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**By: Somerset County Delegation**

Introduced and read first time: January 29, 1996

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Somerset County - Property Maintenance - Enforcement Authority**

3 FOR the purpose of authorizing the County Commissioners of Somerset County to  
4 establish certain civil penalties for the violation of certain ordinances; establishing  
5 procedures governing issuance and service of citations, the adjudication of  
6 violations under specified circumstances, and enforcement of the civil penalties;  
7 requiring that a person who receives a citation take certain actions; providing for  
8 the disposition of certain penalties and the imposition of certain costs; requiring  
9 that certain proceedings be conducted in accordance with specified statutory  
10 provisions; specifying that certain adjudications are not criminal proceedings and do  
11 not result in certain civil disabilities; and generally relating to the authority of the  
12 County Commissioners to establish certain civil violations and procedures relating  
13 to the enforcement and prosecution of violations of certain ordinances in Somerset  
14 County.

15 BY repealing and reenacting, with amendments,

16 The Public Local Laws of Somerset County

17 Section 2-408

18 Article 20 - Public Local Laws of Maryland

19 (1994 Edition, as amended)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article 20 - Somerset County**

23 2-408.

24 (a) The County Commissioners may enact ordinances that require the owners of  
25 real property to meet standards enumerated in the ordinances for the maintenance of the  
26 property.

27 (b) If enacted, the ordinances shall set the standards for the height of grass,  
28 weeds, and similar vegetation and for the removal of old buildings and similar structures.

29 (c) (1) If the owner of the real property fails to maintain that property in  
30 accordance with the standards set in the ordinance, the County may undertake the work  
31 itself and assess the owner for the cost of the work.

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1 (2) Before undertaking any work under paragraph (1) of this subsection, the  
2 County shall give the property owner:

3 (i) By regular mail or personal service, written notice of the violation  
4 of the ordinance; and

5 (ii) At least 15 days to bring the property into compliance with the  
6 ordinance.

7 (3) The cost of the work performed by the County under paragraph (1) of  
8 this subsection shall become a lien on the real property and shall be considered and  
9 collected in the same way as are the annual property taxes.

10 (D) (1) (I) THE COUNTY COMMISSIONERS MAY PROVIDE IN ANY  
11 ORDINANCE ADOPTED UNDER THIS SECTION A CIVIL PENALTY FOR A VIOLATION  
12 OF THE ORDINANCE.

13 (II) THE ORDINANCE SHALL PROVIDE A SPECIFIED FINE, NOT TO  
14 EXCEED \$500, FOR ANY VIOLATION OF THE ORDINANCE.

15 (III) THE ORDINANCE MAY PROVIDE:

16 1. A SCHEDULE OF FINES FOR EACH VIOLATION; AND

17 2. PROCEDURES FOR THE COLLECTION OF THE FINES  
18 IMPOSED.

19 (2) (I) A DESIGNATED COUNTY OFFICIAL MAY SERVE A CITATION ON  
20 A PERSON BELIEVED TO HAVE COMMITTED A VIOLATION OF THE ORDINANCE.

21 (II) THE CITATION SHALL BE SERVED ON THE DEFENDANT:

22 1. IN ACCORDANCE WITH RULE 3-121 OF THE MARYLAND  
23 RULES; OR

24 2. IF PROOF IS MADE BY AFFIDAVIT THAT GOOD FAITH  
25 EFFORTS TO SERVE THE DEFENDANT UNDER RULE 3-121(A) OF THE MARYLAND  
26 RULES HAVE NOT SUCCEEDED, BY:

27 A. REGULAR MAIL TO THE DEFENDANT'S LAST KNOWN  
28 ADDRESS; AND

29 B. POSTING OF THE CITATION AT THE PROPERTY WHERE  
30 THE VIOLATION HAS OCCURRED OR IS OCCURRING.

31 (III) THE OFFICIAL SHALL RETAIN A COPY OF THE CITATION.

