

# HOUSE BILL 638

L1

8lr1607

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By: **Allegany County Delegation**

Introduced and read first time: February 1, 2008

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2008

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## CHAPTER \_\_\_\_\_

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~~ charges imposed on an  
5 owner of property as a result of the county abating a violation of certain rules or  
6 regulations relating to junkyards ~~are~~ shall be a lien against the real property  
7 where ~~a certain~~ the violation occurred ~~and shall~~ requiring a certain lien to be  
8 recorded in the office of the clerk for the county where a certain violation  
9 occurred; making stylistic changes; and generally relating to the abatement of  
10 junkyard violations.

11 BY repealing and reenacting, without amendments,  
12 Article 25 – County Commissioners  
13 Section 122A(a)  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume and 2007 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article 25 – County Commissioners  
18 Section 122A(e)  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume and 2007 Supplement)

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

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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.



1 **Article 25 – County Commissioners**

2 122A.

3 (a) The county commissioners or county council of each county in the State  
 4 may adopt and promulgate rules and regulations for the licensing, control, location  
 5 and maintenance within their respective limits of junkyards, public or private dumps,  
 6 automobile junkyards, automotive dismantler and recycler facilities, scrap metal  
 7 processing facilities, or outdoor places where old motor vehicles are stored in quantity  
 8 or dismantled, and lots on which refuse, trash or junk is deposited.

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

14 (2) ~~It~~ **(I) THIS PARAGRAPH APPLIES TO** a county in the Western  
 15 Maryland class that has adopted code home rule under Article XI-F of the Maryland  
 16 [Constitution, the] **CONSTITUTION.**

17 ~~(I)~~ **(II) THE** county commissioners may:

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

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

24 ~~(II)~~ **(III) 1. ANY UNPAID FEES CHARGED TO CHARGES IMPOSED**  
 25 **ON AN OWNER OF REAL PROPERTY UNDER ~~ITEM (I) 2~~ SUBPARAGRAPH (II) 2 OF**  
 26 **THIS PARAGRAPH SHALL BE:**

27 ~~It~~ **A A LIEN AGAINST THE REAL PROPERTY WHERE**  
 28 **THE VIOLATION OCCURRED; AND.**

29 **2. RECORDED THE LIEN SHALL BE RECORDED IN**  
 30 **THE OFFICE OF THE CLERK FOR THE COUNTY WHERE THE VIOLATION**  
 31 **OCCURRED.**

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