

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

House Bill 1655 (Washington County Delegation)

Health and Government Operations

Finance

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Washington County Health Officer - Civil Citations

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This bill authorizes the health officer for Washington County, or the officer's designee, to deliver a citation to a person believed to be committing a violation of nuisance control provisions of the Health General Article or a violation of the Code of Maryland Regulations.

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Fiscal Summary

**State Effect:** Potential decrease in general fund revenues as a result of failure to comply with a nuisance abatement notice being prosecuted through the issuance of civil citations. Any increase in District Court caseload from nuisance abatement complaints by the Washington County health officer that were previously filed in circuit court becoming civil citations under the jurisdiction of the District Court can be handled with the existing resources of the Judiciary.

**Local Effect:** Potential fine revenue increase in Washington County from issued citations. Potential minimal expenditure decrease for the Circuit Court for Washington County due to the transfer of nuisance abatement complaint cases from circuit court to the District Court. Potential minimal expenditure decrease for Washington County Attorney or State's Attorney by converting failure to comply with a nuisance abatement notice from a misdemeanor to a civil citation.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** The citation must contain specific information, including the name of the person charged, the nature of the violation, the amount of the fine, and the cited person's right to elect to stand trial for the violation. The maximum fine for each violation is \$1,000. However, the bill authorizes the county commissioners for Washington County to establish a schedule of additional fines for each violation.

The bill contains provisions relating to cited persons who fail to pay a fine or elect to stand trial in a timely manner. If a cited person elects to stand trial, or if the health officer requests adjudication due to the cited person's failure to pay the fine in a timely manner, the trial will take place in the District Court having venue over the case. The County Commissioners for Washington County may authorize the county attorney, the State's Attorney, or another attorney to prosecute these violations. Proceedings in the District Court for violations covered by this bill are prosecuted in the same manner and to the same extent as specified municipal infractions. All fines, penalties, or forfeitures collected by the District Court for violations must be remitted to the county in which the violation occurred. If the District Court finds that a person has committed a violation, the cited person is liable for the costs of the court proceedings.

**Current Law:** Title 20, Subtitle 3 of the Health General Article authorizes a local health officer to investigate any suspected nuisance. If the health officer finds that a nuisance exists, the officer must serve a written notice to the person who is causing the nuisance. This notice orders the person to abate the nuisance within the time specified in the notice.

A health officer may file a complaint in the circuit court for the county where the nuisance exists if: (1) the person served with the notice fails to comply with the requirements of the notice; or (2) the person served with the notice complied with the requirements of the notice, but the nuisance is likely to recur on the same property. The complaint may seek a court order requiring the person served with the notice to:

- comply with the requirements of the abatement notice;
- abate the nuisance within a specified time;
- prevent the nuisance from recurring; or
- pay a fine of no more than \$1,000.

Failure to comply with a nuisance abatement notice is a misdemeanor, punishable by a fine not to exceed \$1,000.

**Background:** The County Commissioners of Washington County currently have the authority to prosecute civil infractions related to animal control and zoning violations through the issuance of citations. Frederick County and St. Mary's County, both commissioner counties, have the general authority to prosecute civil infractions by issuing civil citations.

The Washington County Health Officer advises that civil citations authorized by this bill will primarily be issued in health-related nuisance abatement cases where the individual asked by the health department to abate a nuisance has failed to respond to two nuisance abatement notices. Typical nuisances include property in disrepair that attracts rodents and unused swimming pools that are breeding grounds for insects and bacteria.

**State Revenues:** Failure to comply with a health officer's notice to abate a nuisance is a misdemeanor, punishable by a maximum penalty of \$1,000. Misdemeanors are under the jurisdiction of the District Court. Revenues from penalties issued in District Court are remitted to the general fund. The bill specifies that penalties collected by the District Court from cases involving issued citations must be remitted to Washington County. Any resulting loss of general fund revenue is assumed to be relatively small.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State's Attorneys' Association, Washington County, Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - March 20, 2006  
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