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By: **Allegany County Delegation**

Introduced and read first time: February 2, 2005

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of authorizing the county commissioners of certain counties to  
5 abate, or contract for the abatement of, violations of county rules or regulations  
6 regarding junkyards, dumps, and other facilities at the expense of certain real  
7 property owners; and generally relating to abatement of violations of rules and  
8 regulations regarding junkyards, dumps, and other facilities in code counties in  
9 Western Maryland.

10 BY repealing and reenacting, with amendments,  
11 Article 25 - County Commissioners  
12 Section 122A  
13 Annotated Code of Maryland  
14 (2001 Replacement Volume and 2004 Supplement)

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

17 **Article 25 - County Commissioners**

18 122A.

19 (a) The county commissioners or county council of each county in the State  
20 may adopt and promulgate rules and regulations for the licensing, control, location  
21 and maintenance within their respective limits of junkyards, public or private dumps,  
22 automobile junkyards, automotive dismantler and recycler facilities, scrap metal  
23 processing facilities, or outdoor places where old motor vehicles are stored in quantity  
24 or dismantled, and lots on which refuse, trash or junk is deposited.

25 (b) Any such rules and regulations shall be framed and designed to protect the  
26 residents of the county from unpleasant and unwholesome conditions and  
27 neighborhoods, to preserve the beauty and esthetic value of rural or residential areas,  
28 to safeguard the public health and welfare, to promote good civic design, and to

1 promote the health, safety, morals, order, convenience and prosperity of the  
2 community.

3 (c) The rules and regulations may include a requirement that such a  
4 junkyard, facility, or dump may not be maintained or operated within the county  
5 limits until an annual license therefor has been obtained from the county  
6 commissioners or county council, at such reasonable fee as may be specified in the  
7 rules and regulations.

8 (d) Prior to the adoption of any such rules and regulations, due notice of their  
9 consideration shall be given in some newspaper of general circulation in the county, in  
10 a notice published once a week for not less than four successive weeks. The notice  
11 shall specify a time and place at which the county commissioners or county council  
12 will conduct a public hearing on the contents and adoption of the rules and  
13 regulations; and the rules and regulations are not valid unless the public hearing  
14 actually is held as advertised.

15 (e) (1) Except as provided in paragraph (2) of this subsection, a violation of  
16 any such rule or regulation, including the maintenance or operation of any such  
17 junkyard, facility, or dump without a license, is a misdemeanor, subject upon  
18 conviction to a fine of not less than twenty-five dollars (\$25.00). Each day on which a  
19 violation continues is a separate offense.

20 (2) In a county in [Western Maryland] THE WESTERN MARYLAND CLASS  
21 that has adopted code home rule under Article XI-F of the Maryland Constitution,  
22 the county commissioners may:

23 (I) [declare] DECLARE a violation of any rule or regulation adopted  
24 in accordance with this section to be a civil infraction under Article 25B, § 13C of the  
25 Code; OR

26 (II) ABATE, OR CONTRACT FOR THE ABATEMENT OF, A VIOLATION  
27 OF ANY RULE OR REGULATION ADOPTED IN ACCORDANCE WITH THIS SECTION AT  
28 THE EXPENSE OF THE OWNER OF THE REAL PROPERTY WHERE THE VIOLATION  
29 OCCURRED.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2005.