

Ordinance No. 844-25

An Ordinance Amending Article I,
Assessments for Services and Improvements and Abatement of Nuisances
in Chapter 50 of the Bel Air Town Code

WHEREAS, the Board of Town Commissioners is permitted under the Express Powers Act, Md. Code Ann., Local Gov't Art., to pass legislation which, among other things, assures the good government of the municipality, protects and preserves the municipality's rights, property and privileges, preserves peace and good order and protects the health, comfort and convenience of the residents of the municipality; and

WHEREAS, the Express Powers Act permits a municipality to pass legislation to control and manage its finances, adopt building and zoning regulations, issue fines, collect taxes, file lawsuits and enforce laws through a court of competent jurisdiction; and

WHEREAS, the Board of Town Commissioners is authorized to adopt legislation designed to protect its finances and recoup sums due to it and sums paid for the enforcement of its laws; and

WHEREAS, the Bel Air Board of Town Commissioners wish to update Chapter 50, Article I, Section 50-3 "Assessments for Services and Improvements and Abatement of Nuisances" to provide for the costs associated with the collection of sums due to the Town of Bel Air, costs to abate nuisances and/or zoning violations, fines assessed for said nuisances and/or zoning violations to be awarded by a court, attorney's fees and court costs associated with the Town of Bel Air exercising its rights and upholding its fiscal responsibilities to the citizens of the Town of Bel Air in recouping these expenses; and

WHEREAS, the changes to Chapter 50, Article I, are to permit recoupment of these costs, expenses, fees and fines; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Town Commissioners that amendments to the Town of Bel Air code Chapter 50, Finance and Taxation, Ordinance No. 844-25, provided for below is hereby adopted:

Section 50-3. Assessments for services and improvements; assessment of fines; and abatement of nuisances and violations; Reimbursement of Attorney's Fees and Court Costs.

- a.** Whenever the Town shall provide any special service, benefit or improvement to or for any real property within the Town, shall abate any nuisances **or violations** existing on real property at the Town's expense or shall remove prohibited objects from such real property or from any street, road, alley or sidewalk on which such

property abuts at the Town's expense, then the value of such service, benefit, or improvement or the cost of such abatement **or removal for any nuisance or violation, fines assessed or attorney's fees and court costs** may be charged to the owner of such real property, or both the owner and occupant, if such property is not owner-occupied, and shall be a lien upon such real property until paid, to be collected in the same manner as municipal taxes are collected. Liens hereby established shall be subject only to liens for state, county, and municipal real estate taxes.

- b. In the event that the responsible party for such value of such service, benefit or improvement does not have any real property, the Town may seek any and all relief from the court of competent jurisdiction or that which is provided under State law.**
- c. In the event that the Town files an action to protect any right it may have, collect any sums due the Town under Federal, State, County laws or the Town of Bel Air, MD Code or files an action to enforce any section of the Town of Bel Air, MD Code, it shall be entitled to be reimbursed its attorney's fees, expert witness fees, costs of litigation, and court costs if it shall prevail.**
- d. Furthermore, should the Town initiate any lawsuit to enforce any provision of the Town of Bel Air, MD Code, the court may assess fines in an amount to be set by the Board of Town Commissioners for any violation of the Town of Bel Air, MD Code and said fines shall not exceed the maximum aggregate fines permitted under State law for municipal infractions.**

BE IT ORDAINED If any provision of this Ordinance shall be held violative of any applicable law or unenforceable for any reason or *ultra vires*, the invalidity or unenforceability of any such provision shall not invalidate or render unenforceable any other provision hereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall become effective on the _____ day of _____, 2025.

INTRODUCTION:

PUBLIC HEARING:

ENACTMENT:

EFFECTIVE:

AYES:

NAYS:

ABSENT:

Paula Etting, Chair
Board of Town Commissioners

Michael L. Krantz, Town Clerk