

---

By: **Charles County Delegation**  
Introduced and read first time: February 21, 2000  
Assigned to: Rules and Executive Nominations

---

A BILL ENTITLED

1 AN ACT concerning

2 **Charles County - Public Nuisance - Improved Residential Property**

3 FOR the purpose of altering provisions of law concerning public nuisances in Charles  
4 County to include certain building disrepair on an improved residential  
5 property; altering provisions of law ordering a property owner to fix a certain  
6 public nuisance to include an order to correct the certain building disrepair;  
7 defining a certain term; providing for the application of this Act; and generally  
8 relating to public nuisances on improved residential property in Charles County.

9 BY repealing and reenacting, with amendments,  
10 The Public Local Laws of Charles County  
11 Section 85-1 through 85-6  
12 Article 9 - Public Local Laws of Maryland  
13 (1994 Edition and June 1998 Supplement, as amended)

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

16 **Article 9 - Charles County**

17 85-1.

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

19 B. "IMPROVED RESIDENTIAL PROPERTY" MEANS A LOT OR LOTS CONTAINING  
20 ONE OR MORE RESIDENTIAL DWELLING UNITS SITUATED WITHIN THE COUNTY'S  
21 DEVELOPMENT DISTRICT AS DESIGNATED IN THE CHARLES COUNTY  
22 COMPREHENSIVE PLAN.

23 [B.] C. "Landowners' association" means:

24 (1) A nonprofit association, corporation, or other organization that is:

25 (I) Comprised of at least two landowners or homeowners in an  
26 election district within which a nuisance is located;

1 (II) Operated exclusively for the promotion of social welfare and  
2 general neighborhood improvement and enhancement; and

3 (III) Exempt from taxation under § 501(c)(3) or (4) of the internal  
4 revenue code; or

5 (2) A nonprofit association, corporation, or other organization that is:

6 (I) Comprised of at least two landowners or homeowners in a  
7 contiguous community that is defined by specific geographic boundaries and a  
8 substantial portion of which is within an election district within which a nuisance is  
9 located; and

10 (II) Operated for the promotion of the welfare, improvement and  
11 enhancement of that community.

12 [C.] D. "Owner" means the person vested with legal title to the property.

13 [D.] E. (1) "Residential property" means:

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

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

- 18 1. RL;
- 19 2. RM;
- 20 3. RH;
- 21 4. RV;
- 22 5. RR;
- 23 6. [PLTD] PUD; or
- 24 7. WPC; or

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

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

28 85-2.

29 The following conditions on residential property are declared to be unhealthy  
30 and unsightly conditions constituting public nuisances that endanger the life, health,  
31 safety, and welfare of the entire county by affording a breeding place for or attracting  
32 insects, rodents, or reptiles, BY FAILING TO EXERCISE REASONABLE CARE AND

1 MAINTENANCE OF STRUCTURAL IMPROVEMENTS LOCATED ON IMPROVED  
2 RESIDENTIAL PROPERTY, or [that otherwise create] BY CREATING a substantial risk  
3 of danger to THE GENERAL PUBLIC WELFARE, [health] HEALTH, or safety through  
4 disease, fire, safety hazards, CRIME, COMMUNITY DEGRADATION, or other means:

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

8 (2) Grass, noxious weeds, uncultivated vegetable growth, briars, brush  
9 and plants that are more than one foot in height; [and]

10 (3) Grease or oil; OR

11 (4) ON IMPROVED RESIDENTIAL PROPERTY, EXTERIOR BUILDING  
12 DISREPAIR, INCLUDING BROKEN WINDOWS, FLAKING PAINT, BROKEN SHUTTERS OR  
13 RAINSPOUTS, OR OTHER BUILDING DAMAGE THAT EVIDENCES A GENERAL  
14 DISREGARD FOR THE REASONABLE CARE AND MAINTENANCE OF THE IMPROVED  
15 RESIDENTIAL PROPERTY.

16 85-3.

17 A. If three separate landowners from the same election district in the county  
18 or a landowner's association send written complaints to the County Commissioners or  
19 their designee charging that any of the conditions under § 85-2 of this chapter exist  
20 on residential property OR IMPROVED RESIDENTIAL PROPERTY in the same election  
21 district or if, in the judgment of the County Commissioners or their designee, any of  
22 the conditions under § 85-2 of this chapter on residential property OR IMPROVED  
23 RESIDENTIAL PROPERTY become a nuisance or affect the public health and comfort of  
24 residents of the county, the County Commissioners or their designee shall issue a  
25 complaint to the owner of the residential property OR IMPROVED RESIDENTIAL  
26 PROPERTY:

27 (1) Stating the charges alleged; and

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

31 B. The owner of the residential property OR IMPROVED RESIDENTIAL  
32 PROPERTY subject to a complaint under Subsection A of this section and other parties  
33 in interest to the property shall have the right:

