

Chapter 119

(House Bill 472)

AN ACT concerning

Local Government Article

FOR the purpose of adding a new article to the Annotated Code of Maryland, to be designated and known as the “Local Government Article”, to revise, restate, and recodify the laws of the State relating to employees of local governments, regulation of lead paint in residential property, public recreation and parks established by counties and municipalities, the authority of counties and municipalities to limit competition in various areas and grant franchises, the authority of certain governmental entities to participate in a certain manner in federal projects, the authority for certain types of cooperation among political subdivisions, the authority of counties and municipalities to create hospitals, certain related facilities, and citizens nursing home boards and to contribute to the cost of hospitals and related facilities, the authority of counties and municipalities to establish certain clean energy loan programs, the authority of certain counties to regulate certain tobacco products, the designation of certain resident agents by certain governmental entities, the publication of certain regulations by certain governmental units, civil penalties that may be imposed by certain governmental entities, outdoor advertising, compliance with the Workers’ Compensation Act by counties and municipalities, the creation of legislative districts, the creation of affordable housing programs, street lighting equipment owned by counties and municipalities, municipal charters and the establishment of home rule by municipalities, incorporation of municipalities, annexation by municipalities, the merger of municipalities, the authority of municipalities to pass ordinances for certain purposes, agreements between municipalities and private communities, the establishment of land bank authorities by municipalities, contract claims against local governments, contracts and competitive bidding, penalties and procedures for violations of municipal ordinances and resolutions, administrative requirements imposed on counties, the establishment of and requirements for charter home rule, the establishment of and requirements for code home rule, the St. Mary’s County Open Meetings Act, the Express Powers Act for charter and code counties, the authority of code counties to enforce civil infractions, the authority of code counties to impose a juvenile curfew, the authority of code counties to provide for water and sewerage services, the general powers of counties, including providing for officers and employees, establishing pensions and insurance benefits for employees, acquiring and transferring property, establishing, controlling, and maintaining public roads, bridges, and canals, creating certain watershed projects, providing for public safety, establishing community, social, and recreational services, and entering into agreements for certain development

rights, the authority of counties to regulate animals, tourism and entertainment, transient vendors, itinerant or door-to-door salesmen, nuisances and public health, junkyards, agricultural and seafood industries, certain environmental issues, waterways and certain activities on the shores of waterways, building codes, housing codes, plumbing codes, electrical codes, and rent control, financial requirements for local jurisdictions, county treasurers, a uniform system of financial reporting for local jurisdictions, the use of certain taxing and borrowing authority by counties and municipalities, the provision of certain grants to counties, investments made by local governments, economic development in certain political subdivisions, public debt of local jurisdictions, the authority of certain local jurisdictions to establish taxes and development impact fees for certain purposes, special taxing districts, regional councils of governments, public watershed associations, public drainage associations, drainage districts, salary study commissions in Allegany County and Washington County, the St. Mary's County Human Relations Commission, and the Baltimore City Police Department Death Relief Fund; revising, restating, and recodifying in certain other articles of the Annotated Code certain provisions relating to the consumption of alcoholic beverages in Charles County and St. Mary's County, the licensing of amusement devices in Washington County and Worcester County, the merit system employees of the Sheriffs' offices in Dorchester County, Queen Anne's County, and Somerset County, the authority of the County Council of Talbot County relating to Sheriffs' uniforms, immunity of certain local government officials, contract claims against counties and municipalities, the sale of electric plants or gas plants by municipalities, charges for water service in Garrett County, the purchasing authority of local governmental entities, the exemption from taxation of certain State bonds, the prohibition on the construction of certain toll facilities in certain counties, and the prohibition on building a bridge over a navigable river except under certain circumstances; adding certain references to rights of and requirements for county board of education employees; repealing certain obsolete provisions; making certain conforming changes; transferring certain obsolete provisions to the Session Laws; defining certain terms; providing for the construction and application of this Act; providing for the continuity of certain units and terms of certain officials; providing for the continuity of the status of certain transactions, employees, rights, duties, titles, interest, licenses, registrations, certifications, and permits; authorizing the publisher of the Annotated Code to make certain corrections in a certain manner; and generally relating to the laws concerning local government.

BY repealing

Article 19 – Comptroller

In its entirety

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 23 – Miscellaneous Companies

Section 140 through 143 and the subheading “Companies for the Erection of Bridges or Construction of Canals”; and 181 through 183 and the subheading “Municipal Corporations”

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 23A – Corporations – Municipal

In its entirety

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 24 – Political Subdivisions – Miscellaneous Provisions

In its entirety

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 25 – County Commissioners

Section 1, 1–1, 1A, 2, 2A, 2B, 3, 3A, 3C, 3D, 4, 5, 5A, 5C, 5D, 5E, 8, 9, 9A, 9B, 9D, 9E, 9F, 9G, 9H, 9–I, 9J, 9K, 9L, 10, 10A, 10B, 10C, 10D, 10D–1, 10E, 10F, 10G, 10H, 10–I, 10J, 10J–1, 10K, 11, 11A, 11B, 11C, 11C–1, 11D, 12 through 14, 14A, 15 through 23, 25, 26, 26A, 27, 27A, and 29 through 32 and the subtitle “General Provisions”; 32A and the subtitle “County Codes”; 33 and the subtitle “Bonds of County Officials”; 34 through 37, 37A, 37B, and 38 through 49 and the subtitle “Bridges”; 51 and 51A and the subtitle “County Treasurers”; 52 through 55, 57 through 60, 60A, 61 through 70, 70A, 71 through 76, 78 through 82, 82A, 84 through 121, 121A, 121B, 121C, 121D, 121E, 121F, 121G, and 121H and the subtitle “Draining Lands”; 122A, 122B, and 122C and the subtitle “Junkyards”; 122D and 122E and the subtitle “Outdoor Advertising”; 123 through 127 and the subtitle “Meridian Line”; 135 through 137, 137A, 138, 138A, 139 through 154, 154A, 155, 155A, and 155B and the subtitle “Public Roads”; 156 and 157 and the subtitle “Public Landings”; 158 and 159 and the subtitle “Schools”; 160 and the subtitle “Farmers’ Cooperative Demonstration Work”; 161 through 163, 163A, and 164 through 167 and the subtitle “Erosion”; 167A, 167B, 167C, 167D, 167E, and 167F and the subtitle “Shore Erosion Control Districts”; 168 and the subtitle “Conservation of Water”; 169 through 200, 200A, 200B, 201 through 216, 216A, 217, 217.1, and 218 and the subtitle “Public Watershed Associations”; 219 and the subtitle “Assistance to Other Political Subdivisions”; 220 and the subtitle “Grant to Municipalities in Lieu of Shares of Tax”; 221, 221A, and 221B and the subtitle “Frederick County”; 222 through 230 and the subtitle “Public Recreation and Parks”; 231 and

the subtitle “Licenses and Permits”; 232 through 234, 234A, 235, 236, 236A, 236B, 236C, 236D, 236E, 236F, 237, and 238 and the subtitle “Miscellaneous Provisions”; 252 through 255 and the subtitle “Hospitals and Reception Centers of Political Subdivisions”; 256 and the subtitle “Regulation of Tattoo Artist and Body Piercing Services”; and the article designation “Article 25 – County Commissioners”

Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 25A – Chartered Counties of Maryland
In its entirety
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 25B – Home Rule for Code Counties
In its entirety
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 26 – Miscellaneous Governmental Entities
In its entirety
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 31 – Debt – Public
In its entirety
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing

Article 41 – Governor – Executive and Administrative Departments
Section 14–301 through 14–303, 14–304(a) and (b), and 14–305 through 14–312,
the title “Title 14. Local Economic and Community Development
Programs”, and the subtitle “Subtitle 3. Parking Authorities”; 14–701 and

14–702 and the subtitle “Subtitle 7. Ocean City Convention Hall”; and
18–201
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing

Article 49B – Human Relations Commission
In its entirety
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing

Article 75 – Pleadings, Practice and Process at Law
In its entirety
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing

Article 78A – Public Works
In its entirety
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing

Article 95 – Treasurer
In its entirety
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing

Article 96½ – Veterans
In its entirety
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY adding

New Article – Local Government
Section 1–101 through 30–108 and the various titles
Annotated Code of Maryland

BY repealing and reenacting, with amendments,
Article 1 – Rules of Interpretation
Section 25
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 18–105
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY adding to
Article – Business Regulation
Section 17–441 through 17–446 to be under the new part “Part V. Licensing
Amusement Devices – Washington County”; and 17–449 through 17–454
to be under the new part “Part VI. Licensing of Amusement Devices –
Worcester County”
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 2–309(k)(4), (s)(3), (u)(4), and (v)(6); 5–509; and 5–5A–01 and 5–5A–02
to be under the new subtitle “Subtitle 5A. Contract Claims Against Local
Governments”
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–507 and 5–508
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY repealing
Article – Courts and Judicial Proceedings
Section 5–509, 5–510, and 5–511
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY adding to
Article – Education
Section 4–128 and 4–129
Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

BY adding to

Article – Public Utilities
Section 7–106 and 7–107
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – State Finance and Procurement
Section 4–316, 8–131.2, and 8–222
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to

Article – Transportation
Section 4–407 and 8–609.2
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments, and transferring to the Session Laws

Article 25 – County Commissioners
Section 6 and 50A
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments, and transferring to the Session Laws

Article 41 – Governor – Executive and Administrative Departments
Section 14–304(c)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the following Section(s) of the Annotated Code of Maryland be repealed:

Article 19 – Comptroller
In its entirety

Article 23 – Miscellaneous Companies
Section 140 through 143 and the subheading “Companies for the Erection of Bridges or Construction of Canals”; and 181 through 183 and the subheading “Municipal Corporations”

Article 23A – Corporations– Municipal

In its entirety

Article 24 – Political Subdivisions – Miscellaneous Provisions

In its entirety

Article 25 – County Commissioners

Section 1, 1–1, 1A, 2, 2A, 2B, 3, 3A, 3C, 3D, 4, 5, 5A, 5C, 5D, 5E, 8, 9, 9A, 9B, 9D, 9E, 9F, 9G, 9H, 9–I, 9J, 9K, 9L, 10, 10A, 10B, 10C, 10D, 10D–1, 10E, 10F, 10G, 10H, 10–I, 10J, 10J–1, 10K, 11, 11A, 11B, 11C, 11C–1, 11D, 12 through 14, 14A, 15 through 23, 25, 26, 26A, 27, 27A, and 29 through 32 and the subtitle “General Provisions”; 32A and the subtitle “County Codes”; 33 and the subtitle “Bonds of County Officials”; 34 through 37, 37A, 37B, and 38 through 49 and the subtitle “Bridges”; 51 and 51A and the subtitle “County Treasurers”; 52 through 55, 57 through 60, 60A, 61 through 70, 70A, 71 through 76, 78 through 82, 82A, 84 through 121, 121A, 121B, 121C, 121D, 121E, 121F, 121G, and 121H and the subtitle “Draining Lands”; 122A, 122B, and 122C and the subtitle “Junkyards”; 122D and 122E and the subtitle “Outdoor Advertising”; 123 through 127 and the subtitle “Meridian Line”; 135 through 137, 137A, 138, 138A, 139 through 154, 154A, 155, 155A, and 155B and the subtitle “Public Roads”; 156 and 157 and the subtitle “Public Landings”; 158 and 159 and the subtitle “Schools”; 160 and the subtitle “Farmers’ Cooperative Demonstration Work”; 161 through 163, 163A, and 164 through 167 and the subtitle “Erosion”; 167A, 167B, 167C, 167D, 167E, and 167F and the subtitle “Shore Erosion Control Districts”; 168 and the subtitle “Conservation of Water”; 169 through 200, 200A, 200B, 201 through 216, 216A, 217, 217.1, and 218 and the subtitle “Public Watershed Associations”; 219 and the subtitle “Assistance to Other Political Subdivisions”; 220 and the subtitle “Grant to Municipalities in Lieu of Shares of Tax”; 221, 221A, and 221B and the subtitle “Frederick County”; 222 through 230 and the subtitle “Public Recreation and Parks”; 231 and the subtitle “Licenses and Permits”; 232 through 234, 234A, 235, 236, 236A, 236B, 236C, 236D, 236E, 236F, 237, and 238 and the subtitle “Miscellaneous Provisions”; 252 through 255 and the subtitle “Hospitals and Reception Centers of Political Subdivisions”; and 256 and the subtitle “Regulation of Tattoo Artist and Body Piercing Services”

Article 25A – Chartered Counties of Maryland

In its entirety

Article 25B – Home Rule for Code Counties

In its entirety

Article 26 – Miscellaneous Governmental Entities

In its entirety

Article 31 – Debt – Public
In its entirety

Article 41 – Governor – Executive and Administrative Departments
Section 14–301 through 14–303, 14–304(a) and (b), and 14–305 through 14–312
the title “Title 14. Local Economic and Community Development
Programs”, and the subtitle “Subtitle 3. Parking Authorities”; 14–701 and
14–702 and the subtitle “Subtitle 7. Ocean City Convention Hall”; and
18–201

Article 49B – Human Relations Commission
In its entirety

Article 75 – Pleadings, Practice, and Process at Law
In its entirety

Article 78A – Public Works
In its entirety

Article 95 – Treasurer
In its entirety

Article 96½ –Veterans
In its entirety

Article – Courts and Judicial Proceedings
Section 5–509, 5–510, and 5–511

The article designation “Article 25 – County Commissioners”

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
read as follows:

ARTICLE – LOCAL GOVERNMENT

DIVISION I. DEFINITIONS; GENERAL PROVISIONS.

TITLE 1. DEFINITIONS; GENERAL PROVISIONS.

SUBTITLE 1. DEFINITIONS.

1–101. DEFINITIONS.

(A) IN GENERAL.

IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection is new language revised without substantive change from former Art. 24, § 1–101(a) and Art. 25, § 1(a).

The former phrase “[u]nless the context clearly requires otherwise” is deleted as surplusage.

(B) CHARTER COUNTY.

(1) “CHARTER COUNTY” MEANS A COUNTY THAT HAS ADOPTED CHARTER HOME RULE UNDER ARTICLE XI–A OF THE MARYLAND CONSTITUTION.

(2) “CHARTER COUNTY” DOES NOT INCLUDE BALTIMORE CITY.

REVISOR'S NOTE: Paragraph (1) of this subsection is new language derived without substantive change from former Art. 25, § 1(b).

Paragraph (2) of this subsection is new language added for clarity because the charter of Baltimore City is also adopted under Article XI–A of the Maryland Constitution and, since Baltimore City is included in the definition of a county, under paragraph (1) of this subsection, Baltimore City would be considered a charter county; however, most of the references to a charter county in this article are not intended to apply to Baltimore City. Baltimore City is specifically referenced wherever a reference in this article to a charter county is intended to apply to Baltimore City.

The reference to a county that has adopted “charter” home rule is added for clarity.

Throughout this article, the defined term “charter county” is substituted for the former references to “chartered county”, “county that has adopted a charter under Article XI–A of the Maryland Constitution”, and other variations of those references for consistency.

Defined term: “County” § 1–101

(C) CODE COUNTY.

“CODE COUNTY” MEANS A COUNTY THAT HAS ADOPTED CODE HOME RULE UNDER ARTICLE XI–F OF THE MARYLAND CONSTITUTION.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 25, § 1(c) and Art. 25B, § 1(a).

