

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2017, Legislative Day No. 16

Bill No. 62-17

Councilmembers Bevins & Marks

By the County Council, October 2, 2017

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Agricultural Operations – Air Cannons

FOR the purpose of limiting the time period during which an air cannon may be fired or discharged as part of the agricultural operations in certain Resource Conservation (R.C.) Zones; and generally relating to agricultural operations in R.C. Zones.

BY repealing and re-enacting, with amendments
Article 1A – Resource Conservation Zones
Sections 1A01.5, 1A03.8, 1A05.6, 1A08.7, and 1A09.8
Baltimore County Zoning Regulations

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 ARTICLE 1A – Resource Conservation Zones

2
3 SECTION 1A01. R.C.2 (Agricultural) Zone.

4 § 1A01.5. Inconveniences arising from agricultural operations.

5 Any dwelling, business or use in or near an R.C. 2 Zone may be subject to inconveniences or
6 discomforts arising from agricultural operations, including but not limited to noise, odors, fumes,
7 dust, the operations of machinery of any kind during any twenty-four-hour period (including
8 aircraft), the storage and disposal of manure and the application, by spraying or otherwise, of
9 chemical fertilizers, soil amendments, herbicides and pesticides. The County shall not consider
10 an agricultural operation to be a public or private nuisance if the operation complies with these
11 regulations and all federal, state or County health or environmental requirements; EXCEPT THAT
12 DURING THE PERIOD BETWEEN 10:00 PM AND SUNRISE AS DEFINED BY THE
13 NATIONAL WEATHER SERVICE FOR SUNRISE ON THE PARTICULAR DAY IN THE
14 BALTIMORE AREA, AN AGRICULTURAL OPERATION MAY NOT FIRE OR
15 OTHERWISE DISCHARGE AN AIR CANNON OR SIMILAR DEVICE THAT RELEASES A
16 LOUD SHOTGUN-LIKE BLAST WITHIN 500 FEET OF AN ADJACENT RESIDENTIAL
17 DWELLING.

18
19 SECTION 1A03. R.C.4 (Watershed Protection) Zone.

20 § 1A03.8. Inconveniences arising from agricultural operations.

21 Any dwelling in an R.C. 4 Zone may be subject to inconveniences or discomforts arising from
22 agricultural operations, including but not limited to noise, odors, fumes, dust, the operations of
23 machinery of any kind during any twenty-four-hour period (including aircraft), the storage and

1 disposal of manure and the application by spraying or otherwise of chemical fertilizers, soil
2 amendments, herbicides and pesticides. The county shall not consider an agricultural operation
3 to be a public or private nuisance if the operation complies with these regulations and all federal,
4 state or county health or environmental requirements; EXCEPT THAT DURING THE PERIOD
5 BETWEEN 10:00 PM AND SUNRISE AS DEFINED BY THE NATIONAL WEATHER
6 SERVICE FOR SUNRISE ON THE PARTICULAR DAY IN THE BALTIMORE AREA, AN
7 AGRICULTURAL OPERATION MAY NOT FIRE OR OTHERWISE DISCHARGE AN AIR
8 CANNON OR SIMILAR DEVICE THAT RELEASES A LOUD SHOTGUN-LIKE BLAST
9 WITHIN 500 FEET OF AN ADJACENT RESIDENTIAL DWELLING.

10

11 SECTION 1A05. R.C.20 (Critical Area) and R.C.50 ((Critical Area, Agricultural) Zones.

12 § 1A05.6. Inconveniences arising from agricultural operations.

13 Any dwelling, business or use in or near an R.C. 50 Zone may be subject to inconveniences or
14 discomforts arising from agricultural operations, including but not limited to noise, odors, fumes,
15 dust, the operations of machinery of any kind during any twenty-four-hour period (including
16 aircraft), the storage and disposal of manure and the application, by spraying or otherwise, of
17 chemical fertilizers, soil amendments, herbicides and pesticides. The County shall not consider
18 an agricultural operation to be a public or private nuisance if the operation complies with these
19 regulations and all federal, state or County health or environmental requirements; EXCEPT THAT
20 DURING THE PERIOD BETWEEN 10:00 PM AND SUNRISE AS DEFINED BY THE
21 NATIONAL WEATHER SERVICE FOR SUNRISE ON THE PARTICULAR DAY IN THE
22 BALTIMORE AREA, AN AGRICULTURAL OPERATION MAY NOT FIRE OR
23 OTHERWISE DISCHARGE AN AIR CANNON OR SIMILAR DEVICE THAT RELEASES A

1 LOUD SHOTGUN-LIKE BLAST WITHIN 500 FEET OF AN ADJACENT RESIDENTIAL
2 DWELLING.

3

4 SECTION 1A08. R.C.7 (Resource Preservation) Zone.

5 § 1A08.7. Inconveniences arising from agricultural operations.

6 Any dwelling in an R.C.7 Zone may be subject to inconveniences or discomforts arising from
7 agricultural operations, including noise, odors, fumes, dust, the operation of machinery or aircraft
8 of any kind during any twenty-four-hour period, the storage and disposal of manure and the
9 application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and
10 pesticides; EXCEPT THAT DURING THE PERIOD BETWEEN 10:00 PM AND SUNRISE AS
11 DEFINED BY THE NATIONAL WEATHER SERVICE FOR SUNRISE ON THE
12 PARTICULAR DAY IN THE BALTIMORE AREA, AN AGRICULTURAL OPERATION
13 MAY NOT FIRE OR OTHERWISE DISCHARGE AN AIR CANNON OR SIMILAR DEVICE
14 THAT RELEASES A LOUD SHOTGUN-LIKE BLAST WITHIN 500 FEET OF AN
15 ADJACENT RESIDENTIAL DWELLING.

16

17 SECTION 1A09. R.C.8 (Environmental Enhancement) Zone.

18 § 1A09.8. Inconveniences arising from agricultural operations.

19 Any dwelling in an R.C. 8 or adjacent zone may be subject to inconveniences or discomforts
20 arising from agricultural operations. These may include noise, odors, fumes, dust, the operation
21 of machinery during any twenty-four-hour period, the storage and disposal of manure and the
22 application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and
23 pesticides. The County shall not consider an agricultural operation to be a public or private

1 nuisance if the operation complies with these regulations and all federal, state or county health or
2 environmental requirements; EXCEPT THAT DURING THE PERIOD BETWEEN 10:00 PM
3 AND SUNRISE AS DEFINED BY THE NATIONAL WEATHER SERVICE FOR SUNRISE
4 ON THE PARTICULAR DAY IN THE BALTIMORE AREA, AN AGRICULTURAL
5 OPERATION MAY NOT FIRE OR OTHERWISE DISCHARGE AN AIR CANNON OR
6 SIMILAR DEVICE THAT RELEASES A LOUD SHOTGUN-LIKE BLAST WITHIN 500 FEET
7 OF AN ADJACENT RESIDENTIAL DWELLING.

8

9 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
10 the affirmative vote of five members of the County Council, shall take effect on November 20,
11 2017, and shall expire two years after the date of its enactment, without further action by the
12 County Council.