

HOUSE BILL 638

L1

8lr1607

By: **Allegany County Delegation**

Introduced and read first time: February 1, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Western Maryland Code Counties – Junkyard Abatement – Liens on Property**

3 FOR the purpose of providing that, in a county in the Western Maryland class that
4 has adopted code home rule, any unpaid fees charged to an owner of property as
5 a result of the county abating a violation of certain rules or regulations relating
6 to junkyards are a lien against the real property where a certain violation
7 occurred and shall be recorded in the office of the clerk for the county where a
8 certain violation occurred; and generally relating to the abatement of junkyard
9 violations.

10 BY repealing and reenacting, without amendments,
11 Article 25 – County Commissioners
12 Section 122A(a)
13 Annotated Code of Maryland
14 (2005 Replacement Volume and 2007 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 25 – County Commissioners
17 Section 122A(e)
18 Annotated Code of Maryland
19 (2005 Replacement Volume and 2007 Supplement)

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

22 **Article 25 – County Commissioners**

23 122A.

24 (a) The county commissioners or county council of each county in the State
25 may adopt and promulgate rules and regulations for the licensing, control, location

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 and maintenance within their respective limits of junkyards, public or private dumps,
2 automobile junkyards, automotive dismantler and recycler facilities, scrap metal
3 processing facilities, or outdoor places where old motor vehicles are stored in quantity
4 or dismantled, and lots on which refuse, trash or junk is deposited.

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

10 (2) In a county in the Western Maryland class that has adopted code
11 home rule under Article XI-F of the Maryland [Constitution, the] **CONSTITUTION:**

12 (I) **THE** county commissioners may:

13 [(i)] **1.** Declare a violation of any rule or regulation adopted
14 in accordance with this section to be a civil infraction under Article 25B, § 13C of the
15 Code; or

16 [(ii)] **2.** Abate, or contract for the abatement of, a violation of
17 any rule or regulation adopted in accordance with this section at the expense of the
18 owner of the real property where the violation occurred; **AND**

19 (II) **ANY UNPAID FEES CHARGED TO AN OWNER OF REAL**
20 **PROPERTY UNDER ITEM (I)2 OF THIS PARAGRAPH SHALL BE:**

21 **1. A LIEN AGAINST THE REAL PROPERTY WHERE**
22 **THE VIOLATION OCCURRED; AND**

23 **2. RECORDED IN THE OFFICE OF THE CLERK FOR**
24 **THE COUNTY WHERE THE VIOLATION OCCURRED.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2008.