary, or higher education;

a place of public worship;

a place or building used for entering or exiting a public conveyance, including an airport terminal, bus station, dock, railway station, subway station, and wharf; and

the parking areas, sidewalks, and other grounds and structures that are part of a public place.

Construction of section.- For purposes of a prosecution under this section, a public conveyance or a public place need not be devoted solely to public use.

Prohibited.-

A person may not willfully and without lawful purpose obstruct or hinder the free passage of another in a public place or on a public conveyance.

A person may not willfully act in a disorderly manner that disturbs the public peace.

A person may not willfully fail to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace.

A person who enters the land or premises of another, whether an owner or lessee, or a beach adjacent to residential riparian property, may not willfully disturb the peace of persons on the



land, premises, or beach by making an unreasonably loud **noise**; or act in a disorderly manner.

(5) A person from any location may not, by making an unreasonably loud **noise**, willfully disturb the peace of another on the other's land or premises in a public place; or on a public conveyance.

(d) Penalty.- A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$500 or both.

## TITLE 10. EVIDENCE

### SUBTITLE 9. MISCELLANEOUS RULES

#### **§ 10-911. Sound level meters and frequency analyzers**

In any legal proceeding of any nature, the quantities and qualities of **noise** may be evidence of tests made with any instrument designed and constructed to measure and in record the presence of sound, including such devices commonly called sound level frequency analyzers.

## TITLE 12. LOCAL DEVELOPMENT AUTHORITIES AND RESOURCES

### SUBTITLE 1. ECONOMIC DEVELOPMENT REVENUE BOND ACT

#### **§ 12-103. Legislative findings; purposes of subtitle.**

(a) Findings.- The General Assembly finds that conditions of unemployment exist in many areas of the State the acquisition and improvement of facilities are essential to relieve this unemployment and to establish a balanced economy in the State the present and prospective health, happiness, safety, right of gainful employment, and general welfare of the residents of the State will be promoted by the acquisition and improvement of facilities the control or abatement of pollution of the environment of the State, including **noise** pollution, is necessary to retain existing industry and commerce in and attract new industry and commerce to the State to protect the health, welfare, and safety of the residents of the State protect the natural resources of the State; and encourage the economic development of the State; and

## TITLE 8. WATERS

### SUBTITLE 7. STATE BOAT ACT

#### **§ 8-703.2. Boating regulations for Jennings Randolph Lake.**

(a) *Authorized.*- Notwithstanding any other provision of this subtitle, the Department may adopt boating regulations exclusively applicable to Jennings Randolph Lake.

(b) *Coordination with West Virginia.*- Regulations adopted under this section:

(1) Shall be developed in coordination with the State of West Virginia;

(2) Shall allow for joint enforcement of boating activities by Maryland and West Virginia authorities in accordance with the Jennings Randolph Lake Project Compact; and

(3) May differ from Maryland boating laws that would otherwise apply.

(c) *Appropriate provisions.*- Regulations adopted under this section may:

- (1) Provide age limits for the operation of a vessel;
- (2) Establish vessel **noise** limits;
- (3) Impose safety requirements regarding vessels;
- (4) Impose other standards and requirements for the operation of a vessel;

**§ 8-704. Regulations of Department.**

(a) *In general.*- The Department may adopt regulations necessary to carry out the provisions of this subtitle, including the determination of the state of principal use for the purpose of assessing the vessel excise tax.

(b) *Placement of buoys, mooring buoys, etc.*- In order to protect the public safety, welfare, and recreational interests in waters of the State, the Department may adopt a program relating to the placement of buoys, mooring buoys, and other apparatus used to secure, berth, or moor vessels in the waters of the State. The Department shall consult with any county affected by the program.

