

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 638

(Allegany County Delegation)

Environmental Matters

Judicial Proceedings

Western Maryland Code Counties - Junkyard Abatement - Liens on Property

This bill specifies that in a code county in the Western Maryland class, any unpaid charges imposed on a property owner as a result of the county abating a violation of rules and regulations relating to junkyards are a lien against the property where the violation occurred. For the purposes of the bill, junkyards include public or private dumps, automobile junkyards, automotive dismantler and recycler facilities, scrap metal processing facilities, outdoor places where old motor vehicles are stored in quantity or dismantled, and lots on which refuse, trash, or junk is deposited.

Fiscal Summary

State Effect: None.

Local Effect: Minimal increase in Allegany County revenues from fines collected. Expenditures would not be affected.

Small Business Effect: Minimal overall, but potential meaningful for junkyard owners in Allegany County who would face greater expenses to satisfy liens or loss of their real property in cases where a county has taken action to abate violations of rules and regulations regarding junkyards.

Analysis

Current Law: The governing body of any county may adopt and promulgate rules and regulations for the licensing, control, location, and maintenance within their respective limits of junkyards; public or private dumps; automobile junkyards, automotive

dismantler and recycler facilities; scrap metal processing facilities, outdoor places where old motor vehicles are stored in quantity or dismantled; and lots on which refuse, trash, or junk is deposited.

Violation of rules and regulations regarding any licensed or unlicensed junkyard, facility or dump is a misdemeanor, and violators are subject to a fine of at least \$25 for each day the junkyard is in noncompliance. However, the Allegany County Commissioners may declare a violation of any rule or regulation concerning junkyards, dumps, and other facilities to be a civil infraction with a fine of up to \$500 for a first offense and up to \$1,000 for a repeat offense. The Allegany County Commissioners may also abate, or contract for the abatement of, a violation of rules or regulations regarding junkyards at the expense of the owner of the real property where the violation occurred.

Background: Allegany County is the only county in Western Maryland that has adopted code home rule under Article XI-F of the Maryland Constitution. Chapter 53 of 2005 authorized Allegany County to abate, or contract for the abatement of, a violation of rules or regulations regarding junkyards at the expense of the owner.

Local Fiscal Effect: Allegany County revenues could increase by a minimal amount from fines and fees relating to junkyard abatements. Authorizing the county to execute a lien would increase the number of these fines that the county is able to collect.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 3, 2008
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