



House Bill 277

Municipalities – Authority to Serve Citations for Violations of County Laws

MACo Position: **SUPPORT**
WITH AMENDMENTS

Date: February 9, 2016

To: Environment and Transportation Committee

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** HB 277 **WITH AMENDMENTS**. While intended to give counties and municipalities another tool to address code enforcement problems, the bill needs refinements to address local autonomy and citizen expectations.

As introduced, HB 277 allows a municipal code enforcement officer, subject to authorization from the legislative body of the municipality, to serve a citation for a violation of any county law, penalty, ordinance, or resolution for which a civil fine or penalty may be imposed on behalf of the county in which the municipality is located. The officer may issue the citation for a potential violation within the municipality or up to one-half mile outside the municipal limits. The officer must provide a copy of the citation to the governing body of the county and it is at the county's discretion whether to prosecute such a citation.

The bill ostensibly seeks to allow municipalities to provide code enforcement assistance to their counties and MACo supports the basic concept. However, such agreements should be cooperative and the bill as currently drafted only requires municipal authorization. MACo's amendment would require a county and municipality to jointly agree before a municipal officer begins issuing code violations.

Additionally, the bill grants broad authority to issue a citation based on any violation for which a civil fine or penalty may be imposed. MACo's amendment requires the county and municipality to specify which county violations a municipal officer may serve. The amendments also require the agreement to specify the geographic area where an officer may serve a citation for a county violation and requires that the officer is properly trained in the appropriate county enforcement practices. This provides specificity and certainty for both the involved local governments and the affected citizens.

With the proposed MACo amendments, HB 277 provides a viable option for counties and municipalities to address pernicious code enforcement problems while respecting local government autonomy and providing certainty to residents. Accordingly, MACo urges the Committee to give HB 277 a report of **FAVORABLE WITH AMENDMENTS**.

MACo PROPOSED AMENDMENT TO HB 277

On pages 1 through 2, strike in their entirety the lines beginning with line 21 on page 1 through line 4 on page 2, inclusive, and substitute:

“(A) (1) THE GOVERNING BODIES OF A COUNTY AND MUNICIPALITY MAY ENTER INTO AN AGREEMENT AUTHORIZING A MUNICIPAL ENFORCEMENT OFFICER TO SERVE A CITATION ON BEHALF OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED ON A PERSON WHO THE ENFORCEMENT OFFICER BELIEVES IS COMMITTING OR HAS COMMITTED A VIOLATION OF ANY COUNTY LAW, ORDINANCE, OR RESOLUTION FOR WHICH A CIVIL FINE OR PENALTY MAY BE IMPOSED.

(2) THE AGREEMENT IN THIS SUBSECTION SHALL INCLUDE:

(i) A SPECIFIC LIST OF COUNTY VIOLATIONS THAT A MUNICIPAL ENFORCEMENT OFFICER MAY ISSUE A CITATION FOR; AND

(ii) WHETHER THE MUNICIPAL ENFORCEMENT OFFICER MAY ISSUE A CITATION FOR A COUNTY VIOLATION:

1. SOLELY WITHIN THE MUNICIPALITY; OR

2. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ALSO WITHIN A ONE-HALF MILE RADIUS OUTSIDE THE MUNICIPAL LIMITS.

(3) A MUNICIPAL ENFORCEMENT OFFICER WHO IS AUTHORIZED TO SERVE A CITATION FOR A COUNTY VIOLATION OUTSIDE OF MUNICIPAL LIMITS CAN ONLY SERVE A CITATION FOR VIOLATIONS OCCURRING WITHIN PART OF THE COUNTY THAT IS SUBJECT TO THE AGREEMENT AND NOT WITHIN ANOTHER COUNTY OR MUNICIPALITY.

(4) A COUNTY AND MUNICIPALITY THAT ENTER INTO AN AGREEMENT UNDER THIS SUBSECTION SHALL ENSURE THAT A MUNICIPAL ENFORCEMENT OFFICER WHO IS AUTHORIZED TO SERVE A CITATION FOR A COUNTY VIOLATION IS KNOWLEDGEABLE AND TRAINED IN THE APPROPRIATE COUNTY ENFORCEMENT PRACTICES.”.