

HOUSE BILL 890

Unofficial Copy
L3

2004 Regular Session
4lr2106
CF 4lr2107

By: **Garrett County Delegation**

Introduced and read first time: February 11, 2004

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2004

CHAPTER _____

1 AN ACT concerning

2 **Municipal Corporations - Regulation of Junkyards, Dumps, and Other**
3 **Facilities - Ordinances**

4 FOR the purpose of authorizing the legislative body of a municipal corporation to
5 adopt an ordinance for the licensing, control, location, or maintenance of certain
6 junkyards, dumps, and other facilities; requiring certain ordinances to be
7 designed to achieve certain purposes; authorizing an ordinance to prohibit the
8 operation or maintenance of certain junkyards, dumps, or other facilities in a
9 certain location until a certain license has been obtained; requiring the
10 legislative body of a municipal corporation to give certain notice of a hearing on
11 ~~the adoption of an a certain proposed ordinance regulating junkyards; providing~~
12 that a certain municipal ordinance ~~regulating junkyards~~ is not valid unless a
13 certain hearing is held; providing that a violation of a municipal ordinance
14 regulating certain junkyards, dumps, and other facilities is a misdemeanor,
15 subject to a certain fine; authorizing the legislative body of a municipal
16 corporation to declare a certain violation to be a municipal infraction; defining a
17 ~~certain term;~~ and generally relating to municipal ordinances regulating certain
18 junkyards, dumps, and other facilities.

19 BY adding to

20 Article 23A - Corporations - Municipal

21 Section 4

22 Annotated Code of Maryland

23 (2001 Replacement Volume and 2003 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

25 MARYLAND, That the Laws of Maryland read as follows:

Article 23A - Corporations - Municipal

2 4.

3 (A) ~~IN THIS SECTION, "JUNKYARD" MEANS A SCRAPYARD, PUBLIC OR PRIVATE~~
4 ~~DUMP, AUTOMOBILE JUNKYARD, AUTOMOTIVE DISMANTLER AND RECYCLER~~
5 ~~FACILITY, SCRAP METAL PROCESSING FACILITY, AN OUTDOOR PLACE WHERE OLD~~
6 ~~MOTOR VEHICLES ARE STORED IN QUANTITY OR DISMANTLED, OR A LOT ON WHICH~~
7 ~~REFUSE, TRASH, OR JUNK IS DEPOSITED.~~

8 ~~(B)~~ THE LEGISLATIVE BODY OF A MUNICIPAL CORPORATION MAY ADOPT AN
9 ORDINANCE FOR THE LICENSING, CONTROL, LOCATION, OR MAINTENANCE ~~OF~~
10 ~~JUNKYARDS~~ WITHIN ITS JURISDICTION OF:

11 (1) JUNKYARDS;

12 (2) PUBLIC OR PRIVATE DUMPS;

13 (3) AUTOMOBILE JUNKYARDS;

14 (4) AUTOMOTIVE DISMANTLER AND RECYCLER FACILITIES;

15 (5) SCRAP METAL PROCESSING FACILITIES;

16 (6) OUTDOOR PLACES WHERE OLD MOTOR VEHICLES ARE STORED IN
17 QUANTITY OR DISMANTLED; AND

18 (7) LOTS ON WHICH REFUSE, TRASH, OR JUNK IS DEPOSITED.

19 ~~(C)~~ (B) AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL BE
20 DESIGNED TO:

21 (1) PROTECT THE RESIDENTS OF THE MUNICIPAL CORPORATION FROM
22 UNPLEASANT AND UNWHOLESOME CONDITIONS AND DETERIORATING
23 NEIGHBORHOODS;

24 (2) PRESERVE THE BEAUTY AND ESTHETIC VALUE OF RURAL OR
25 RESIDENTIAL AREAS;

26 (3) SAFEGUARD THE PUBLIC HEALTH AND WELFARE;

27 (4) PROMOTE GOOD CIVIC DESIGN; AND

28 (5) PROMOTE THE HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE,
29 AND PROSPERITY OF THE COMMUNITY.

30 ~~(D)~~ (C) AN ORDINANCE ADOPTED UNDER THIS SECTION MAY ~~INCLUDE A~~
31 ~~REQUIREMENT THAT A JUNKYARD MAY NOT BE MAINTAINED OR OPERATED~~
32 PROHIBIT THE OPERATION OR MAINTENANCE OF A JUNKYARD, DUMP, OR OTHER
33 FACILITY WITHIN THE LIMITS OF THE MUNICIPAL CORPORATION UNTIL AN ANNUAL

1 LICENSE HAS BEEN OBTAINED FROM THE LEGISLATIVE BODY OF THE MUNICIPAL
2 CORPORATION, AT A REASONABLE FEE SPECIFIED IN THE ORDINANCE.

3 ~~(E)~~ (D) (1) (I) BEFORE THE LEGISLATIVE BODY OF A MUNICIPAL
4 CORPORATION ADOPTS AN ORDINANCE UNDER THIS SECTION, THE LEGISLATIVE
5 BODY SHALL GIVE NOTICE OF A PUBLIC HEARING ON THE PROPOSED ORDINANCE BY
6 PUBLISHING NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
7 MUNICIPAL CORPORATION NOT LESS THAN FOUR TIMES, AT WEEKLY INTERVALS
8 WITHIN A PERIOD OF AT LEAST 30 DAYS BEFORE THE DATE OF THE HEARING.

9 (II) THE NOTICE SHALL SPECIFY THE DATE, TIME, AND PLACE AT
10 WHICH THE LEGISLATIVE BODY WILL CONDUCT A THE PUBLIC HEARING ON THE
11 ORDINANCE.

12 (2) THE ORDINANCE IS NOT VALID UNLESS THE PUBLIC HEARING
13 ACTUALLY IS HELD AS SPECIFIED IN THE NOTICE.

14 (E) (1) A PERSON WHO VIOLATES AN ORDINANCE ADOPTED UNDER THIS
15 SECTION, INCLUDING THE MAINTENANCE OR OPERATION OF A JUNKYARD, DUMP, OR
16 OTHER FACILITY WITHOUT A LICENSE, IS GUILTY OF A MISDEMEANOR, AND ON
17 CONVICTION, IS SUBJECT TO A FINE OF AT LEAST \$25.

18 (2) EACH DAY ON WHICH A VIOLATION CONTINUES IS A SEPARATE
19 OFFENSE.

20 (F) THE LEGISLATIVE BODY OF A MUNICIPAL CORPORATION MAY DECLARE A
21 VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SECTION IS TO BE A
22 MUNICIPAL INFRACTION AND THAT SHALL BE ENFORCED IN ACCORDANCE WITH
23 THE PROVISIONS OF § 3(B) OF THIS ARTICLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 ~~October~~ July 1, 2004.