

# HOUSE BILL 1507

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3lr1924

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By: **St. Mary's County Delegation**

Introduced and read first time: March 4, 2013

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County – Property Maintenance**

3 FOR the purpose of authorizing the County Commissioners of St. Mary's County to  
4 enact an ordinance prohibiting an owner of real property from allowing or  
5 causing the existence, creation or maintenance of a nuisance under certain  
6 circumstances; requiring an ordinance enacted under this Act to establish  
7 standards for a certain determination; authorizing an ordinance enacted under  
8 this Act to provide for the determination of the existence of a nuisance by a  
9 certain officer of the St. Mary's County government; providing that a certain  
10 determination under this Act shall be deemed a determination under a certain  
11 provision of law; authorizing an ordinance enacted under this Act to declare  
12 the failure to abate a nuisance to be a municipal infraction under certain  
13 circumstances; requiring a court to take certain action on finding a municipal  
14 infraction under certain circumstances; and generally relating to property  
15 maintenance in St. Mary's County.

16 BY adding to

17 The Public Local Laws of St. Mary's County  
18 Section 93–1 through 93–4 to be under the new chapter “Chapter 93. Property  
19 Maintenance”  
20 Article 19 – Public Local Laws of Maryland  
21 (2007 Edition and January 2011 Supplement, as amended)

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

24 **Article 19 – St. Mary's County**

25 **CHAPTER 93. PROPERTY MAINTENANCE**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **93-1.**

2 **THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY ENACT AN**  
3 **ORDINANCE PROHIBITING AN OWNER OF REAL PROPERTY FROM ALLOWING OR**  
4 **CAUSING THE EXISTENCE, CREATION, OR MAINTENANCE OF A NUISANCE**  
5 **CONSISTING OF STRUCTURES, PREMISES, OR APPURTENANCES WITH**  
6 **OBJECTIVELY DETERMINABLE EXTERIOR SIGNS OF SUBSTANTIAL PHYSICAL**  
7 **DETERIORATION, DILAPIDATION, OR LACK OF MAINTENANCE THAT:**

8 **(1) MAY BE REASONABLY CONCLUDED TO SIGNIFICANTLY**  
9 **DEPRECIATE THE ECONOMIC VALUE OF PROPERTIES IN THE NEIGHBORHOOD;**  
10 **OR**

11 **(2) ARE REASONABLY DETERMINED TO BE DETRIMENTAL TO THE**  
12 **HEALTH, SAFETY, OR WELFARE OF NEIGHBORING PROPERTIES OR THEIR**  
13 **OCCUPANTS.**

14 **93-2.**

15 **AN ORDINANCE ENACTED UNDER THIS CHAPTER SHALL ESTABLISH**  
16 **STANDARDS FOR A DETERMINATION OF SUBSTANTIAL PHYSICAL**  
17 **DETERIORATION, DILAPIDATION, OR LACK OF MAINTENANCE.**

18 **93-3.**

19 **A. AN ORDINANCE ENACTED UNDER THIS CHAPTER MAY PROVIDE FOR**  
20 **THE DETERMINATION OF THE EXISTENCE OF A NUISANCE BY AN**  
21 **ADMINISTRATIVE OFFICER OF THE ST. MARY'S COUNTY GOVERNMENT.**

22 **B. A DETERMINATION OF THE EXISTENCE OF A NUISANCE BY AN**  
23 **ADMINISTRATIVE OFFICER SHALL BE DEEMED TO BE A DETERMINATION UNDER**  
24 **§ 4-305 OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND.**

25 **93-4.**

26 **A. AN ORDINANCE ENACTED UNDER THIS CHAPTER MAY DECLARE THE**  
27 **FAILURE TO ABATE A NUISANCE TO BE A MUNICIPAL INFRACTION IF THE**  
28 **ORDINANCE INCLUDES PROVISIONS FOR:**

29 **(1) PRIOR NOTICE TO A PROPERTY OWNER OF THE EXISTENCE OF**  
30 **THE NUISANCE;**

31 **(2) A REASONABLE OPPORTUNITY TO ABATE THE NUISANCE; AND**

1           **(3) A RIGHT TO APPEAL THE DETERMINATION OF THE EXISTENCE**  
2 **OF THE NUISANCE TO THE ST. MARY'S COUNTY BOARD OF APPEALS BEFORE**  
3 **THE ISSUANCE OF A CITATION.**

4           **B. IF A COURT ENTERS A FINDING OF A MUNICIPAL INFRACTION, THE**  
5 **COURT SHALL, ON MOTION BY ST. MARY'S COUNTY, ENTER AN ORDER**  
6 **AUTHORIZING ST. MARY'S COUNTY TO ABATE THE NUISANCE AND SHALL**  
7 **THEREAFTER, ON PROOF OF THE EXPENSE INCURRED IN ABATING THE**  
8 **NUISANCE, ORDER A LIEN FOR THE COSTS OF ABATEMENT TO BE IMPOSED ON**  
9 **THE PROPERTY THAT WAS SUBJECT TO THE ABATEMENT.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2013.