



WASHINGTON COUNTY PLANNING COMMISSION
ORDINANCE TEXT AMENDMENT APPLICATION

FOR PLANNING COMMISSION USE ONLY

Rezoning No. _____

Date Filed: _____

Applicant

Address

Primary Contact

Address

☐ Property Owner

☐ Attorney

☐ Other: _____

☐ Contract Purchaser

☐ Consultant

Phone Number

E-mail Address

☐ Adequate Public Facilities Ordinance

☐ Forest Conservation Ordinance

☐ Subdivision Ordinance

☐ Solid Waste Plan

☐ Water and Sewer Plan

☐ Zoning Ordinance

☐ Other _____

Section No. _____

Please provide the proposed text on a separate sheet of paper as follows: strike-through should be used for deletions [~~deletions~~], unchanged wording in regular type, and new wording should be underlined [new wording].

Applicant's Signature

Subscribed and sworn before me this _____ day of _____, 20____.

My commission expires on _____

Notary Public

FOR PLANNING COMMISSION USE ONLY

☐ Application Form

☐ Fee Worksheet

☐ Application Fee

☐ Proposed Text Changes

☐ 30 copies of complete Application



DEPARTMENT OF PLANNING & ZONING
PLANNING | ZONING | LAND PRESERVATION | FOREST CONSERVATION | GIS

October 2025

Proposed Text Amendment
Junk and Junk Vehicles
RZ-25-009

Article 22, Division XIII

Section 22.13.0 Purpose

The purpose of this Division is to preserve the character and safety of the county's neighborhoods and citizens by eliminating, as nuisances, junk and junk vehicles from private property, to provide procedures for the removal of said nuisances, and procedures to pursue abatement.

Section 22.13.1 Definitions

The following definitions are for the purpose of interpreting this Division only:

- (a) "Abate" means to remove, destroy or to otherwise remedy a public nuisance, by such means and in such manner as is necessary in the interests of the general health, safety and welfare of the community. Abatement may include, but is not limited to, removal of junk and/or junk vehicles, proper storage of junk or otherwise bringing the property into compliance
- (b) "Enclosed structure" means a legally constructed structure consisting of a minimum of 3 solid walls and a roof.
- (c) "Farm Vehicle" means a vehicle that may not be road legal and/or is used exclusively for farm related activities associated with an agricultural operation.
- (d) "Functional Use" means items serving a legal purpose such as signage, decoration or art.
- (e) "Junk Vehicle" is defined in Article 28A.
- (f) "Junk", is defined in Article 28A.
- (g) "Landowner" means an owner of private property.
- (h) "Premises" means any parcel of land, whether improved or not.

Section 22.13.2 Unlawful to store junk and/or junk vehicles

- (a) It is unlawful and a violation of this Division for the landowner of any premises in the County or the owner's agent or the occupant of any premises in the County to store, keep or accumulate junk and/or junk vehicles on such property, or to allow anyone else to store, keep or accumulate junk on such property, except as follows:

- (1) Lawfully existing non-conforming junkyards shall be permitted to continue as otherwise contemplated in this Ordinance.
- (2) One (1) junk vehicle per premise may be stored outdoors if it is actively under repair, covered securely by a tarp, or by taking measures that prevent the vehicle from being an eyesore and/or a public safety hazard.
- (3) Farm vehicles shall not be considered junk vehicles as provided in the definition expressed herein.
- (4) Junk and/or junk vehicles can be stored within an enclosed structure, if measures have been taken to prevent an eyesore and/or public safety hazard.
- (5) Construction materials that will be used for future projects on the subject property may be neatly stored on the premises. This does not include contractor storage yards or temporary/permanent storage of materials used for other properties.

Section 22.13.3 Notice of Initial Violation

- (a) The office of the Zoning Administrator shall investigate and inspect for violations of this chapter, and when its employee or agent observes a violation, or what the employee or agent believes to be a violation, they shall attempt to contact the landowner or the owner's agent or a resident of the property and make reasonable attempts to get the landowner or resident to voluntarily abate the premises in accordance with this Ordinance.
- (b) Initial contact with the landowner will be made via regular and certified mail that will include a notice of violation. The premises will also be posted with a field correction notice. The landowner shall be notified in the violation letter, and the field correction notice that they are to abate the property within thirty (30) days of notification. Extensions may be granted, at the discretion of the Zoning Administrator, if reasonable progress toward abatement is being made. The landowner is solely responsible for abatement of the violation.
- (c) The property will be re-inspected to determine if abatement has been completed. If the landowner has corrected the violation within the thirty (30) day correction period, a letter will be sent notifying them that the property has become compliant.