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

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

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

1 D. If, after notice and hearing, the County Commissioners or their designee  
2 determine that any of the conditions under § 85-2 of this chapter exist on the  
3 residential property OR IMPROVED RESIDENTIAL PROPERTY, the County  
4 Commissioners or their designee shall:

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

7 (2) Order the owner of the [residential] property, within 14 days from  
8 the date the owner is notified of the order:

9 (I) To cut the grass, noxious weeds, vegetable growth, briars,  
10 brush, or plants; [or]

11 (II) To remove the other conditions or accumulations under § 85-2  
12 of this chapter; OR

13 (III) TO CORRECT THE EXTERIOR BUILDING DISREPAIR OR OTHER  
14 BUILDING DAMAGE.

15 85-4.

16 A. Except as provided in Subsection B of this section, the County  
17 Commissioners or their designee shall give written notice to the owner of the  
18 [residential] property that is subject to a complaint or an order issued under § 85-3  
19 of this chapter by:

20 (1) Serving the notice personally on the owner of the property; or

21 (2) Mailing the notice to the owner of the property by certified mail,  
22 return receipt requested, bearing a postmark of the United States Postal Service.

23 B. If the owner of the property does not reside in the county, or if the  
24 whereabouts of the owner of the property is unknown or cannot be ascertained by the  
25 exercise of reasonable diligence and an employee of the county Division of Inspections  
26 makes an affidavit to that effect, the County Commissioners or their designee may  
27 notify the owner by publishing the complaint or order under § 85-3 of this chapter  
28 once a week for two consecutive weeks in a weekly newspaper in the county.

29 C. A copy of the complaint and order under § 85-3 of this chapter shall be  
30 posted in a conspicuous place on the [residential] property affected by the complaint  
31 or order.

32 85-5.

33 A. Except as provided in this section, the owner of [residential] property  
34 affected by an order under § 85-3 of this chapter shall comply with the terms of the  
35 order within:

1 (1) 14 days from the date on which the owner is notified of the order, as  
2 provided under § 85-4A of this chapter; or

3 (2) 14 days from the date of the first publication of the notice in a  
4 newspaper, as provided under § 85-4B of this chapter.

5 B. (1) Within 10 days from the date of notification under § 85-4 of this  
6 chapter, the owner of property may appeal the order to the County Commissioners or  
7 their designee.

8 (2) If a decision on an appeal under Paragraph (1) of this subsection is  
9 issued by the designee of the County Commissioners rather than by the County  
10 Commissioners, within 10 days from the date of the decision, the owner may appeal  
11 further to the County Commissioners of Charles County.

12 (3) The filing of an appeal under Paragraph (1) or (2) of this subsection  
13 stays the time period for compliance with an order.

14 (4) If an owner of residential property OR IMPROVED RESIDENTIAL  
15 PROPERTY loses an appeal under Paragraph (1) or (2) of this subsection, the owner  
16 shall comply with the terms of the order within 14 days of the final appeal decision.

17 85-6.

18 A. If an owner of [residential] property affected by an order under § 85-3 of  
19 this chapter does not comply with the terms of the order within the time periods  
20 provided under § 85-5 of this chapter, immediately thereafter the County  
21 Commissioners or their designee may direct the appropriate department:

22 (1) To cut or pay for the cutting of the grass, noxious weeds, vegetable  
23 growth, briars, brush or plants covered by the order; or

24 (2) To remove or pay for the removal of the other conditions or  
25 accumulations covered by the order.

26 B. The owner of [residential] property AFFECTED BY AN ORDER UNDER §  
27 85-3 OF THIS CHAPTER is responsible for any costs incurred by the department under  
28 Subsection A of this section.

29 C. (1) If the county pays for or takes care of the cutting or removal under  
30 Subsection A of this section, the county shall send the owner of the [residential]  
31 property a bill for the actual cost for the cutting or removal.

32 (2) If the owner of the [residential] property does not pay for the cost of  
33 the cutting or removal under Paragraph (1) of this subsection within 60 days of  
34 receiving the bill:

35 (a) The cost of the cutting or removal shall constitute a lien on the  
36 property; and

1                   (b)       The County Treasurer shall charge the owner of the  
2 [residential] property with the cost of the cutting or removal, plus interest at the rate  
3 of 10 percent per year from the date of the cutting or removal, on the next regular  
4 property tax bill sent to the owner.

5                   (3)       The owner of the [residential] property shall pay the charges under  
6 Paragraph (2) of this subsection at the same time required for payment of property  
7 taxes in the county.

8       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
9 construed only prospectively and may not be applied or interpreted to have any effect  
10 on or application to any action for a public nuisance in Charles County before the  
11 effective date of this Act.

12       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2000.