The reference to "code" home rule is added for clarity.

The former parenthetical phrase "as defined in Article XI–F of the Maryland Constitution, § 1" is deleted as unnecessary in light of the reference to adopting code home rule "under Article XI–F of the Maryland Constitution".

The former reference to a code county "not [being] a charter county under Article XI–A of the Maryland Constitution" is deleted as unnecessary in light of the reference to adopting home rule "under Article XI–F of the Maryland Constitution".

The former reference to the "optional powers of" home rule is deleted as unnecessary in light of Article XI–F, § 1 of the Maryland Constitution, which describes the powers as "optional".

The former reference to the powers of home rule under "this article [former Article 25B]" is deleted as unnecessary because those powers would be encompassed by the powers under Article XI–F of the Maryland Constitution.

Defined term: "County" § 1–101

(D) COMMISSION COUNTY.

"COMMISSION COUNTY" MEANS A COUNTY THAT HAS NOT ADOPTED CHARTER OR CODE HOME RULE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 25, § 1(d).

The reference to a county that "has not adopted charter or code home rule" is substituted for the former reference to a county that "has not adopted home rule" for clarity.

Throughout this article, the defined term "commission county" is substituted for the former references to "commissioner county", "county commissioner county", and other variations of those references for consistency.

Defined terms: "Charter county" § 1–101

"Code county" § 1–101

“County” § 1–101

(E) COUNTY.

“COUNTY” MEANS A COUNTY OF THE STATE OR BALTIMORE CITY.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 24, § 1–101(b).

Defined term: “State” § 1–101

(F) GOVERNING BODY.

“GOVERNING BODY” MEANS:

(1) FOR BALTIMORE CITY, THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY;

(2) FOR A CHARTER COUNTY:

(I) THAT DOES NOT HAVE AN ELECTED CHIEF EXECUTIVE OFFICER, THE COUNTY COUNCIL; OR

(II) THAT HAS AN ELECTED CHIEF EXECUTIVE OFFICER, THE COUNTY COUNCIL OR THE COUNTY COUNCIL AND THE COUNTY EXECUTIVE, AS PROVIDED BY THE COUNTY CHARTER;

(3) FOR A CODE COUNTY, THE COUNTY COMMISSIONERS;

(4) FOR A COMMISSION COUNTY, THE COUNTY COMMISSIONERS;

AND

(5) FOR A MUNICIPALITY, THE BODY PROVIDED UNDER THE MUNICIPAL CHARTER.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 25, § 1(e).

In item (2) of this subsection, the references to a charter county that “does not have an elected chief executive officer” and that “has an elected chief executive officer” are added for clarity.

In item (3) of this subsection, the former phrase “as provided by local law” is deleted as surplusage.

Defined terms: “Charter county” § 1–101

“Code county” § 1–101

“Commission county” § 1–101

“County” § 1–101

“Municipality” § 1–101

(G) MUNICIPALITY.

“MUNICIPALITY” MEANS A MUNICIPALITY THAT IS ORGANIZED UNDER ARTICLE XI–E OF THE MARYLAND CONSTITUTION.

REVISOR’S NOTE: This subsection is new language derived without substantive change from the first sentence of former Art. 23A, § 9(a).

In this section and throughout this article, the defined term “municipality” is substituted for the former references to “municipal corporation”, “city”, “town”, “village”, and other variations of those references for consistency.

The reference to a municipality “that is organized under” Article XI–E is substituted for the former reference to a municipality “now or hereafter created under any general or special law of this State for general governmental purposes, which are subject to the provisions of” Article XI–E for brevity.

The former reference to “possess[ing] legislative, administrative, and police powers for the general exercise of municipal powers” is deleted as surplusage. Similarly, the former reference to “carry[ing] on such functions through a set of elected or other officials” is deleted.

The second sentence of former Art. 23A, § 9(a), which listed types of entities not included in the definition of “municipality”, is deleted because the entities listed are not organized under Article XI–E of the Maryland Constitution and therefore could not be construed as being included in the definition of municipality. Similarly, former Art. 23A, § 9(b) and the fifth sentence of (a), which listed specific entities not included in the definition of “municipality”, are deleted in light of the fact that the entities listed are not organized under Article XI–E of the Maryland Constitution and therefore could not be construed as being included in the definition of municipality.

(H) PERSON.

“PERSON” MEANS AN INDIVIDUAL, RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, REPRESENTATIVE OF ANY KIND, PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY.

REVISOR’S NOTE: This subsection formerly was Art. 24, § 1–101(d).

The term conforms to the same term defined in other recently revised articles of the Code. *See e.g.*, EC § 1–101(d), IN § 1–101(dd), CS § 1–101(l), CP § 1–101(l), and PS § 1–101(c).

The definition of “person” in this subsection does not include a governmental entity or unit.

As to the term “personal representative”, *see* Art. 1, § 5.

(I) STATE.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, “STATE” MEANS:

(I) A STATE, POSSESSION, TERRITORY, OR COMMONWEALTH OF THE UNITED STATES; OR

(II) THE DISTRICT OF COLUMBIA.

(2) WHEN CAPITALIZED, “STATE” MEANS MARYLAND.

REVISOR’S NOTE: Paragraph (1) of this subsection is new language derived without substantive change from former Art. 24, § 1–101(e). Paragraph (2) of this subsection is new language added to provide an express definition of the term “State”.

The term conforms to the same term defined in other recently revised articles of the Code. *See e.g.*, EC § 1–101(g) and PU § 16–101(k).

(J) TAX COLLECTOR.

“TAX COLLECTOR” MEANS THE PERSON OR GOVERNMENTAL UNIT RESPONSIBLE FOR COLLECTING A TAX.

REVISOR’S NOTE: This subsection formerly was Art. 24, § 1–101(f).

Defined term: “Person” § 1–101

GENERAL REVISOR’S NOTE TO SECTION

Former Art. 24, § 1-101(c), which defined “includes” or “including”, is deleted as unnecessary in light of Art. 1, § 30, which provides that the term “including” is used “by way of illustration and not by way of limitation”.

SUBTITLE 2. LOCAL PERSONNEL.

1-201. RESIDENCY REQUIREMENTS.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO:

(1) AN ELECTED OFFICIAL;

(2) THE HEAD OF A UNIT OF A COUNTY OR MUNICIPALITY WHO REPORTS DIRECTLY TO:

(I) THE CHIEF ADMINISTRATIVE OFFICER OF THE COUNTY OR MUNICIPALITY;

(II) AN ELECTED EXECUTIVE; OR

(III) THE GOVERNING BODY OF THE COUNTY OR MUNICIPALITY; OR

(3) THE CHIEF ADMINISTRATIVE OFFICER OF THE COUNTY OR MUNICIPALITY.

(B) IN GENERAL.

(1) A COUNTY OR MUNICIPALITY MAY NOT REQUIRE AN EMPLOYEE TO RESIDE IN THE STATE, COUNTY, OR MUNICIPALITY OR WITHIN A SPECIFIED DISTANCE OF THE STATE, COUNTY, OR MUNICIPALITY AS A CONDITION OF EMPLOYMENT.

(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, WHEN MAKING EMPLOYMENT, PROMOTION, DEMOTION, LAYOFF, AND DISCHARGE DECISIONS, A COUNTY OR MUNICIPALITY MAY NOT DISCRIMINATE BASED ON AN INDIVIDUAL’S PLACE OF RESIDENCE.

(C) EMPLOYMENT AND PROMOTION DECISIONS.

A COUNTY OR MUNICIPALITY MAY GRANT A RESIDENT OF THE STATE, COUNTY, OR MUNICIPALITY ADDITIONAL POINTS OR CREDITS IN EMPLOYMENT OR PROMOTION DECISIONS IF THE POINTS OR CREDITS ARE PROVIDED IN ACCORDANCE WITH A MERIT SYSTEM ESTABLISHED BY THE COUNTY OR MUNICIPALITY BY LOCAL LAW OR ORDINANCE.

(D) REGIONAL AGENCIES.

AN AGENCY CREATED UNDER STATE LAW THAT PROVIDES GOVERNMENTAL SERVICES TO MORE THAN ONE COUNTY OR MUNICIPALITY MAY NOT REQUIRE AN EMPLOYEE, AS A CONDITION OF EMPLOYMENT, TO RESIDE IN THE STATE OR A COUNTY OR MUNICIPALITY OR WITHIN A SPECIFIED DISTANCE OF THE STATE, A COUNTY, OR A MUNICIPALITY FOR WHICH THE AGENCY PROVIDES GOVERNMENTAL SERVICES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 1-107.

Subsection (a) of this section is revised as a scope provision rather than as definitions of "administrator", "department head", and "employee" because the former definitions served only to delineate who is covered by this section.

In subsection (b)(2) of this section, the reference to discrimination "based on an individual's place of residence" is substituted for the former reference to discrimination "between residents and other citizens of the State or any other state" for brevity and clarity.

In subsection (d) of this section, the references to a "county or municipality" are substituted for the former references to a "political subdivision" for clarity. The term "political subdivision" is not defined for this section, but the only political subdivisions to which this section applies are counties and municipalities.

Also in subsection (d) of this section, the former reference to a "regional" agency is deleted as unnecessary in light of the reference to an agency that provides services to "more than one county or municipality".

Defined terms: "County" § 1-101
 "Governing body" § 1-101
 "Municipality" § 1-101
 "State" § 1-101

1-202. IDENTIFICATION CARDS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO THE FOLLOWING GOVERNMENTAL ENTITIES:

- (1) COUNTIES;**
- (2) MUNICIPALITIES;**
- (3) SPECIAL TAXING DISTRICTS; AND**
- (4) REGIONAL GOVERNMENTAL ENTITIES CREATED BY STATE LAW THAT PROVIDE SERVICES IN MORE THAN ONE COUNTY.**

(B) SOCIAL SECURITY NUMBERS.

A GOVERNMENTAL ENTITY MAY NOT ISSUE AN IDENTIFICATION CARD ON WHICH AN EMPLOYEE'S SOCIAL SECURITY NUMBER IS VISIBLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 1-109.

Subsection (a) of this section is revised as a scope provision rather than a definition of "local government" because the former definition served only to delineate the types of entities that are covered by this section.

In subsection (b) of this section, the reference to "issu[ing] an identification card on which" a Social Security number "is visible" is substituted for the former reference to "print[ing] or hav[ing] printed ... on any type of identification card" in order to update the provision to encompass new technologies and to reflect that the source law is not intended to prohibit Social Security numbers from being imbedded in an identification card.

Defined terms: "County" § 1-101
 "Municipality" § 1-101
 "State" § 1-101

1-203. REEMPLOYMENT OF RETURNING VETERANS.**(A) SCOPE OF SECTION.**

THIS SECTION APPLIES TO THE FOLLOWING GOVERNMENTAL ENTITIES:

- (1) COUNTIES;**

- (2) MUNICIPALITIES;
- (3) BICOUNTY AGENCIES;
- (4) COUNTY BOARDS OF EDUCATION;
- (5) PUBLIC CORPORATIONS;
- (6) SPECIAL TAXING DISTRICTS; AND
- (7) OTHER POLITICAL SUBDIVISIONS OF THE STATE.

(B) RIGHT TO REEMPLOYMENT.

EACH GOVERNMENTAL ENTITY SHALL GIVE ITS EMPLOYEES WHO RETURN FROM MILITARY SERVICE IN THE ARMED FORCES OF THE UNITED STATES THE SAME REEMPLOYMENT RIGHTS AS PROVIDED FOR STATE EMPLOYEES UNDER TITLE 2, SUBTITLE 7 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 10–101.

Subsection (a) of this section is revised as a scope provision rather than a definition of “political subdivision” because the former definition served only to delineate the types of entities that are covered by this section.

In subsection (b) of this section, the reference to military service “in the armed forces of the United States” is added for clarity and to conform with the terminology used in Title 2, Subtitle 7 of the State Personnel and Pensions Article.

Defined terms: “County” § 1–101

“Municipality” § 1–101

“State” § 1–101

1–204. CREDITS FOR VETERANS.

(A) IN GENERAL.

IF A MUNICIPALITY, COUNTY, OR OTHER POLITICAL SUBDIVISION OF THE STATE MAKES APPOINTMENTS TO GOVERNMENT POSITIONS UNDER A CIVIL SERVICE OR MERIT SYSTEM LAW OR ORDINANCE, THE UNIT THAT PROVIDES ELIGIBILITY LISTS FOR APPOINTMENTS SHALL ADOPT RULES OR REGULATIONS TO GRANT SPECIAL CREDIT TO HONORABLY DISCHARGED VETERANS OF THE

ARMED FORCES OF THE UNITED STATES WHO HAVE BEEN RESIDENTS OF THE STATE FOR AT LEAST 5 YEARS IMMEDIATELY PRECEDING THE DATE ON WHICH THE VETERAN TAKES A MERIT SYSTEM EXAMINATION.

(B) NATURE AND EXTENT OF CREDITS.

(1) THE UNIT MAY DETERMINE THE NATURE AND EXTENT OF THE SPECIAL CREDIT GRANTED TO VETERANS.

(2) THE UNIT MAY GRANT A GREATER CREDIT TO VETERANS WITH A DISABILITY THAN TO VETERANS WHO DO NOT HAVE A DISABILITY.

(C) SPOUSES.

THE CREDIT GRANTED TO A VETERAN UNDER THIS SECTION MAY BE EXTENDED TO:

(1) THE SPOUSE OF A VETERAN IF THE VETERAN IS UNABLE TO QUALIFY FOR MERIT SYSTEM APPOINTMENT BECAUSE OF A DISABILITY; AND

(2) THE UNMARRIED SURVIVING SPOUSE OF A DECEASED VETERAN.

(D) EXEMPTIONS ALLOWED.

THE UNIT MAY EXEMPT WAR VETERANS UNDER THE AGE OF 55 YEARS FROM ANY AGE LIMITATION OR REQUIREMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 96 1/2, § 48.

Throughout this section, the references to "unit" are substituted for the former references to "commission or board". The word "unit" is used as the general term for an entity in the government because it is inclusive enough to include the other entities.

Also throughout this section, the former references to "credits" are deleted in light of the references to "credit" and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (a) of this section, the reference to appointments to "government positions" is substituted for the former reference to appointments to "positions in the municipal or county government" for brevity.

Also in subsection (a) of this section, the reference to the “armed forces” of the United States is substituted for the former reference to the “military and naval services” to conform to other similar provisions of the Code.

In the introductory language of subsection (c) of this section, the former reference to a “preference” is deleted as included in the reference to a “credit”.

In subsection (c)(1) of this section, the reference to the “spouse of a veteran [who] is” unable to qualify for merit system appointment is substituted for the former reference to the “spouses of such veterans as have themselves been” unable to qualify for merit system appointment for clarity.

In subsection (d) of this section, the former reference to a “civil service” unit is deleted for consistency within this section.

Also in subsection (d) of this section, the former reference to “rules and regulations” is deleted as unnecessary in light of the reference to adopted “rules or regulations” in subsection (a) of this section.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that in subsection (a) of this section, the reference to “merit system examination” appears to be obsolete.

The Local Government Article Review Committee also notes, for consideration by the General Assembly, that subsection (d) of this section may conflict with Title 20, Subtitle 6 of the State Government Article, which relates to employment discrimination.