(c) *Subjects of regulations.*- The Department shall adopt regulations governing the following:

(1) The numbering of vessels for identification, safety equipment on vessels, and operations of any vessels subject to this subtitle so that each vessel of a type or size complying with the regulations may be operated with equal freedom or under similar requirements as other vessels of that type or size on all waters of the State. The numbering system used shall conform to the one adopted by the federal government. These regulations may not conflict with any federal law or regulation applicable to vessels on the waters in the State;

(2) The issuance of certificates of title and certificates of boat number;

(3) Instructions for making reports and handling personnel and boats in case of accidents;

(4) Abandonment, destruction, theft, recovery, sale, or transfer of ownership;

(5) Change of address of owner;

(6) Use of boats from other jurisdictions on the waters of the State;

(7) Issuance of certificates of number for boats changing their state of principal use to Maryland;

(8) Cooperation with local governments and the federal authority for special events or to meet emergency situations; and

(9) Issuance of certificates of number to owners of fleets or boats for hire or rent.

(d) *Depth restrictions for personal watercraft.*-

(1) The Department shall adopt regulations prohibiting the operation of personal watercraft above idle speed in any area of water with a depth of less than 18 inches.

(2) Except as provided in paragraph (1) of this subsection, the Department may adopt regulations limiting the use of personal watercraft in any area of water with a depth of less than 1 meter.

(e) *Advertisement of proposed regulations required; hearing.*- Department regulations do not become effective unless advertised publicly in at least 2 daily newspapers of general circulation and at least 1 weekly newspaper serving the area or areas involved at least 45 days before the effective date. If 50 citizens of the State file a petition with the Department at least 15 days prior to the effective date, the Department shall conduct a public hearing on the proposed regulations.

(f) *Local regulations.*- A municipality or other local authority may not establish any regulation of a local nature which does not conform with the Department's regulations.

(g) *Advisory committee for regulations concerning vessel equipment or operation.*- On any proposed regulation affecting the equipment or operation of any vessel subject to this subtitle, the Secretary shall solicit the advice and opinions of officials of representative boating associations, yacht clubs, and local, State, or federal governments or officials, having knowledge or experience with the subject matter of the proposed regulations. These representatives and officials serve as an advisory committee appointed by the Secretary to review the proposed regulations.

(h) *Sound level limits for operation of pleasure craft.*- The Department, with the endorsement of the Secretary of Natural Resources and the Secretary of the Environment, after a public hearing following 60 days' notice, shall adopt and publish sound level limits governing the **noise** generated by the operation of pleasure craft on the waters of the State. The sound level limits shall be established at the most restrictive level consistent with the environmental **noise** standards adopted by the Department of the Environment which is achievable through the application of the best available technology and at a reasonable cost. The Department shall adopt regulations for the administration and enforcement of the sound level limits, taking into account accepted scientific and professional methods for measurement of sound levels.

(i) *Power boat race courses.*- The Department shall adopt regulations to prohibit a person from:

(1) Operating an unauthorized vessel over a power boat race course; or

(2) Swimming across a boundary of a power boat race course.

#### **§ 8-725.4. Noise levels for vessels operated in tidal waters.**

(a) *Applicability.*- The provisions of this section do not apply to persons who regularly catch or harvest seafood for sale while actually engaged in the catching or harvesting of the seafood.

(b) *Permitted **noise** levels.*-

(1) Except as provided in subsection (d) of this section, a person may not operate a vessel on the waters of the State so as to exceed a **noise** level of 90dB(a).

(2) **Noise** level limits for waters of the State shall be measured using generally accepted testing procedures imposed by regulations adopted by the Department based on the Marine Environment Sound Level Measurement Procedure, SAE J 2005.

(3) An owner or lessee of a vessel may not allow the vessel to be operated on waters of the State in violation of paragraph (1) of this subsection.

(c) *Muffling devices or systems.*- A person may not own or operate on any waters of the State any vessel manufactured after January 1, 1990 that is not equipped with a muffler or device or system which muffles or suppresses engine **noise** in accordance with regulations adopted by the Department.

(d) *Regulations - Exceptions.*- The Department may adopt regulations to permit exceptions to this section, including exceptions for:

(1) Economic hardship;

(2) Vessels participating or preparing to participate in a U.S. Coast Guard or Department approved race or event;

(3) The testing, repair, or development of vessel engines conducted by a bona fide engine or boat manufacturer or service person; and

(4) Vessels belonging to a volunteer fire department, ambulance company, rescue squad company, or advance life support company or a political subdivision.

