Unofficial Copy J1 SB 577/01 - JPR 2002 Regular Session 2lr1246 CF 2lr2048

By: Senators Munson, Baker, Jimeno, and Middleton

Introduced and read first time: February 1, 2002

Assigned to: Judicial Proceedings

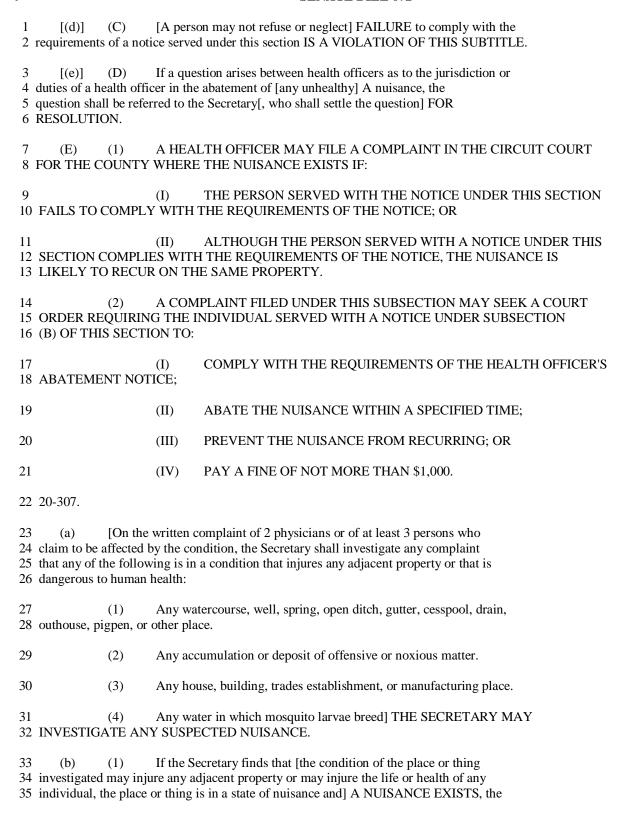
A BILL ENTITLED

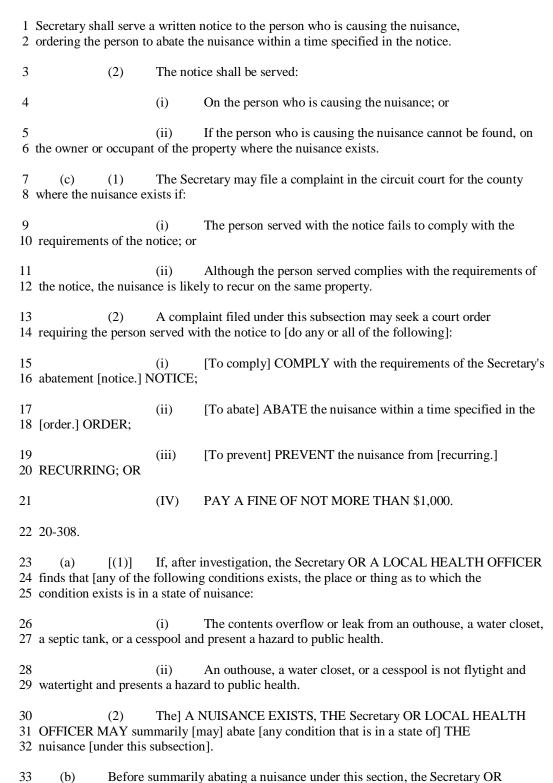
1	A TAT		•
	Δ $ \mathbf{X} $	ΔU	concerning
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- 2 Nuisance Control Authority to Investigate and File a Complaint Penalties for Violations
- 4 FOR the purpose of authorizing local health officers to investigate suspected
- 5 nuisances and to file a complaint for nuisance abatement under certain
- 6 circumstances in a certain court; requiring a certain notice for abatement of a
- 7 nuisance; specifying the terms of a notice for abatement of a nuisance;
- 8 authorizing the Secretary of Health and Mental Hygiene, a local health officer,
- 9 or their representative to summarily abate a nuisance under certain
- 10 circumstances; specifying certain provisions that may be included in a request
- for a court order; providing certain fines for certain violations of this Act;
- establishing certain criminal penalties for certain violations of this Act; defining
- a certain term; requiring the Secretary of Health and Mental Hygiene to adopt
- certain regulations; providing for the construction of certain provisions of law;
- and generally relating to the abatement of nuisances.
- 16 BY adding to
- 17 Article Health General
- 18 Section 20-301 and 20-314
- 19 Annotated Code of Maryland
- 20 (2000 Replacement Volume and 2001 Supplement)
- 21 BY repealing and reenacting, with amendments,
- 22 Article Health General
- 23 Section 20-301, 20-302, 20-305, 20-306, 20-307, 20-308, 20-309, 20-310,
- 24 20-311, 20-312, and 20-313
- 25 Annotated Code of Maryland
- 26 (2000 Replacement Volume and 2001 Supplement)
- 27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 28 MARYLAND, That the Laws of Maryland read as follows:

