

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 829 and the first and second sentences of § 832.

The former reference to "activities on private real property", which modified the reference to the legislative powers of counties and municipalities, is deleted. The plain language of former Article 43, § 832 did not purport to limit the power of a political subdivision to legislate with respect to noise emanating from activity on public property. Furthermore, the General Assembly clearly intends that, with certain limited exceptions, this title should apply to public property. See the purpose paragraph of Ch. 429, Acts of 1978, which states, in part, that the purpose of that Act was to provide "that noise standards apply to public property with certain exceptions".

As to the power of a political subdivision to adopt noise control ordinances, rules, and regulations, see also Article 23B of the Code, § 22 of the Code and TR § 5-810 et seq.

SUBTITLE 2. ENVIRONMENTAL NOISE ADVISORY COUNCIL.

3-201. COUNCIL ESTABLISHED.

THERE IS AN ENVIRONMENTAL NOISE ADVISORY COUNCIL IN THE DEPARTMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from the first clause of the first sentence of former Article 43, § 825(a).

It is set forth as a separate section for emphasis.

The second clause of the first sentence of former Article 43, § 825(a), which referred to the name of the Council before July 1, 1974, is deleted as obsolete and unnecessary.

3-202. MEMBERSHIP.

(A) COMPOSITION; APPOINTMENT OF MEMBERS.

(1) THE COUNCIL CONSISTS OF 5 MEMBERS APPOINTED BY THE SECRETARY.

(2) OF THE 5 COUNCIL MEMBERS: