

CHAPTER 550

(Senate Bill 408)

AN ACT concerning

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

FOR the purpose of requiring that a prosecution ~~seeking a criminal penalty or civil fine~~ for an offense that occurs in the Chesapeake Bay Critical Area and is a violation of a certain local law in Anne Arundel County that relates to environmental protection or natural resource conservation be instituted within a certain time after the commission of the offense; ~~providing a certain exception to the imposition of a criminal penalty or civil fine under certain circumstances; and generally relating to the prosecution of offenses that occur in the Chesapeake Bay Critical Area~~ *requiring a contract for sale of real estate in Anne 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;**
- 2. SEDIMENT CONTROL;**
- 3. STORMWATER MANAGEMENT;**
- 4. ZONING;**
- 5. CONSTRUCTION; OR**
- 6. HEALTH AND PUBLIC SAFETY.**

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

~~**Article – Natural Resources**~~

~~8–1815.~~

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

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

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

~~or~~

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

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

~~(c) Upon referral of an alleged violation under subsection (a) or (b) of this section, the Attorney General may invoke any sanction or remedy available to local authorities, in any court of competent jurisdiction in which the local authorities would be authorized to prosecute or sue the violator.~~

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

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

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

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

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

Approved by the Governor, May 17, 2007.