

Chapter 690

(House Bill 1507)

AN ACT concerning

St. Mary's County – Property Maintenance

FOR the purpose of authorizing the County Commissioners of St. Mary's County to enact an ordinance prohibiting an owner of real property from allowing or causing the existence, creation or maintenance of a nuisance under certain circumstances; requiring an ordinance enacted under this Act to establish standards for a certain determination; authorizing an ordinance enacted under this Act to provide for the determination of the existence of a nuisance by a certain officer of the St. Mary's County government; providing that a certain determination under this Act shall be deemed a determination under a certain provision of law; authorizing an ordinance enacted under this Act to declare the failure to abate a nuisance to be a municipal infraction under certain circumstances; requiring a court to take certain action on finding a municipal infraction under certain circumstances; and generally relating to property maintenance in St. Mary's County.

BY adding to

The Public Local Laws of St. Mary's County

Section 93–1 through 93–4 to be under the new chapter “Chapter 93. Property Maintenance”

Article 19 – Public Local Laws of Maryland

(2007 Edition and January 2011 Supplement, as amended)

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

Article 19 – St. Mary's County

CHAPTER 93. PROPERTY MAINTENANCE

93–1.

THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY ENACT AN ORDINANCE PROHIBITING AN OWNER OF REAL PROPERTY FROM ALLOWING OR CAUSING THE EXISTENCE, CREATION, OR MAINTENANCE OF A NUISANCE CONSISTING OF STRUCTURES, PREMISES, OR APPURTENANCES WITH OBJECTIVELY DETERMINABLE EXTERIOR SIGNS OF SUBSTANTIAL PHYSICAL DETERIORATION, DILAPIDATION, OR LACK OF MAINTENANCE THAT:

(1) MAY BE REASONABLY CONCLUDED TO SIGNIFICANTLY DEPRECIATE THE ECONOMIC VALUE OF PROPERTIES IN THE NEIGHBORHOOD; OR

(2) ARE REASONABLY DETERMINED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF NEIGHBORING PROPERTIES OR THEIR OCCUPANTS.

93-2.

AN ORDINANCE ENACTED UNDER THIS CHAPTER SHALL ESTABLISH STANDARDS FOR A DETERMINATION OF SUBSTANTIAL PHYSICAL DETERIORATION, DILAPIDATION, OR LACK OF MAINTENANCE.

93-3.

A. AN ORDINANCE ENACTED UNDER THIS CHAPTER MAY PROVIDE FOR THE DETERMINATION OF THE EXISTENCE OF A NUISANCE BY AN ADMINISTRATIVE OFFICER OF THE ST. MARY'S COUNTY GOVERNMENT.

B. A DETERMINATION OF THE EXISTENCE OF A NUISANCE BY AN ADMINISTRATIVE OFFICER SHALL BE DEEMED TO BE A DETERMINATION UNDER § 4-305 OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

93-4.

A. AN ORDINANCE ENACTED UNDER THIS CHAPTER MAY DECLARE THE FAILURE TO ABATE A NUISANCE TO BE A MUNICIPAL INFRACTION IF THE ORDINANCE INCLUDES PROVISIONS FOR:

(1) PRIOR NOTICE TO A PROPERTY OWNER OF THE EXISTENCE OF THE NUISANCE;

(2) A REASONABLE OPPORTUNITY TO ABATE THE NUISANCE; AND

(3) A RIGHT TO APPEAL THE DETERMINATION OF THE EXISTENCE OF THE NUISANCE TO THE ST. MARY'S COUNTY BOARD OF APPEALS BEFORE THE ISSUANCE OF A CITATION.

B. IF A COURT ENTERS A FINDING OF A MUNICIPAL INFRACTION, THE COURT SHALL, ON MOTION BY ST. MARY'S COUNTY, ENTER AN ORDER

AUTHORIZING ST. MARY'S COUNTY TO ABATE THE NUISANCE AND SHALL THEREAFTER, ON PROOF OF THE EXPENSE INCURRED IN ABATING THE NUISANCE, ORDER A LIEN FOR THE COSTS OF ABATEMENT TO BE IMPOSED ON THE PROPERTY THAT WAS SUBJECT TO THE ABATEMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, May 16, 2013.