

related to test borings and soil studies.

BY adding to

Article - Real Property
Section 12-111(f)
Annotated Code of Maryland
(1974 Volume and 1977 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Real Property

12-111.

(F) IN ANNE ARUNDEL COUNTY, AN AGENT OR EMPLOYEE, OR ONE OR MORE ASSISTANTS OF THE COUNTY, AFTER REAL AND BONA FIDE EFFORT TO NOTIFY THE OCCUPANT OR THE OWNER, IF THE LAND IS UNOCCUPIED OR IF THE OCCUPANT IS NOT THE OWNER, MAY ENTER ON ANY PRIVATE LAND TO MAKE TEST BORINGS AND SOIL TESTS AND OBTAIN INFORMATION RELATED TO SUCH TESTS FOR THE PURPOSE OF DETERMINING THE POSSIBILITY OF PUBLIC USE OF THE PROPERTY. IF AN AGENT, EMPLOYEE, OR ASSISTANT IS REFUSED PERMISSION TO ENTER OR REMAIN ON ANY PRIVATE LAND FOR THE PURPOSES SET OUT IN THIS SUBSECTION, ANNE ARUNDEL COUNTY MAY APPLY TO A LAW COURT OF THE COUNTY WHERE THE PROPERTY OR ANY PART OF IT IS LOCATED FOR AN ORDER DIRECTING THAT ITS AGENT, EMPLOYEE, OR ASSISTANT BE PERMITTED TO ENTER AND REMAIN ON THE LAND TO THE EXTENT NECESSARY TO CARRY OUT THE PURPOSES AUTHORIZED BY THIS SUBSECTION. THE COURT MAY REQUIRE THAT ANNE ARUNDEL COUNTY POST A BOND IN AN AMOUNT SUFFICIENT TO REIMBURSE ANY PERSON FOR DAMAGES REASONABLY ESTIMATED TO BE CAUSED BY TEST BORINGS, SOIL TESTS, AND RELATED ACTIVITIES. IF ANY PERSON ENTERS ON ANY PRIVATE LAND UNDER THE AUTHORITY OF THIS SECTION OR OF ANY COURT ORDER PASSED PURSUANT TO IT AND DAMAGES OR DESTROYS ANY LAND OR PERSONAL PROPERTY ON IT, THE OWNER OF THE PROPERTY HAS A CAUSE OF ACTION FOR DAMAGES AGAINST ANNE ARUNDEL COUNTY. ANY PERSON WHO KNOWS OF AN ORDER ISSUED UNDER THIS SUBSECTION AND WHO OBSTRUCTS ANY AGENT, EMPLOYEE OR ANY ASSISTANT ACTING UNDER THE AUTHORITY OF THE ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1978.

Approved May 16, 1978.

CHAPTER 470

(Senate Bill 518)