

SENATE BILL 610

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2004 Regular Session
4lr2107
CF 4lr2106

By: **Senator Hafer**

Introduced and read first time: February 6, 2004
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: March 18, 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; providing
17 for the applicability of certain provisions of this Act; ~~defining a certain term;~~ and
18 generally relating to municipal ordinances regulating certain junkyards, dumps,
19 and other facilities.

20 BY adding to
21 Article 23A - Corporations - Municipal
22 Section 4
23 Annotated Code of Maryland
24 (2001 Replacement Volume and 2003 Supplement)

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

1 **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 (G) IF THE LEGISLATIVE BODY OF A MUNICIPAL CORPORATION ADOPTS AN
25 ORDINANCE UNDER THIS SECTION, THE PROVISIONS OF THE ORDINANCE MAY NOT
26 BE CONSTRUED TO APPLY TO ANY BUSINESS LICENSED ON OR BEFORE JUNE 30, 2004
27 AS AN AUTOMOTIVE DISMANTLER AND RECYCLER OR A SCRAP PROCESSOR UNDER §
28 15-502 OF THE TRANSPORTATION ARTICLE.

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