

SENATE BILL 905

R1

0lr2598
CF HB 84

By: **Senator Smith**

Introduced and read first time: February 3, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration – Construction and Maintenance – Permit**
3 **Requirements**
4 **(Nighttime Construction Noise Reduction Act)**

5 FOR the purpose of prohibiting the State Highway Administration from issuing a permit
6 for work to be conducted on State highways between certain hours unless a zoning
7 official makes a certain determination; defining certain terms; and generally relating
8 to permits for construction on State highways.

9 BY adding to
10 Article – Transportation
11 Section 8–662
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2019 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Transportation**

17 **8–662.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
19 **INDICATED.**

20 **(2) “COMMERCIAL/RESIDENTIAL ZONE” MEANS ANY AREA THAT IS**
21 **DESIGNATED ON A ZONING MAP AS PERMITTING MULTIFAMILY RESIDENTIAL USES**
22 **TO BE LOCATED ON LOTS AS THE SOLE USE OR IN CONJUNCTION WITH COMMERCIAL**
23 **AND OFFICE USES.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “DWELLING” MEANS A STRUCTURE ANY PART OF WHICH HAS**
2 **BEEN ADAPTED FOR OVERNIGHT ACCOMMODATION FOR AN INDIVIDUAL,**
3 **REGARDLESS OF WHETHER AN INDIVIDUAL IS ACTUALLY PRESENT.**

4 **(4) “RESIDENTIAL ZONE” MEANS ANY AREA THAT IS DESIGNATED ON**
5 **A ZONING MAP AS RESIDENTIAL.**

6 **(5) “ZONING OFFICIAL” MEANS A COUNTY EMPLOYEE WITH THE DUTY**
7 **OF ENFORCING THE ZONING LAW.**

8 **(B) UNLESS A ZONING OFFICIAL DETERMINES THAT ISSUING A PERMIT IS IN**
9 **THE INTEREST OF PUBLIC SAFETY, HEALTH, OR WELFARE, THE ADMINISTRATION**
10 **MAY NOT ISSUE A PERMIT FOR WORK TO BE CONDUCTED ON A STATE HIGHWAY**
11 **BETWEEN 10:00 P.M. AND 6:00 A.M. THE FOLLOWING DAY IN:**

12 **(1) A RESIDENTIAL ZONE;**

13 **(2) A COMMERCIAL/RESIDENTIAL ZONE;**

14 **(3) AN AREA WITHIN 500 FEET OF A RESIDENTIAL ZONE OR A**
15 **COMMERCIAL/RESIDENTIAL ZONE; OR**

16 **(4) AN AREA WITHIN 500 FEET OF A DWELLING.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2020.