Section 22.13.4 Notice of Civil Violation

- (a) If the landowner, owner's agent, and/or occupant fails to voluntarily abate the violation, the Zoning Administrator or their designated staff shall issue a notice of civil violation to the landowner for a violation of this chapter and in accordance with Article 26 of this Ordinance.

Article 26 – Enforcement

Section 26.2.1 Civil Zoning Violations

(b) Definitions.

- (1) "Zoning official" means ~~a county employee assigned to the Permits and Inspections Department~~ the Zoning Administrator or their designated staff empowered with the duty of enforcing the Zoning Ordinance.
- (2) "County" means Washington County, Maryland.

(e) Civil penalties (fines).

- (1) The County Commissioners may provide by resolution ~~for~~ a schedule of fines not exceeding \$500 that may be imposed for each violation, to be amended from time to time.
- (2) The County Commissioners also may:
 - a. Establish a schedule of additional fines for each violation; and
 - b. Adopt procedures for the collection of the fines.
- (3) A fine may be imposed for each day a violation exists, as each day the violation exists is a separate offense
- (4) Failure to correct a violation after expiration of the time for correction stated in a citation is a separate offense.
- (5) Any person who receives a citation for a zoning violation which imposes a fine shall pay the fine as set forth on the citation, within 15 days after receipt of the citation, to the ~~Washington County Treasurer, 35 West Washington Str., Hagerstown, MD 21740~~ office of the Zoning Administrator.
- (6) Any person who fails to pay a fine imposed under this section within 15 days after the date of notice ~~was sent to such person~~ shall be liable for twice the fine which that person had failed to pay.
- (7) Payment of a fine does not absolve the landowner from the need for abatement. At the time of payment, the property owner will be required to sign an agreement that they understand the property must still be abated. If abatement has not occurred within thirty (30) days of the fine being paid, a new violation notice will be issued

(f) Election to stand trial on citation.

- (1) A person who receives a citation may elect to stand trial for the offense by filing with the zoning official a notice of intention to stand trial. Any fines declared in the citation shall be put on hold until the date of the trial. Fines will be decided as part of the hearing process of the court.

- (2) The person electing to stand trial shall give notice at least 5 days before the date set forth in the citation for the payment of fines.
- (3) After receiving a notice of intention to stand trial, the ~~zoning official~~ County Attorney shall forward the notice to the District Court having venue, with a copy of the citation.
- (4) After receiving the citation and notice, the District Court shall schedule the case for trial and notify the defendant of the trial date.
- (5) All fines, penalties, or forfeitures ~~collected~~ assigned by the District Court for zoning violations shall be remitted to the ~~county in which the zoning violation occurred~~ office of the Zoning Administrator for Washington County unless otherwise adjudicated.

(g) Failure to pay citation or file notice of intention to stand trial.

- (1) If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and or fails to file a notice of intention to stand trial, a formal notice of the violation and associated fines shall be sent to the owner's last known address.
- (2) If the citation is not satisfied within 15 days after the date the formal notice of violation is mailed, the person shall be subject to an additional fine not ~~exceeding to exceed~~ twice the amount of the original fine.
- (3) If the person who receives the citation does not pay the ~~citation fine(s) or~~ notify the Zoning Administrator of an intention to stand trial -by the 36th day after the formal notice of violation is mailed, the zoning official may request that the County Attorney have the violation adjudicated by the District Court. ~~to adjudicate the violation.~~
- (4) After the zoning official requests adjudication, the District Court shall schedule the case for trial and summon the defendant to appear.

(h) *Proceedings before the District Court.*

- (1) If any person shall be found by the District Court to have committed a zoning violation, the court may:
 - a. ~~The District Court shall o~~Order the person to pay the fine described in the citation, including any doubling of the fine, to an amount not to exceed \$1,000;

- b. ~~The fines imposed shall constitute a judgement in favor of the county; and Suspend or defer the payment of any fine under conditions that the court sets;~~
- c. ~~If the fine remains unpaid for 30 days following the date of its entry, the judgment shall be enforceable in the same manner and to the same extent as other civil judgements for money unless the Couty has suspended or deferred the payment of the fine as provided under subparagraph (ii) of this paragraph; Order the person to abate the violation or enter an order permitting the county to abate any such violation at the person's expense.~~
- d. ~~The District Court may suspend or defer the payment of any fine under conditions that the County sets.~~
- e. ~~(2)~~ The person shall be liable for the costs of the proceedings in the District Court; and
- f. ~~The Court may order the person to abate the violation or enter an order permitting the county to abate any such violation at the person's expense.~~

- ~~(2)~~(3) If the County abates a violation pursuant to an order of the District Court, the County shall present the defendant with a bill for the cost of abatement by:
- a. Regular mail to the defendant's last known address; or
 - b. Any other means that are reasonably calculated to bring the bill to the defendant's attention.
 - c. A citation may be delivered either by personal delivery to the person named on the citation or by mail to the person named on the citation at the address of the zoning violation or the address to which tax bills for the property are sent, or both.
 - d. For purposes of this section, notice is effective if given by mail, and delivery of a citation is effective if accomplished by mail at the end of the fifth day after deposit in the mail, postage prepaid, of the notice or citation, respectively.

- ~~(3)~~(4) If the defendant does not pay the bill within 30 days after presentment, upon a motion of the County, the District Court shall enter a judgment against the defendant for the cost of the abatement.

- (i) *Remission of fines to County.* All fines, penalties, or forfeitures collected by the District Court for a civil zoning violation shall be remitted to the County.
- (j) *Contempt.* If a defendant fails to pay any fine or cost imposed by the District Court without good cause, the District Court may punish the failure as contempt of court.

(k) *Civil nature of adjudication.* Adjudication of a civil zoning violation, as defined in this section, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(l) Procedural matters at trial. In any proceeding for a civil zoning violation:

- (1) ~~a.~~It shall be the burden of the County to prove that the defendant has committed the violation by clear and convincing evidence, and in any such proceeding, the District Court shall apply the evidentiary standards as prescribed by law or rule for the trial of civil causes;
- (2) ~~b.~~The District Court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;
- (3) ~~c.~~Defendant shall be entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses in ~~the~~the defendant's own behalf, or to testify in the defendant's own behalf, if the defendant elects to do so;
- (4) ~~d.~~Defendant shall be entitled to be represented by counsel of the defendant's own selection and at the defendant's own expense; and
- (5) ~~e.~~Defendant may enter a plea of guilty or not guilty of the civil zoning violation as charged, and the verdict of the District Court shall be guilty of a civil zoning violation or not guilty of a civil zoning violation, or the District Court may, before rendering judgment, place the defendant on probation.

(m) *Court costs.* The court costs in a civil zoning violation proceeding in which costs are imposed are \$5. A defendant may not be liable for payment to the Criminal Injuries Compensation Fund.

(n) Prosecution of civil zoning violations.

- (1) State's Attorney. The State's Attorney of any County is authorized to prosecute a civil zoning violation and is authorized to enter a nolle prosequi in such cases or to place such cases on the stet docket.
- (2) Other attorneys. Notwithstanding the provisions of paragraph (1) of this subsection, the County may designate an attorney to prosecute any civil zoning violation in the same manner as the State's Attorney of any County. Any attorney so assigned shall have full authority to settle such violations, including the power to enter into agreements on behalf of the County to resolve the violation, and the authority to dismiss the citation.

(o) Collection of County charges.

- (1) If the landowner charged in the citation fails to make payment, fails to request to stand trial, or fails to remit any fines, forfeitures, or judgments which are owed to the County, any valid charges, taxes or assessments issued by or on behalf of the County, in addition to real estate taxes, shall be charged as liens upon the real property of the debtor located within the County. Such liens shall be collected in the same manner as County taxes are collected.
- (2) A “valid charge” as provided in Section 26.2.1(o)(1) of the Zoning Ordinance shall include any amounts due to the County for costs incurred in abating any violation of the Zoning Ordinance, any amounts due for fines levied by any court for any violation of the County’s Zoning Ordinance, or any other charges against the owners of the real property located within the County to the extent that such charges are identified with or related to such real property.
- (3) These powers of collection are supplemental and do not in any way limit the County’s ability or authority to pursue other remedies as permitted by law.
- (4) Section 26.2.1(o) of the Zoning Ordinance is retroactive.