(e) *Regulations - Enforcement.*- In addition to the provisions of subsection (b) of this section, the Department may adopt regulations to enforce this section, including regulations establishing **noise** limitations.

(f) *Violations; penalties.*-

(1) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(i) For the first offense, \$500; and

(ii) For the second offense, \$1,000 or imprisonment of 30 days or both.

(2) Paragraph (1) of this subsection does not limit or supersede any other penalty that may be imposed under this subtitle for a violation of any other law or regulation adopted under this subtitle.

(g) *Compliance with Administrative Procedure Act.*- All regulations adopted by the Department under this section shall be in accordance with the Administrative Procedure Act under Title 10 of the State Government Article.

## TITLE 14. PREFERENCES

### SUBTITLE 4. MISCELLANEOUS PURCHASING PREFERENCES

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#### **§ 14-403. Low noise supplies.**

(a) *Standard.*- To the extent practicable, each unit of the State government shall buy or lease for use by the State government supplies that are the quietest available supplies.

(b) *Certification under federal act.*- Supplies that are certified as low-**noise**-emission products under the federal **Noise** Control Act of 1972 are considered to meet the requirement of subsection (a) of this section.

## **SUBTITLE 8. NOISE ZONE REGULATIONS**

### **§ 5-801. Definitions.**

(a) *In general.*- In this subtitle the following words have the meanings indicated.

(b) *Airport.*- "Airport" means any airport licensed by the Administration.

(c) *Cumulative **noise** exposure.*- "Cumulative **noise** exposure" means a calculated or measured value for the exposure to aircraft **noise** in a 24-hour period at a given location.

(d) *Impacted land use area.*- "Impacted land use area" means an area within a **noise** zone occupied by a land use with a limit for cumulative **noise** exposure that is less than the actual cumulative **noise** exposure in that area.

(e) *Limit for cumulative **noise** exposure.*- "Limit for cumulative **noise** exposure" means the maximum cumulative **noise** exposure for a given land use that is compatible with that land use.

(f) *Noise zone.*- "**Noise** zone" means an area of land surrounding an airport within which the cumulative **noise** exposure is equal to or greater than the lowest limit for cumulative **noise** exposure established by the Executive Director.

(g) *Substantially alter.*- "Substantially alter" includes reconstruct, rebuild, replace, or substantially change or repair.

### **§ 5-802. Purpose of subtitle.**

The purpose of this subtitle is to:

(1) Provide a positive basis for abatement of existing **noise** problems in communities near airports and to prevent new **noise** problems; and

(2) Protect the health and general welfare of the occupants of land near airports.

**§ 5-804. Limits for cumulative noise exposure.**

(a) *Executive Director to adopt limits.*- With the endorsement of the Secretary and the Secretary of the Environment and after a public hearing following 60 days' notice, the Executive Director shall adopt regulations that establish limits for cumulative **noise** exposure for residential and other land uses on the basis of the **noise** sensitivity of a given land use.

(b) *Scope of limits.*- In adopting limits under this section, the Executive Director shall:

(1) Consider:

(i) The general health and welfare;

(ii) The rights of property owners;

(iii) Accepted scientific and professional standards; and

(iv) The recommendations of the Federal Aviation Administration and Environmental Protection Agency; and

(2) Set the limits at the most restrictive level that, through the application of the best available technology at a reasonable cost and without impairing the safety of flight, is consistent with attaining the environmental **noise** standards adopted by the Department of Health and Mental Hygiene.

**§ 5-805. Assessment of noise environment; noise abatement plan for impacted land use area.**

(a) *Airport operators to assess noise environment.*-

(1) Each airport operator, including each person intending to operate a proposed airport, shall assess

the **noise** environment created by the operation and projected future use of the airport.

(2) The assessment method shall follow the procedures that the Executive Director establishes for calculating or measuring cumulative **noise** exposure.

(3) The assessment shall delineate any **noise** zone and identify any impacted land use area.

