

Bill No.: \_\_\_\_\_

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

Drafted by: Goodman

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Stored – 11/14/12

Proofread by \_\_\_\_\_

Checked by \_\_\_\_\_

By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Nuisances in Multidwelling Buildings – Private Right**  
3 **of Action**

4 **MC 10–13**

5 FOR the purpose of authorizing an individual who resides in Montgomery County who  
6 has been harmed by a certain type of nuisance to bring an action to abate the  
7 nuisance or for other compensatory or equitable relief against the person found  
8 to have created the nuisance; altering the definition of “nuisance” to include, in  
9 Montgomery County only, tobacco smoke that drifts from certain units into a  
10 certain residential dwelling unit in a multidwelling building more than a  
11 certain number of times in a certain period of time; and generally relating to  
12 creating a private right of action for a nuisance in multidwelling buildings in  
13 Montgomery County.

14 BY repealing and reenacting, with amendments,  
15 Article – Health – General  
16 Section 20–301  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2012 Supplement)

19 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Health – General  
2 Section 20–305.1  
3 Annotated Code of Maryland  
4 (2009 Replacement Volume and 2012 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Health – General**

8 20–301.

9 (a) In this subtitle, “nuisance” means a condition that is dangerous to health  
10 or safety including:

- 11 (1) An inadequately protected swimming pool;
- 12 (2) An unprotected open ditch;
- 13 (3) An unsanitary outhouse;
- 14 (4) A foul pigpen;
- 15 (5) An improperly functioning sewage system;
- 16 (6) An unkempt junkyard;
- 17 (7) An unkempt scrap metal processing facility;
- 18 (8) An excessive accumulation of trash or garbage;
- 19 (9) A dead animal;
- 20 (10) A contaminated water supply;
- 21 (11) An inadequately protected water supply;
- 22 (12) A rodent harborage;

1                   (13) Poor housekeeping that could endanger the health of the owner,  
2 occupant, employee, or a neighbor; or

3                   (14) Any condition that may endanger health that may be transmitted  
4 by means including:

5                               (i) Running streams;

6                               (ii) Surface drainage;

7                               (iii) Air currents;

8                               (iv) Birds;

9                               (v) Domestic animals; or

10                              (vi) Human beings.

11           (b) “Nuisance” does not include any condition resulting from a farm  
12 operation following generally accepted agricultural practices that are not creating a  
13 condition dangerous to health or safety.

14           **(c) IN MONTGOMERY COUNTY ONLY, “NUISANCE” INCLUDES TOBACCO**  
15 **SMOKE THAT, MORE THAN ONCE IN A CONSECUTIVE 14-DAY PERIOD, DRIFTS**  
16 **INTO A RESIDENTIAL DWELLING UNIT OF A BUILDING CONTAINING TWO OR**  
17 **MORE RESIDENTIAL DWELLING UNITS THAT A PERSON RENTS, LEASES, OR**  
18 **OWNS, FROM ANOTHER RESIDENTIAL DWELLING UNIT OR A COMMERCIAL UNIT**  
19 **IN THE SAME BUILDING.**

20           **20-305.1.**

21           **AN INDIVIDUAL WHO RESIDES IN MONTGOMERY COUNTY AND HAS BEEN**  
22 **HARMED BY THE NUISANCE UNDER § 20-301(C) OF THIS SUBTITLE MAY BRING**  
23 **AN ACTION TO ABATE THE NUISANCE OR FOR ANY OTHER COMPENSATORY OR**  
24 **EQUITABLE RELIEF AGAINST THE PERSON FOUND TO HAVE CREATED THE**  
25 **NUISANCE.**

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1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2013.