

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 417

(Allegany County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

**Code Counties - Western Maryland - Junkyards , Dumps, and Other Facilities -
Abatement of Violations**

This bill authorizes the county commissioners of a code county in the Western Maryland class to abate, or contract for the abatement of, a violation of rules or regulations regarding junkyards at the expense of the owner of the real property where the violation occurred.

Fiscal Summary

State Effect: None.

Local Effect: Allegany County expenditures could increase to abate violations of junkyard rules and regulations. Allegany County revenues could then increase from money collected from the owner of the real property where the violation of junkyard rules and regulations occurred.

Small Business Effect: Potential meaningful. Junkyard owners in Allegany County would face greater expenses to satisfy liens or loss of their real property in cases where a county has taken action to abate violations of rules and regulations regarding junkyards.

Analysis

Current Law: The governing body of any county may adopt and promulgate rules and regulations for the licensing, control, location, and maintenance within their respective limits of junkyards; public or private dumps; automobile junkyards, automotive dismantler and recycler facilities; scrap metal processing facilities, or outdoor places

where old motor vehicles are stored in quantity or dismantled; and lots on which refuse, trash, or junk is deposited. However, counties do not have the express authority in statute to abate violations of rules and regulations regarding junkyards at the expense of the real property owner where the violation occurred.

Violation of rules and regulations regarding any unlicensed junkyard facility or dump is a misdemeanor, subject, upon conviction, to a fine of at least \$25 for each day the junkyard is in noncompliance. However, the Allegany County Commissioners may declare a violation of any rule or regulation concerning junkyards, dumps, and other facilities to be a civil infraction with a fine of \$100 for a first violation, a fine of \$250 for a second violation, and a fine of \$500 for third offenses and any subsequent offense.

Background: Allegany County is the only county in Western Maryland that has adopted code home rule under Article XI-F of the Maryland Constitution. Allegany County advises that the county has attempted to recoup costs of abatement of personal property in violation of the county's rules and regulations, but violators are successfully avoiding paying abatement costs due to court rulings that declare that counties do not have the authority to abate personal property and then recoup abatement costs by attaching a lien to the real property where the violation occurred.

Two other code home rule counties, Queen Anne's and Worcester, advise that they have already passed local ordinances that allow their respective county commissioners to abate violations of junkyard rules and regulations and recoup expenses by attaching a lien to the real property where the violation occurred.

Local Fiscal Effect: Allegany County expenditures could increase to abate violations of rules and regulations regarding junkyards from costs associated with removal and disposal of refuse. Allegany County would then place a lien against the property where the violation occurred to recoup expenses associated with the abatement. Allegany County revenues would also increase from money collected from the owner of the real property where the violation occurred. The bill's net impact would be neutral.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Allegany County, Queen Anne's County, Kent County, Worcester County, Charles County, Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2004
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