(b) *Plan to be developed.*-

(1) If an impacted land use area exists within a **noise** zone, the airport operator shall develop a **noise** abatement plan to reduce the size of or eliminate the impacted land use area by altering the coverage of the **noise** zone through the application of the best available technology, at a reasonable cost and without impairing safety of flight.

(2) The plan may include:

(i) A development of runway and flight path use to reduce adverse **noise** impact;

(ii) Establishment of **noise** abatement glide slopes;

(iii) Establishment of **noise** abatement flight and ground procedures;

(iv) Restrictions on operations of noisy aircraft;

(v) Restrictions on noisy maintenance operations;

(vi) Relocation of runways; and

(vii) Acquisition of property to reduce the size of or eliminate an impacted land use area.

(c) *Assessments and plans to be submitted to Executive Director.*-

(1) Unless required earlier as part of an environmental impact study or by the Executive Director, an assessment of the **noise** environment for each airport and any **noise** abatement plan required by this section shall be submitted to the Executive Director for approval by July 1 of each fifth year after July, 1976.

(2) Before the Executive Director approves any assessment or plan, the Executive Director shall



furnish it to the chief executive officer and the zoning board of any affected political subdivision and give them an opportunity to comment.

**§ 5-806. Implementation and monitoring of approved plans; certification of noise zones.**

(a) *Implementation of plan.*-

(1) As to each **noise** abatement plan the Executive Director approves, the airport operator shall:

(i) Begin to carry out the plan within 6 months of its approval; and

(ii) Except as provided in paragraph (2) of this subsection, fully carry out the plan within 18 months of its approval.

(2) The Executive Director may grant a delay of up to 2 years to carry out the plan fully if the Executive Director finds that, despite the good faith efforts of the operator, the operator cannot comply with the schedule required by this subsection.

(b) *Certification of **noise** zone.*- After notice and a public hearing, the Executive Director shall certify and publish, as a **noise** zone for purposes of Parts III and IV of this subtitle, any **noise** zone that results from an approved assessment or an approved plan.

(c) *Adjustment to plan or zone.*- On application by the airport operator or an affected political subdivision, the Executive Director shall consider any adjustment to an approved plan or **noise** zone that is needed to reflect potential operational changes, changes in adjoining land uses, or other factors. Adjustments may be made only by recertification of the **noise** zone by the Executive Director, after notice and a public hearing.

(d) *Political subdivisions to have opportunity to comment.*- Before any hearing under this section, the Executive Director shall give the chief executive officer and zoning board of any affected political subdivision an opportunity to comment. After certification of a **noise** zone, the Administration shall notify them of the certified **noise** zone.

(e) *Monitoring of plans.*- The Executive Director may adopt rules and regulations for monitoring compliance with approved plans.

**§ 5-807. Assistance in development and implementation of plans.**

The Executive Director may help to develop and carry out any **noise** abatement plan required by this subtitle. His help may include technical and financial aid.

**§ 5-810. Adoption of noise zone regulations by political subdivisions.**

(a) *Political subdivision to adopt.*- For airports not owned by this State, within 180 days after the Executive Director certifies and publishes a **noise** zone under Part II of this subtitle, each political subdivision that has a **noise** zone wholly or partly within its jurisdiction shall adopt, under its police power, **noise** zone regulations establishing local **noise** zones. These **noise** zones may not be less restrictive than the **noise** zone certified by the Executive Director.

(b) *Identification on each plan, document, and zoning map.*- The political subdivision shall identify the **noise** zones established under this section on each zoning map, comprehensive plan, and other appropriate document.

(c) *Enforcement.*-

(1) If a political subdivision has or adopts a general zoning ordinance, any **noise** zone regulations adopted under this section for all or a part of the same area may be made a part of the general zoning regulations and administered and enforced with them.

(2) The legislative body of a political subdivision that adopts **noise** zone regulations under this section may delegate the duty of administering and enforcing the regulations to any administrative agency under its jurisdiction. However, the administrative agency may not be or include any member of the board of appeals.

