
By: Charles County Delegation

Introduced and read first time: February 17, 1997
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Charles County - Nuisance Abatement - Complainants**

3 FOR the purpose of authorizing a certain landowners' association to write a letter of
4 complaint about a nuisance in order to initiate a certain action by the
5 Commissioners; defining a certain term; and generally relating to the number of
6 complainants required to write a letter of complaint about a certain nuisance in
7 order to initiate a certain action by the County Commissioners of Charles County.

8 BY repealing and reenacting, with amendments,
9 The Public Local Laws of Charles County
10 Section 85-1 and 85-3
11 Article 9 - Public Local Laws of Maryland
12 (1994 Edition and November 1995 Supplement, as amended)

13 BY repealing and reenacting, without amendments,
14 The Public Local Laws of Charles County
15 Section 85-2
16 Article 9 - Public Local Laws of Maryland
17 (1994 Edition and November 1995 Supplement, as amended)

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

20 **Article 9 - Charles County**

21 85-1.

22 A. In this chapter the following words have the meanings indicated.

23 B. "LANDOWNERS' ASSOCIATION" MEANS:

24 (1) A NONPROFIT ASSOCIATION, CORPORATION, OR OTHER
25 ORGANIZATION THAT IS:

26 (I) COMPRISED OF AT LEAST TWO LANDOWNERS OR
27 HOMEOWNERS IN AN ELECTION DISTRICT WITHIN WHICH A NUISANCE IS LOCATED;

2

1 (II) OPERATED EXCLUSIVELY FOR THE PROMOTION OF SOCIAL
2 WELFARE AND GENERAL NEIGHBORHOOD IMPROVEMENT AND ENHANCEMENT;
3 AND

4 (III) EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE
5 INTERNAL REVENUE CODE; OR

6 (2) A NONPROFIT ASSOCIATION, CORPORATION, OR OTHER
7 ORGANIZATION THAT IS:

8 (I) COMPRISED OF AT LEAST TWO LANDOWNERS OR
9 HOMEOWNERS IN A CONTIGUOUS COMMUNITY THAT IS DEFINED BY SPECIFIC
10 GEOGRAPHIC BOUNDARIES AND A SUBSTANTIAL PORTION OF WHICH IS WITHIN AN
11 ELECTION DISTRICT WITHIN WHICH A NUISANCE IS LOCATED; AND

12 (II) OPERATED FOR THE PROMOTION OF THE WELFARE,
13 IMPROVEMENT AND ENHANCEMENT OF THAT COMMUNITY.

14 [B.] C. "Owner" means the person vested with legal title to the property.

15 [C.] D. Residential property.

16 (1) "Residential property" means:

17 (I) A residentially zoned and developed lot containing a maximum of
18 2 acres;

19 (II) Any property that has one of the following residential base zone
20 zoning classifications as provided for in the 1992 Charles County Zoning Ordinance:

21 1. RL;

22 2. RM;

23 3. RH;

24 4. RV;

25 5. RR;

26 6. PUD; or

27 7. WPC; or

28 (III) Any undeveloped land of 10 acres or less within a clustered
29 development.

30 (2) "Residential property" does not include land used for farming.

31 85-2.

32 The following conditions on residential property are declared to be unhealthy and
33 unsightly conditions constituting public nuisances that endanger the life, health, safety,
34 and welfare of the entire county by affording a breeding place for or attracting insects,
35 rodents or reptiles, or that otherwise create a substantial risk of danger to health or safety
36 through disease, fire, safety hazards or other means:

3

1 (1) Accumulations of scrap, paper, junk, vehicle parts, trash, garbage,
2 leaves, cans, vessels, broken bottles, pieces of china, glass, debris, or other waste matter of
3 any kind;

4 (2) Grass, noxious weeds, uncultivated vegetable growth, briars, brush and
5 plants that are more than one foot in height; and

6 (3) Grease or oil.

7 85-3.

8 A. If three separate landowners from the same election district in the county OR
9 A LANDOWNERS' ASSOCIATION send written complaints to the County Commissioners
10 or their designee charging that any of the conditions under § 85-2 of this chapter exist on
11 residential property in the same election district or if, in the judgment of the County
12 Commissioners or their designee, any of the conditions under § 85-2 of this chapter on
13 residential property become a nuisance or affect the public health and comfort of
14 residents of the county, the County Commissioners or their designee shall issue a
15 complaint to the owner of the residential property:

16 (1) Stating the charges alleged; and

17 (2) Containing a notice that a hearing will be held before the County
18 Commissioners or their designee not less than four days nor more than 30 days after the
19 serving of the complaint.

20 B. The owner of the residential property subject to a complaint under Subsection
21 A of this section and other parties in interest to the property shall have the right:

22 (1) To file an answer to the complaint; and

23 (2) To appear in person or otherwise and give testimony at the hearing.

24 C. The Maryland Rules of Procedure do not apply and are not controlling in
25 hearings under this section.

26 D. If, after notice and hearing, the County Commissioners or their designee
27 determine that any of the conditions under § 85-2 of this chapter exist on the residential
28 property, the County Commissioners or their designee shall:

29 (1) State in writing the findings of fact that support the determination of the
30 County Commissioners or their designee; and

31 (2) Order the owner of the residential property, within 14 days from the
32 date the owner is notified of the order:

33 (I) To cut the grass, noxious weeds, vegetable growth, briars, brush, or
34 plants; or

35 (II) To remove the other conditions or accumulations under § 85-2 of
36 this chapter.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 1997.

