

By: Carroll County Delegation

Introduced and read first time: February 20, 2004
Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 1, 2004

Committee Report: Favorable
House action: Adopted
Read second time: March 26, 2004

CHAPTER _____

1 AN ACT concerning

2 **Carroll County - Abatement of Zoning Violations and Violations of Codes**
3 **Related to Construction**

4 FOR the purpose of authorizing the County Commissioners of Carroll County to
5 assess the reasonable cost of abating certain zoning violations and violations of
6 certain construction codes against a certain property under certain
7 circumstances; providing that a certain assessment shall be added to a certain
8 annual tax bill and collected in the same manner as certain ordinary taxes;
9 providing that a certain assessment shall be subject to the same interest and
10 penalty for nonpayment as certain taxes; providing that a certain assessment
11 shall be a lien against certain property under certain circumstances; providing
12 that a certain property owner may petition for a hearing under certain
13 circumstances; requiring the County Commissioners to hold a hearing within a
14 certain period of time; providing that a certain property owner shall have a
15 certain burden to show why a certain assessment should not be made;
16 authorizing the County Commissioners to adopt certain codes relating to
17 construction or rehabilitation of certain structures or improvements; and
18 generally relating to the abatement of zoning violations and violations of codes
19 relating to construction in Carroll County.

20 BY repealing and reenacting, with amendments,
21 Article 66B - Land Use
22 Section 14.03
23 Annotated Code of Maryland
24 (2003 Replacement Volume)

25 BY repealing and reenacting, with amendments,

1 The Public Local Laws of Carroll County
2 Section 3-108
3 Article 7 - Public Local Laws of Maryland
4 (2000 Edition and October 2002 Supplement, as amended)

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

7 **Article 66B - Land Use**

8 14.03.

9 (a) This section applies to Carroll County.

10 (b) (1) The County Commissioners may appoint one of the members of the
11 Board of County Commissioners to the planning and zoning commission.

12 (2) (i) The County Commissioners shall designate one alternate
13 member of the planning commission who may sit on the planning and zoning
14 commission in the absence of a member of the planning and zoning commission.

15 (ii) When the alternate is absent, the County Commissioners may
16 designate a temporary alternate.

17 (c) If a plat is approved and recorded in accordance with this article before the
18 transfer of the land, § 5.05 of this article does not apply to a contract for sale or
19 negotiation for sale of property zoned industrial, commercial, or both industrial and
20 commercial.

21 (D) (1) IF THE COUNTY COMMISSIONERS ABATE A VIOLATION OF A ZONING
22 ORDINANCE, THE COUNTY COMMISSIONERS MAY ASSESS AGAINST THE PROPERTY
23 THE REASONABLE COSTS OF THE ABATEMENT.

24 (2) (I) THE ASSESSMENT SHALL BE:

25 1. ADDED TO THE ANNUAL TAX BILL OF THE PROPERTY TO
26 BE COLLECTED IN THE SAME MANNER AS ORDINARY TAXES ARE COLLECTED; AND

27 2. SUBJECT TO THE SAME INTEREST AND PENALTY FOR
28 NONPAYMENT, AS PROVIDED BY LAW FOR THE NONPAYMENT OF COUNTY TAXES.

29 (II) THE ASSESSMENT SHALL CONSTITUTE A LIEN AGAINST THE
30 PROPERTY FROM THE DATE OF ASSESSMENT UNTIL PAID.

31 (3) (I) A PROPERTY OWNER AGGRIEVED BY THE ASSESSMENT MAY
32 PETITION THE COUNTY COMMISSIONERS FOR RELIEF.

33 (II) WITHIN 30 DAYS AFTER RECEIPT OF A PETITION, THE COUNTY
34 COMMISSIONERS SHALL CONDUCT A HEARING TO DETERMINE THE PROPRIETY AND
35 REASONABLENESS OF THE ASSESSMENT.

1 (III) AT THE HEARING, THE PETITIONER SHALL HAVE THE BURDEN
2 TO SHOW GOOD CAUSE AS TO WHY THE ASSESSMENT SHOULD NOT BE MADE.

3 **Article 7 - Carroll County**

4 3-108.

