

CHAPTER 464
(House Bill 220)

AN ACT to repeal and re-enact, with amendments, Sections 109, 111, 113 and 114 of Article 43 of the Annotated Code of Maryland (1965 Replacement Volume), title "Health," subtitle "Nuisances," and to repeal in its entirety Section 116 of said Article, title and subtitle, to redefine the laws as to when a privy, water closet, SEPTIC TANK, or cesspool shall be deemed in a state of nuisance; to repeal certain penalty provisions for noncompliance with an Order of the State Board of Health; to provide that the cost of abating a nuisance by the State Board of Health shall not exceed the sum of five hundred (\$500.00) dollars; to provide that a judgment obtained under these subsections shall be collectible within ten years from the date of judgment and if the judgment, interest and costs of court are not paid by this time, then the judgment shall be collected as taxes on real property are now collected; to provide for an interest rate, to provide that funds expended by local governing bodies in abating a nuisance, shall be returned to the respective counties when judgments are collected, and relating generally to the collection of a judgment when a nuisance is abated.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 109, 111, 113 and 114 of Article 43 of the Annotated Code of Maryland (1965 Replacement Volume), title "Health," subtitle "Nuisances," be and they are hereby repealed and re-enacted, with amendments, to read as follows and that Section 116 of the said Article, title and subtitle be and it is hereby repealed.

109.

Whenever the State Board of Health, its officers or agents, upon investigation, shall find that the contents from any surface privy, privy pit, water closet, SEPTIC TANK, or cesspool overflows or leaks from said surface privy, privy pit, water closet, SEPTIC TANK, or cesspool, or shall find any surface privy, privy pit, water closet, SEPTIC TANK, or cesspool on any premises in this State, which is not flytight and watertight, and shall also find [on] *that* said premises [the disease of cholera, typhoid or typhus fever, hookworm, dysentery or parasitic disease of the bowels] *constitute a hazard to public health*, then such premises, surface privy, privy pit, water closet, SEPTIC TANK, or cesspool, as the case may be, shall be deemed in a state of nuisance and liable to summary abatement by the State Board of Health.

111.

If the said nuisance is not abated, or if it is only partially abated, in accordance with the order of the State Board of Health, its officers or agents, within the time specified in said notice, then the State Board of Health, its officers and agents, are authorized and directed to enter upon such premises in this State and abate the nuisance at the cost and expense of the owner, occupier or tenant of the premises; and they shall have power to do such work, and to use such materials and things as may be necessary to effectually abate the same; provided, however, that in each and every case, the cost of abating such nuisance shall not exceed the sum of [fifty] *five hundred* dollars.