
By: Charles County Delegation

Introduced and read first time: February 17, 1997
Assigned to: Commerce and Government Matters

Committee Report: Favorable
House action: Adopted
Read second time: March 17, 1997

CHAPTER ____

1 AN ACT concerning

2 **Charles County - Nuisance Abatement - Complainants**

3 FOR the purpose of authorizing a certain landowners' association to write a letter of
4 complaint about a nuisance in order to initiate a certain action by the
5 Commissioners; defining a certain term; and generally relating to the number of
6 complainants required to write a letter of complaint about a certain nuisance in
7 order to initiate a certain action by the County Commissioners of Charles County.

8 BY repealing and reenacting, with amendments,
9 The Public Local Laws of Charles County
10 Section 85-1 and 85-3
11 Article 9 - Public Local Laws of Maryland
12 (1994 Edition and November 1995 Supplement, as amended)

13 BY repealing and reenacting, without amendments,
14 The Public Local Laws of Charles County
15 Section 85-2
16 Article 9 - Public Local Laws of Maryland
17 (1994 Edition and November 1995 Supplement, as amended)

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

20 **Article 9 - Charles County**

21 85-1.

22 A. In this chapter the following words have the meanings indicated.

2

1 B. "LANDOWNERS' ASSOCIATION" MEANS:

2 (1) A NONPROFIT ASSOCIATION, CORPORATION, OR OTHER
3 ORGANIZATION THAT IS:

4 (I) COMPRISED OF AT LEAST TWO LANDOWNERS OR
5 HOMEOWNERS IN AN ELECTION DISTRICT WITHIN WHICH A NUISANCE IS LOCATED;

6 (II) OPERATED EXCLUSIVELY FOR THE PROMOTION OF SOCIAL
7 WELFARE AND GENERAL NEIGHBORHOOD IMPROVEMENT AND ENHANCEMENT;
8 AND

9 (III) EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE
10 INTERNAL REVENUE CODE; OR

11 (2) A NONPROFIT ASSOCIATION, CORPORATION, OR OTHER
12 ORGANIZATION THAT IS:

13 (I) COMPRISED OF AT LEAST TWO LANDOWNERS OR
14 HOMEOWNERS IN A CONTIGUOUS COMMUNITY THAT IS DEFINED BY SPECIFIC
15 GEOGRAPHIC BOUNDARIES AND A SUBSTANTIAL PORTION OF WHICH IS WITHIN AN
16 ELECTION DISTRICT WITHIN WHICH A NUISANCE IS LOCATED; AND

17 (II) OPERATED FOR THE PROMOTION OF THE WELFARE,
18 IMPROVEMENT AND ENHANCEMENT OF THAT COMMUNITY.

19 [B.] C. "Owner" means the person vested with legal title to the property.

20 [C.] D. Residential property.

21 (1) "Residential property" means:

22 (I) A residentially zoned and developed lot containing a maximum of
23 2 acres;

24 (II) Any property that has one of the following residential base zone
25 zoning classifications as provided for in the 1992 Charles County Zoning Ordinance:

26 1. RL;

27 2. RM;

28 3. RH;

29 4. RV;

30 5. RR;

31 6. PUD; or

32 7. WPC; or

33 (III) Any undeveloped land of 10 acres or less within a clustered
34 development.

35 (2) "Residential property" does not include land used for farming.

3

1 85-2.

2 The following conditions on residential property are declared to be unhealthy and
3 unsightly conditions constituting public nuisances that endanger the life, health, safety,
4 and welfare of the entire county by affording a breeding place for or attracting insects,
5 rodents or reptiles, or that otherwise create a substantial risk of danger to health or safety
6 through disease, fire, safety hazards or other means:

7 (1) Accumulations of scrap, paper, junk, vehicle parts, trash, garbage,
8 leaves, cans, vessels, broken bottles, pieces of china, glass, debris, or other waste matter of
9 any kind;

10 (2) Grass, noxious weeds, uncultivated vegetable growth, briars, brush and
11 plants that are more than one foot in height; and

12 (3) Grease or oil.

13 85-3.

14 A. If three separate landowners from the same election district in the county OR
15 A LANDOWNERS' ASSOCIATION send written complaints to the County Commissioners
16 or their designee charging that any of the conditions under § 85-2 of this chapter exist on
17 residential property in the same election district or if, in the judgment of the County
18 Commissioners or their designee, any of the conditions under § 85-2 of this chapter on
19 residential property become a nuisance or affect the public health and comfort of
20 residents of the county, the County Commissioners or their designee shall issue a
21 complaint to the owner of the residential property:

22 (1) Stating the charges alleged; and

23 (2) Containing a notice that a hearing will be held before the County
24 Commissioners or their designee not less than four days nor more than 30 days after the
25 serving of the complaint.

26 B. The owner of the residential property subject to a complaint under Subsection
27 A of this section and other parties in interest to the property shall have the right:

28 (1) To file an answer to the complaint; and

29 (2) To appear in person or otherwise and give testimony at the hearing.

30 C. The Maryland Rules of Procedure do not apply and are not controlling in
31 hearings under this section.

32 D. If, after notice and hearing, the County Commissioners or their designee
33 determine that any of the conditions under § 85-2 of this chapter exist on the residential
34 property, the County Commissioners or their designee shall:

35 (1) State in writing the findings of fact that support the determination of the
36 County Commissioners or their designee; and

37 (2) Order the owner of the residential property, within 14 days from the
38 date the owner is notified of the order:

4

1 (I) To cut the grass, noxious weeds, vegetable growth, briars, brush, or
2 plants; or

3 (II) To remove the other conditions or accumulations under § 85-2 of
4 this chapter.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 1997.