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By: **Allegany County Delegation**

Introduced and read first time: January 29, 2003

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Code Counties - Western Maryland - Penalties for Violations of Rules and**  
3 **Regulations Regarding Junkyards, Dumps, and Other Facilities**

4 FOR the purpose of authorizing the county commissioners in a code county in western  
5 Maryland to declare that violations of certain rules and regulations regarding  
6 junkyards, dumps, and other similar facilities are civil infractions; and  
7 generally relating to penalties for violations of rules and regulations regarding  
8 junkyards, dumps, and other similar facilities in code counties in western  
9 Maryland.

10 BY repealing and reenacting, with amendments,  
11 Article 25 - County Commissioners  
12 Section 122A  
13 Annotated Code of Maryland  
14 (2001 Replacement Volume and 2002 Supplement)

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

17 **Article 25 - County Commissioners**

18 122A.

19 (a) The county commissioners or county council of each county in the State  
20 may adopt and promulgate rules and regulations for the licensing, control, location  
21 and maintenance within their respective limits of junkyards, public or private dumps,  
22 automobile junkyards, automotive dismantler and recycler facilities, scrap metal

1 processing facilities, or outdoor places where old motor vehicles are stored in quantity  
2 or dismantled, and lots on which refuse, trash or junk is deposited.

3 (b) Any such rules and regulations shall be framed and designed to protect the  
4 residents of the county from unpleasant and unwholesome conditions and  
5 neighborhoods, to preserve the beauty and esthetic value of rural or residential areas,  
6 to safeguard the public health and welfare, to promote good civic design, and to  
7 promote the health, safety, morals, order, convenience and prosperity of the  
8 community.

9 (c) The rules and regulations may include a requirement that such a  
10 junkyard, facility, or dump may not be maintained or operated within the county  
11 limits until an annual license therefor has been obtained from the county  
12 commissioners or county council, at such reasonable fee as may be specified in the  
13 rules and regulations.

14 (d) Prior to the adoption of any such rules and regulations, due notice of their  
15 consideration shall be given in some newspaper of general circulation in the county, in  
16 a notice published once a week for not less than four successive weeks. The notice  
17 shall specify a time and place at which the county commissioners or county council  
18 will conduct a public hearing on the contents and adoption of the rules and  
19 regulations; and the rules and regulations are not valid unless the public hearing  
20 actually is held as advertised.

21 (e) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
22 A violation of any such rule or regulation, including the maintenance or operation of  
23 any such junkyard, facility, or dump without a license, is a misdemeanor, subject upon  
24 conviction to a fine of not less than twenty-five dollars (\$25.00). Each day on which a  
25 violation continues is a separate offense.

26 (2) IN A COUNTY IN WESTERN MARYLAND THAT HAS ADOPTED CODE  
27 HOME RULE UNDER ARTICLE XI-F OF THE MARYLAND CONSTITUTION, THE COUNTY  
28 COMMISSIONERS MAY DECLARE A VIOLATION OF ANY RULE OR REGULATION  
29 ADOPTED IN ACCORDANCE WITH THIS SECTION TO BE A CIVIL INFRACTION UNDER  
30 ARTICLE 25B, § 13C OF THE CODE.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 ~~October~~ July 1, 2003.