



COUNTY COUNCIL OF ANNE ARUNDEL COUNTY

Legislative Summary

To: Members, Anne Arundel County Council

From: Matthew Bennett, Legislative Counsel to the County Council

Date: September 12, 2022

Subject: Bill No. 79-22 – Construction and Property Maintenance Codes – Nuisance Property – Enforcement

Background

Under Article 15, Title 4, Subtitle 4 of the Code the Health Officer may take action to abate a nuisance located on a property. Section 108.2 of the Property Maintenance Code authorizes the Health Officer to close up vacant structures that are unfit for occupancy.

Section 13-6-103(c) prohibits the owner, occupant, or person in control of real property from allowing or maintaining the growth of noxious weeds or rank vegetation on the property. If an investigation reveals that a violation has occurred, § 13-6-105(b) requires the Director of Public Works to serve written notice on the owner, occupant, or person in control of the property. The notice requires the abatement of the violation. If the owner, occupant, or person in control fails to comply with the notice, § 13-6-105(c) requires the County to cause the growth of noxious weeds or rank vegetation to be cut, trimmed, or removed.

Section 115.3 of the Building Code authorizes the Department of Inspections and Permits to issue a notice of unsafe structure that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished.

Purpose

The purpose of Bill No. 79-22 is to allow the Health Officer to declare a property that meets certain conditions a nuisance property and establish a Class C civil offense for failing to comply with a notice of nuisance property or failing to safeguard a nuisance property. This is done by adding a new subtitle to Article 15 of the County Code that addresses “nuisance properties”.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

Bill No. 79-22

SECTION 1.

Section 15-4-501 defines a nuisance property. A nuisance property is a property for which: (1) on two or more occasions during a six month period the Health Officer has taken action to abate a nuisance on the property or ordered a structure closed up or the Department of Public Works has taken action to cause the growth of noxious weeds or rank vegetation to be cut, trimmed, or removed or (2) the Department of Inspections and Permits has issued a notice of unsafe structure which has been disregarded by the property owner.

Section 15-4-502 requires the Health Officer, before declaring a property a nuisance property, to send the property owner notice of the nuisance property and give the property owner the opportunity to avoid the declaration by safeguarding the property and submitting a plan to maintain and safeguard the property. The Health Officer may declare the property a nuisance property if the property owner fails to respond to the notice within 30 days or fails to comply with the plan submitted.

Section 15-4-503 requires that a nuisance property be safeguarded and lists several factors that must be used.

Section 15-4-504 requires that the department responsible for the violation that resulted in the property being declared a nuisance property monitor the property every 30 days.

Section 15-4-505 authorizes the Health Officer to rescind the declaration of nuisance property if the property owner maintains the property in accordance with the new law for a period of at least three months.

Section 15-5-102 establishes a Class C civil offense for failing to comply with a notice of nuisance property or failing to safeguard a nuisance property and allows each day to constitute a separate offense. Under County Code, the fines for a Class C civil offense are \$500 for the first violation and \$1,000 for the second or any subsequent violation.

SECTION 2.

This section provides that the bill takes effect 45 days after it becomes law.