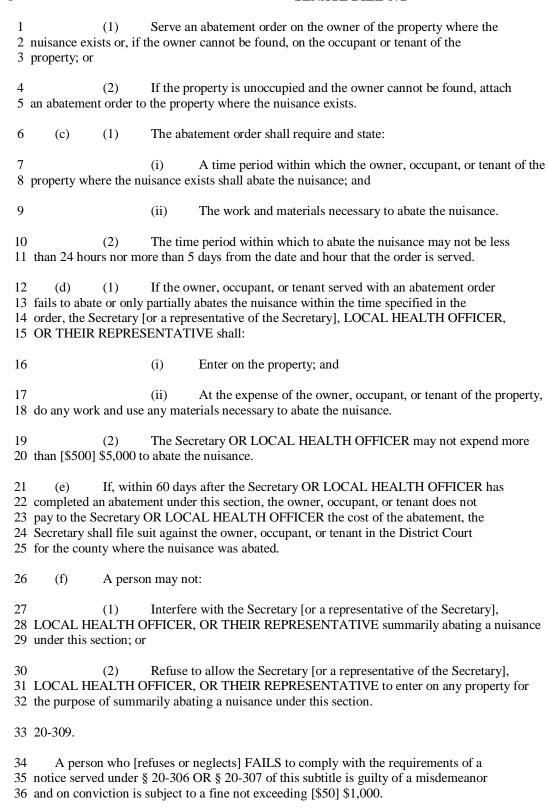
1			Article - Health - General	
2 20-301.				
3 IN THIS SUBTITLE, "NUISANCE" MEANS A CONDITION THAT IS DANGEROUS TO 4 HEALTH OR SAFETY INCLUDING:				
5	(1)	AN INA	ADEQUATELY PROTECTED SWIMMING POOL;	
6	(2)	AN UN	PROTECTED OPEN DITCH;	
7	(3)	AN UN	SANITARY OUTHOUSE;	
8	(4)	A FOUL	L PIGPEN;	
9	(5)	AN IMI	PROPERLY FUNCTIONING SEWAGE SYSTEM;	
10	(6)	AN UN	KEMPT JUNKYARD;	
11	(7)	AN UN	KEMPT SCRAP METAL PROCESSING FACILITY;	
12	(8)	AN EX	CESSIVE ACCUMULATION OF TRASH OR GARBAGE;	
13	(9)	A DEA	D ANIMAL;	
14	(10)	A CONTAMINATED WATER SUPPLY;		
15	(11)	AN INA	ADEQUATELY PROTECTED WATER SUPPLY;	
16	(12)	A ROD	ENT HARBORAGE;	
17 18 THE OWN	(13) VER, OCC		HOUSEKEEPING THAT COULD ENDANGER THE HEALTH OF EMPLOYEE, OR A NEIGHBOR; OR	
19 (14) ANY CONDITION THAT MAY ENDANGER HEALTH THAT MAY BE 20 TRANSMITTED BY MEANS INCLUDING:				
21		(I)	RUNNING STREAMS;	
22		(II)	SURFACE DRAINAGE;	
23		(III)	AIR CURRENTS;	
24		(IV)	BIRDS;	
25		(V)	DOMESTIC ANIMALS; OR	
26		(VI)	HUMAN BEINGS.	