**§ 5-811. Failure of political subdivision to adopt noise regulations.**

(a) *Administration to administer regulations.*- If a political subdivision fails to adopt **noise** zone regulations as required by this part, the Administration shall adopt, administer, and enforce appropriate regulations for any **noise** zone wholly or partly within the jurisdiction of the subdivision.

(b) *Appeals.*- An appeal from a decision of the Administration may be made in the manner provided in §§ 5-814 and 5-816 of this subtitle.

**§ 5-812. Permits.**

(a) *Permit required.*- Unless a person has an appropriate permit issued by the political subdivision, the person may not, in a **noise** zone established under this part:

- (1) Establish or construct any new structure;
- (2) Make any new use of any existing structure or land; or
- (3) Substantially alter any existing structure or use of land.

(b) *Limitation on granting permit.*- A political subdivision may not grant a permit if the proposed action would enlarge the size of or create an impacted land use area.

(c) *Administration to have opportunity to comment.*- Before a political subdivision acts on any permit application, the political subdivision shall notify the Administration of the application and give the Administration an opportunity to comment.

**§ 5-813. Board of appeals - Establishment and operation.**

(a) *Provision may be made for board.*- The legislative body of a political subdivision may provide for a board of appeals with the power:

(1) To hear and decide appeals in all cases in which it is alleged that there is error in any decision of the political subdivision or its administrative agency in the enforcement of this part or of any ordinance or other legislation adopted under this part; and

(2) To hear, decide, and, in proper cases, grant specific variances from **noise** zone regulations adopted under this part, subject to § 5-815 of this subtitle.

(b) *Use of existing zoning board of appeals.* - A zoning board of appeals of the political subdivision may be designated as the board of appeals. In all other cases, subsection (c) of this section applies.

(c) *Composition; tenure; removal; vacancies.* -

(1) Except as provided in subsection (b) of this section, the board of appeals shall consist of five appointed members.

(2) Each member of the board of appeals serves for a term of 4 years and until his successor is appointed and qualifies. However, of the original appointees, one is to serve a 1-year term, one is to serve a 2-year term, one is to serve a 3-year term, and two are to serve a 4-year term.

(3) On written charges and after a public hearing, the respective appointing authority may remove any member of the board of appeals for cause.

(4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(d) *Administrative duties of board.* -

(1) The board of appeals shall adopt rules and regulations in accordance with any ordinance adopted under this subtitle.

(2) Meetings of the board shall be held at the call of the chairman and at any other time that the board determines. All meetings of the board shall be open to the public.

(3) The board shall keep minutes of its proceedings, showing the absence, vote, or failure to vote of each member on each question, and records of its examinations and other official actions. These minutes and records shall be filed immediately in the office of the board and shall be a public record.

(e) *Oaths and witnesses.* -

(1) At a meeting of the board of appeals, the chairman or, in his absence, the acting chairman may administer oaths and issue subpoenas and orders for the attendance of witnesses and the production of papers, books, and documents.

(2) If a person fails to comply with any subpoena or order issued under this subsection, the chairman or acting chairman may invoke the aid of a court of competent jurisdiction. The court may order that person to obey the subpoena or order or to give evidence about the matter in question.

(f) *Actions of majority of board.*- The concurring vote of a majority of the members of the board is sufficient to exercise any of its powers under this part.

#### **§ 5-815. Board of appeals - Grant of variances.**

(a) *Power to grant variances.*- Subject to the provisions of this subtitle, the board of appeals may grant specific variances from **noise** zone regulations adopted under this part, if the design of a proposed structure or the repair, replacement, or change of a structure or use of land provides for sound insulation adequate to insure that interior **noise** levels resulting from airport operations will not exceed those levels that would occur if the structure or land use were outside of the **noise** zone.

(b) *Application.*- Any person who desires to use his property in a manner prohibited by a **noise** zone regulation adopted under this part may apply to the board for a variance from the regulation.

(c) *Conditions on variance.*- The board may condition any variance so as to require the owner of any structure or land use to which the variance applies to construct the proposed structure or to repair, replace, or change the structure or use of land at his expense in a way that meets the requirements of subsection (a) of this section.

