

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 417

(First Reading File Bill)

AMENDMENT NO. 1

In line 2, after “Counties -” insert “Western Maryland -”; in the same line, after “Junkyards” insert “, Dumps, and Other Facilities”; in line 3, after “authorizing” insert “the county commissioners of”; in lines 4 and 5, strike “pertaining to junkyards and similar” and substitute “regarding junkyards, dumps, and other”; in line 6, strike “junkyard” and substitute “abatement of violations of rules and”; in the same line, after “regulations” insert “regarding junkyards, dumps, and other facilities in code counties in Western Maryland”; in line 7, strike “adding to” and substitute “repealing and reenacting, with amendments,”; and in line 9, strike “122A(f)” and substitute “122A”.

AMENDMENT NO. 2

After line 15, insert:

“(a) The county commissioners or county council of each county in the State may adopt and promulgate rules and regulations for the licensing, control, location and maintenance within their respective limits of junkyards, public or private dumps, automobile junkyards, automotive dismantler and recycler facilities, scrap metal processing facilities, or outdoor places where old motor vehicles are stored in quantity or dismantled, and lots on which refuse, trash or junk is deposited.

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

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

(Over)

specified in the rules and regulations.

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

(e) (1) Except as provided in paragraph (2) of this subsection, a violation of any such rule or regulation, including the maintenance or operation of any such junkyard, facility, or dump without a license, is a misdemeanor, subject upon conviction to a fine of not less than twenty-five dollars (\$25.00). Each day on which a violation continues is a separate offense.

(2) In a county in [Western Maryland] THE WESTERN MARYLAND CLASS that has adopted code home rule under Article XI-F of the Maryland Constitution, the county commissioners may:

(I) [declare] DECLARE a violation of any rule or regulation adopted in accordance with this section to be a civil infraction under Article 25B, § 13C of the Code; OR

(II) ABATE, OR CONTRACT FOR THE ABATEMENT OF, A VIOLATION OF ANY RULE OR REGULATION ADOPTED IN ACCORDANCE WITH THIS SECTION AT THE EXPENSE OF THE OWNER OF THE REAL PROPERTY WHERE THE VIOLATION OCCURRED.”;

and strike in their entirety lines 16 through 19, inclusive.