Defined terms: “County” § 1–101

“Municipality” § 1–101

“State” § 1–101

1–205. DIRECT DEPOSIT OF EMPLOYEE WAGES.

(A) IN GENERAL.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY OR MUNICIPALITY MAY:

(i) PAY THE WAGE OF AN EMPLOYEE BY DIRECT DEPOSIT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION; AND

(II) REQUIRE AN EMPLOYEE TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT AS A CONDITION OF EMPLOYMENT.

(2) A COUNTY OR MUNICIPALITY MAY NOT REQUIRE THE PAYMENT OF WAGES BY DIRECT DEPOSIT FOR AN EMPLOYEE:

(I) WHO WAS HIRED BEFORE OCTOBER 1, 2011, UNLESS THE COUNTY OR MUNICIPALITY BEFORE OCTOBER 1, 2011, REQUIRED, BY LOCAL LAW, REGULATION, OR COLLECTIVE BARGAINING AGREEMENT, THE PAYMENT OF WAGES BY DIRECT DEPOSIT;

(II) WHOSE EMPLOYMENT IS NOT CONDITIONED ON THE EMPLOYEE RECEIVING THE PAYMENT OF WAGES BY DIRECT DEPOSIT; OR

(III) 1. WHO DOES NOT HAVE A PERSONAL BANK ACCOUNT; AND

2. WHO INFORMS THE EMPLOYEE'S EMPLOYER THAT THE EMPLOYEE WISHES TO OPT OUT OF DIRECT DEPOSIT.

(3) IF A COUNTY OR MUNICIPALITY ELECTS TO PAY WAGES BY DIRECT DEPOSIT, AN EMPLOYEE WHO IS NOT REQUIRED TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT MAY ELECT TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(B) COUNTY RESPONSIBILITIES.

IF A COUNTY OR MUNICIPALITY ELECTS TO PAY THE WAGES OF ITS EMPLOYEES BY DIRECT DEPOSIT, THE COUNTY OR MUNICIPALITY SHALL:

(1) PROVIDE AN EMPLOYEE WHO IS REQUIRED OR ELECTS TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT WITH AN ELECTRONIC FUND TRANSFER AUTHORIZATION FORM;

(2) DEPOSIT THE WAGE OF AN EMPLOYEE INTO A PERSONAL BANK ACCOUNT SELECTED BY THE EMPLOYEE ON THE ELECTRONIC FUND TRANSFER AUTHORIZATION FORM; AND

(3) EACH TIME THE COUNTY OR MUNICIPALITY PAYS THE WAGE OF AN EMPLOYEE BY DIRECT DEPOSIT, PROVIDE THE EMPLOYEE WITH A DIRECT DEPOSIT STATEMENT THAT INCLUDES:

- (I) THE TOTAL AMOUNT OF THE WAGE;
- (II) ANY AMOUNT DEDUCTED FROM THE WAGE; AND

(III) THE AMOUNT OF THE WAGE DIRECTLY DEPOSITED INTO THE PERSONAL BANK ACCOUNT SELECTED BY THE EMPLOYEE.

(C) EMPLOYEE RESPONSIBILITIES.

(1) AN EMPLOYEE WHO IS REQUIRED OR ELECTS TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT SHALL:

(I) COMPLETE AND SUBMIT TO THE COUNTY OR MUNICIPALITY THE ELECTRONIC FUND TRANSFER AUTHORIZATION FORM PROVIDED TO THE EMPLOYEE UNDER SUBSECTION (B) OF THIS SECTION; AND

(II) SELECT A PERSONAL BANK ACCOUNT FOR THE DIRECT DEPOSIT OF THE EMPLOYEE’S WAGES THAT IS AT A FINANCIAL INSTITUTION THAT PARTICIPATES IN THE AUTOMATED CLEARINGHOUSE NETWORK.

(2) SUBJECT TO PARAGRAPH (1)(II) OF THIS SUBSECTION, AN EMPLOYEE MAY CHANGE THE PERSONAL BANK ACCOUNT OR THE FINANCIAL INSTITUTION DESIGNATED ON AN ELECTRONIC FUND TRANSFER AUTHORIZATION FORM BY COMPLETING AND SUBMITTING TO THE COUNTY OR MUNICIPALITY A NEW ELECTRONIC FUND TRANSFER AUTHORIZATION FORM.

REVISOR’S NOTE: This section formerly was Art. 24, § 1–112.

The only changes are in style.

Defined terms: “County” § 1–101
“Municipality” § 1–101

SUBTITLE 3. POLITICAL ACTIVITIES OF EMPLOYEES.

1–301. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES TO THE FOLLOWING GOVERNMENTAL ENTITIES:

- (1) COUNTIES;**
- (2) MUNICIPALITIES;**

- (3) BICOUNTY OR MULTICOUNTY AGENCIES;**
- (4) COUNTY BOARDS OF EDUCATION;**
- (5) PUBLIC AUTHORITIES;**
- (6) SPECIAL TAXING DISTRICTS; AND**
- (7) OTHER PUBLIC ENTITIES WHOSE EMPLOYEES ARE NOT COVERED BY § 2-304 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 13-101.

This section is revised as a scope provision rather than a definition of "local entity" because the former definition served only to delineate the types of entities that are covered by this subtitle.

Defined terms: "County" § 1-101
 "Municipality" § 1-101

1-302. PUBLIC POLICY.

EMPLOYMENT BY A GOVERNMENTAL ENTITY DOES NOT AFFECT ANY RIGHT OR OBLIGATION OF A CITIZEN UNDER THE UNITED STATES CONSTITUTION, THE MARYLAND CONSTITUTION, OR FEDERAL OR STATE LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 13-102.

Defined term: "State" § 1-101

1-303. EMPLOYEE RIGHTS.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN EMPLOYEE OF A GOVERNMENTAL ENTITY:

- (1) MAY FREELY PARTICIPATE IN ANY POLITICAL ACTIVITY AND EXPRESS ANY POLITICAL OPINION; AND**
- (2) MAY NOT BE REQUIRED TO PROVIDE A POLITICAL SERVICE.**

REVISOR'S NOTE: This section formerly was Art. 24, § 13-103.

The only changes are in style.

1-304. RESTRICTIONS ON POLITICAL ACTIVITIES.

AN EMPLOYEE OF A GOVERNMENTAL ENTITY MAY NOT:

(1) ENGAGE IN POLITICAL ACTIVITY WHILE ON THE JOB DURING WORKING HOURS; OR

(2) ADVOCATE THE OVERTHROW OF THE GOVERNMENT BY UNCONSTITUTIONAL OR VIOLENT MEANS.

REVISOR'S NOTE: This section formerly was Art. 24, § 13-105.

The only changes are in style.

1-305. PENALTY.

A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

REVISOR'S NOTE: This section formerly was Art. 24, § 13-106.

The only changes are in style.

Defined term: "Person" § 1-101

1-306. EFFECT OF SUBTITLE.

NOTWITHSTANDING ANY OTHER LAW OF THE STATE EFFECTIVE ON OR BEFORE JUNE 30, 1973, OR ANY LOCAL LAW, THE RESTRICTIONS IMPOSED BY THIS SUBTITLE ARE THE ONLY RESTRICTIONS ON THE POLITICAL ACTIVITIES OF AN EMPLOYEE OF A GOVERNMENTAL ENTITY, EXCEPT FOR RESTRICTIONS:

(1) IMPOSED ON AN EMPLOYEE OF A LOCAL BOARD OF ELECTIONS BY § 2-301 OF THE ELECTION LAW ARTICLE; OR

(2) PROVIDED IN OR AUTHORIZED BY THE MONTGOMERY COUNTY CHARTER AND IMPOSED ON:

(I) AN OFFICER OR EMPLOYEE OF THE MONTGOMERY COUNTY GOVERNMENT WHO SERVES IN A QUASI-JUDICIAL CAPACITY; OR

(II) A MEMBER OF A MONTGOMERY COUNTY BOARD OR COMMISSION WHO SERVES IN A QUASI-JUDICIAL CAPACITY.

REVISOR'S NOTE: This section formerly was Art. 24, § 13-104.

In item (1) of this section, the reference to a "local board of elections" is substituted for the former reference to a "board of supervisors of elections" for consistency with the terminology used in the Election Law Article and with a similar provision under SP § 2-204.

The only other changes are in style.

Defined term: "State" § 1-101

SUBTITLE 4. PURCHASING AND SALES.

1-401. COMPUTER SOFTWARE PROGRAMS.

(A) "COMPUTER SOFTWARE PROGRAM" DEFINED.

IN THIS SECTION, "COMPUTER SOFTWARE PROGRAM" MEANS A SOFTWARE PROGRAM USED TO:

- (1) ACCESS DATA IN A COMPUTER SYSTEM; OR**
- (2) IMPLEMENT A PROCESS USING DATA IN A COMPUTER SYSTEM.**

(B) APPLICATION OF SECTION.

THIS SECTION DOES NOT APPLY TO A COMPUTER SOFTWARE PROGRAM SUBJECT TO TITLE 10, SUBTITLE 9 OF THE STATE GOVERNMENT ARTICLE.

(C) CONTRACTS; PRICE STRUCTURE.

(1) A COUNTY OR MUNICIPALITY MAY SELL, LEASE, OR LICENSE TO THE PUBLIC, OR ENTER INTO A CONTRACT CONCERNING, A COMPUTER SOFTWARE PROGRAM, INCLUDING ANY ASSOCIATED PATENT, TRADEMARK, OR COPYRIGHT, THAT IS PRODUCED BY OR FOR THE COUNTY OR MUNICIPALITY IN THE NORMAL COURSE OF ITS OPERATIONS.

(2) A COUNTY OR MUNICIPALITY MAY ADOPT A PRICE STRUCTURE FOR A COMPUTER SOFTWARE PROGRAM BASED ON ANY FACTORS THAT THE COUNTY OR MUNICIPALITY CONSIDERS RELEVANT, INCLUDING:

(I) THE COST OF PRODUCING, REPRODUCING, AND DELIVERING THE COMPUTER SOFTWARE PROGRAM;

(II) OVERHEAD AND LABOR COSTS; AND

(III) THE FAIR MARKET VALUE OF THE COMPUTER SOFTWARE PROGRAM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 17-101.

Subsection (b) of this section is revised as a substantive provision rather than as part of the definition of "computer software program" because the former provision served to delineate the specific computer system to which this section is not applicable.

In subsection (c)(1) of this section, the reference to an "associated" patent, trademark, or copyright is added for clarity.

Also in subsection (c)(1) of this section, the former reference to computer software that is "developed" is deleted as included in the reference to computer software "produced".

In subsection (c)(2)(i) of this section, the reference to "producing" computer software is substituted for the former reference to "creating, [and] developing" computer software for brevity and consistency within this subsection.

Defined terms: "County" § 1-101
"Municipality" § 1-101

1-402. RECIPROCAL PREFERENCE FOR RESIDENT BIDDERS.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "NONRESIDENT BIDDER" MEANS A BIDDER WHOSE PRINCIPAL OFFICE IS OUTSIDE THE STATE.

(3) "PREFERENCE" INCLUDES:

(I) A PERCENTAGE PREFERENCE;

(II) AN EMPLOYEE RESIDENCY REQUIREMENT; OR

(III) ANY OTHER PROVISION THAT FAVORS A RESIDENT OVER A NONRESIDENT.

(4) "RESIDENT BIDDER" MEANS A BIDDER WHOSE PRINCIPAL OFFICE IS IN THE STATE.

(B) CONDITIONS FOR PREFERENCE.

WHEN A POLITICAL SUBDIVISION OR AN INSTRUMENTALITY OF GOVERNMENT IN THE STATE USES COMPETITIVE BIDDING TO AWARD A PROCUREMENT CONTRACT, THE POLITICAL SUBDIVISION OR INSTRUMENTALITY MAY GIVE A PREFERENCE TO THE RESIDENT BIDDER WHO SUBMITS THE LOWEST RESPONSIVE BID OF ANY RESIDENT BIDDER IF:

(1) THE RESIDENT BIDDER IS A RESPONSIBLE BIDDER;

(2) A RESPONSIBLE NONRESIDENT BIDDER SUBMITS THE LOWEST RESPONSIVE BID OF ALL BIDDERS; AND

(3) THE STATE IN WHICH THE NONRESIDENT BIDDER'S PRINCIPAL OFFICE IS LOCATED GIVES A PREFERENCE TO ITS RESIDENTS.

(C) FORM OF PREFERENCE.

A PREFERENCE UNDER THIS SECTION SHALL BE IDENTICAL TO THE PREFERENCE THAT THE STATE IN WHICH THE NONRESIDENT BIDDER'S PRINCIPAL OFFICE IS LOCATED GIVES TO ITS RESIDENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 8–102.

In subsection (a)(2) and (4) of this section, the references to a "bidder" are substituted for the former references to a "business entity" for clarity and conformity with § 14–401 of the State Finance and Procurement Article.

In subsection (a)(2) of this section, the defined term "[n]onresident bidder" is substituted for the former defined term "[n]onresident firm" for clarity and consistency with other terminology used in this section.

In subsection (a)(3) of this section, the defined term “[p]reference” is substituted for the former term “advantage” for clarity and conformity with § 14–101 of the State Finance and Procurement Article.

In subsection (a)(3)(iii) of this section, the reference to any other provision that favors “a resident over a nonresident” is substituted for the former reference to any other provision that favors “a nonresident firm over a Maryland firm” for clarity and consistency with the manner in which the defined term “preference” is used in this section and to conform with § 14–401 of the State Finance and Procurement Article.

In subsection (a)(4) of this section, the defined term “[r]esident bidder” is substituted for the former defined term “Maryland firm” for clarity and conformity with § 14–401 of the State Finance and Procurement Article.

In the introductory language of subsection (b) of this section, the reference to a “procurement” contract is added for clarity.

Also in the introductory language of subsection (b) of this section, the former reference to giving a preference to a resident bidder “over that of the nonresident firm” is deleted in light of the definition of “preference” in subsection (a) of this section.

In subsection (b)(2) of this section, the reference to a “responsible nonresident bidder submit[ting] the lowest responsive bid of all bidders” is added to state expressly that which was only implied in the former law and to conform to § 14–401(b) of the State Finance and Procurement Article.

In subsections (b)(3) and (c) of this section, the references to the bidder’s “principal” office are added for consistency with the defined terms in subsection (a) of this section.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the reference to “political subdivision” in subsection (b) of this section is unclear because the term has been used inconsistently throughout the Code. The General Assembly may wish to clarify what entities are meant to be included in the term.

Defined term: “State” § 1–101

1–403. CONTRACTS NOT AUTHORIZED BY APPROPRIATION PROHIBITED.

(A) IN GENERAL.

AN OFFICER OR AGENT OF A COUNTY OR MUNICIPALITY WHO IS CHARGED WITH THE CONSTRUCTION, IMPROVEMENT, OR MAINTENANCE OF ANY BUILDING OR WORK, OR THE MANAGEMENT OF A PUBLIC INSTITUTION, MAY NOT ENTER INTO ANY CONTRACT THAT BINDS OR PURPORTS TO BIND THE COUNTY OR MUNICIPALITY TO PAY MONEY NOT PREVIOUSLY APPROPRIATED AND REMAINING UNEXPENDED FOR THE PURPOSE OF THE CONTRACT.

(B) LIABILITY.

IF AN OFFICER OR AGENT OF A COUNTY OR MUNICIPALITY WILLFULLY OR KNOWINGLY ENTERS INTO OR PARTICIPATES IN ENTERING INTO A CONTRACT PROHIBITED UNDER SUBSECTION (A) OF THIS SECTION:

(1) THE OFFICER OR AGENT IS PERSONALLY LIABLE FOR THE CONTRACT; AND

(2) THE COUNTY OR MUNICIPALITY IS NOT LIABLE FOR THE CONTRACT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 3.

In subsection (a) of this section, the reference to "maintenance" of any building is substituted for the former reference to "keeping in repair" for clarity.

Also in subsection (a) of this section, the former reference to a building or work "of any kind" is deleted as surplusage.

Also in subsection (a) of this section, the former reference to an officer or agent "entrusted" with construction, improvement, or maintenance is deleted as included in the reference to an officer or agent so "charged".

Also in subsection (a) of this section, the former reference to "providing for" a public institution is deleted as included in the reference to "manag[ing]" a public institution.

Also in subsection (a) of this section, the former reference to money not previously appropriated "for the purpose for which such contract is made" is deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to entering into a contract "prohibited under subsection (a) of this section" is substituted for the former reference to entering into a contract "without such appropriation or authority" for clarity.

In subsection (b)(2) of this section, the former reference to the county or municipality “in whose name or behalf the same was made” is deleted as surplusage.

Defined terms: “County” § 1–101
 “Municipality” § 1–101

SUBTITLE 5. REGULATION OF LEAD PAINT RISK REDUCTION IN RESIDENTIAL PROPERTY FOR RENT OR LEASE.

1–501. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This subsection formerly was Art. 24, § 19–101(a).

The only changes are in style.

(B) AFFECTED PROPERTY.

“AFFECTED PROPERTY” HAS THE MEANING STATED IN § 6–801 OF THE ENVIRONMENT ARTICLE.

REVISOR’S NOTE: This subsection formerly was Art. 24, § 19–101(b).

No changes are made.

(C) RESIDENTIAL PROPERTY.

(1) “RESIDENTIAL PROPERTY” MEANS A BUILDING OR A PORTION OF A BUILDING THAT PROVIDES COMPLETE LIVING FACILITIES, INCLUDING FACILITIES FOR COOKING, SANITATION, AND SLEEPING.

(2) “RESIDENTIAL PROPERTY” INCLUDES:

(I) A SINGLE–FAMILY UNIT IN A MULTIFAMILY DWELLING;

AND

(II) A “RENTAL DWELLING UNIT” AS DEFINED UNDER § 6–801 OF THE ENVIRONMENT ARTICLE.

REVISOR'S NOTE: This subsection formerly was Art. 24, § 19–101(d).

In paragraph (1) of this subsection, the former reference to facilities including certain items “at a minimum” is deleted as unnecessary in light of Art. 1, § 30, which provides that “includes” is used “by way of illustration and not by way of limitation”.

No other changes are made.

REVISOR'S NOTE TO SECTION:

Former Art. 24, § 19–101, which defined local government to mean a county or municipality, is deleted as unnecessary in light of the preference for the use of the term “county or municipality” throughout this article.

1–502. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES TO THE REGULATION IN ANY MANNER, BY A COUNTY OR MUNICIPALITY, OF RESIDENTIAL PROPERTY THAT IS RENTED OR LEASED, INCLUDING REGULATION BY THE ISSUANCE OR RENEWAL OF:

(1) A LICENSE OR REGISTRATION TO AUTHORIZE THE OWNER OF RESIDENTIAL PROPERTY TO ENGAGE IN THE BUSINESS OF RENTING OR LEASING THE RESIDENTIAL PROPERTY;

(2) A LICENSE OR REGISTRATION TO AUTHORIZE RESIDENTIAL PROPERTY TO BE RENTED OR LEASED; OR

(3) A CERTIFICATION THAT RESIDENTIAL PROPERTY THAT IS RENTED OR LEASED IS IN COMPLIANCE WITH A LOCAL HOUSING, LIVABILITY, OR PROPERTY MAINTENANCE CODE.

REVISOR'S NOTE: This section formerly was Art. 24, § 19–102.

The only changes are in style.

Defined terms: “County” § 1–101

“Municipality” § 1–101

“Residential property” § 1–501

1–503. WRITING REQUIRED BY OWNER BEFORE RENTING OR LEASING PROPERTY.

A COUNTY OR MUNICIPALITY MAY NOT AUTHORIZE OR CERTIFY RESIDENTIAL PROPERTY TO BE RENTED OR LEASED UNLESS THE OWNER OF THE PROPERTY:

(1) STATES IN WRITING TO THE COUNTY OR MUNICIPALITY UNDER PENALTY OF PERJURY:

(I) THAT THE RESIDENTIAL PROPERTY IS NOT AN AFFECTED PROPERTY; OR

(II) THAT THE RESIDENTIAL PROPERTY IS AN AFFECTED PROPERTY THAT HAS BEEN REGISTERED AND FOR WHICH THE REGISTRATION HAS BEEN RENEWED IN ACCORDANCE WITH §§ 6-811 AND 6-812 OF THE ENVIRONMENT ARTICLE; AND

(2) IF THE PROPERTY IS AN AFFECTED PROPERTY, PROVIDES THE INSPECTION CERTIFICATE NUMBER FOR THE INSPECTION CONDUCTED FOR THE CURRENT TENANCY AS REQUIRED UNDER § 6-815(C), § 6-817(B), OR § 6-819(E) OF THE ENVIRONMENT ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 19-103(1) and (2)(i) and (ii)2.

In item (1)(ii) of this section, the former references to "landlord" are deleted as unnecessary in light of the reference to "§§ 6-811 and 6-812 of the Environment Article".

In item (2) of this section, the former phrase "[o]n or after February 24, 2006" is deleted as obsolete.

Former Art. 24, § 19-103(2)(ii)1, which required inspection certificate numbers for an inspection conducted as required under § 6-815(c) of the Environment Article if the current tenant moved into the property on or after February 24, 1996, is deleted as obsolete. Chapter 616 of the Acts of the General Assembly of 1997 set February 26, 2004, as the date after which all qualifying properties must obtain an inspection certificate number, regardless of the date the current tenant moved in.

Defined terms: "Affected property" § 1-501

"County" § 1-101

"Municipality" § 1-101

"Residential property" § 1-501

1-504. FORWARDING OF INFORMATION TO DEPARTMENT OF THE ENVIRONMENT.

IN ADDITION TO REPORTING, AS REQUIRED UNDER § 6-848.2 OF THE ENVIRONMENT ARTICLE, ANY KNOWN NONCOMPLIANCE OF AN AFFECTED PROPERTY WITH THE PROVISIONS OF TITLE 6, SUBTITLE 8 OF THE ENVIRONMENT ARTICLE, A COUNTY OR MUNICIPALITY MAY FORWARD TO THE DEPARTMENT OF THE ENVIRONMENT ANY INFORMATION OBTAINED UNDER THIS SUBTITLE REGARDING RESIDENTIAL PROPERTY.

REVISOR'S NOTE: This section formerly was Art. 24, § 19-104.

The only changes are in style.

Defined terms: "Affected property" § 1-501

"County" § 1-101

"Municipality" § 1-101

"Residential property" § 1-501

SUBTITLE 6. PUBLIC RECREATION AND PARKS.

1-601. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection is new language added as the standard introductory language to a definition section.

(B) PARKS AND RECREATION UNIT.

"PARKS AND RECREATION UNIT" MEANS A GOVERNMENTAL UNIT DESIGNATED OR CREATED UNDER § 1-604 OF THIS SUBTITLE TO ADMINISTER A PROGRAM.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 25, § 222, as it generally related to the description of the governmental unit that operates a parks and recreation program in a county or municipality.

Defined term: "Program" § 1-601

(C) PROGRAM.

“PROGRAM” MEANS A PROGRAM OF PUBLIC RECREATION AND PARKS.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to a “program of public recreation and parks”.

REVISOR’S NOTE TO SECTION:

Former Art. 25, § 223, which defined “governing body”, is deleted as unnecessary in light of the defined term “governing body” in § 1–101 of this article.

1–602. SCOPE OF SUBTITLE.**THIS SUBTITLE DOES NOT APPLY TO CHARLES COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 25, § 3(u).

The reference to “[t]his subtitle ... not apply[ing] to Charles County” is substituted for the former reference to “[t]he powers of ... Charles County [being] controlled by ... the local laws of the county and not by ... this subsection” for brevity and because it is implicit that the local law would control if the State statute does not apply.

1–603. CONSTRUCTION OF SUBTITLE.**THIS SUBTITLE IS ADDITIONAL AND SUPPLEMENTAL TO ANY LAW GOVERNING A PROGRAM.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 229.

The phrase “governing a program” is substituted for the former phrase “providing recreation and park services” for brevity and clarity.

The former reference to this subtitle “not negat[ing] or mak[ing] inoperative” any law is deleted as implicit in the reference to this subtitle “[being] additional and supplemental to” any law.

The former reference to “existing” laws is deleted as surplusage.

The former phrase “in accordance with this subheading” is deleted as surplusage.

The former reference to “nothing herein ... supersed[ing] ... the charter of the City of Baltimore ... or any public local law ... concerning their department of recreation and parks” is deleted as unnecessary in light of this section and Art. 1, § 13, which states that where the public general law and the public local law of a county or municipality are in conflict the public local law prevails.

Defined term: “Program” § 1-601

1-604. AUTHORITY TO ESTABLISH PROGRAM AND PARKS AND RECREATION UNIT.

THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY:

(1) ESTABLISH AND MAINTAIN A PROGRAM FOR THE BENEFIT OF THE RESIDENTS OF THE COUNTY OR MUNICIPALITY; AND

(2) CREATE OR DESIGNATE A PARKS AND RECREATION UNIT TO ADMINISTER THE PROGRAM.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 222, the first sentence of § 3(u), and the first sentence of § 225(a).

In paragraph (1) of this section, the reference to the “residents of the county or municipality” is substituted for the former references to “inhabitants of the county” and “citizens within their respective jurisdictions” for clarity and consistency with other similar provisions of this article.

Also in paragraph (1) of this section, the reference to a “program” is substituted for the former reference to “public parks, gardens, playgrounds, and other recreational facilities and programs” for brevity.

Also in paragraph (1) of this section, the former reference to programs “to promote the health, welfare, and enjoyment” of residents is deleted as included in the reference to a program “for the benefit” of residents.

Also in paragraph (1) of this section, the former reference to “conduct[ing]” a program is deleted as included in the reference to “establish[ing] and maintain[ing]” a program.

In paragraph (2) of this section, the reference to “creat[ing] or designat[ing] a parks and recreation unit” is substituted for the former references to “creating a special board or department or by designating an existing agency, department, board or commission or combination

thereof” and “vest[ing] the power to provide, maintain and conduct a comprehensive program of public recreation and parks in an existing recreation and park commission or board, or in another existing agency, department, board or commission” for clarity and brevity.

Also in paragraph (2) of this section, the reference to a unit “administer[ing] the program” is substituted for the former reference to “provid[ing] such services ... for such purposes” for clarity and brevity.

Former Art. 23A, § 7A, which provided that a municipality may exercise any power or authority conferred by former Art. 25, §§ 222 through 230, is deleted as unnecessary in light of the references throughout those sections, currently revised in this subtitle, to municipalities.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Municipality” § 1–101

“Parks and recreation unit” § 1–601

“Program” § 1–601

1–605. DESIGNATED PARKS AND RECREATION UNITS.

(A) AUTHORITY.

A PARKS AND RECREATION UNIT MAY:

(1) MAINTAIN A PARK OR RECREATIONAL FACILITY; AND

(2) CONDUCT RECREATION AND PARK ACTIVITIES.

(B) STAFFING.

THE PARKS AND RECREATION UNIT MAY EMPLOY AN ADMINISTRATIVE OFFICER AND OTHER PERSONNEL AS NECESSARY AND AS AUTHORIZED BY THE GOVERNING BODY OF THE COUNTY OR MUNICIPALITY.

(C) VOLUNTEER GROUPS.

THE PARKS AND RECREATION UNIT MAY ORGANIZE VOLUNTEER GROUPS OR COUNCILS TO AID IN THE IMPLEMENTATION OF THE PROGRAM.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 225(b) and the second sentence of (a).

In subsection (b) of this section, the former phrase “for the purpose of carrying out the provisions of this subheading” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to employing personnel as the unit considers “proper” is deleted as included in the references to “necessary” and “authorized”.

In subsection (c) of this section, the former reference to volunteer “citizens” groups is deleted as surplusage.

Defined terms: “County” § 1-101

“Governing body” § 1-101

“Municipality” § 1-101

“Parks and recreation unit” § 1-601

“Program” § 1-601

1-606. CREATED PARKS AND RECREATION BOARD OR COMMISSION.

(A) CREATION OF PARKS AND RECREATION BOARD OR COMMISSION.

(1) IF THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY DETERMINES THAT A BOARD OR COMMISSION SHALL PROVIDE AND CONDUCT A PROGRAM, BY LOCAL LAW, ORDINANCE, OR RESOLUTION, THE GOVERNING BODY SHALL CREATE A BOARD OR COMMISSION.

(2) THE BOARD OR COMMISSION SHALL HAVE THE POWERS GRANTED TO IT BY THE GOVERNING BODY.

(B) MEMBERSHIP; TENURE; COMPENSATION.

IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, THE GOVERNING BODY OF THE COUNTY OR MUNICIPALITY SHALL DETERMINE THE MEMBERSHIP OF THE BOARD OR COMMISSION AND THE TERMS OF OFFICE AND COMPENSATION OF THE MEMBERS.

(C) REQUIRED MEMBERSHIP — COUNTY ENTITIES.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A BOARD OR COMMISSION ESTABLISHED BY A COUNTY SHALL INCLUDE:

(i) ONE MEMBER OF THE COUNTY GOVERNING BODY; AND

(II) ONE MEMBER OR REPRESENTATIVE OF THE COUNTY BOARD OF EDUCATION.

(2) A MEMBER DESIGNATED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) SHALL SERVE A TERM OF 1 YEAR; AND

(II) MAY BE REAPPOINTED.

(3) IN FREDERICK COUNTY:

(I) THE COUNTY COMMISSIONER ON THE BOARD OR COMMISSION SERVES FOR A TERM COEXTENSIVE WITH THE MEMBER'S TERM OF ELECTED OFFICE; AND

(II) A MEMBER OF THE COUNTY BOARD OF EDUCATION IS A MEMBER OF THE BOARD OR COMMISSION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 226.

In subsection (a)(1) of this section, the reference to the governing body determining that a board or commission "is to provide and conduct a program" is substituted for the former reference to the governing body determining "the power to provide, establish, maintain and conduct a comprehensive program ... shall be exercised by" a board or commission for clarity and brevity.

Also in subsection (a)(1) of this section, the former reference to establishing a parks and recreation unit "in such county or municipal corporation" is deleted as surplusage.

Defined terms: "County" § 1-101

"Governing body" § 1-101

"Municipality" § 1-101

"Program" § 1-601

1-607. PARK OR RECREATIONAL FACILITIES.

(A) PROPERTY OWNED OR LEASED BY COUNTY OR MUNICIPALITY.

THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY ESTABLISH AND MAINTAIN ANY PROPERTY OWNED OR LEASED BY THE COUNTY OR MUNICIPALITY FOR USE AS A PARK OR RECREATIONAL FACILITY.

(B) ACQUISITION OF PROPERTY.

IN ACCORDANCE WITH APPLICABLE LAW, AND SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY ACQUIRE OR LEASE ANY PROPERTY INSIDE OR OUTSIDE ITS CORPORATE LIMITS FOR USE AS A PARK OR RECREATIONAL FACILITY.

(C) CONDEMNATION POWER NOT GRANTED OR RESTRICTED.

THIS SUBTITLE DOES NOT GRANT OR RESTRICT THE POWER OF CONDEMNATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 14 and 224(a).

In subsections (a) and (b) of this section, the references to any "property" are substituted for the former references to any "water, land, buildings or other improvements thereon" for brevity.

In subsection (a) of this section, the former references to "dedicat[ing]" and "set[ting] apart" any property are deleted as included in the reference to "establish[ing]" property.

Also in subsection (a) of this section, the former reference to the county or municipality establishing or maintaining facilities "directly or by contract" is deleted as included in the reference to using any property "owned or leased" by the county or municipality.

In subsection (b) of this section, the phrase "[i]n accordance with applicable law" is substituted for the former phrase "in the manner now or hereafter authorized or provided by law for the acquisition or leasing of property for public purposes" for brevity.

In subsection (c) of this section, the reference to "restrict[ing] the power of condemnation" is added to state explicitly that which was formerly only implied, that the subtitle was not intended to affect the power of condemnation already held by a county or municipality.

Also in subsection (c) of this section, the former phrase "if such county or municipal corporation does not have such power by virtue of other provisions of law" is deleted as surplusage.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Municipality” § 1–101

1–608. APPROPRIATIONS.

THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY APPROPRIATE MONEY FOR THE OPERATION, EQUIPMENT, AND MAINTENANCE OF A PARK OR RECREATIONAL FACILITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 224(b).

The former phrase “[w]hen the governing body of any county or municipal corporation dedicates, sets apart, acquires or leases water, land, buildings or other improvements thereon” is deleted as surplusage.

The former reference to “program” is deleted as included in the reference to “operation” of a park or recreational facility.

The former reference to making appropriations “in the manner provided by law for making such appropriations” is deleted as implicit in the authority to make an appropriation.

The former reference to making appropriations “from the general funds of the county or municipal corporation or from any available designated funds” is deleted as unnecessary because this encompasses all funds that are available.

The former reference to the operation, equipment, and maintenance of a park or recreational facility “pursuant to the provisions of this subheading” is deleted as surplusage.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Municipality” § 1–101

1–609. BONDING AUTHORITY.

IN THE MANNER PROVIDED BY LAW FOR THE ISSUANCE OF BONDS FOR OTHER PURPOSES, THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY ISSUE BONDS TO:

- (1) ACQUIRE PROPERTY FOR USE AS A PARK OR RECREATIONAL FACILITY;**
- (2) ACQUIRE THE EQUIPMENT FOR A PARK OR RECREATIONAL FACILITY;**
- (3) REDESIGN, IMPROVE, CONSTRUCT, DEVELOP, OR EXTEND A PARK OR RECREATIONAL FACILITY; OR**
- (4) PROVIDE FOR ANY APPROPRIATE CAPITAL ITEM IN COOPERATION WITH OTHER GOVERNMENTAL UNITS UNDER § 1-610 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 224(c).

In the introductory language of this section, the former reference to bonds "of the county or municipal corporation" is deleted as surplusage.

In item (1) of this section, the reference to "property" is substituted for the former reference to "water, land and buildings or other improvements thereon" for brevity.

In item (2) of this section, the reference to "acquir[ing]" equipment is added for clarity.

Defined terms: "County" § 1-101
"Governing body" § 1-101
"Municipality" § 1-101

1-610. COOPERATION WITH OTHER GOVERNMENTAL UNITS.

THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY, BY AND THROUGH THE PARKS AND RECREATION UNIT OR OTHER DESIGNATED UNIT, MAY JOIN OR COOPERATE WITH A FEDERAL, STATE, OR OTHER LOCAL GOVERNMENTAL UNIT OR COMMUNITY RECREATION COUNCIL TO ACQUIRE, LEASE, OR MAINTAIN A PARK OR RECREATIONAL FACILITY OR PROVIDE OR CONDUCT A PARK OR RECREATIONAL ACTIVITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 227.

The reference to a designated "unit" is substituted for the former reference to a designated "agency, department, board or commission".

The word “unit” is used as the general term for an entity in the government because it is inclusive enough to include the other entities.

The reference to “a federal, State, or other local governmental unit” is substituted for the former reference to “the federal government, or the State of Maryland or with one or more counties, municipal corporations, ... or with the county board of education, or with the commission or board of recreation and parks or other designated agency, department, board or commission of one or more other counties or municipal corporations” for brevity.

The references to “acquir[ing], leas[ing], or maintain[ing] a park or recreational facility” and “provid[ing] or conduct[ing] a park or recreational activity” are substituted for the former reference to “acquiring, leasing, providing, establishing, maintaining and conducting other recreation and park areas and facilities and activities” for clarity.

Defined terms: “County” § 1–101
 “Governing body” § 1–101
 “Municipality” § 1–101
 “Parks and recreation unit” § 1–601

1–611. GIFTS AND CONTRIBUTIONS.

THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY, BY AND THROUGH THE PARKS AND RECREATION UNIT OR OTHER DESIGNATED UNIT, MAY ACCEPT:

(1) A GIFT OF PROPERTY FOR USE AS A PARK OR RECREATIONAL FACILITY; OR

(2) OTHER CONTRIBUTIONS FOR PARKS AND RECREATION PURPOSES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 228.

In the introductory language of this section, the reference to a designated “unit” is substituted for the former reference to a designated “agency, department, board or commission”. The word “unit” is used as the general term for an entity in the government because it is inclusive enough to include the other entities.

In item (1) of this section, the reference to gifts of “property” is substituted for the former reference to “land, water, buildings, or other improvements thereon” for brevity.

Also in item (1) of this subsection, the former reference to a “public” park or recreational facility is deleted for consistency within this subtitle.

In item (2) of this section, the reference to “other contributions” is substituted for the former reference to “moneys” to be inclusive of all types of contributions that can be made.

Defined terms: “County” § 1–101
 “Governing body” § 1–101
 “Municipality” § 1–101
 “Parks and recreation unit” § 1–601

GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 25, § 230, which provided that the provisions of this subtitle are severable, is deleted as redundant of Art. 1, § 23, which states that the provisions of statutes enacted after July 1, 1973, are severable unless the statute specifically provides otherwise.

SUBTITLE 7. LIMITS ON COMPETITION; FRANCHISES.

1–701. SCOPE OF SUBTITLE.

THIS SUBTITLE DOES NOT APPLY TO BALTIMORE CITY.

REVISOR’S NOTE: This section is new language added to clarify that this subtitle does not apply to Baltimore City.

Provisions of law that apply to Baltimore City that are similar to provisions in this subtitle can be found in Article II, §§ 35A and 58 of the Charter of Baltimore City.

1–702. AUTHORITY TO GRANT FRANCHISES.

(A) CONSTRUCTION OF SUBTITLE.

SECTIONS 1–703 THROUGH 1–707 OF THIS SUBTITLE DO NOT:

(1) GRANT TO A COUNTY OR MUNICIPALITY ADDITIONAL AUTHORITY IN ANY SUBSTANTIVE AREA BEYOND THAT GRANTED UNDER OTHER PUBLIC GENERAL LAW OR PUBLIC LOCAL LAW;

(2) RESTRICT A COUNTY OR MUNICIPALITY FROM EXERCISING AUTHORITY GRANTED UNDER OTHER PUBLIC GENERAL LAW OR PUBLIC LOCAL LAW;

(3) AUTHORIZE A COUNTY OR MUNICIPALITY TO ENGAGE IN AN ACTIVITY NOT AUTHORIZED UNDER OTHER PUBLIC GENERAL LAW OR PUBLIC LOCAL LAW; OR

(4) PREEMPT OR SUPERSEDE THE REGULATORY AUTHORITY OF A UNIT OF STATE GOVERNMENT.

(B) IN GENERAL.

(1) THIS SECTION APPLIES TO ALL COUNTIES, EXCEPT:

(I) ANNE ARUNDEL COUNTY;

(II) BALTIMORE CITY;

(III) BALTIMORE COUNTY;

(IV) CECIL COUNTY;

(V) HOWARD COUNTY;

(VI) PRINCE GEORGE'S COUNTY;

(VII) QUEEN ANNE'S COUNTY; AND

(VIII) WORCESTER COUNTY.

(2) THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(3) A COUNTY MAY GRANT FRANCHISES AS PROVIDED UNDER EXISTING PUBLIC GENERAL LAW OR PUBLIC LOCAL LAW.

REVISOR'S NOTE: Subsections (a) and (b)(1) and (3) of this section are new language derived without substantive change from former Art. 23A, § 2A(e), Art. 25, § 3(c), and, as it related to the scope of subsection (b), (a), and § 3D(d), Art. 25A, § 5A(d), and Art. 25B, § 13B(e).

Subsection (b)(2) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a)(3) of this section, the reference to an activity “not authorized” is substituted for the former references to an activity “beyond their power” for clarity.

Also in subsection (a)(3) of this section, the former references to “officers” of a county or municipality are deleted as implicit in the reference to a “county or municipality”.

In subsection (a)(4) of this section, the reference to a “unit” of State government is substituted for the former references to a “department or agency” of State government. The word “unit” is used as the general term for an entity in the government because it is inclusive enough to include the other entities.

Also in subsection (a)(4) of this section, the former phrase “under any public general law” is deleted as implicit in the reference to the “regulatory authority of a unit”.

In subsection (b)(1) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in former Art. 25, § 3(c) applicable to commission counties, code counties, and charter counties, except the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City.

Defined terms: “Commission county” § 1–101

“County” § 1–101

“Municipality” § 1–101

“State” § 1–101

1–703. PUBLIC TRANSPORTATION.

(A) LEGISLATIVE POLICY.

IT IS THE POLICY OF THE STATE TO AUTHORIZE EACH COUNTY AND MUNICIPALITY TO DISPLACE OR LIMIT COMPETITION IN THE AREA OF PUBLIC TRANSPORTATION TO:

(1) PROVIDE ADEQUATE, ECONOMICAL, AND EFFICIENT TRANSPORTATION SERVICES;

(2) PROTECT AGAINST EXCESSIVE AND INCONSISTENT PRICES FOR TRANSPORTATION SERVICES;

(3) CONSERVE ENERGY AND REDUCE ACCIDENTS, AIR POLLUTION, CONGESTION, AND TRAFFIC HAZARDS THROUGH PUBLIC TRANSPORTATION;

(4) ENCOURAGE ITS USE BY CONTRIBUTING CAPITAL AND OPERATING FUNDS SO THAT TRANSPORTATION MAY BE PROVIDED AT THE LOWEST COST; AND

(5) PROMOTE THE GENERAL WELFARE BY PROVIDING A COMPREHENSIVE TRANSPORTATION SYSTEM.

(B) AUTHORITY.

NOTWITHSTANDING ANY ANTICOMPETITIVE EFFECT, A COUNTY OR MUNICIPALITY MAY:

(1) (I) GRANT ONE OR MORE FRANCHISES FOR TRANSPORTATION SERVICES ON AN EXCLUSIVE OR NONEXCLUSIVE BASIS;

(II) IMPOSE FRANCHISE FEES;

(III) ESTABLISH RATES APPLICABLE TO THE FRANCHISE;

AND

(IV) ADOPT RULES, REGULATIONS, AND LICENSING REQUIREMENTS FOR THE OPERATION OF THE FRANCHISE; OR

(2) OPERATE A PUBLIC TRANSPORTATION SYSTEM ON AN EXCLUSIVE BASIS, INCLUDING:

(I) ESTABLISHING RATES FOR THE PUBLIC TRANSPORTATION SYSTEM; AND

(II) ADOPTING RULES AND REGULATIONS FOR THE OPERATION OF THE PUBLIC TRANSPORTATION SYSTEM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2A(a), Art. 25, § 3D(a)(1) and (2), Art. 25A, § 5A(a), and Art. 25B, § 13B(a).

In subsection (a) of this section, the former references to providing “necessary and desired services in all areas” of the county or municipality are deleted as included in the reference to providing “adequate, economical, and efficient transportation services”.

In subsection (a)(2) of this section, the reference to prices “for transportation services” is added for clarity.

Also in subsection (a)(2) of this section, the former references to protecting “its citizens” are deleted as surplusage.

In subsection (a)(4) of this section, the former references to “all citizens, especially the indigent” are deleted as surplusage.

In the introductory language of subsection (b)(1) of this section, the reference to transportation “services” is substituted for the former references to a transportation “system” for consistency with subsection (a) of this section.

In subsection (b)(1)(iii) of this section, the reference to rates “applicable to the franchise” is substituted for the former references to “certain” rates for clarity.

In subsection (b)(1)(iv) of this section, the former references to providing for the “enforcement of any such measure” are deleted as implicit in the authority to adopt rules, regulations, and licensing requirements.

In subsection (b)(2)(i) of this section, the reference to rates “for the public transportation system” is added for clarity.

In subsection (b)(2)(ii) of this section, the reference to rules and regulations “for the operation of the public transportation system” is added for clarity.

Defined terms: “County” § 1–101

“Municipality” § 1–101

“State” § 1–101

1–704. WATER AND SEWERAGE SYSTEMS.

(A) LEGISLATIVE POLICY.

IT IS THE POLICY OF THE STATE TO AUTHORIZE EACH COUNTY AND MUNICIPALITY TO DISPLACE OR LIMIT COMPETITION IN THE AREA OF WATER AND SEWERAGE SYSTEMS TO:

- (1) ASSURE DELIVERY OF ADEQUATE, ECONOMICAL, AND EFFICIENT WATER AND SEWERAGE SERVICES;**
- (2) AVOID DUPLICATION OF WATER AND SEWERAGE FACILITIES;**
- (3) CONTROL DISEASE AND PROVIDE FOR THE PUBLIC HEALTH AND SAFETY;**
- (4) PREVENT ENVIRONMENTAL DEGRADATION;**
- (5) PROTECT NATURAL RESOURCES;**
- (6) USE THE PUBLIC RIGHT-OF-WAY EFFICIENTLY; AND**
- (7) PROMOTE THE GENERAL WELFARE BY PROVIDING ADEQUATE WATER AND SEWERAGE SYSTEMS.**

(B) AUTHORITY.

(1) NOTWITHSTANDING ANY ANTICOMPETITIVE EFFECT, A COUNTY OR MUNICIPALITY MAY:

- (I) GRANT ONE OR MORE FRANCHISES OR ENTER INTO CONTRACTS FOR WATER OR SEWERAGE SYSTEMS ON AN EXCLUSIVE OR NONEXCLUSIVE BASIS;**
- (II) IMPOSE FRANCHISE FEES;**
- (III) ESTABLISH CHARGES AND RATES APPLICABLE TO THE FRANCHISE; AND**
- (IV) ADOPT RULES, REGULATIONS, AND LICENSING REQUIREMENTS FOR THE OPERATION OF THE FRANCHISE.**

(2) IF ANOTHER LAW GRANTS A COUNTY OR MUNICIPALITY THE AUTHORITY TO OPERATE WATER AND SEWERAGE SYSTEMS, THE COUNTY OR MUNICIPALITY SHALL OPERATE THE SYSTEMS WITHOUT REGARD TO ANY ANTICOMPETITIVE EFFECT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2A(b)(1) and (2), Art. 25, § 3D(b)(1) and (2), Art. 25A, § 5A(b)(1) and (2), and Art. 25B, § 13B(b)(1) and (2).

