

Chapter 439

(House Bill 599)

AN ACT concerning

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

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

BY repealing

Article – Land Use

Section 9–1607 and 9–1608

Annotated Code of Maryland

(2012 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Local Government

Section 12–538, 12–618, 12–804, and 13–703

Annotated Code of Maryland

(2013 Volume and 2014 Supplement)

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

Article – Land Use

[9–1607.

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

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

[9–1608.

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

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

Article – Local Government

12–538.

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

- (1) vehicle weight;
- (2) vehicle parking;
- (3) vehicle abandonment;
- (4) building or maintenance by a private or public utility necessary for the performance of the utility’s purpose;
- (5) building or maintenance of driveway connections where connections are provided; and
- (6) vehicle speed.

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

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

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

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

- (1) engineering;
- (2) construction; and
- (3) acceptance of the road, sidewalk, curb, gutter, or storm drainage facility into the county roads system.

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

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

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

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

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

12-618.

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

- (1) vehicle weight;
- (2) vehicle parking;
- (3) vehicle abandonment;
- (4) building or maintenance by a private or public utility relating to the performance of the utility's purpose;
- (5) the building or maintenance of driveway connections where connections are provided; and
- (6) vehicle speed.

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

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

- (1) engineering;
- (2) construction; and
- (3) acceptance of the bridge into the county road system.

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

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

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

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

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

12-804.

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

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

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

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

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

13-703.

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 12, 2015.