
By: **Washington County Delegation**

Introduced and read first time: February 15, 1999

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Health - General - Nuisance Control - Washington County**

3 FOR the purpose of authorizing certain health officers in Washington County to file a
4 certain complaint for nuisance abatement in the Circuit Court for Washington
5 County under certain circumstances; establishing certain criminal penalties for
6 violating a notice of a certain nuisance abatement; providing for the application
7 of this Act; and generally relating to nuisance abatement in Washington County.

8 BY repealing and reenacting, with amendments,
9 Article - Health - General
10 Section 20-306 and 20-309
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1998 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Environment
15 Section 10-201 and 10-301
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1998 Supplement)

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

20 **Article - Health - General**

21 20-306.

22 (a) The health officer for each county:

23 (1) May investigate any condition in the county that is dangerous to
24 human health; and

25 (2) Shall investigate and report on the sanitary conditions of schools,
26 places of business, and places of employment in the county.

1 (b) Except in Baltimore County, on the written complaint of a physician or of
2 at least 2 persons who claim to be affected by the condition, the health officer for the
3 county where the condition allegedly exists immediately shall investigate any
4 complaint that any of the following is in a condition dangerous to human health:

5 (1) Any watercourse, well, spring, open ditch, gutter, cesspool, drain,
6 outhouse, pigpen, or other place.

7 (2) Any accumulation or deposit of any substance.

8 (c) If the health officer finds that the condition of the place or thing
9 investigated may injure the life or health of any person, the place or thing is in a state
10 of nuisance and the health officer shall serve a written notice to the person who is
11 causing the nuisance, ordering the person to abate the nuisance within a time
12 specified in the notice.

13 (d) A person may not refuse or neglect to comply with the requirements of a
14 notice served under this section.

15 (e) If a question arises between health officers as to the jurisdiction or duties
16 of a health officer in the abatement of any unhealthy nuisance, the question shall be
17 referred to the Secretary, who shall settle the question.

18 (F) (1) IN WASHINGTON COUNTY, A HEALTH OFFICER MAY FILE A
19 COMPLAINT IN THE CIRCUIT COURT FOR WASHINGTON COUNTY IF:

20 (I) THE PERSON SERVED WITH A NOTICE UNDER THIS SECTION
21 FAILS TO COMPLY WITH THE REQUIREMENTS OF THE NOTICE; OR

22 (II) ALTHOUGH THE PERSON SERVED WITH A NOTICE UNDER THIS
23 SECTION COMPLIES WITH THE REQUIREMENTS OF THE NOTICE, THE NUISANCE IS
24 LIKELY TO RECUR ON THE SAME PROPERTY.

25 (2) A COMPLAINT FILED UNDER THIS SUBSECTION MAY SEEK A COURT
26 ORDER REQUIRING THE PERSON SERVED WITH THE NOTICE TO:

27 (I) COMPLY WITH THE REQUIREMENTS OF THE HEALTH OFFICER'S
28 ABATEMENT NOTICE;

29 (II) ABATE THE NUISANCE WITHIN A TIME SPECIFIED IN THE
30 ORDER; AND

31 (III) PREVENT THE NUISANCE FROM RECURRING.

32 20-309.

33 (A) A person who refuses or neglects to comply with the requirements of a
34 notice served under § 20-306 of this subtitle is guilty of a misdemeanor and on
35 conviction is subject to a fine not exceeding \$50.

36 (B) IN WASHINGTON COUNTY:

1 (1) A PERSON WHO REFUSES TO EXERCISE DUE DILIGENCE UNDER A
2 COURT ORDER TO ABATE A CONDITION UNDER § 20-306 OF THIS SUBTITLE IS GUILTY
3 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5
4 FOR EACH DAY THE CONDITION IS NOT ABATED AND THE COST OF PROSECUTION.