(d) *Consideration of relevant facts and circumstances.*- When reviewing a request for a variance under the airport **noise** zone regulations, the board shall consider any facts and circumstances relevant to the request for variance, including any testimony or evidence presented regarding possible impacts on the surrounding community of the grant or denial of the proposed variance.

#### **TITLE 21. VEHICLE LAWS - RULES OF THE ROAD SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**§ 21-1117. Skidding, spinning of wheels, and excessive noise prohibited.**

(a) *Scope of section.*-

(1) This section applies throughout this State, whether on or off a highway.

(2) For purposes of this section, any **noise** level above that adopted by the Administrator under [§ 22-601 of this article](#) is excessive.

(b) *Skidding.*- A person may not drive a motor vehicle in any improper manner intended to cause skidding.

(c) *Spinning of wheels.*- A person may not drive a motor vehicle in any improper manner intended to cause spinning of wheels.

(d) *Causing excessive noise.*- A person may not drive a motor vehicle in any improper manner intended to cause excessive **noise**.

**§ 21-1120. Wearing earphones, headsets, etc., prohibited.**

(a) *Earplugs.*- A person may not drive a motor vehicle on any highway or on any private property that is used by the public in general in this State while the person is wearing over or in both ears earplugs.

(b) *Headsets.*- A person may not drive a motor vehicle on any highway or on any private property that is used by the public in general in this State while the person is wearing over or in both ears a headset.

(c) *Earphones.*- A person may not drive a motor vehicle on any highway or on any private property that is used by the public in general in this State while the person is wearing over or in both ears earphones attached to a radio, tape player, or other audio device.

(d) *Exceptions.*- The provisions of subsections (a), (b), and (c) of this section do not apply to:

(1) A person engaged in the operation of either special construction equipment or equipment for use in the maintenance of any highway;

(2) A person engaged in the operation of refuse collection equipment who is wearing a safety headset or safety earplugs;

(3) A person wearing personal hearing protectors in the form of custom earplugs or molds that are designed to reduce injurious **noise** levels. However, custom plugs or molds shall be designed in such a manner as to not inhibit the wearer's ability to hear a siren or horn from an emergency vehicle or a horn from another vehicle; or

(4) A person wearing a prosthetic device used to aid the hard of hearing.

(e) *Exception for emergency vehicles under emergency conditions.*-

(1) The provisions of subsections (a) and (c) of this section do not apply to a person operating an authorized emergency vehicle under emergency conditions.

(2) The provisions of subsection (b) of this section do not apply to a person operating an authorized emergency vehicle:

(i) Under emergency conditions; or

(ii) Who is wearing a headset for the purpose of communicating with other emergency personnel.

### **§ 21-1122. Noise limitations on use of sound amplification systems.**

(a) *"Sound amplification system" defined.*- In this section, "sound amplification system" means a compact disc player, a radio, a tape player, or a similar device.

(b) *Applicability of section.*- This section does not apply to:

(1) Authorized emergency vehicles;

(2) Vehicles operated by communications, electric, gas, or water utilities;

(3) A sound amplification system operated to request assistance or to warn of a hazardous situation;  
or

(4) Unless otherwise prohibited by local law, a sound amplification system used for advertising, parades, or for political or other special events.

(c) *Prohibited acts.*- When a motor vehicle is being operated on a highway, the driver of the vehicle may not operate or permit the operation of a sound amplification system from the vehicle that can be heard outside the vehicle from 50 or more feet.

(d) *Penalties.*-

(1) A person who violates this section is subject to criminal penalties under § 27-101 of this article.

(2) A violation of this section is not considered a moving violation for purposes of § 16-402 of this article.

### **§ 21-1210. Wearing earplugs, headsets, etc., prohibited.**

(a) *Wearing headset coverings.*- A person may not operate a bicycle, an EPAMD, or a motor scooter on any highway, or on any roadway, while the person is wearing any headset covering both ears.

(b) *Earplugs.*- A person may not operate a bicycle, an EPAMD, or a motor scooter on any highway, or on any roadway, while the person is wearing any earplugs in both ears.

