

# SENATE BILL 839

L2

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CF HB 599

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By: **Senator Waugh**

Introduced and read first time: February 23, 2015

Assigned to: Rules

Re-referred to: Judicial Proceedings, March 6, 2015

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 29, 2015

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

1 AN ACT concerning

2 **St. Mary's County – Violations of Ordinances, Rules, and Regulations – Penalties**

3 FOR the purpose of repealing certain provisions relating to the civil and criminal penalties  
4 for violations of certain ordinances, rules, and regulations adopted by St. Mary's  
5 County; authorizing the County Commissioners of St. Mary's County to provide that  
6 a violation of certain ordinances is punishable as a misdemeanor and enforced in a  
7 certain manner and to a certain extent and is a civil infraction and shall be  
8 prosecuted in a certain manner and to a certain extent; providing that every day that  
9 a violation of certain ordinances continues is a separate civil infraction; authorizing  
10 St. Mary's County to bring an action for an injunction against a person who violates  
11 an ordinance, rule, or regulation to require the correction or elimination of the  
12 violation; and generally relating to penalties for violations of ordinances, rules, and  
13 regulations adopted by St. Mary's County.

14 BY repealing

15 Article – Land Use  
16 Section 9–1607 and 9–1608  
17 Annotated Code of Maryland  
18 (2012 Volume and 2014 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Local Government  
21 Section 12–538, 12–618, 12–804, and 13–703  
22 Annotated Code of Maryland

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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 (2013 Volume and 2014 Supplement)

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

4 **Article – Land Use**

5 [9–1607.

6 (a) Notwithstanding § 5–301(a) of this article, the county commissioners may  
7 provide a civil penalty for a subdivision violation.

8 (b) In a proceeding before the District Court, a subdivision violation shall be  
9 enforced in the same manner and to the same extent as a municipal infraction under §§  
10 6–102 through 6–115 of the Local Government Article.]

11 [9–1608.

12 (a) Notwithstanding Title 11, Subtitle 2 of this article, the county commissioners  
13 may provide a civil penalty for a zoning violation.

14 (b) In a proceeding before the District Court, a zoning violation shall be enforced  
15 in the same manner and to the same extent as a municipal infraction under §§ 6–102  
16 through 6–115 of the Local Government Article.]

17 **Article – Local Government**

18 12–538.

19 (a) The County Commissioners of St. Mary’s County may regulate for any public  
20 road, sidewalk, curb, gutter, or storm drainage facility in the county that is not in a  
21 municipality and that has not been designated or maintained as a part of the State or  
22 federal highway system relating to:

23 (1) vehicle weight;

24 (2) vehicle parking;

25 (3) vehicle abandonment;

26 (4) building or maintenance by a private or public utility necessary for the  
27 performance of the utility’s purpose;

28 (5) building or maintenance of driveway connections where connections are  
29 provided; and

30 (6) vehicle speed.

1 (b) (1) This subsection applies to roads proposed for subdivisions, including  
2 sidewalks, curbs and gutters, driveway entrances, and storm drainage facilities and  
3 appurtenances to be located in the subdivision.

4 (2) The County Commissioners of St. Mary's County shall enact, by  
5 ordinance, rules and regulations that govern the grading, building, improving,  
6 maintaining, and repairing of roads, used or intended for use by the public.

7 (c) If required by an ordinance enacted under subsection (a) of this section, the  
8 County Commissioners of St. Mary's County shall provide appropriate traffic control  
9 devices.

10 (d) For a new road, sidewalk, curb, gutter, or storm drainage facility, the County  
11 Commissioners of St. Mary's County may regulate relating to:

12 (1) engineering;

13 (2) construction; and

14 (3) acceptance of the road, sidewalk, curb, gutter, or storm drainage facility  
15 into the county roads system.

16 [(e) (1) Except as provided in subsection (f) of this section, a person who  
17 violates an ordinance, a rule, or a regulation enacted under this section is guilty of a  
18 misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine  
19 not exceeding \$1,000 or both.

20 (2) Every day that a violation continues is a separate offense.

21 (f) (1) The County Commissioners of St. Mary's County may impose a civil  
22 penalty for a violation of an ordinance, a rule, or a regulation enacted under this section.

23 (2) Enforcement of an ordinance, a rule, or a regulation enacted under this  
24 section shall be in the same manner and to the same extent as provided for municipal  
25 infractions under Title 6 of this article.

