

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 890

(Garrett County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

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

This bill authorizes municipal corporations to adopt an ordinance for the licensing, control, location, or maintenance of junkyards and related facilities. A person who violates an ordinance regarding junkyards and related facilities is guilty of a misdemeanor and upon conviction is subject to a fine of at least \$25 for each day there is a violation. The bill also authorizes the legislative body of a municipal corporation to declare a violation of an ordinance regulating junkyards and related facilities to be a municipal infraction.

The bill takes effect July 1, 2004.

Fiscal Summary

State Effect: Disputed citations that are heard in District Court could be handled with existing resources.

Local Effect: Minimal increase in municipal revenues due to monetary fines for violations of junkyard ordinances. Enforcement of the bill's provisions could be handled with existing resources.

Small Business Effect: Minimal.

Analysis

Bill Summary: A municipal ordinance for the licensing, control, location, or maintenance of junkyards and related facilities must be designed to protect the residents of the municipality; preserve the beauty and esthetic value of rural or residential areas; safeguard the public health and welfare; promote good civic design; and promote the health, safety, morals, order, convenience, and prosperity of the community. Related facilities include public or private dumps; automobile junkyards; automotive dismantler and recycler facilities; scrap metal processing facilities; outdoor places where old motor vehicles are stored in quantity or dismantled; and lots on which refuse, trash, or junk is deposited. The bill authorizes a municipal corporation to prohibit the operation or maintenance of junkyards and related facilities until an annual license has been obtained from the municipality at a reasonable fee. The bill requires a municipal corporation to provide notice of a hearing on the adoption of an ordinance regulating junkyards and provides that the ordinance is not valid unless the public hearing is actually held as specified in the notice.

The provisions of an ordinance adopted by a legislative body under this bill may not apply to any business licensed on or before June 30, 2004 as an automotive dismantler and recycler or a scrap metal processor.

Current Law: Municipalities do not have the authority to adopt ordinances for the licensing, control, location, or maintenance of junkyards and related facilities.

Generally, municipalities may provide that violations of municipal ordinances and resolutions are punishable as misdemeanors. However, a municipality may declare a violation of a municipal ordinance to be a municipal infraction unless the violation is declared to be a felony or misdemeanor by State law. A municipality may impose a fine of up to \$1,000 for each municipal infraction. Fines must be paid to the municipality within 20 days of the citation.

All counties have similar authority to adopt an ordinance for the licensing, control, location, or maintenance of junkyards.

Background: Chapter 286 of 2003 provided similar civil penalty authority to a code county in Western Maryland (*e.g.*, Allegany County).

Municipalities are authorized to provide reasonable zoning regulations subject to the referendum of the voters at regular or special elections. The Maryland Municipal League advises that zoning ordinances could restrict the existence and operation of junkyards.

The Town of Thurmont advises that it currently prohibits junkyards through its zoning ordinance.

Local Fiscal Effect: Municipalities would be authorized to license junkyards and related facilities. Municipal revenues could increase due to license fees to operate these facilities within the limits of the municipal corporation. Any increase in revenues would depend on the license fee and the number of these facilities operating within the municipality and is assumed to be minimal. However, additional revenues would likely be offset by expenditures to inspect licensed and unlicensed facilities.

Municipalities would be authorized to set penalties for violations of junkyard ordinances. Any increase in municipal revenues cannot be reliably estimated at this time, but is assumed to be minimal. Disputed citations would be heard in District Court; however, all monetary fines for municipal infractions are returned to the municipality.

Additional Information

Prior Introductions: None.

Cross File: SB 610 (Senator Hafer) – Education, Health, and Environmental Affairs.

Information Source(s): Town of Elkton, Town of Thurmont, Maryland Municipal League, Department of Legislative Services

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