

# CODE OF ALLEGANY COUNTY MARYLAND

## CHAPTER 192 JUNK ABATEMENT

### §192-1. Legislative purpose.

- A. Purpose. An act to provide measures for the removal of inoperable vehicles and/or other discarded junk material(s) from all private or public property not licensed as a salvage yard.
- B. Authority. This Chapter is authorized under the provisions of Article 25, Section 122A of the Annotated Code of Maryland, 1957 Edition, as amended.
- C. Jurisdiction. This chapter shall apply to the unincorporated areas of Allegany County.

### §192-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**CODES INSPECTOR** - An employee of Allegany County whose duties include inspection and application of enforcement measures necessary to carry out the terms of this chapter under the direction of the Division Chief.

**ENCLOSED STRUCTURE** - An existing building with a continuous envelope defining interior space, excepting only openings designed for doors or windows, which is intended to secure said interior space for residential or commercial use.

**JUNK** - Junk is defined as post consumer materials such as old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel, or any other old or scrap or discarded material, or vehicles or other conveyances that are inoperable, dismantled, partially dismantled or deteriorated. Building materials stored on site for an active or pending construction project are not considered "Junk" under this definition.

**RESPONSIBLE PARTY** - A landowner, tenant, or any other person lawfully in possession of any real property upon which is located any Junk or any person who is the current or most recent owner of any personal property meeting the definition of Junk.

### §192-3. Junk removal.

- A. No public right-of-way in the unincorporated area of the County shall be used for the storage of Junk. No lot or parcel of land in the unincorporated area of the County shall be used for the storage of Junk; unless that lot or parcel of land is part of a licensed salvage yard; or unless the Junk is stored within an Enclosed Structure; or unless such activities are directly related to the daily operations of a lawfully operating business.

- B. It shall be the obligation of the Responsible Party to properly store, dispose of, or arrange for the disposal of any Junk located on privately owned property; or Junk located on publicly-owned property.
- C. It shall be the responsibility of the Maryland State Police or duly authorized police agency to remove and dispose of abandoned vehicles located on publicly dedicated rights-of-way or other public property, in accordance with the Transportation Article, Section 25-201 et seq., of the Annotated Code of Maryland.

**§192-4. Enforcement; violations and penalties.**

- A. The Codes Inspector shall require the Responsible Party to remove or properly store any Junk located on private property, or Junk on public property, by written notice which shall give a 30-day period for compliance. The Codes Inspector shall have the authority to enter upon and inspect any property other than Enclosed Structures when the County has probable cause to believe that Junk is located thereon. This authority includes the right to make a pictorial record of any Junk and to measure the extent of any violation. The County Sheriff shall assist with this inspection upon request.
- B. Any Responsible Party given proper notice who does not comply within the 30-day period given shall be served with a civil citation pursuant to authority granted by Article 25B, Section 13(c) of the Annotated Code of Maryland. The following violations are deemed to be civil infractions:
  - 1. CLASS A: The storage of Junk, as defined herein, which may include one (1) inoperable, dismantled, partially dismantled or deteriorated vehicle as part of the Junk, on site, and the owner does not abate the violation within 30 days of receipt of the notice to abate the violation.
  - 2. CLASS B: The storage of Junk, as defined herein, which includes between two (2) and five (5) inoperable, dismantled, partially dismantled or deteriorated vehicles as part or all of the Junk, on site, and the owner does not abate the violation within 30 days of receipt of the notice to abate the violation.
  - 3. CLASS C: The storage of Junk, as defined herein, which includes six (6) or more inoperable, dismantled, partially dismantled or deteriorated vehicles as part or all of the Junk, on site, and the owner does not abate the violation within 30 days of receipt of the notice to abate the violation.
- C. All civil citations shall be processed in accordance with Article 25B, Section 13(c) of the Annotated Code of Maryland. Each day that a violation exists is considered a

separate offense. Repeat violations for the same offense can result in a fine of up to one thousand dollars (\$1,000).

- D. A schedule of fines for civil infractions shall be established by the Allegany County Commissioners from time to time by resolution. All such fines when paid shall become the property of Allegany County.
- E. Except for those acts declared to be civil infractions, all other violations of this chapter or any rule or regulation adopted pursuant thereto, shall constitute a misdemeanor and shall be punished by imprisonment for not more than thirty (30) days or by a fine of not less than fifty dollars (\$50) but not more than one thousand dollars(\$1000), or both, and court costs, at the discretion of the court as provided herein. If any violation be continued, each day's violation shall be deemed a separate offense.
- F. The County or any citizen may institute injunction, mandamus, or other appropriate actions, or proceedings at law or equity for the enforcement of violations or to correct violations; and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

**History:**

Adopted by the Board of Commissioners of Allegany County 4/11/2002 by CHR Bill No. 2-02.<sup>1</sup> Amendments noted where applicable.

**General Reference:**

LaVale Zoning District - See Chapter 58.  
Land Development - See Chapter 141, Part 4, Zoning.  
Salvage Yards - See Chapter 176.  
Vehicles and Traffic - See Chapter 193.

**Editor's Notes:**

- 1. This ordinance also superseded former Chapter 192, Vehicles, Abandoned and Inoperable, adopted 6-24-1998 by CHR Bill No. 3-98. It also provided that it shall take effect 5-26-2002.
- 2.

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