5 (2) A PERSON WHO KNOWINGLY OR WILLFULLY ACTS CONTRARY TO A
6 COURT ORDER TO ABATE A CONDITION UNDER § 20-306 OF THIS SUBTITLE IS GUILTY
7 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
8 \$10 FOR EACH DAY THE VIOLATION CONTINUES AND THE COST OF PROSECUTION.

9 **Article - Environment**

10 10-201.

11 (a) The health officer for each county:

12 (1) May investigate any condition in the county that is dangerous to
13 human health; and

14 (2) Shall investigate and report on the sanitary conditions of schools,
15 places of business, and places of employment in the county.

16 (b) Except in Baltimore County, on the written complaint of a physician or of
17 at least 2 persons who claim to be affected by the condition, the health officer for the
18 county where the condition allegedly exists immediately shall investigate any
19 complaint that any of the following is in a condition dangerous to human health:

20 (1) Any watercourse, well, spring, open ditch, gutter, cesspool, drain,
21 outhouse, pigpen, or other place.

22 (2) Any accumulation or deposit of any substance.

23 (c) If the health officer finds that the condition of the place or thing
24 investigated may injure the life or health of any person, the place or thing is in a state
25 of nuisance and the health officer shall serve a written notice to the person who is
26 causing the nuisance, ordering the person to abate the nuisance within a time
27 specified in the notice.

28 (d) A person may not refuse or neglect to comply with the requirements of a
29 notice served under this section.

30 (e) If a question arises between health officers as to the jurisdiction or duties
31 of a health officer in the abatement of any unhealthy nuisance, the question shall be
32 referred to the Secretary, who shall settle the question.

33 (F) (1) IN WASHINGTON COUNTY, A HEALTH OFFICER MAY FILE A
34 COMPLAINT IN THE CIRCUIT COURT FOR WASHINGTON COUNTY IF:

35 (I) THE PERSON SERVED WITH A NOTICE UNDER THIS SECTION
36 FAILS TO COMPLY WITH THE REQUIREMENTS OF THE NOTICE; OR

1 (II) ALTHOUGH THE PERSON SERVED WITH A NOTICE UNDER THIS
2 SECTION COMPLIES WITH THE REQUIREMENTS OF THE NOTICE, THE NUISANCE IS
3 LIKELY TO RECUR ON THE SAME PROPERTY.

4 (2) A COMPLAINT FILED UNDER THIS SUBSECTION MAY SEEK A COURT
5 ORDER REQUIRING THE PERSON SERVED WITH THE NOTICE TO:

6 (I) COMPLY WITH THE REQUIREMENTS OF THE HEALTH OFFICER'S
7 ABATEMENT NOTICE;

8 (II) ABATE THE NUISANCE WITHIN A TIME SPECIFIED IN THE
9 ORDER; AND

10 (III) PREVENT THE NUISANCE FROM RECURRING.

11 10-301.

12 (A) A person who refuses or neglects to comply with the requirements of a
13 notice served under § 10-201 of this title is guilty of a misdemeanor and on conviction
14 is subject to a fine not exceeding \$50.

15 (B) IN WASHINGTON COUNTY:

16 (1) A PERSON WHO FAILS TO EXERCISE DUE DILIGENCE UNDER A
17 COURT ORDER TO ABATE A CONDITION UNDER § 10-201 OF THIS TITLE IS GUILTY OF
18 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT TO EXCEED \$5
19 FOR EACH DAY THE CONDITION IS NOT ABATED AND THE COST OF PROSECUTION.

20 (2) A PERSON WHO KNOWINGLY OR WILLFULLY ACTS CONTRARY TO A
21 COURT ORDER TO ABATE A CONDITION UNDER § 10-201 OF THIS TITLE IS GUILTY OF
22 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10
23 FOR EACH DAY THE VIOLATION CONTINUES AND THE COST OF PROSECUTION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
25 construed only prospectively and may not be applied or interpreted to have any effect
26 on or application to any notice of nuisance abatement in Washington County before
27 the effective date of this Act.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1999.