

SENATE BILL 839

L2

5lr2859
CF HB 599

By: **Senator Waugh**

Introduced and read first time: February 23, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County – Violations of Ordinances, Rules, and Regulations – Penalties**

3 FOR the purpose of repealing certain provisions relating to the civil and criminal penalties
4 for violations of certain ordinances, rules, and regulations adopted by St. Mary's
5 County; authorizing the County Commissioners of St. Mary's County to provide that
6 a violation of certain ordinances is punishable as a misdemeanor and enforced in a
7 certain manner and to a certain extent and is a civil infraction and shall be
8 prosecuted in a certain manner and to a certain extent; providing that every day that
9 a violation of certain ordinances continues is a separate civil infraction; authorizing
10 St. Mary's County to bring an action for an injunction against a person who violates
11 an ordinance, rule, or regulation to require the correction or elimination of the
12 violation; and generally relating to penalties for violations of ordinances, rules, and
13 regulations adopted by St. Mary's County.

14 BY repealing

15 Article – Land Use
16 Section 9–1607 and 9–1608
17 Annotated Code of Maryland
18 (2012 Volume and 2014 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Local Government
21 Section 12–538, 12–618, 12–804, and 13–703
22 Annotated Code of Maryland
23 (2013 Volume and 2014 Supplement)

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

26 **Article – Land Use**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [9-1607.

2 (a) Notwithstanding § 5-301(a) of this article, the county commissioners may
3 provide a civil penalty for a subdivision violation.

4 (b) In a proceeding before the District Court, a subdivision violation shall be
5 enforced in the same manner and to the same extent as a municipal infraction under §§
6 6-102 through 6-115 of the Local Government Article.]

7 [9-1608.

8 (a) Notwithstanding Title 11, Subtitle 2 of this article, the county commissioners
9 may provide a civil penalty for a zoning violation.

10 (b) In a proceeding before the District Court, a zoning violation shall be enforced
11 in the same manner and to the same extent as a municipal infraction under §§ 6-102
12 through 6-115 of the Local Government Article.]

13 **Article – Local Government**

14 12-538.

15 (a) The County Commissioners of St. Mary's County may regulate for any public
16 road, sidewalk, curb, gutter, or storm drainage facility in the county that is not in a
17 municipality and that has not been designated or maintained as a part of the State or
18 federal highway system relating to:

19 (1) vehicle weight;

20 (2) vehicle parking;

21 (3) vehicle abandonment;

22 (4) building or maintenance by a private or public utility necessary for the
23 performance of the utility's purpose;

24 (5) building or maintenance of driveway connections where connections are
25 provided; and

26 (6) vehicle speed.

27 (b) (1) This subsection applies to roads proposed for subdivisions, including
28 sidewalks, curbs and gutters, driveway entrances, and storm drainage facilities and
29 appurtenances to be located in the subdivision.

1 (2) The County Commissioners of St. Mary's County shall enact, by
2 ordinance, rules and regulations that govern the grading, building, improving,
3 maintaining, and repairing of roads, used or intended for use by the public.

4 (c) If required by an ordinance enacted under subsection (a) of this section, the
5 County Commissioners of St. Mary's County shall provide appropriate traffic control
6 devices.

7 (d) For a new road, sidewalk, curb, gutter, or storm drainage facility, the County
8 Commissioners of St. Mary's County may regulate relating to:

9 (1) engineering;

10 (2) construction; and

11 (3) acceptance of the road, sidewalk, curb, gutter, or storm drainage facility
12 into the county roads system.

13 [(e) (1) Except as provided in subsection (f) of this section, a person who
14 violates an ordinance, a rule, or a regulation enacted under this section is guilty of a
15 misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine
16 not exceeding \$1,000 or both.

17 (2) Every day that a violation continues is a separate offense.

18 (f) (1) The County Commissioners of St. Mary's County may impose a civil
19 penalty for a violation of an ordinance, a rule, or a regulation enacted under this section.

20 (2) Enforcement of an ordinance, a rule, or a regulation enacted under this
21 section shall be in the same manner and to the same extent as provided for municipal
22 infractions under Title 6 of this article.

23 (3) In addition to other remedies provided by law, the county may bring an
24 action for an injunction against a person who violates an ordinance, a rule, or a regulation
25 enacted under this section to require correction or elimination of a violation.]