In subsection (a)(1) of this section, the former references to providing services for "its citizens" are deleted as surplusage.

Also in subsection (a)(1) of this section, the reference to "water and sewerage" services is added for clarity and consistency with other similar provisions of this subtitle.

In subsection (a)(2) of this section, the reference to "water and sewerage" facilities is added for clarity.

In subsection (a)(3) of this section, the reference to "public" health and safety is substituted for the former references to the health and safety "of its citizens" for brevity.

In subsection (a)(4) of this section, the former references to "blight" are deleted as included in the reference to "environmental degradation".

In subsection (a)(5) of this section, the former references to protecting "limited" natural resources "for the benefit of the citizens" of the county or municipality are deleted as surplusage.

In subsection (a)(7) of this section, the former references to promoting the general "health" are deleted as included in the reference to "provid[ing] for the public health" in subsection (a)(3) of this section.

In subsection (b)(1)(i) of this section, the conjunction "or" is substituted for the former conjunction "and" to clarify that the franchise need not necessarily apply to both water and sewerage systems.

Also in subsection (b)(1)(i) of this section, the former references to granting a franchise "to any person" are deleted as surplusage.

In subsection (b)(1)(iii) of this section, the reference to charges and rates "applicable to the franchise" is substituted for the former references to "certain rates and charges" for clarity.

In subsection (b)(1)(iv) of this section, the reference to adopting requirements "for the operation of the franchise" is added for clarity.

Also in subsection (b)(1)(iv) of this section, the former references to providing for the "enforcement of any such measure" are deleted as

implicit in the authority to adopt rules, regulations, and licensing requirements.

Defined terms: “County” § 1–101

“Municipality” § 1–101

“State” § 1–101

1–705. WASTE COLLECTION AND DISPOSAL.

(A) LEGISLATIVE POLICY.

NOTWITHSTANDING ANY ANTICOMPETITIVE EFFECT, IT IS THE POLICY OF THE STATE TO DIRECT AND AUTHORIZE EACH COUNTY AND MUNICIPALITY TO EXERCISE AUTHORITY OVER WASTE COLLECTION AND DISPOSAL.

(B) APPLICATION OF SECTION.

THIS SECTION DOES NOT APPLY TO WASTE THAT THE GENERATOR:

(1) DIRECTS TO A SPECIFIC FACILITY FOR RECLAMATION, RECYCLING, OR REUSE; OR

(2) DISPOSES OF ON ITS PROPERTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2A(b)(3), Art. 25, § 3D(b)(3), Art. 25A, § 5A(b)(3), and Art. 25B, § 13B(b)(3).

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the reference to “its” own property in subsection (b)(2) of this section is ambiguous. The General Assembly may wish to clarify whether it is intended to refer to a generator or a facility.

Defined terms: “County” § 1–101

“Municipality” § 1–101

“State” § 1–101

1–706. CONCESSIONS AND LEASES FOR PUBLIC PROPERTY.

(A) LEGISLATIVE POLICY.

IT IS THE POLICY OF THE STATE TO AUTHORIZE EACH COUNTY AND MUNICIPALITY TO DISPLACE OR LIMIT COMPETITION IN THE AWARDING OF CONCESSIONS ON, OVER, OR UNDER PROPERTY OWNED OR LEASED BY THE

COUNTY OR MUNICIPALITY AND IN THE LEASING OR SUBLEASING OF PROPERTY OWNED OR LEASED BY THE COUNTY OR MUNICIPALITY TO:

- (1) USE ITS ASSETS PROPERLY FOR THE BEST PUBLIC PURPOSE;**
- (2) PROTECT THE PUBLIC FROM UNSCRUPULOUS BUSINESS PRACTICES AND EXCESSIVE PRICES;**
- (3) PROVIDE MAXIMUM ACCESSIBILITY TO PUBLIC PROPERTY;**
- (4) PROVIDE DESIRABLE OR NECESSARY GOVERNMENTAL SERVICES AT THE LOWEST POSSIBLE COST; AND**
- (5) PROMOTE THE GENERAL WELFARE BY USING PUBLIC PROPERTY FOR THE BENEFIT OF THE RESIDENTS OF THE COUNTY OR MUNICIPALITY.**

(B) AUTHORITY.

NOTWITHSTANDING ANY ANTICOMPETITIVE EFFECT, A COUNTY OR MUNICIPALITY MAY:

- (1) (I) GRANT ONE OR MORE FRANCHISES FOR ANY CONCESSION ON, OVER, OR UNDER PROPERTY OWNED OR LEASED BY THE COUNTY OR MUNICIPALITY ON AN EXCLUSIVE OR NONEXCLUSIVE BASIS;**
 - (II) CONTROL PRICES AND RATES FOR THE FRANCHISE; AND**
 - (III) ADOPT RULES AND REGULATIONS FOR THE OPERATION OF THE FRANCHISE; AND**
- (2) LEASE OR SUBLEASE PUBLICLY OWNED OR LEASED REAL PROPERTY ON TERMS THAT THE COUNTY OR MUNICIPALITY DETERMINES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2A(d), Art. 25, § 3D(c), Art. 25A, § 5A(c), and Art. 25B, § 13B(d).

In subsection (a)(3) of this section, the reference to "maximum" accessibility is substituted for the former references to accessibility "by as many citizens as possible" for brevity.

In subsection (a)(5) of this section, the reference to "residents of the county or municipality" is substituted for the former references to

“citizens of the community” for clarity and consistency with other similar provisions of the Code.

In subsection (b)(1)(i) of this section, the former references to “displac[ing] or limit[ing] competition” are deleted as duplicative of the policy statement under subsection (a) of this section.

In subsection (b)(1)(ii) of this section, the former references to providing for the “enforcement of any such measure” and “enforcement thereof” are deleted as implicit in the authority to adopt rules and regulations.

In subsection (b)(2) of this section, the reference to “real property” is substituted for the former references to “land[,] improvements to land[,] or both” for brevity.

Defined terms: “County” § 1-101

“Municipality” § 1-101

“State” § 1-101

1-707. PORT REGULATION.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO CODE COUNTIES AND MUNICIPALITIES.

(B) LEGISLATIVE POLICY.

IT IS THE POLICY OF THE STATE TO AUTHORIZE EACH CODE COUNTY AND MUNICIPALITY TO DISPLACE OR LIMIT COMPETITION IN THE AREA OF PORT REGULATION TO:

(1) PROVIDE FOR SAFE HARBORS FREE OF CONGESTION AND NAVIGATIONAL HAZARDS;

(2) PROTECT MARINE LIFE AND WILDLIFE; AND

(3) PREVENT WATER POLLUTION AND EROSION.

(C) AUTHORITY.

NOTWITHSTANDING ANY ANTICOMPETITIVE EFFECT, A CODE COUNTY OR MUNICIPALITY MAY:

(1) GRANT ONE OR MORE FRANCHISES OR ENTER INTO CONTRACTS FOR THE PLACEMENT OR CONSTRUCTION OF STRUCTURES IN OR ON THE WATERS OF THE COUNTY OR MUNICIPALITY;

(2) ISSUE LICENSES FOR WHARVES AND PIERS; OR

(3) ISSUE PERMITS FOR MOORING PILES, FLOATING WHARVES, BUOYS, AND ANCHORS.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 23A, § 2A(c) and Art. 25B, § 13B(c).

In the introductory language of subsection (b) of this section, the former reference to regulation "undertaken by a board of port wardens pursuant to section 2(b)(23A)(i) of this article" is deleted as an unnecessary cross-reference to the grant of authority to municipalities.

In subsection (b)(2) of this section, the former references to protecting marine life to "provide benefits to ... citizens" are deleted as surplusage.

In subsection (c)(1) of this section, the former references to the "erection" of structures are deleted as included in the reference to the "construction" of structures.

Defined terms: "Code county" § 1-101
"Municipality" § 1-101

1-708. CABLE TELEVISION SYSTEM.

(A) "CABLE TELEVISION SYSTEM" DEFINED.

(1) UNLESS OTHERWISE DEFINED BY LOCAL LAW, IN THIS SECTION, "CABLE TELEVISION SYSTEM" MEANS A NONBROADCAST FACILITY THAT CONSISTS OF A SET OF TRANSMISSION PATHS AND ASSOCIATED SIGNAL GENERATION, RECEPTION, AND CENTRAL EQUIPMENT, UNDER COMMON OWNERSHIP AND CONTROL, THAT DISTRIBUTES OR IS DESIGNED TO DISTRIBUTE TO SUBSCRIBERS THE SIGNALS OF ONE OR MORE TELEVISION BROADCAST STATIONS.

(2) "CABLE TELEVISION SYSTEM" DOES NOT INCLUDE A FACILITY THAT:

(I) SERVES 49 OR FEWER SUBSCRIBERS; OR

(II) SERVES ONLY SUBSCRIBERS IN ONE OR MORE MULTIPLE DWELLING UNITS UNDER COMMON OWNERSHIP, CONTROL, OR MANAGEMENT.

(B) CONSTRUCTION OF SECTION.

THIS SECTION DOES NOT AUTHORIZE THE GOVERNING BODY OF A COUNTY TO ENACT LAWS OR REGULATIONS FOR A MUNICIPALITY.

(C) AUTHORITY.

THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY:

(1) GRANT A FRANCHISE FOR A CABLE TELEVISION SYSTEM THAT USES A PUBLIC RIGHT-OF-WAY;

(2) IMPOSE FRANCHISE FEES;

(3) ESTABLISH RATES APPLICABLE TO A FRANCHISE; AND

(4) ADOPT RULES AND REGULATIONS FOR THE OPERATION OF A FRANCHISE.

REVISOR'S NOTE: Subsection (a) of this section is new language patterned after Chapter 562, Section 2 of the Acts of the General Assembly of 1982.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 23A, § 2(b)(13) and Art. 25, § 3C.

In subsection (b) and the introductory language of subsection (c) of this section, the references to the "governing body" are substituted for the former references to the "county commissioners" for accuracy in light of Chapter 699 of the Acts of the General Assembly of 2010, which clarified that charter counties and code counties may exercise the authority granted to commission counties under Art. 25 of the Code.

In subsection (c)(1) of this section, the former reference to "exclusive or nonexclusive" franchises is deleted as inconsistent with federal law. The Cable Television Consumer Protection and Competition Act of 1992 prohibits the granting of an "exclusive" franchise. *See* 47 U.S.C. § 541(a)(1). Similarly, in subsection (c)(1) of this section, the former

reference to “one or more” is deleted to avoid the implication that an exclusive franchise might be allowed.

Also in subsection (c)(1) of this section, the former reference to a “community antenna system” is deleted as included in the general reference to a “cable television system”.

Also in subsection (c)(1) of this section, the former reference to a “highway, street, road, lane, alley, or bridge” is deleted as unnecessary in light of the reference to a “public right-of-way”.

Defined terms: “County” § 1-101

“Governing body” § 1-101

“Municipality” § 1-101

1-709. FERRY COMPANY — SOMERSET COUNTY.

(A) IN GENERAL.

NOTWITHSTANDING ANY ANTICOMPETITIVE EFFECT, THE COUNTY COMMISSIONERS OF SOMERSET COUNTY MAY GRANT AN EXCLUSIVE FRANCHISE TO A FERRY COMPANY TO OPERATE BETWEEN SOMERSET COUNTY AND REEDVILLE, VIRGINIA.

(B) REVIEW OF BUSINESS AND FINANCIAL PLAN.

BEFORE GRANTING A FRANCHISE, THE COUNTY COMMISSIONERS OF SOMERSET COUNTY SHALL REVIEW THE PROPOSED BUSINESS AND FINANCIAL PLAN OF THE FERRY COMPANY.

(C) REGULATIONS.

THE COUNTY COMMISSIONERS OF SOMERSET COUNTY MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION THAT ARE CONSISTENT WITH ANY REGULATIONS ADOPTED BY THE PUBLIC SERVICE COMMISSION THAT RELATE TO FERRY COMPANIES.

(D) TIME LIMIT FOR EXERCISING FRANCHISE.

IF THE FERRY COMPANY DOES NOT EXERCISE THE FRANCHISE WITHIN 18 MONTHS AFTER IT IS GRANTED, THE FRANCHISE BECOMES VOID.

(E) GAMING PROHIBITED.

A FERRY COMPANY MAY NOT CONDUCT GAMING ACTIVITIES ON A FERRY THAT IT OPERATES UNDER A FRANCHISE GRANTED UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 3D(a)(3).

In subsection (d) of this section, the former reference to a ferry company “[having] up to 18 months to exercise the franchise” is deleted as implicit in the reference to the franchise becoming void if the ferry company does not exercise the franchise “within 18 months after it is granted”.

Also in subsection (d) of this section, the former reference to the franchise being “null” is deleted as included in the reference to the franchise becoming “void”.

In subsection (e) of this section, the former reference to “gambling” activities is deleted as included in the reference to “gaming” activities.

SUBTITLE 8. PARTICIPATION IN FEDERAL PROJECTS; FEDERAL AID.

1-801. PROJECTS.

(A) “FEDERAL PROJECT” DEFINED.

(1) IN THIS SECTION, “FEDERAL PROJECT” MEANS ANY FEDERAL WORK, IMPROVEMENT, OR PROJECT.

(2) “FEDERAL PROJECT” INCLUDES:

(I) DREDGING PROJECTS;

(II) FLOOD CONTROL PROJECTS; AND

(III) OTHER FEDERAL RIVER, HARBOR, AND NAVIGATION WORKS AND IMPROVEMENTS.

(B) SCOPE OF SECTION.

THIS SECTION APPLIES TO THE FOLLOWING GOVERNMENTAL ENTITIES:

(1) COUNTIES;

(2) MUNICIPALITIES;

- (3) PUBLIC CORPORATIONS;**
- (4) SPECIAL DISTRICTS; AND**
- (5) ANY OTHER POLITICAL SUBDIVISIONS.**

(C) POWERS.

