
By: **Allegany County Delegation**
Introduced and read first time: January 29, 2004
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 24, 2004

CHAPTER _____

1 AN ACT concerning

2 **Code Counties - Western Maryland - Junkyards, Dumps, and Other**
3 **Facilities - Abatement of Violations**

4 FOR the purpose of authorizing the county commissioners of certain counties to
5 abate, or contract for the abatement of, violations of county rules or regulations
6 ~~pertaining to junkyards and similar~~ regarding junkyards, dumps, and other
7 facilities at the expense of certain real property owners; and generally relating
8 to junkyard abatement of violations of rules and regulations regarding
9 junkyards, dumps, and other facilities in code counties in Western Maryland.

10 BY ~~adding to~~ repealing and reenacting, with amendments,
11 Article 25 - County Commissioners
12 Section ~~122A(f)~~ 122A
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2003 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) Except as provided in paragraph (2) of this subsection, a violation of
22 any such rule or regulation, including the maintenance or operation of any such
23 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] THE WESTERN MARYLAND CLASS
27 that has adopted code home rule under Article XI-F of the Maryland Constitution,
28 the county commissioners may:

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

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

36 ~~(F) A COUNTY IN THE STATE THAT HAS ADOPTED RULES OR REGULATIONS~~
37 ~~UNDER THIS SECTION MAY ABATE, OR CONTRACT FOR THE ABATEMENT OF, A~~
38 ~~VIOLATION OF THE RULES OR REGULATIONS AT THE EXPENSE OF THE OWNER OF~~
39 ~~THE REAL PROPERTY WHERE THE VIOLATION OCCURRED.~~

40 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
41 October 1, 2004.

