

# SENATE BILL 408

M1, L2

(7lr1570)

## ENROLLED BILL

— *Judicial Proceedings / Environmental Matters* —

Introduced by **Anne Arundel County Senators**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Anne Arundel County – Chesapeake Bay Critical Area – Violations of Local**  
3 **Law – Statute of Limitations – Disclosure in Real Estate Sales Contracts**

4 FOR the purpose of requiring that a prosecution ~~seeking a criminal penalty or civil~~  
5 ~~fine~~ for an offense that occurs in the Chesapeake Bay Critical Area and is a  
6 violation of a certain local law in Anne Arundel County that relates to  
7 environmental protection or natural resource conservation be instituted within  
8 a certain time after the commission of the offense; ~~providing a certain exception~~  
9 ~~to the imposition of a criminal penalty or civil fine under certain circumstances;~~  
10 ~~and generally relating to the prosecution of offenses that occur in the~~  
11 ~~Chesapeake Bay Critical Area~~ *requiring a contract for sale of real estate in Anne*

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber / conference committee amendments.



Arundel County where a certain violation occurred to disclose certain information about the violation; providing that the disclosure requirements imposed by this Act do not apply under certain circumstances; and generally relating to violations of local laws in the Chesapeake Bay Critical Area in Anne Arundel County.

BY adding to  
 Article – Courts and Judicial Proceedings  
 Section 5–106(bb)  
 Annotated Code of Maryland  
 (2006 Replacement Volume)

~~BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section 8–1815  
 Annotated Code of Maryland  
 (2000 Replacement Volume and 2006 Supplement)~~

BY adding to  
 Article – Real Property  
 Section 14–117(l)  
 Annotated Code of Maryland  
 (2003 Replacement Volume and 2006 Supplement)

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

**Article – Courts and Judicial Proceedings**

5–106.

**(BB) (1) THIS SUBSECTION APPLIES IN ANNE ARUNDEL COUNTY TO AN OFFENSE THAT:**

**(I) OCCURS IN THE CHESAPEAKE BAY CRITICAL AREA, AS DEFINED IN § 8–1807 OF THE NATURAL RESOURCES ARTICLE; AND**

**(II) IS A VIOLATION OF A LOCAL LAW THAT RELATES TO ENVIRONMENTAL PROTECTION OR NATURAL RESOURCE CONSERVATION, INCLUDING A LOCAL LAW REGULATING:**

**1. GRADING;**

- 1                                   2.     **SEDIMENT CONTROL;**
- 2                                   3.     **STORMWATER MANAGEMENT;**
- 3                                   4.     **ZONING;**
- 4                                   5.     **CONSTRUCTION; OR**
- 5                                   6.     **HEALTH AND PUBLIC SAFETY.**

6                   (2)    **A PROSECUTION ~~SEEKING A CRIMINAL PENALTY OR CIVIL~~**  
7 **~~FINE~~ FOR AN OFFENSE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION**  
8 **SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE COMMISSION OF THE**  
9 **OFFENSE.**

10                                   **~~Article Natural Resources~~**

11    ~~§ 1815.~~

12                   ~~(a)    (1)    Violators of the provisions of programs approved or adopted by the~~  
13 ~~Commission shall be subject to prosecution or suit by local authorities, who may~~  
14 ~~invoke the sanctions and remedies afforded by State or local law.~~

15                   ~~(2)    A local authority may request:~~

16                                   ~~(i)    Assistance from the Commission in an enforcement action;~~

17 ~~or~~

18                                   ~~(ii)   That the chairman refer an enforcement action to the~~  
19 ~~Attorney General.~~

20                   ~~(b)    Whenever the chairman has reason to believe that a local jurisdiction is~~  
21 ~~failing to enforce the requirements of a program applicable to a particular~~  
22 ~~development, the chairman shall serve notice upon the local enforcement authorities.~~  
23 ~~If within 30 days after service of the notice, the local authorities have failed to initiate~~  
24 ~~an action to remedy or punish the violation, the chairman may refer the matter to the~~  
25 ~~Attorney General.~~

26                   ~~(c)    Upon referral of an alleged violation under subsection (a) or (b) of this~~  
27 ~~section, the Attorney General may invoke any sanction or remedy available to local~~

~~1 authorities, in any court of competent jurisdiction in which the local authorities would  
2 be authorized to prosecute or sue the violator.~~

~~3 (D) NOTWITHSTANDING SUBSECTION (A), (B), OR (C) OF THIS SECTION,  
4 THIS SECTION MAY NOT BE CONSTRUED TO PERMIT THE IMPOSITION OF A  
5 CRIMINAL PENALTY OR CIVIL FINE ON AN INNOCENT PURCHASER OF THE LAND  
6 ON WHICH AN ALLEGED VIOLATION OCCURRED.~~

~~7 [(d)] (E) In addition to any other sanction or remedy available, the Attorney  
8 General may bring an action in equity to compel compliance or restrain noncompliance  
9 with the requirements of approved project plans, and to compel restoration of lands or  
10 structures to their condition prior to any modification which was done in violation of  
11 approved project plans.~~

~~12 [(e)] (F) Notwithstanding any other provision of this section, whenever a  
13 development in the Critical Area is proceeding in violation of approved project plans  
14 and threatens to immediately and irreparably degrade the quality of tidal waters or  
15 fish, wildlife, or plant habitat, the Attorney General, upon request of the chairman,  
16 may bring an action to restrain the violation and, as appropriate, to compel restoration  
17 of any land or water areas affected by the development.~~

### Article – Real Property

14–117.

(L) (1) THIS SUBSECTION APPLIES TO ANNE ARUNDEL COUNTY.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF ANNE  
ARUNDEL COUNTY OR THE STATE HAS INITIATED ENFORCEMENT ACTION FOR A  
VIOLATION OF A LOCAL LAW DESCRIBED IN § 5–106(BB)(1) OF THE COURTS AND  
JUDICIAL PROCEEDINGS ARTICLE, A CONTRACT FOR SALE OF THE REAL  
PROPERTY WHERE THE VIOLATION OCCURRED SHALL DISCLOSE:

(I) THE NATURE OF THE VIOLATION;

(II) THE STATUS OF ANY ONGOING PROCEEDINGS TO  
ENFORCE THE VIOLATION; AND

(III) ANY ACTIONS THE BUYER OF THE REAL PROPERTY MAY  
BE REQUIRED TO TAKE WITH RESPECT TO THE PROPERTY IN ORDER TO CURE  
THE VIOLATION.

1                   **(3) IF A VIOLATION OF A LOCAL LAW DESCRIBED IN**  
 2 **§ 5-106(BB)(1) OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE IS**  
 3 **CURED AND A BUYER OF THE REAL PROPERTY WHERE THE VIOLATION**  
 4 **OCCURRED WOULD NOT HAVE ANY OBLIGATION TO CURE THE VIOLATION,**  
 5 **PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY.**

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 7                   October 1, 2007.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.