

(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; OR

(II) FIRE OR RESCUE STATION ALERTING DEVICES.

(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 HEALTH AND MENTAL HYGIENE.

REVISOR'S NOTE: This section is new language derived without substantive change from the last half of former Article 43, § 823(e) and the first sentence -- except as that sentence relates to developing a noise control plan and coordinating all State noise control programs -- and the entire second sentence of § 824, § 828(a) and (b) -- except the second sentence of paragraph (1) of that subsection -- and the reference to "fire and rescue station alerting devices" in § 830(e).

In subsection (b)(1) of this section, language that closely parallels the language of § 5(a)(2) of the federal Noise Control Act of 1972 is substituted for the former statutory cross reference to that section. See 42 U.S.C. § 4904(a)(2).

In subsection (c)(3) of this section, the former reference to "skeet" is deleted as unnecessary because "skeet" is a form of "trapshooting".

Subsection (d)(1)(i) of this section is derived from the language of former Article 43, § 824 that gave the Department power to regulate "noise emanating from activities ... on public property other than noise from construction or repair work".

Subsection (d)(1)(ii) of this section is derived from the statement in former Article 43, § 830(e) that noise from "fire and rescue station alerting devices" does not violate this title or the rules and regulations adopted under this title. That language was added to former Article 43, § 830(e) by Ch. 577, Acts of 1975, which had as its purpose "exempting firehouse sirens from environmental noise control". The revised language, therefore, gives effect to the