

SENATE BILL 610

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L3

2004 Regular Session
4r2107
CF 4r2106

By: **Senator Hafer**

Introduced and read first time: February 6, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Municipal Corporations - Regulation of Junkyards - Ordinances**

3 FOR the purpose of authorizing the legislative body of a municipal corporation to
4 adopt an ordinance for the licensing, control, location, or maintenance of
5 junkyards; requiring the legislative body of a municipal corporation to give
6 certain notice of a hearing on the adoption of an ordinance regulating junkyards;
7 providing that a municipal ordinance regulating junkyards is not valid unless a
8 certain hearing is held; providing that a violation of a municipal ordinance
9 regulating junkyards is a municipal infraction; defining a certain term; and
10 generally relating to municipal ordinances regulating junkyards.

11 BY adding to
12 Article 23A - Corporations - Municipal
13 Section 4
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2003 Supplement)

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

18 **Article 23A - Corporations - Municipal**

19 4.

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

25 (B) THE LEGISLATIVE BODY OF A MUNICIPAL CORPORATION MAY ADOPT AN
26 ORDINANCE FOR THE LICENSING, CONTROL, LOCATION, OR MAINTENANCE OF
27 JUNKYARDS WITHIN ITS JURISDICTION.

28 (C) AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL BE DESIGNED TO:

1 (1) PROTECT THE RESIDENTS OF THE MUNICIPAL CORPORATION FROM
2 UNPLEASANT AND UNWHOLESOME CONDITIONS AND NEIGHBORHOODS;

3 (2) PRESERVE THE BEAUTY AND ESTHETIC VALUE OF RURAL OR
4 RESIDENTIAL AREAS;

5 (3) SAFEGUARD THE PUBLIC HEALTH AND WELFARE;

6 (4) PROMOTE GOOD CIVIC DESIGN; AND

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

9 (D) AN ORDINANCE ADOPTED UNDER THIS SECTION MAY INCLUDE A
10 REQUIREMENT THAT A JUNKYARD MAY NOT BE MAINTAINED OR OPERATED WITHIN
11 THE LIMITS OF THE MUNICIPAL CORPORATION UNTIL AN ANNUAL LICENSE HAS
12 BEEN OBTAINED FROM THE LEGISLATIVE BODY OF THE MUNICIPAL CORPORATION,
13 AT A REASONABLE FEE SPECIFIED IN THE ORDINANCE.

14 (E) (1) BEFORE THE LEGISLATIVE BODY OF A MUNICIPAL CORPORATION
15 ADOPTS AN ORDINANCE UNDER THIS SECTION, THE LEGISLATIVE BODY SHALL GIVE
16 NOTICE OF A PUBLIC HEARING ON THE PROPOSED ORDINANCE BY PUBLISHING
17 NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPAL
18 CORPORATION NOT LESS THAN FOUR TIMES, AT WEEKLY INTERVALS WITHIN A
19 PERIOD OF AT LEAST 30 DAYS BEFORE THE DATE OF THE HEARING. THE NOTICE
20 SHALL SPECIFY THE TIME AND PLACE AT WHICH THE LEGISLATIVE BODY WILL
21 CONDUCT A PUBLIC HEARING ON THE ORDINANCE.

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

24 (F) A VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SECTION IS A
25 MUNICIPAL INFRACTION AND SHALL BE ENFORCED IN ACCORDANCE WITH THE
26 PROVISIONS OF § 3(B) OF THIS ARTICLE.

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