32 (3) THE CITATION SHALL INCLUDE:

33 (I) THE NAME AND ADDRESS OF THE PERSON CHARGED;

34 (II) THE NATURE OF THE VIOLATION;

35 (III) THE LOCATION AND TIME THAT THE VIOLATION OCCURRED;

36 (IV) THE AMOUNT OF THE FINE ASSESSED;

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1 (V) THE MANNER, LOCATION, AND TIME IN WHICH THE FINE MAY  
2 BE PAID;

3 (VI) A STATEMENT THAT THE PERSON HAS A RIGHT TO STAND  
4 TRIAL FOR THE VIOLATION; AND

5 (VII) A CERTIFICATION BY THE ISSUING OFFICIAL, ATTESTING TO  
6 THE TRUTH OF THE MATTERS SET FORTH IN THE CITATION.

7 (4) A PERSON WHO RECEIVES A CITATION MAY:

8 (I) PAY THE FINE WITHIN THE PRESCRIBED TIME; OR

9 (II) FILE WITH THE DESIGNATED COUNTY OFFICIAL, AT LEAST  
10 FIVE DAYS BEFORE THE DATE OF REQUIRED PAYMENT SPECIFIED ON THE  
11 CITATION, WRITTEN NOTICE OF INTENTION TO STAND TRIAL.

12 (5) (I) ON RECEIPT OF THE NOTICE TO STAND TRIAL, THE  
13 DESIGNATED COUNTY OFFICIAL SHALL FORWARD TO THE DISTRICT COURT A COPY  
14 OF THE CITATION AND THE NOTICE OF INTENTION TO STAND TRIAL.

15 (II) ON RECEIPT OF THE CITATION, THE DISTRICT COURT SHALL  
16 SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE DEFENDANT OF THE TRIAL  
17 DATE.

18 (III) ANY FINES, PENALTIES, OR FORFEITURES COLLECTED BY THE  
19 DISTRICT COURT SHALL BE REMITTED TO THE COUNTY TREASURER.

20 (6) (I) IF A PERSON CHARGED IN A CITATION FOR A VIOLATION FAILS  
21 TO PAY THE FINE BY THE DATE SPECIFIED IN THE CITATION OR FAILS TO FILE A  
22 NOTICE TO STAND TRIAL BY THE REQUIRED DATE, THE PERSON IS LIABLE FOR THE  
23 ASSESSED FINE.

24 (II) THE COUNTY MAY DOUBLE THE FINE TO AN AMOUNT NOT  
25 EXCEEDING \$1,000.

26 (III) THE DESIGNATED COUNTY OFFICIAL MAY REQUEST  
27 ADJUDICATION OF THE CASE THROUGH THE DISTRICT COURT AND MAY FILE WITH  
28 THE DISTRICT COURT A DEMAND FOR JUDGMENT ON AFFIDAVIT.

29 (IV) THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL  
30 AND SUMMON THE DEFENDANT TO APPEAR.

31 (V) THE DEFENDANT'S FAILURE TO RESPOND TO THE SUMMONS  
32 SHALL RESULT IN THE ENTRY OF A JUDGMENT IN FAVOR OF THE COUNTY.

33 (7) (I) IN A PROCEEDING BEFORE THE DISTRICT COURT, THE  
34 VIOLATION SHALL BE PROSECUTED IN THE SAME MANNER AND TO THE SAME  
35 EXTENT AS SET FORTH FOR MUNICIPAL INFRACTIONS UNDER ARTICLE 23A, § 3(B)  
36 (12) THROUGH (14) OF THE ANNOTATED CODE OF MARYLAND.

37 (II) NOTWITHSTANDING ARTICLE 23A, § 3(B)(14) OF THE  
38 ANNOTATED CODE OF MARYLAND, THE COUNTY COMMISSIONERS MAY DESIGNATE  
39 A COUNTY ATTORNEY TO PROSECUTE THE VIOLATION.

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1                   (8) IF A PERSON IS FOUND BY THE DISTRICT COURT TO HAVE  
2 COMMITTED A VIOLATION, THE PERSON SHALL BE LIABLE FOR THE COSTS OF THE  
3 PROCEEDINGS IN THE DISTRICT COURT.

4                   (9) ADJUDICATION OF A VIOLATION UNDER THIS SUBSECTION IS NOT A  
5 CRIMINAL PROCEEDING, NOR DOES IT IMPOSE ANY CIVIL DISABILITIES ORDINARILY  
6 IMPOSED BY A CRIMINAL CONVICTION.

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 July 1, 1996.