5 (a) The County Commissioners of Carroll County are authorized to adopt and
6 to promulgate, and from time to time to amend, revise, rescind or change,

7 (1) a building code, to provide for the construction, maintenance and
8 repair of any and all buildings and structures located within the County;

9 (2) a plumbing code, to provide for the construction, maintenance and
10 repair of pipes and all other manner of fixtures and devices for the plumbing, water
11 and sewerage facilities in or about all buildings and structures located within the
12 County; [and]

13 (3) an electrical code, to provide for the installation, construction,
14 maintenance and repair of all types of electrical equipment, fixtures, appliances, and
15 devices. In either instance, the County Commissioners are authorized (1) to include
16 provisions and requirements reasonably designed to secure and preserve the public
17 health, safety and convenience and (2) to provide for the appointment and
18 employment of inspectors and other employees to enforce and administer the code,
19 and to provide penalties for a violation of the code; AND

20 (4) ANY OTHER CODE RELATED TO THE CONSTRUCTION OR
21 REHABILITATION OF BUILDINGS, STRUCTURES, AND OTHER IMPROVEMENTS
22 REASONABLY DESIGNED TO SECURE AND PRESERVE THE PUBLIC HEALTH AND
23 SAFETY.

24 (b) For Carroll County, the regulations shall require that all utility work,
25 meaning the installation of waterlines, sanitary sewers, storm drainage and related
26 appurtenances, done from the property line of any property to a point not less than
27 five feet from the foundation wall of any building or structure on the property shall be
28 performed only under a valid permit and by a utility contractor who is licensed under
29 § 17-602 of the Business Regulation Article of the Annotated Code of Maryland or by
30 a licensed master plumber. The provisions of this subsection shall prevail,
31 notwithstanding any other provisions of law.

32 (C) (1) AFTER GIVING REASONABLE NOTICE TO THE OWNER OR PERSON
33 RESPONSIBLE FOR THE VIOLATION OF THE NATURE OF THE VIOLATION AND AFTER
34 GIVING THE OPPORTUNITY TO TAKE CORRECTIVE ACTION, THE COUNTY
35 COMMISSIONERS MAY RESTRAIN, CORRECT, OR ABATE A VIOLATION OF A DULY
36 ADOPTED BUILDING CODE, PLUMBING CODE, ELECTRICAL CODE, OR OTHER
37 CONSTRUCTION CODE IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

38 (2) IF THE COUNTY COMMISSIONERS ABATE A VIOLATION OF A DULY
39 ADOPTED BUILDING CODE, PLUMBING CODE, ELECTRICAL CODE, OR OTHER

1 CONSTRUCTION CODE, THE COUNTY COMMISSIONERS MAY ASSESS AGAINST THE
2 PROPERTY THE REASONABLE COSTS OF THE ABATEMENT.

3 (3) (I) THE ASSESSMENT SHALL BE:

4 1. ADDED TO THE ANNUAL TAX BILL OF THE PROPERTY TO
5 BE COLLECTED IN THE SAME MANNER AS ORDINARY TAXES ARE COLLECTED; AND

6 2. SUBJECT TO THE SAME INTEREST AND PENALTY FOR
7 NONPAYMENT, AS PROVIDED BY LAW FOR THE NONPAYMENT OF COUNTY TAXES.

8 (II) THE ASSESSMENT SHALL CONSTITUTE A LIEN AGAINST THE
9 PROPERTY FROM THE DATE OF ASSESSMENT UNTIL PAID.

10 (4) (I) A PROPERTY OWNER AGGRIEVED BY THE ASSESSMENT MAY
11 PETITION THE COUNTY COMMISSIONERS FOR RELIEF.

12 (II) WITHIN 30 DAYS AFTER RECEIPT OF A PETITION, THE COUNTY
13 COMMISSIONERS SHALL CONDUCT A HEARING TO DETERMINE THE PROPRIETY AND
14 REASONABLENESS OF THE ASSESSMENT.

15 (III) AT THE HEARING, THE PETITIONER SHALL HAVE THE BURDEN
16 TO SHOW GOOD CAUSE AS TO WHY THE ASSESSMENT SHOULD NOT BE MADE.

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