

CF 7r0997

By: Delegates Hammen, Krysiak, Dypski, Rawlings, Marriott, Boston, McIntosh, Rosenberg, Montague, Kirk, C. Mitchell, Watson, Branch, C. Davis, Harrison, T. Murphy, Klausmeier, Nathan-Pulliam, and Parker

Introduced and read first time: January 20, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **District Court - Appeals - Enforcement of Certain Local Codes**

3 FOR the purpose of providing that appeals from the District Court to a circuit court in
4 any matter of contempt arising under certain petitions filed by local governments
5 for enforcement of certain local codes shall be heard on the record made in the
6 District Court rather than de novo; providing for the application of this Act; and
7 generally relating to certain appeals from the District Court.

8 BY repealing and reenacting, without amendments,
9 Article - Courts and Judicial Proceedings
10 Section 4-401(8) and 4-402(d)(2)
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1996 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Courts and Judicial Proceedings
15 Section 12-401(f)
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1996 Supplement)

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

20 **Article - Courts and Judicial Proceedings**

21 4-401.

22 Except as provided in § 4-402 of this subtitle, and subject to the venue provisions of
23 Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

24 (8) A petition filed by a county or municipality, including Baltimore City, for
25 enforcement of local health, housing, fire, building, electric, licenses and permits,
26 plumbing, animal control, and zoning codes for which equitable relief is provided;

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1 4-402.

2 (d) (2) In a case under § 4-401(7) or (8) of this subtitle, the plaintiff may elect
3 to file a petition for injunctive relief either in the District Court or the circuit court.

4 12-401.

5 (f) [In a civil case in which the amount in controversy exceeds \$2,500 exclusive of
6 interest, costs, and attorney's fees if attorney's fees are recoverable by law or contract, in
7 any matter arising under § 4-401(7)(ii) of this article, and in any case in which the parties
8 so agree, an appeal shall be heard on the record made in the District Court.]

9 (1) AN APPEAL SHALL BE HEARD ON THE RECORD MADE IN THE
10 DISTRICT COURT:

11 (I) IN A CIVIL CASE IN WHICH THE AMOUNT IN CONTROVERSY
12 EXCEEDS \$2,500 EXCLUSIVE OF INTEREST, COSTS, AND ATTORNEY'S FEES, IF
13 ATTORNEY'S FEES ARE RECOVERABLE BY LAW OR CONTRACT;

14 (II) IN ANY MATTER ARISING UNDER § 4-401(7)(II) OF THIS
15 ARTICLE;

16 (III) IN ANY MATTER OF CONTEMPT ARISING UNDER § 4-401(8) OF
17 THIS ARTICLE; AND

18 (IV) IN ANY CASE IN WHICH THE PARTIES SO AGREE.

19 (2) EXCEPT AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, IN
20 [In] every other case, including a criminal case in which sentence has been imposed or
21 suspended following a plea of nolo contendere or guilty, and an appeal in a municipal
22 infraction or Code violation case, an appeal shall be tried de novo.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
24 construed only prospectively and may not be applied or interpreted to have any effect on
25 or application to any appeal from the District Court filed before the effective date of this
26 Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1997.