26 (3) In addition to other remedies provided by law, the county may bring an  
27 action for an injunction against a person who violates an ordinance, a rule, or a regulation  
28 enacted under this section to require correction or elimination of a violation.]

29 12-618.

30 (a) The County Commissioners of St. Mary's County may regulate bridges in the  
31 county that are not in a municipality and that have not been designated or maintained as  
32 a part of the State or federal highway system relating to:

- 1 (1) vehicle weight;
- 2 (2) vehicle parking;
- 3 (3) vehicle abandonment;
- 4 (4) building or maintenance by a private or public utility relating to the  
5 performance of the utility's purpose;
- 6 (5) the building or maintenance of driveway connections where connections  
7 are provided; and
- 8 (6) vehicle speed.

9 (b) If required by an ordinance enacted under subsection (a) of this section, the  
10 County Commissioners of St. Mary's County shall provide appropriate traffic control  
11 devices.

12 (c) For a new bridge, the County Commissioners of St. Mary's County may  
13 regulate relating to:

- 14 (1) engineering;
- 15 (2) construction; and
- 16 (3) acceptance of the bridge into the county road system.

17 [(d) (1) Except as provided in subsection (e) of this section, a person who  
18 violates an ordinance, a rule, or a regulation enacted under this section is guilty of a  
19 misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine  
20 not exceeding \$1,000 or both.

21 (2) Each day that a violation continues is a separate offense.

22 (e) (1) The County Commissioners of St. Mary's County may impose a civil  
23 penalty for a violation of an ordinance, a rule, or a regulation enacted under this section.

24 (2) Enforcement of an ordinance, a rule, or a regulation enacted under this  
25 section shall be in the same manner and to the same extent as provided for municipal  
26 infractions under Title 6 of this article.

27 (3) In addition to other remedies provided by law, the county may bring an  
28 action for an injunction against a person who violates an ordinance, a rule, or a regulation  
29 adopted under this section to require correction or elimination of a violation.]

1           (A) [Except as provided in §§ 12–538(f), 12–618(d), and 13–703(c) of this article  
2 and] **NOTWITHSTANDING** Title 11, Subtitle 2 [and § 9–1607] of the Land Use Article[,  
3 and notwithstanding] **AND** any other provision of law [to the contrary], the County  
4 Commissioners of St. Mary’s County may provide that:

5           (1) a violation of an ordinance [or resolution] is punishable as a  
6 misdemeanor and enforced in the same manner and to the same extent as a violation under  
7 § 6–101 of this article; and

8           (2) a violation of an ordinance **IS A CIVIL INFRACTION AND** shall be  
9 prosecuted in the same manner and to the same extent as provided for a municipal  
10 infraction under Title 6 of this article.

11           **(B) EVERY DAY THAT A VIOLATION CONTINUES IS A SEPARATE CIVIL**  
12 **INFRACTION.**

13           **(C) IN ADDITION TO OTHER REMEDIES PROVIDED BY THIS SECTION, THE**  
14 **COUNTY MAY BRING AN ACTION FOR AN INJUNCTION AGAINST A PERSON WHO**  
15 **VIOLATES AN ORDINANCE, A RULE, OR A REGULATION TO REQUIRE THE**  
16 **CORRECTION OR ELIMINATION OF A VIOLATION.**

17 13–703.

18           (a) The County Commissioners of St. Mary’s County may:

19           (1) adopt an ordinance, a rule, or a regulation for erosion and siltation  
20 control requirements to facilitate sedimentation control in the county; and

21           (2) provide for the enforcement of any ordinance, rule, or regulation  
22 adopted under this section.

23           (b) (1) A violation of an ordinance, a rule, or a regulation adopted under this  
24 section is a misdemeanor.

25           (2) The County Commissioners of St. Mary’s County may establish a  
26 criminal penalty of a fine, imprisonment, or both for a violation of an ordinance, a rule, or  
27 a regulation adopted under this section.

28           [(c) (1) The County Commissioners of St. Mary’s County may provide for a civil  
29 penalty for a violation of an ordinance, a rule, or a regulation adopted under this section.

30           (2) In a proceeding before the District Court, a violation shall be enforced  
31 in the same manner and to the same extent as established for municipal infractions under  
32 Title 6 of this article.

1 (3) In addition to all other remedies provided by this section, the county  
2 may bring an action for an injunction against a person who violates an ordinance, a rule,  
3 or a regulation adopted under this section to require the correction or elimination of a  
4 violation.]

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.