A GOVERNMENTAL ENTITY MAY:

(1) ASSIST THE UNITED STATES OR A FEDERAL AGENCY IN CONSTRUCTING, FINANCING, MAINTAINING, USING, OR OPERATING A FEDERAL PROJECT, INCLUDING AGREEING TO TERMS OF LOCAL COOPERATION REQUIRED BY THE UNITED STATES OR A FEDERAL AGENCY;

(2) ENTER INTO A CONTRACT WITH THE UNITED STATES OR A FEDERAL AGENCY, IN THE FORM REQUIRED BY THE UNITED STATES OR FEDERAL AGENCY, OBLIGATING THE GOVERNMENTAL ENTITY TO:

(I) CONSTRUCT, FINANCE, MAINTAIN, USE, OR OPERATE A FEDERAL PROJECT; OR

(II) ARRANGE, CONTRACT FOR, OR SUPERVISE THE CONSTRUCTION, FINANCING, MAINTENANCE, USE, OR OPERATION OF A FEDERAL PROJECT;

(3) APPROPRIATE OR OBLIGATE MONEY AND OBTAIN PRIVATE LOANS OR FINANCING TO PAY FOR ITS SHARE OF THE COST OF A FEDERAL PROJECT;

(4) ACCEPT AND USE FEDERAL GRANTS OR LOANS TO ASSIST IN THE CONSTRUCTION, FINANCING, MAINTENANCE, USE, OR OPERATION OF A FEDERAL PROJECT;

(5) PURCHASE OR, IN ACCORDANCE WITH TITLE 12 OF THE REAL PROPERTY ARTICLE, CONDEMN LAND AND INTERESTS IN LAND NECESSARY FOR A FEDERAL PROJECT AND TRANSFER ANY INTEREST IN THAT LAND TO THE UNITED STATES OR A FEDERAL AGENCY; AND

(6) ENTER PROPERTY AND WATERS TO CONDUCT SURVEYS, SOUNDINGS, AND EXAMINATIONS IN FURTHERANCE OF A FEDERAL PROJECT.

REVISOR'S NOTE: Subsection (a) of this section is new language added to avoid repetition of the full reference to "federal work, improvement or project, including dredging or flood control projects or other federal river and harbor and navigation works and improvements" and the references to "such improvements, works, and projects".

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 24, § 6–201.

In subsection (b) of this section, the former reference to "[a]ny county or municipality" and the former definition of "municipality" are combined and revised as a scope provision to clarify the entities to which the section applies and for consistency in the use of the term "municipality" as it is defined in § 1–101 of this article.

In subsection (c) of this section, the former references to "erect[ing]" a project are deleted as included in the references to "construct[ing]" a project.

In the introductory language of subsection (c) of this section, the former phrase "in addition to the powers which it may now have," is deleted as surplusage.

In subsection (c)(1) of this section, the former references to the authority of a county or municipality to "[a]id" and "participate and cooperate with" the United States are deleted as included in the reference to "assist".

In the introductory language of subsection (c)(2) of this section and throughout this subtitle, the former references to "agreements" are deleted as included in the references to "contract[s]".

Also in the introductory language of subsection (c)(2) of this section, the reference to the form required by "the United States or federal agency" is substituted for the former reference to the form required "thereby" for clarity.

Also in the introductory language of subsection (c)(2) of this section, the former references to "execut[ing]" and "perform[ing]" a contract are deleted as included in the reference to "enter[ing] into" a contract.

In subsection (c)(3) of this section, the former reference to a "[l]evy[ing] for" money is deleted as implicit in the reference to "appropriat[ing] or obligat[ing]" money.

In subsection (c)(4) of this section, the reference to federal “grants” is substituted for the former reference to “funds donated” for clarity and consistency with other similar provisions of the Code.

Also in subsection (c)(4) of this section, the former reference to “[r]eceiv[ing]” funds is deleted as included in the reference to “accept[ing]” funds.

Also in subsection (c)(4) of this section, the former reference to “expend[ing]” funds is deleted as included in the reference to “us[ing]” funds.

In subsection (c)(5) of this section, the former references to “rights-of-way” and “easements” are deleted as included in the reference to “interests in land”.

Also in subsection (c)(5) of this section, the former references to “convey[ing]” and “leas[ing]” an interest in land are deleted as included in the reference to “transfer[ring]” an interest in land.

In subsection (c)(6) of this section, the reference to “property” is substituted for the former reference to “lands, ... and premises” for brevity and consistency with other similar provisions of this article.

Former Art. 24, § 6–201(c), which provided for the effectiveness of any contract entered into before the effective date of the section, is deleted as obsolete because the reenactment referred to dates back to 1963.

Defined terms: “County” § 1–101

“Municipality” § 1–101

1–802. LOCAL GOVERNMENT CONTRACTS FOR WATERSHED PROJECTS.

FOR THE PURPOSE OF CONSTRUCTING, FINANCING, MAINTAINING, USING, OR OPERATING A WATERSHED PROJECT, A COUNTY OR MUNICIPALITY MAY ENTER INTO A CONTRACT, INCLUDING AN OBLIGATION OF REPAYMENT UNDER APPLICABLE FEDERAL PUBLIC WORKS AND ECONOMIC DEVELOPMENT PROGRAMS UNDER 42 U.S.C. §§ 3161 AND 3162, WITH:

- (1) THE UNITED STATES OR A FEDERAL AGENCY;**
- (2) A PUBLIC DRAINAGE ASSOCIATION;**
- (3) A PUBLIC WATERSHED ASSOCIATION; OR**

(4) ANY PERSON OR OTHER GOVERNMENTAL ENTITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 6–202.

In the introductory language of this section, the reference to “applicable federal public works and economic development programs” is substituted for the former reference to the “area redevelopment program” in light of the Economic Development Administration Reform Act of 1998, Pub. L. 105–393 (1998), which repealed the Area Redevelopment Program and established new guidelines for federal public works and economic development assistance.

Also in the introductory language of this section, the reference to “a watershed project” is substituted for the former reference to “any works of improvement” for clarity.

Also in the introductory language of this section, the former reference to “Baltimore City” is deleted in light of the reference to the defined term “county”.

Also in the introductory language of this section, the former reference to the powers granted in this section being “in addition to the powers which it may now have,” is deleted as surplusage.

Also in the introductory language of this section, the former reference to “erecting” a watershed project is deleted as included in the reference to “constructing” a watershed project.

Also in the introductory language of this section, the former reference to including “without limitation” is deleted as unnecessary in light of Art. 1, § 30, which provides that the term “including” is used “by way of illustration and not by way of limitation”.

Also in the introductory language of this section, the former references to “agreements” and “contracts” of repayment are deleted as included in the reference to “obligations” of repayment.

In item (4) of this section, the reference to “any person or other governmental entity” is substituted for the former reference to “other groups or agencies” for clarity.

Defined terms: “County” § 1–101

“Municipality” § 1–101

“Person” § 1–101

1-803. LOCAL GOVERNMENT PARTICIPATION IN FEDERAL HOUSING ASSISTANCE PROGRAMS.

(A) CONSTRUCTION OF SECTION.

(1) REGARDLESS OF WHETHER A COUNTY OR MUNICIPALITY HAS ESTABLISHED A HOUSING AUTHORITY UNDER THE HOUSING AUTHORITIES LAW IN DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE, THE POWERS CONFERRED BY THIS SECTION:

(I) ARE IN ADDITION TO ALL OTHER POWERS OF A COUNTY OR MUNICIPALITY; AND

(II) MAY BE EXERCISED DIRECTLY BY A COUNTY OR MUNICIPALITY OR AS OTHERWISE PROVIDED BY THE GOVERNING BODY OF THE COUNTY OR MUNICIPALITY.

(2) THIS SECTION DOES NOT AFFECT ANY POWERS CONFERRED ON A HOUSING AUTHORITY, COUNTY, OR MUNICIPALITY BY THE HOUSING AUTHORITIES LAW IN DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(B) FEDERAL LOWER-INCOME HOUSING ASSISTANCE PROGRAMS.

A COUNTY OR MUNICIPALITY MAY PARTICIPATE IN FEDERAL LOWER-INCOME HOUSING ASSISTANCE PROGRAMS AND FOR THIS PURPOSE MAY:

(1) ENTER INTO CONTRACTS WITH THE UNITED STATES OR A FEDERAL AGENCY;

(2) ACCEPT AND EXPEND ASSISTANCE PAYMENTS RELATED TO EXISTING, NEWLY CONSTRUCTED, OR SUBSTANTIALLY REHABILITATED HOUSING;

(3) ACT AS A PUBLIC HOUSING AGENCY AS DEFINED IN FEDERAL LAW; AND

(4) DO ALL THINGS NECESSARY OR CONVENIENT TO PARTICIPATE IN THE PROGRAM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 6-203.

In subsection (a)(2) of this section, the former reference to “the housing cooperation law” is deleted as obsolete. Chapter 330 of the Acts of the General Assembly of 1990 repealed both Article 44A, “Housing Authorities” and Article 44B, “Housing Cooperation and Aid” and reenacted the provisions of both articles under Article 44A, “Housing Authorities”. The provisions relating to housing authorities were again revised in Division II “Housing Authorities” of the Housing and Community Development Article, enacted by Chapter 63, Acts of the General Assembly of 2006.

In subsection (b)(1) of this section, the former reference to “perform[ing]” contracts is deleted as implicit in the reference to “enter[ing] into” contracts.

Also in subsection (b)(1) of this section, the former reference to “agreements” is deleted as included in the reference to “contracts”.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Municipality” § 1–101

1–804. FEDERAL AID INFORMATION.

(A) REGULATIONS.

AFTER CONSULTATION WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT, THE SECRETARY OF PLANNING SHALL ADOPT REGULATIONS THAT REQUIRE A COUNTY OR MUNICIPALITY TO SUBMIT INFORMATION, AS REQUIRED IN THIS SECTION, ON FEDERAL AID, INCLUDING GRANTS, INSTRUCTIONAL CONTRACTS, LOANS, RESEARCH CONTRACTS, AND OTHER ASSISTANCE.

(B) INSTRUCTIONAL AND RESEARCH AID.

(1) EVERY 6 MONTHS, A COUNTY OR MUNICIPALITY SHALL SUBMIT A SUMMARY NOTICE TO THE DEPARTMENT OF PLANNING IF, DURING THE 6-MONTH PERIOD THAT THE NOTICE COVERS, THE COUNTY OR MUNICIPALITY RECEIVED AN AWARD OF FEDERAL AID IN THE FORM OF AN INSTRUCTIONAL CONTRACT, AN INSTRUCTIONAL GRANT, A RESEARCH CONTRACT, OR A RESEARCH GRANT.

(2) THE SUMMARY NOTICE SHALL STATE THE AMOUNT OF THE AWARD.

(C) OTHER AID.

(1) THIS SUBSECTION DOES NOT APPLY TO AN INSTRUCTIONAL CONTRACT, AN INSTRUCTIONAL GRANT, A RESEARCH CONTRACT, OR A RESEARCH GRANT.

(2) WITHIN 30 DAYS AFTER A COUNTY OR MUNICIPALITY RECEIVES AN AWARD OF FEDERAL AID, THE COUNTY OR MUNICIPALITY SHALL SUBMIT TO THE DEPARTMENT OF PLANNING A SUMMARY NOTICE THAT STATES:

(I) THE AMOUNT OF THE AWARD; AND

(II) IF THE AWARD IS CONDITIONED ON MATCHING FUNDS:

1. THE AMOUNT OF THOSE FUNDS;

2. THE SOURCE OF THOSE FUNDS; AND

3. THE PERIOD FOR WHICH THOSE FUNDS ARE

REQUIRED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 6–301.

In this section, the references to “county or municipality” are substituted for the former references to “local government” for clarity and consistency throughout this article.

In subsection (a) of this section, the reference to the “Secretary” of Planning is substituted for the former reference to the “Director” of Planning in light of § 5–202(b) of the State Finance and Procurement Article, which provides that the head of the Department of Planning is the Secretary of Planning.

SUBTITLE 9. COOPERATION AMONG POLITICAL SUBDIVISIONS.

1–901. ASSISTANCE TO OTHER POLITICAL SUBDIVISIONS AUTHORIZED.

THE GOVERNING BODY OF A COUNTY OR A MUNICIPALITY MAY PROVIDE MATERIALS, SERVICES, OR OTHER ASSISTANCE TO ANOTHER POLITICAL SUBDIVISION FOR A PUBLIC PURPOSE AND FOR MUTUAL BENEFIT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 219 and Art. 23A, § 8C(a).

The reference to “a public purpose and for mutual benefit” is substituted for the former references to “purposes deemed to be public and of benefit to the municipal corporation and the other political subdivision” and “purposes deemed to be public and of benefit to the county and the other political subdivision” for brevity.

The former references to a county or municipality's authority to “lend” assistance to another political subdivision is deleted as included in the authority to “provide” assistance.

The former references to assistance being given “upon such terms as may be agreed upon” are deleted as implicit in the authority granted.

The former references to “tools”, “vehicles”, “implements”, and “consultants” are deleted as included in the reference to “materials, services, or other assistance”.

Defined terms: “County” § 1-101

“Governing body” § 1-101

“Municipality” § 1-101

1-902. COOPERATION IN PERFORMING GOVERNMENTAL FUNCTIONS AND ACCEPTANCE OF FUNDS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**
- (4) CECIL COUNTY;**
- (5) HOWARD COUNTY;**
- (6) PRINCE GEORGE'S COUNTY; AND**
- (7) QUEEN ANNE'S COUNTY.**

(B) COOPERATIVE PERFORMANCE OF GOVERNMENTAL FUNCTIONS.

THE GOVERNING BODY OF A COUNTY MAY CONTRACT WITH ANOTHER GOVERNMENTAL ENTITY FOR THE JOINT OR COOPERATIVE PERFORMANCE OF ANY GOVERNMENTAL FUNCTION.

(C) FEDERAL AND STATE GRANTS.

THE GOVERNING BODY OF A COUNTY MAY:

(1) ACCEPT ANY GIFT OR GRANT FROM THE FEDERAL OR STATE GOVERNMENT OR ANY UNIT OF FEDERAL OR STATE GOVERNMENT; AND

(2) USE THE GIFT OR GRANT FOR ANY LAWFUL PURPOSE FOR WHICH IT WAS RECEIVED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 3(y) and, as it related to the scope of this section, (a).

In subsection (b) of this section, the reference to "another governmental entity" is substituted for the former reference to "municipalities, counties, districts, bureaus, commissions, and governmental authorities" for brevity.

In subsection (c)(1) of this section, the former reference to gifts or grants "of federal or of State funds" is deleted as surplusage.

In subsection (c)(2) of this section, the reference to any lawful purpose "for which [the gift or grant was] received" is substituted for the former reference to any lawful purpose "agreeably to the conditions under which the gifts or grants were made" for brevity and clarity.

Defined terms: "County" § 1-101
"Governing body" § 1-101
"State" § 1-101

1-903. COOPERATION IN CONSERVING BALTIMORE CITY WATER.

(A) RESTRICTION ON USE OF WATER.

ON REQUEST OF THE DIRECTOR OF THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS, THE GOVERNING BODIES OF ANNE ARUNDEL COUNTY,

BALTIMORE COUNTY, OR HOWARD COUNTY SHALL RESTRICT THE USE OF WATER SUPPLIED BY BALTIMORE CITY TO ANY PERSON OR PROPERTY LOCATED IN THE COUNTY:

(1) TO THE SAME EXTENT RESTRICTIONS ARE IMPOSED ON THE USE OF WATER BY CONSUMERS IN BALTIMORE CITY WHEN THERE IS A SHORTAGE OF WATER; OR

(2) IN LIMITED AREAS WHEN REQUIRED DUE TO DEFICIENCIES IN THE WATER DISTRIBUTION SYSTEM SERVING THE LIMITED AREAS UNDER CONDITIONS APPROVED BY THE RECEIVING COUNTY.

(B) PRIOR DETERMINATION REQUIRED.

BEFORE THE IMPOSITION OF A WATER RESTRICTION IN A LIMITED AREA OF ANNE ARUNDEL COUNTY, BALTIMORE COUNTY, OR HOWARD COUNTY, THE DIRECTOR OF THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS SHALL DETERMINE THAT THE UNRESTRICTED USE OF WATER IN ALL OTHER AREAS OF THE COUNTY WILL HAVE NO DETRIMENTAL EFFECT ON THE RESTRICTED USE AREA.

