

SECTION, THE PERSON MAY CLEAR THE SAFETY STRIPS OF INFLAMMABLE MATERIAL WITHOUT LIABILITY FOR TRESPASS. HOWEVER, THEY MAY NOT REMOVE OR DAMAGE ANY FENCE, BUILDING, MERCHANTABLE TIMBER, OR LIVING TREES AS THE OWNER DESIGNATES WITHOUT COMPENSATING HIM.

REVISOR'S NOTE: This subsection presently appears as Article 66C, section 377 of the Code. The reference to "firm or corporation" is proposed for deletion because it is encompassed within definition of "person" in Subtitle 1. The only other changes made are in style.

(D) REQUIREMENT OF NOTICE TO AND PERMISSION OF OWNER.—(1) THE DEPARTMENT SHALL OBTAIN WRITTEN PERMISSION OF THE ACTUAL OWNER OF ANY PROPERTY INVOLVED IN CLEARING SAFETY STRIPS FOR THE ANNUAL CLEARING PRESCRIBED BY THE PROVISIONS OF SUBSECTION (A). THE NOTICE REQUESTING WRITTEN PERMISSION SHALL BE MADE EITHER BY REGISTERED OR CERTIFIED MAIL DIRECTED TO THE LAST KNOWN ADDRESS OF THE PROPERTY OWNER OF RECORD, OR BY PERSONAL SERVICE ON HIM. (2) IF THE OWNER OF RECORD IS NOT SERVED BY EITHER OF THESE METHODS, THE DEPARTMENT SHALL PUBLISH A NOTICE OF THE ANNUAL CLEARING BY THE FIRST DAY OF SEPTEMBER OF EACH YEAR AT LEAST ONCE IN TWO PAPERS OF GENERAL CIRCULATION IN THE COUNTY WHERE ALL OR A MAJOR PORTION OF THE PROPERTY LIES. THE NOTICE SHALL QUOTE THE PROVISIONS OF THIS SECTION. (3) IF THE OWNER DOES NOT FILE AN OBJECTION TO THE CLEARING WITH THE DEPARTMENT WITHIN 15 DAYS AFTER THE MAILING, PERSONAL SERVICE, OR PUBLICATION OF NOTICE, THE OWNER SHALL BE DEEMED TO GIVE CONSENT TO THE CLEARING, AND TO ENTRY ON HIS PROPERTY FOR THIS PURPOSE. (4) IF THE OWNER REFUSES HIS PERMISSION, OR IF HE TIMELY FILES AN OBJECTION, THE DEPARTMENT MAY SERVE ON HIM, BY PERSONAL SERVICE OR REGISTERED OR CERTIFIED MAIL, A WRITTEN ORDER FOR THE OWNER TO CLEAR THE SAFETY STRIPS WITHIN THE TIME PRESCRIBED IN SUBSECTION (A) OF THIS SECTION IN THE MANNER THE DEPARTMENT DIRECTS. ANY OWNER WHO FAILS TO COMPLY WITH THE ORDER WITHIN THE PRESCRIBED TIME IS LIABLE TO THE FINE PROVIDED FOR IN § 5-714.

REVISOR'S NOTE: This subsection is new language derived from Article 66C, section 378 of the Code.

5-708. RIGHT OF ENTRY.