(c) *Exceptions.*- The provisions of this section do not apply to:

(1) Any person wearing personal hearing protectors in the form of custom earplugs or molds that are designed to attenuate injurious **noise** levels, if the custom plugs or molds are designed in such a manner as to not inhibit the wearer's ability to hear a siren or horn from an emergency vehicle or a horn from another vehicle;

(2) Any person wearing a prosthetic device used to aid the hard of hearing; or

(3) Any person operating a bicycle on a public bicycle pathway expressly authorized for the use of persons operating bicycles.

## TITLE 22. VEHICLE LAWS - EQUIPMENT OF VEHICLES

### SUBTITLE 4. OTHER EQUIPMENT

#### **§ 22-402. Mufflers; prevention of noise; discharge of smoke; maximum period of idling.**

(a) *Mufflers.*- Every motor vehicle with an internal combustion engine shall be equipped with an exhaust muffler system in good working order and in constant operation to prevent excessive or unusual **noise**, and no person may use a muffler cutout, bypass, or similar device on a motor vehicle on a highway. **Noise** levels in excess of those adopted by the Administrator under § 22-601 of this title are excessive.

(b) *Prevention of noise.*- A person may not use on the exhaust or "tail pipe" of a motor vehicle any extension or other device to cause excessive or unusual **noise**.

(c) *Discharge of smoke; maximum period of idling.*-

(1) No motor vehicle may be operated, nor may the owner or lessee of a motor vehicle permit it to be operated, on any highway in this State unless the engine power and exhaust mechanism is equipped, adjusted, and operated to prevent:

(i) The discharge of clearly visible smoke (comparable to smoke equal to or darker in shade than that designated as No. 1 of the Ringelmann Chart as published by the U.S. Bureau of Mines) in the exhaust emissions within the proximity of the exhaust outlet for more than 10 consecutive seconds; and

(ii) The discharge of smoke from any other part of the engine in such amounts and of such opacity as to partially obscure persons or objects from view.

(2) In this subsection, "smoke" means small gasborne and airborne particles, exclusive of water vapor, from a process of combustion in sufficient numbers to be observable.

(3) A motor vehicle engine may not be allowed to operate for more than 5 consecutive minutes



when the vehicle is not in motion, except as follows:

- (i) When a vehicle is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;
  - (ii) When it is necessary to operate heating and cooling or auxiliary equipment installed on the vehicle;
  - (iii) To bring the vehicle to the manufacturer's recommended operating temperature; or
  - (iv) When it is necessary to accomplish the intended use of the vehicle.
- (4) For a period of 1 year from July 1, 1971, this subsection shall be enforced by issuance of a warning. One year from July 1, 1971, it shall be enforced in the same manner as other violations of this section.
- (5) This subsection does not apply to Class L (historic) vehicles.
- (d) *"Muffler" defined.*- In this section, "muffler" means a device designed for and effective in reducing **noise** while permitting the flow of gases.
- (e) *Leakproof construction.*- All mufflers and exhaust pipes carrying exhaust gases from the motor shall be of leakproof construction.

## TITLE 22. VEHICLE LAWS - EQUIPMENT OF VEHICLES

### SUBTITLE 6. NOISE ABATEMENT PROGRAM

#### **§ 22-601. Motor vehicle operation - Establishment of sound level limits.**

- (a) *Administrator to establish limits.*- With the endorsement of the Secretary of Transportation and the Secretary of the Environment and after a public hearing following 60 days' notice, the Administrator shall adopt regulations that establish maximum sound level limits for the operation on the highways in this State of each type of motor vehicle or combination of vehicles.
- (b) *Scope of limits.*- In establishing limits under this section, the Administrator shall:
- (1) Consider any **noise** emission regulations established under federal law for motor carriers engaged in interstate commerce; and
  - (2) Set the limits at the most restrictive level that, through the application of the best available technology at a reasonable cost, is consistent with attaining the environmental **noise** standards adopted by the Department of the Environment.

