

Emergency Bill No. 34-00
Concerning: Quarries - Hours of
Operation
Revised: 12-4-00 Draft No. 2
Introduced: December 12, 2000
Expires: June 12, 2002
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Ewing

AN EMERGENCY ACT to:

- (1) limit the hours of operation of certain quarries and operations located in quarries;
and
- (2) generally amend the law governing operation of quarries.

By amending

Montgomery County Code
Chapter 38, Quarries
Section 38-17

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 38-17 is amended as follows:**

2 **38-17. Hours of operation.**

3 (a) (1) Except for blasting activities and as provided in this Section, a
4 licensee must engage in excavation, mining, processing, or
5 materials handling only between 6 a.m. and 6 p.m., Monday
6 through Friday and 7 a.m. and 5 p.m. on Saturday. Blasting
7 must only be conducted between 7 a.m. and 5 p.m., Monday
8 through Friday.

9 (2) From 6 p.m. to 6 a.m., only administration and maintenance
10 activities are permitted within the license boundary.

11 (3) A licensee may conduct secondary and tertiary crushing of
12 materials, associated conveyance of materials inside the license
13 boundary, and screening and stockpiling of materials, between
14 6 p.m. and 8 p.m., Monday through Friday, from April 1
15 through September 30 of each year.

16 (4) Only those operations necessary for administration or security
17 of a quarry may be conducted on Sunday.

18 (5) Activities listed in this subsection are permitted only if sound
19 levels do not exceed the maximum property line sound levels
20 specified in Chapter 31B or other requirements established in
21 this Chapter or by regulation or as a license condition.

22 [(b) The Director may approve extended operating hours for processing
23 and materials handling under the procedures of this subsection.

24 (1) A licensee may submit an application for extended operating
25 hours at least 12 days before the extended operating hours
26 would begin. The Director must require each applicant to pay a
27 fee, established by regulation under method (3), that is

- 28 sufficient to pay the Department's cost of processing the
29 application, notifying the public, and monitoring the extended
30 operating hours.
- 31 (2) After receiving an application for extended operating hours, the
32 Director must notify the public and civic associations in each
33 affected community by direct mail or other means that will
34 effectively inform them of the proposed extended hours at least
35 10 days before the extended operating hours begin.
- 36 (3) Any person may submit written comments to the Director
37 before the Director decides whether to approve the extended
38 operating hours.
- 39 (4) The Director may approve extended operating hours only if the
40 Director finds that:
- 41 (A) the applicant has shown substantial public need for the
42 extended hours; and
- 43 (B) the public interest will generally be served by allowing
44 the extended hours.
- 45 (5) The Director may also allow a licensee to load materials on
46 trucks and haul the materials outside the license boundary
47 during the extended operating hours if the Director finds that:
- 48 (A) the materials are required for work done by or for a
49 government agency; and
- 50 (B) timely completion of the work requires that the materials
51 be delivered to a work site between 6 p.m. and 6 a.m.
- 52 (6) Any approval order must specify the period of time during
53 which the extended operating hours are effective and any other

- 54 conditions of operation necessary to protect the public health,
 55 safety, or welfare or the environment.
- 56 (7) During extended operating hours, sound levels must not exceed
 57 the maximum property line sound levels specified in Chapter
 58 31B or set under Section 38-14(d).
- 59 (8) The Director may require additional noise mitigation measures
 60 during extended operating hours. These measures may include:
- 61 (A) strobe light backup warning devices on mobile
 62 equipment during periods of darkness; and
- 63 (B) audible warning devices which are adjustable to 5
 64 decibels over ambient background sound, measured 20
 65 feet from the device.]

66 [(c)] (b) Materials must not be loaded on trucks or hauled outside the license
 67 boundary between 6 p.m. and 6 a.m.[, except as allowed under
 68 subsection (b)(5)].

69 [(d)] (c) The Director may require additional periodic ambient air quality or
 70 noise monitoring during activities allowed under subsection (a)(3) [or
 71 extended operating hours authorized under subsection (b)] when
 72 necessary to protect the public health, safety, or welfare or the
 73 environment.

74 [(e) Notwithstanding any other provision of this Section, any independent
 75 asphalt production and distribution operation that was active within a
 76 license boundary before January 1, 1992, may operate from 6 p.m. to
 77 6 a.m. if it complies with all applicable noise, water quality, and air
 78 quality requirements under this Chapter. This subsection does not
 79 allow any other licensee to operate during those hours.]

80 **Sec. 2. Emergency Effective Date.**

81 The Council declares that an emergency exists and that this legislation is
82 necessary for the immediate protection of the public health and safety. This Act
83 takes effect on the date on which it becomes law.

84 *Approved:*

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Blair G. Ewing, President, County Council	Date
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86 *Approved:*

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Douglas M. Duncan, County Executive	Date
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88 *This is a correct copy of Council action.*

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Mary A. Edgar, CMC, Clerk of the Council	Date
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