

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

House Bill 1387

(Carroll County Delegation)

Environmental Matters

Education, Health, and Environmental  
Affairs

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

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This bill authorizes the Carroll County Commissioners to assess against property abated for zoning violations the reasonable cost of abating the zoning violations. The bill also authorizes the Carroll County Commissioners to restrain, correct, or abate violations of specified county construction codes and to assess against the property the reasonable cost of abating those violations. For each type of abatement, the assessment is to be added to the property tax bill of the property and is to be collected with annual property taxes and is subject to the same penalties and interest as nonpayment of county taxes. The assessment constitutes a lien against the property until paid.

The bill provides for a mechanism for persons to have hearings related to specified zoning and construction code violations. A property owner aggrieved by the assessment may petition the Carroll County Commissioners for relief. Within 30 days after receipt of the petition, the county commissioners are required to hold a hearing on the propriety and reasonableness of the assessment.

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**Fiscal Summary**

**State Effect:** None. The bill would not materially affect State operations or finances.

**Local Effect:** Potential increase in Carroll County revenues to cover the cost of zoning and construction code abatement.

**Small Business Effect:** Potential meaningful. Small businesses that violate zoning or construction codes could be subject to liens against their property, as well as penalties and interest if the county performs abatement.

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## Analysis

**Background:** Properties with zoning violations that are not corrected may have liens placed on them by the county. In order for the county to abate a zoning violation, the circuit court must issue an order to allow the county to hire a contractor to conduct the abatement. The county is responsible for the costs and cannot be reimbursed for those costs until the property is sold.

The county advises that liens are placed on properties with zoning violations approximately three times per year.

The county does not have the authority to take corrective action against persons in violation of specified construction codes.

**Local Fiscal Effect:** Carroll County incurs expenses each time zoning violation abatement is conducted. These costs are usually not recouped.

The bill provides a mechanism for the county to recoup the cost of conducting zoning violation and construction code abatements. The county advises that such action would be taken infrequently and only to protect public safety and welfare.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Carroll County, Department of Legislative Services

**Fiscal Note History:** First Reader - March 17, 2004  
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