Section 26.3 ~~Authority to Enter~~Right of Entry

~~In the discharge of duties delegated by the Planning Commission pursuant to the provisions of Section 24.1 of this Ordinance, the person or persons with the authority for performing routine administrative functions shall have the authority to enter onto any tract or parcel of land at a reasonable hour in the jurisdiction to enforce the provisions of this Ordinance. However, those persons who are delegated with the administrative function shall not enter any dwelling or structure without the consent of the property owner.~~

- (a) Any Washington County Zoning Official, after providing proper identification and a reasonable opportunity for the residents to respond, may enter a structure or premises at any reasonable time, subject to constitutional restrictions, for the purpose of making inspections and performing duties related to the enforcement of the County’s Zoning Ordinance.
- (b) It shall be unlawful for any person to interfere with the Zoning Official’s performance of her or his duties. Any such interference shall be treated as a civil infraction, the penalty for which shall be five hundred (\$500.00) dollars.

Section 26.4 Severability

If any portion of this Article is found to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Article or any part thereof.

Article 28A – Definitions

Junk:

Old or discarded scrap, copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, junk or nuisance ~~motor~~ vehicles or parts thereof. Building materials stored on site for an active or pending construction project are not considered “junk” under this definition.

Junk Vehicle:

A vehicle that does not display a ~~current~~lawfully valid license plate ~~lawfully upon a vehicle~~; is ~~partially dismantled, discarded,~~ wrecked, dismantled or extensively damaged or deteriorated; and is not capable of lawful operation on public roads.

Junk/Salvage Yard:

Any area where waste, junk, trash, discarded or salvaged materials are bought, sold, exchanged, baled, parked, stored, disassembled, or handled, including ~~auto-vehicle~~ wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building and not including permitted and approved pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, salvaged machinery and the processing of used, discarded, or salvaged material as part of manufacturing operations.

Salvage Yard:

~~Any place that is maintained, operated or used for the storing, keeping, buying, selling or processing of salvage, or for the operation and maintenance of a motor vehicle graveyard. Any collection of three or more automobile hulks, or combination of ferrous or nonferrous materials together with one or more automobile hulks, or a collection of any salvage contained in an area more than one quarter acre in size, shall be considered a salvage yard.~~



DEPARTMENT OF PLANNING & ZONING
PLANNING | ZONING | LAND PRESERVATION | FOREST CONSERVATION | GIS

June 20, 2025

WASHINGTON COUNTY ZONING ORDINANCE STAFF REPORT AND ANALYSIS

Article 22 Division XIII

Purpose: This application is proposing to add a division to the Zoning Ordinance that expressly provides definitions and processes related to violations dealing with junk and junk vehicles in the county.

Staff Report: The collection of junk and junk vehicles on private property can be a nuisance and public health hazard. Collections of junk can serve as potential breeding grounds for pests and rodents harmful to human health.

This ordinance will provide legal standing for the county and the community by providing defined limits and definitions for junk. By establishing regulations for junk and junk vehicles, the county will be able to better enforce infractions while also providing the community guidelines on how to handle and store their junk properly.

Analysis: Currently, the Washington County Zoning Ordinance does not contain a section on junk. The proposed new division will create an outline on how to enforce junk in the county. The new division's purpose is to preserve the character and safety of the county's neighborhoods by eliminating junk and junk vehicles from private property and to provide procedures for removal.

These amendments clearly lay out the process for delineating a violation, notification to property owners, remediation efforts, and litigation potential. The proposed language codifies how the county currently handles junk and junk vehicle violations. Eight definitions have been added for the purpose of the division to provide clarification.

As is currently enforced, it is unlawful and a violation to store, keep or accumulate any junk and/or junk vehicles on any property in the county. One change proposed in this amendment would allow for one junk vehicle that can be legally stored outdoors if covered securely. This was added to account for situations where the property owner may be repairing or storing a vehicle for potential use in the future. This division does not apply to junk stored in an enclosed structure.

First and foremost, the county will work with the property owner to gain voluntary compliance. Language has been added that extensions may be granted if the property owner is communicating and cooperating with the county to achieve compliance. Civil citations are reserved for those who do not communicate or voluntarily comply with correction notices.

Staff Recommendation: Staff recommends approval of these amendments in order to provide consistent implementation of our land use policies and regulations.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Kyla M. Shingleton', written in a cursive style.

Kyla M. Shingleton

Comprehensive Planner