
By: **Charles County Delegation**

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Assigned to: Rules and Executive Nominations

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Read second time: March 21, 2000

CHAPTER _____

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

1 DEVELOPMENT DISTRICT AS DESIGNATED IN THE CHARLES COUNTY
2 COMPREHENSIVE PLAN.

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

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

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

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

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

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

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

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

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

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

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

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

24 1. RL;

25 2. RM;

26 3. RH;

27 4. RV;

28 5. RR;

29 6. [PLTD] PUD; or

30 7. WPC; or

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

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

4 85-2.

5 The following conditions on residential property are declared to be unhealthy
6 and unsightly conditions constituting public nuisances that endanger the life, health,
7 safety, and welfare of the entire county by affording a breeding place for or attracting
8 insects, rodents, or reptiles, BY FAILING TO EXERCISE REASONABLE CARE AND
9 MAINTENANCE OF STRUCTURAL IMPROVEMENTS LOCATED ON IMPROVED
10 RESIDENTIAL PROPERTY, or [that otherwise create] BY CREATING a substantial risk
11 of danger to THE GENERAL PUBLIC WELFARE, [health] HEALTH, or safety through
12 disease, fire, safety hazards, CRIME, COMMUNITY DEGRADATION, or other means:

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

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

18 (3) Grease or oil; OR

19 (4) ON IMPROVED RESIDENTIAL PROPERTY, EXTERIOR BUILDING
20 DISREPAIR, INCLUDING BROKEN WINDOWS, FLAKING PAINT, BROKEN SHUTTERS OR
21 RAINSPOUTS, OR OTHER BUILDING DAMAGE THAT EVIDENCES A GENERAL
22 DISREGARD FOR THE REASONABLE CARE AND MAINTENANCE OF THE IMPROVED
23 RESIDENTIAL PROPERTY.

24 85-3.

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

35 (1) Stating the charges alleged; and

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

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

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

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

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

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

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

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

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

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

20 (III) TO CORRECT THE EXTERIOR BUILDING DISREPAIR OR OTHER
21 BUILDING DAMAGE.

22 85-4.

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

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

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

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

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

4 85-5.

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

8 (1) 14 days from the date on which the owner is notified of the order, as
9 provided under § 85-4A of this chapter; or

10 (2) 14 days from the date of the first publication of the notice in a
11 newspaper, as provided under § 85-4B of this chapter.

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

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

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

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

24 85-6.

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

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

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

33 B. The owner of [residential] property AFFECTED BY AN ORDER UNDER §
34 85-3 OF THIS CHAPTER is responsible for any costs incurred by the department under
35 Subsection A of this section.

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

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

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

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

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

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

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