26 12-618.

27 (a) The County Commissioners of St. Mary's County may regulate bridges in the
28 county that are not in a municipality and that have not been designated or maintained as
29 a part of the State or federal highway system relating to:

30 (1) vehicle weight;

31 (2) vehicle parking;

32 (3) vehicle abandonment;

1 (4) building or maintenance by a private or public utility relating to the
2 performance of the utility's purpose;

3 (5) the building or maintenance of driveway connections where connections
4 are provided; and

5 (6) vehicle speed.

6 (b) If required by an ordinance enacted under subsection (a) of this section, the
7 County Commissioners of St. Mary's County shall provide appropriate traffic control
8 devices.

9 (c) For a new bridge, the County Commissioners of St. Mary's County may
10 regulate relating to:

11 (1) engineering;

12 (2) construction; and

13 (3) acceptance of the bridge into the county road system.

14 [(d) (1) Except as provided in subsection (e) of this section, a person who
15 violates an ordinance, a rule, or a regulation enacted under this section is guilty of a
16 misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine
17 not exceeding \$1,000 or both.

18 (2) Each day that a violation continues is a separate offense.

19 (e) (1) The County Commissioners of St. Mary's County may impose a civil
20 penalty for a violation of an ordinance, a rule, or a regulation enacted under this section.

21 (2) Enforcement of an ordinance, a rule, or a regulation enacted under this
22 section shall be in the same manner and to the same extent as provided for municipal
23 infractions under Title 6 of this article.

24 (3) In addition to other remedies provided by law, the county may bring an
25 action for an injunction against a person who violates an ordinance, a rule, or a regulation
26 adopted under this section to require correction or elimination of a violation.]

27 12-804.

28 (A) [Except as provided in §§ 12-538(f), 12-618(d), and 13-703(c) of this article
29 and] **NOTWITHSTANDING** Title 11, Subtitle 2 [and § 9-1607] of the Land Use Article[,
30 and notwithstanding] **AND** any other provision of law [to the contrary], the County
31 Commissioners of St. Mary's County may provide that:

1 (1) a violation of an ordinance [or resolution] is punishable as a
2 misdemeanor and enforced in the same manner and to the same extent as a violation under
3 § 6–101 of this article; and

4 (2) a violation of an ordinance **IS A CIVIL INFRACTION AND** shall be
5 prosecuted in the same manner and to the same extent as provided for a municipal
6 infraction under Title 6 of this article.

7 **(B) EVERY DAY THAT A VIOLATION CONTINUES IS A SEPARATE CIVIL**
8 **INFRACTION.**

9 **(C) IN ADDITION TO OTHER REMEDIES PROVIDED BY THIS SECTION, THE**
10 **COUNTY MAY BRING AN ACTION FOR AN INJUNCTION AGAINST A PERSON WHO**
11 **VIOLATES AN ORDINANCE, A RULE, OR A REGULATION TO REQUIRE THE**
12 **CORRECTION OR ELIMINATION OF A VIOLATION.**

13 13–703.

14 (a) The County Commissioners of St. Mary’s County may:

15 (1) adopt an ordinance, a rule, or a regulation for erosion and siltation
16 control requirements to facilitate sedimentation control in the county; and

17 (2) provide for the enforcement of any ordinance, rule, or regulation
18 adopted under this section.

19 (b) (1) A violation of an ordinance, a rule, or a regulation adopted under this
20 section is a misdemeanor.

21 (2) The County Commissioners of St. Mary’s County may establish a
22 criminal penalty of a fine, imprisonment, or both for a violation of an ordinance, a rule, or
23 a regulation adopted under this section.

24 [(c) (1) The County Commissioners of St. Mary’s County may provide for a civil
25 penalty for a violation of an ordinance, a rule, or a regulation adopted under this section.

26 (2) In a proceeding before the District Court, a violation shall be enforced
27 in the same manner and to the same extent as established for municipal infractions under
28 Title 6 of this article.

29 (3) In addition to all other remedies provided by this section, the county
30 may bring an action for an injunction against a person who violates an ordinance, a rule,
31 or a regulation adopted under this section to require the correction or elimination of a
32 violation.]

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2015.