

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 403

(Allegany County Delegation)

Judiciary

Judicial Proceedings

Allegany County - Junkyard Ordinance - Appearances at Trial

This bill provides that, in Allegany County, during prosecution of a civil infraction related to the regulation of junkyards, the presence of the State's Attorney for the county is not required if the official who issued the citation is present at the trial on behalf of the county.

Fiscal Summary

State Effect: None.

Local Effect: This bill would increase the efficiency of enforcing junkyard ordinances in Allegany County, but would have no fiscal impact on the county.

Small Business Effect: None.

Analysis

Current Law: Allegany County is a code home rule county governed by three county commissioners, and derives its legislative authority from Article 25B of the Code of Maryland.

Article 25 § 122A authorizes county commissioners to adopt rules and regulations for the licensing, control, location, and maintenance of junkyards and other facilities where refuse, trash, or junk is deposited, recycled, or disposed of. Violation of these regulations is a misdemeanor subject to a fine of not less than \$25. In a code home rule county in

Western Maryland, which includes Allegany, the county commissioners may also declare a violation of these regulations to be a civil infraction.

Civil infractions in code counties are subject to a fine of not more than \$500 for a single offense, or a fine of not more than \$1,000 for a repeat offense. A defendant may elect to stand trial for such an offense, under the same burden of proof and evidentiary standards prescribed by law or rule for the trial of criminal cases. The State's Attorney for a county prosecutes civil infractions in the same manner as for violations of criminal laws. Subject to approval by the county commissioners, the State's Attorney may designate the county attorney or an assistant county attorney to exercise the power to prosecute civil infractions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State's Attorneys' Association, Judiciary (Administrative Office of the Courts), Allegany County, Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2007
ncs/hlb

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