#### **§ 22-605. New motor vehicles - Establishment of sound level limits.**

(a) *Administrator to establish limits.*- With the endorsement of the Secretary of Transportation and the Secretary of the Environment and after a public hearing following 60 days' notice, the Administrator shall adopt regulations that establish maximum sound level limits for each type of new motor vehicle.

(b) *Scope of limits.*- In establishing limits under this section, the Administrator shall set the most restrictive level that, through the application of the best available technology at a reasonable cost, is consistent with attaining the environmental **noise** standards adopted by the Department of the Environment.

**§ 22-609. Modification of exhaust system.**

(a) *Modification that increases sound prohibited.*- A person may not modify the exhaust system or any other **noise** abatement device of a motor vehicle driven or to be driven on any highway in this State in such a way that the **noise** emitted by the vehicle exceeds that emitted by the vehicle as originally manufactured.

(b) *Operation of improperly modified vehicle prohibited.*- A person may not drive on any highway in this State a motor vehicle with an exhaust system or **noise** abatement device modified in a way prohibited by subsection (a) of this section.

**§ 22-610. Sale of mufflers and other abatement devices.**

(a) *Sale of nonconforming devices prohibited.*- A person may not sell or offer for sale in this State for use as part of the equipment of a motor vehicle any exhaust muffler, intake muffler, or other **noise** abatement device that, when installed, will permit the vehicle to be operated in such a way that the **noise** emitted by the vehicle exceeds that emitted by the vehicle as originally manufactured.

(b) *Certificate of compliance.*-

(1) The manufacturer of each exhaust muffler, intake muffler, or other **noise** abatement device sold in this State for use as part of the equipment of a motor vehicle shall file with the Administration a written certification that the particular device, when installed for its intended application, complies with the requirements of this section.

(2) The certification shall be on the form that the Administration requires.

**§ 24-209. Truck traffic adversely affecting residential community.**

(a) *Study by State Highway Administration.*- The State Highway Administration may conduct appropriate studies to determine whether the safety and general welfare of a residential community are threatened by **noise**, vibration, or incidence of truck traffic on any State highway. In determining whether or not to conduct such a study, the Administration shall consider the number

of complaints about truck traffic received, if any, from residents of an area.

(b) *Adoption of restrictions.*- If the State Highway Administration determines that a threat exists and that the safety and general welfare of the residential community would be promoted by the adoption of restrictions on the use of the State highway by trucks, the Administration may establish routes, speed limits, time restrictions, weight restrictions, or other measures with respect to truck traffic on the State highway, which will minimize the adverse effects of that traffic on the residential area or cause that traffic to avoid the residential area entirely.

(c) *Requiring use of alternate route.*- Under this section, truck traffic may be prohibited entirely on any State highway or part of a State highway, if an adequately functional alternate route is available to carry the truck traffic, taking into consideration the amount of additional fuel that would be required over the alternate route and the economic impact on the citizens of this State caused by the alternate route.

(d) *Application of section.*- The provisions of this section:

(1) Do not apply to any Class E (truck) vehicles of 10,000 pounds or less gross vehicle weight; and

(2) Do not preclude the making of local deliveries of supplies or services in any residential communities.

## TITLE 12.

### RESTRICTIONS UPON LICENSEES.

#### § 12-224.1. Noise regulations in Worcester County.

(a) *Applicability.*- The provisions of this section apply only in Worcester County.

(b) *In general.*- The Board of License Commissioners may regulate the time and **noise** level of the playing of mechanical music boxes, live music, and sound making devices that are used on licensed premises where the sound disturbs the peace, tranquility, safety, and health of the surrounding neighborhood.

(c) *Noise in excess of prescribed limits prohibited.*- The music played on a licensed premises may not exceed the noise level limits under § ZS 1-327 of the Code of Public Local Laws of Worcester County or the **noise** level limits of the municipal corporation in which the licensed premises is located.

(d) *Sanctions for violations.*- If the Board of License Commissioners finds a licensed premises in violation of this section, the Board may:

(1) Require the licensee to alter the time that the music is played;

(2) Require the licensee to reduce the **noise** level; or

(3) Take any other action that is authorized under this article.