- **SENATE BILL 672** 1 [20-301.] 20-301.1. 2 Notwithstanding the provisions of Title 10 of the Environment Article, the 3 Secretary is responsible for the general care of the sanitary interests of the people of 4 the State. 5 20-302. The Secretary OR A LOCAL HEALTH OFFICER [shall] MAY investigate [all 6 7 nuisances] A SUSPECTED NUISANCE [that affect the public health] and devise means 8 for the control of [these nuisances] THE NUISANCE. 9 20-305. 10 The Secretary OR A LOCAL HEALTH OFFICER may bring an action to enjoin any 11 person from committing any nuisance subject to this subtitle. 12 20-306. 13 The health officer for each county: (a) 14 May investigate any [condition in the county that is dangerous to 15 human health] SUSPECTED NUISANCE; and 16 (2) Shall investigate and report on the sanitary conditions of schools, 17 places of business, and places of employment in the county. Except in Baltimore County, on the written complaint of a physician or of 18 [(b) 19 at least 2 persons who claim to be affected by the condition, the health officer for the 20 county where the condition allegedly exists immediately shall investigate any 21 complaint that any of the following is in a condition dangerous to human health: 22 Any watercourse, well, spring, open ditch, gutter, cesspool, drain, 23 outhouse, pigpen, or other place. (2) 24 Any accumulation or deposit of any substance.] If the health officer finds that [the condition of the place or 25 26 thing investigated may injure the life or health of any person, the place or thing is in 27 a state of nuisance and] A NUISANCE EXISTS, the health officer shall serve a written 28 notice to the person who is causing the nuisance, ordering the person to abate the 29 nuisance within a time specified in the notice. THE NOTICE SHALL BE SERVED: 30
- (2)
- 31 (I) ON THE PERSON WHO IS CAUSING THE NUISANCE; OR
- 32 IF THE PERSON WHO IS CAUSING THE NUISANCE CANNOT BE (II)
- 33 FOUND, ON THE OWNER OR OCCUPANT OF THE PROPERTY WHERE THE NUISANCE
- 34 EXISTS.





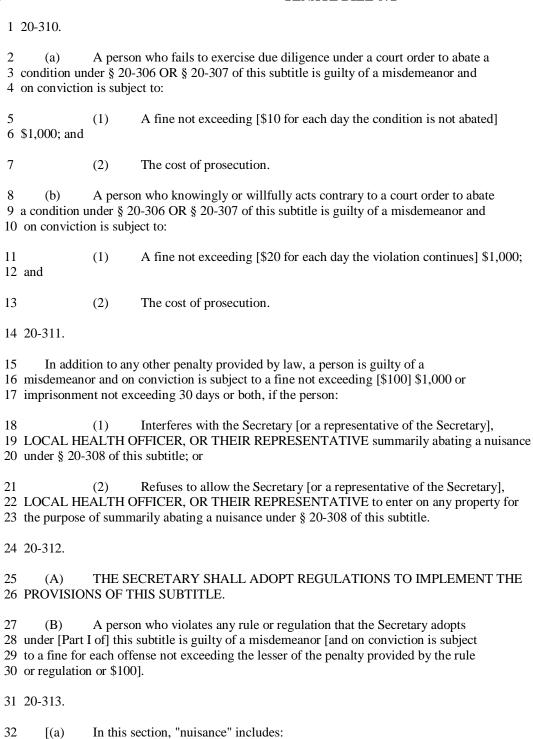
34 A LOCAL HEALTH OFFICER shall:



33

(1)

34 inadequately protected swimming pool or ditch;



Any condition that is dangerous to health or safety, such as an

- 1 (2) Any condition that may adversely affect the public health, such as an
- 2 unsanitary outhouse, a foul pigpen, an improperly functioning sewage system, an
- 3 unkempt junkyard, an unkempt scrap metal processing facility, an excessive
- 4 accumulation of trash or garbage, dead animals, a contaminated water supply, an
- 5 inadequately protected water supply, or a rat harborage;
- 6 (3) Housekeeping in any building that is so poor that the health of the 7 owner, occupants, employees, or neighbors may be endangered; and
- 8 (4) Any condition that may endanger health through the spreading of the 9 condition by any means, including by streams, surface drainage, air currents, winged 10 life, domestic animals, or human beings.
- 11 (b)] In Cecil County or Allegany County, in addition to any other penalty
- 12 imposed by this subtitle, a person who refuses or neglects to comply with a notice or
- 13 order to abate a nuisance by the Secretary, or by the health officer for the county
- 14 where the nuisance exists, is guilty of a misdemeanor and on conviction is subject to
- 15 a fine not exceeding \$100 a day for each day the violation continues.
- 16 20-314.
- 17 SECTIONS 20-309 THROUGH 20-313 OF THIS SUBTITLE MAY NOT BE CONSTRUED
- 18 TO ABROGATE ANY EQUITABLE OR LEGAL RIGHT OR REMEDY OTHERWISE
- 19 AVAILABLE UNDER THE LAW TO ABATE A NUISANCE.
- 20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 21 October 1, 2002.