(C) RELATED LAWS AND REGULATIONS.

THE GOVERNING BODIES OF ANNE ARUNDEL COUNTY, BALTIMORE COUNTY, AND HOWARD COUNTY MAY PASS ANY ORDINANCE, RESOLUTION, RULE, OR REGULATION NECESSARY TO IMPOSE AND ENFORCE A WATER RESTRICTION UNDER THIS SUBTITLE AND PROVIDE PENALTIES FOR THE VIOLATION OF A RESTRICTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 168.

Throughout this section, the reference to the "Director of the Baltimore City Department of Public Works" is substituted for the former reference to the "water engineer of the Mayor and City Council of Baltimore" for accuracy.

Also throughout this section, the former references to the "Anne Arundel [County] Sanitary Commission" are deleted as obsolete. The Commission no longer exists. Its functions have been taken over by the Anne Arundel County Department of Public Works.

In the introductory language of subsection (a) of this section, the reference to water supplied by "Baltimore City" is substituted for the

former reference to water supplied by “the Mayor and City Council of Baltimore” for brevity.

Also in the introductory language of subsection (a) of this section, the former reference to the county councils “acting for and within the boundaries of their respective counties” is deleted as implicit in the limitation on a county’s jurisdiction.

Also in the introductory language of subsection (a) of this section, the former reference to water “furnished” is deleted as included in the reference to water “supplied”.

In subsection (a)(1) of this section, the former reference to “raw” water is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to “appurtenances” is deleted as included in the reference to a “water distribution system”.

Also in subsection (a)(2) of this section, the former reference to conditions approved by the county’s “duly authorized representative” is deleted as implicit.

Also in subsection (a)(2) of this section, the reference to the “receiving county” is substituted for the former reference to the “county [commissioners] of the aforementioned respective counties” for brevity.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that, because of the general grant of authority to counties under the Express Powers Act, the grant of authority in subsection (c) of this section may be unnecessary. Accordingly, the General Assembly may wish to consider repealing subsection (c) of this section.

Defined terms: “Governing body” § 1–101
 “Person” § 1–101

GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 25, § 3(cc), which authorized Dorchester County to make appropriations to municipalities, is deleted as obsolete because Dorchester County became a charter county in 2002 and the authority granted in the subsection is inherent in the general authority granted to charter counties to appropriate funds. *See City of Annapolis v. Anne Arundel County, Maryland* 347 Md. 1 (1997), which held that the authority to appropriate revenue is “implicit in Article XI–A” and an “inherent power of all Maryland counties”.

SUBTITLE 10. HOSPITALS AND RELATED FACILITIES.**PART I. HOSPITALS.****1-1001. HOSPITALS AND FACILITIES FOR CARE OF SICK.****(A) ESTABLISHMENT AUTHORIZED.**

A COUNTY OR MUNICIPALITY MAY ESTABLISH A HOSPITAL OR OTHER FACILITY FOR THE CARE OF THE SICK BY:

(1) BUILDING OR CONTRACTING FOR THE USE OF A FACILITY; OR

(2) JOINING WITH ANOTHER COUNTY OR MUNICIPALITY TO ESTABLISH A JOINT FACILITY.

(B) RECOVERY OF EXPENSES INCURRED IN PATIENT CARE.

A COUNTY OR MUNICIPALITY MAY RECOVER THE EXPENSES INCURRED BY A HOSPITAL OR ANOTHER FACILITY IN CARING FOR A PATIENT WHO IS NOT INDIGENT:

(1) FROM THE PATIENT, WITHIN 3 YEARS AFTER THE PATIENT IS DISCHARGED FROM THE FACILITY; OR

(2) FROM THE ESTATE OF THE PATIENT, IF THE PATIENT DIES IN THE FACILITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 252.

In the introductory language of subsection (a) of this section, the reference to "other facility for the care of the sick" is substituted for the defined term "reception center" for clarity. Correspondingly, throughout this section, the references to "facility" are substituted for the former references to "hospital" and "reception center" for brevity and clarity.

Also in the introductory language of subsection (a) of this section, the former reference to the "temporary" care of the sick is deleted as being too limiting on the general purposes of a hospital or other care facility.

Also in the introductory language of subsection (a) of this section, the former reference to a county or municipality establishing a facility “for its inhabitants” is deleted as too limiting.

In subsection (a)(2) of this section, the reference to a “joint facility” is substituted for the former reference to a “common hospital” for clarity.

Defined terms: “County” § 1-101
“Municipality” § 1-101

1-1002. HOSPITAL RUN BY POLITICAL SUBDIVISION.

A HOSPITAL, AS DEFINED IN § 19-301 OF THE HEALTH – GENERAL ARTICLE, THAT IS OPERATED BY A POLITICAL SUBDIVISION MAY ACCEPT A VALID CREDIT CARD AS PAYMENT FOR A BILL.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 253.

The former reference to a “municipal” political subdivision is deleted in light of the general reference to a “political subdivision”.

1-1003. RESERVED.

1-1004. RESERVED.

PART II. CITIZENS NURSING HOME BOARDS.

1-1005. “BOARD” DEFINED.

IN THIS PART, “BOARD” MEANS A CITIZENS NURSING HOME BOARD.

REVISOR’S NOTE: This section is new language added to avoid repetition of the full reference to a “citizens nursing home board”.

1-1006. ESTABLISHMENT OF CITIZENS NURSING HOME BOARDS.

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF A COUNTY MAY ESTABLISH A CITIZENS NURSING HOME BOARD.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 254(a).

Defined term: “County” § 1-101

1-1007. MEMBERSHIP.**(A) COMPOSITION.**

(1) (I) EXCEPT AS PROVIDED IN SUBSECTION (D)(1) OF THIS SECTION, A BOARD CONSISTS OF 10 MEMBERS.

(II) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF THE COUNTY SHALL APPOINT THE INITIAL MEMBERS OF THE BOARD FOR THE FOLLOWING TERMS:

- 1. THREE MEMBERS FOR 3 YEARS;**
- 2. THREE MEMBERS FOR 2 YEARS; AND**
- 3. THREE MEMBERS FOR 1 YEAR.**

(III) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL APPOINT ONE OF ITS MEMBERS TO BE AN EX OFFICIO MEMBER OF THE BOARD.

(2) EACH MEMBER OF THE BOARD SHALL BE A RESIDENT OF THE COUNTY.

(B) TENURE; VACANCIES.

EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D)(3) OF THIS SECTION, A SUCCESSOR MEMBER SHALL BE ELECTED BY A MAJORITY VOTE OF THE BOARD FOR:

- (1) A TERM OF 3 YEARS IF A TERM EXPIRES; OR**
- (2) THE REST OF THE TERM IF A TERM IS VACATED.**

(C) FREDERICK COUNTY.

THE COUNTY COMMISSIONERS OF FREDERICK COUNTY SHALL APPOINT A SUCCESSOR MEMBER FOR:

- (1) A TERM OF 3 YEARS IF A TERM EXPIRES; OR**
- (2) THE REST OF THE TERM IF A TERM IS VACATED.**

(D) ST. MARY'S COUNTY.

(1) IN ST. MARY'S COUNTY, THE BOARD CONSISTS OF AT LEAST 10 BUT NOT MORE THAN 15 MEMBERS.

(2) (I) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY CREATE NEW POSITIONS ON THE BOARD.

(II) THE COUNTY COMMISSIONERS SHALL SET THE TERM FOR EACH NEW POSITION TO:

1. 3 YEARS OR LESS; AND

2. ENSURE BALANCED STAGGERING OF THE EXPIRATION OF THE TERMS OF ALL MEMBERS.

(3) THE COUNTY COMMISSIONERS SHALL APPOINT A SUCCESSOR MEMBER FOR:

(I) A TERM OF 3 YEARS IF A TERM EXPIRES; OR

(II) THE REST OF THE TERM IF A TERM IS VACATED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 254(b).

In subsection (a)(1)(iii) of this section, the former phrase "from time to time" is deleted as surplusage.

In subsections (b), (c), and (d) of this section, the former phrase "as the terms of the initial appointees expire or as vacancies occur" is deleted as surplusage.

Also in subsections (b), (c), and (d) of this section, the references to a successor "member" are added for clarity.

In subsection (b) of this section, the former phrase "hereafter, these positions shall be so filled" is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to a member being elected by "quorum" is deleted as included in the reference to a member being elected by "majority vote".

In subsection (b)(1) of this section, the reference to a 3-year term “if a term expires” is new language added for clarity, and consistency with subsections (c)(1) and (d)(3)(i) of this section.

In subsection (b)(2) of this section, the reference to the “rest of the term if a term is vacated” is substituted for the former reference to the “remainder thereof” for clarity, and consistency with subsections (c)(2) and (d)(3)(ii) of this section.

In subsection (d)(2)(i) of this section, the reference to the county commissioners “creat[ing]” new positions is substituted for the former reference to the county commissioners “approv[ing]” new positions for clarity.

In subsection (d)(2)(ii) of this section, the former reference to positions being “initially filled by appointment by the county commissioners” is deleted as surplusage.

Defined terms: “Board” § 1-1005
 “County” § 1-101

1-1008. CHAIR.

(A) IN GENERAL.

THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

(B) TENURE.

THE BOARD SHALL DETERMINE THE TERM OF OFFICE OF THE CHAIR.

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 25, § 254(e).

In subsection (b) of this section, the reference to the board determining “the term of office of the chair” is substituted for the former reference to the chairman serving “for any period it may designate” for consistency with other similar provisions of the Code.

Defined term: “Board” § 1-1005

1-1009. MEETINGS; COMPENSATION.

(A) MEETINGS.

THE BOARD SHALL MEET AT LEAST ONCE A MONTH TO CONDUCT ITS BUSINESS.

(B) COMPENSATION.

A MEMBER OF THE BOARD SERVES WITHOUT COMPENSATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 254(c) and the second sentence of (e).

In subsection (a) of this section, the former reference to the board holding meetings "as may be necessary for the proper" conduct of business is deleted as implicit in the requirement to hold a meeting.

Defined term: "Board" § 1-1005

1-1010. POWERS AND DUTIES.

(A) ESTABLISHMENT OF NURSING HOME.

THE BOARD SHALL ESTABLISH, MAINTAIN, AND OPERATE A NURSING HOME OR OTHER FACILITY OR SERVICE FOR THE CARE AND TREATMENT OF AGED, CONVALESCENT, AND CHRONICALLY ILL INDIVIDUALS.

(B) IN GENERAL.

THE BOARD HAS THE FOLLOWING POWERS AND DUTIES:

(1) (I) TO ACCEPT GIFTS, LEGACIES, BEQUESTS, OR ENDOWMENTS FOR PURPOSES OF THE BOARD; AND

(II) UNLESS OTHERWISE SPECIFIED BY THE DONOR, IN THE DISCRETION OF THE BOARD, TO SPEND BOTH PRINCIPAL AND INCOME OF A GIFT, LEGACY, BEQUEST, OR ENDOWMENT FOR THE PURPOSES OF THE BOARD;

(2) (I) TO ACQUIRE AND HOLD PROPERTY IN THE NAME OF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF THE COUNTY;

(II) TO PRESERVE AND ADMINISTER PROPERTY ACQUIRED BY THE BOARD; AND

(III) TO SELL OR OTHERWISE DISPOSE OF PROPERTY ACQUIRED BY THE BOARD;

(3) TO PROVIDE ADEQUATE FACILITIES AND SERVICES FOR THE CARE AND TREATMENT OF AGED, CONVALESCENT, AND CHRONICALLY ILL INDIVIDUALS, INCLUDING:

(I) PHYSICAL CARE;

(II) MEDICAL CARE;

(III) NURSING CARE;

(IV) RECREATIONAL SERVICES;

(V) REHABILITATIVE SERVICES;

(VI) SPECIAL EDUCATION; AND

(VII) DISSEMINATION OF INFORMATION RELATING TO CAUSES AND PREVENTION OF CHRONIC AND DEBILITATING ILLNESSES;

(4) (I) SUBJECT TO ITEM (II) OF THIS ITEM, TO CHARGE FEES FOR ADMISSION TO AND MAINTENANCE IN A FACILITY AND FOR SERVICES PROVIDED; AND

(II) TO CHARGE FEES TO INDIGENT INDIVIDUALS IN DIRECT PROPORTION TO THE INDIVIDUAL'S ABILITY TO PAY;

(5) TO APPLY TO THE PURPOSES OF THE BOARD ALL MONEY, ASSETS, OR PROPERTY THE BOARD RECEIVES;

(6) TO ADOPT RULES AND REGULATIONS FOR THE BOARD'S FACILITIES AND SERVICES;

(7) TO COOPERATE WITH AND ASSIST, AS MUCH AS PRACTICABLE, ANY UNIT OF THE STATE, THE UNITED STATES, ANY SUBDIVISION OF EITHER, OR ANY PERSON;

(8) TO HIRE A DIRECTOR OF ANY FACILITY OR SERVICE AND TO PROVIDE FOR ADDITIONAL EMPLOYEES AND THE QUALIFICATIONS AND WAGES OF THE EMPLOYEES;

(9) TO REQUIRE ANY FACILITY OR SERVICE TO MAINTAIN STANDARDS TO QUALIFY FOR A LICENSE AS A HOSPITAL UNDER TITLE 19, SUBTITLE 3, PART III OF THE HEALTH – GENERAL ARTICLE; AND

(10) TO INTEGRATE EACH OF THE BOARD'S FACILITIES WITH THOSE OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 254(d).

In this section, the references to treating “individuals” are substituted for the former references to treating “residents of the county”, “citizens of the county”, or “residents” because the latter references would be too limiting in that the facilities would not be allowed to care for nonresidents.

In subsection (a) of this section, the former reference to a “convalescent” home is deleted in light of the reference to “other facility”.

Also in subsection (a) of this section, the former reference to “homes” is deleted in light of the reference to “home” and Art. 1, § 8, which provides that the singular generally includes the plural.

Also in subsection (a) of this section, the former references to facilities and services “necessary” for the “proper” care and treatment are deleted as implicit in the requirement for care.

In subsection (b)(1)(ii) of this section, the reference to income being spent “for the purposes of the board” is substituted for the former reference to income being spent “to support the board’s nursing home program” for consistency with other similar provisions of this subsection.

Also in subsection (b)(1)(ii) of this section, the former reference to the donor “making such gift, legacy, bequest or endowment” is deleted as surplusage.

In subsection (b)(2)(i) of this section, the reference to the county commissioners or “county council” is added for consistency with § 1–1006 of this subtitle.

Also in subsection (b)(2)(i) of this section, the former reference to “real and personal” property is deleted as included in the reference to “property”.

Also in subsection (b)(2)(i) of this section, the former reference to acquiring and holding property “by any means” is deleted as surplusage.

In subsection (b)(3) of this section, the former reference to services including “other similar activities” is deleted as unnecessary in light of Art. 1, § 30, which provides that the term “including” is used “by way of illustration and not by way of limitation”.

In subsection (b)(3)(ii) and (iii) of this section, the references to medical and nursing “care” are added for clarity. Similarly, in subsection (b)(3)(iv) and (v) of this section, the references to recreational and rehabilitative “services” are added.

In subsection (b)(4)(i) of this section, the reference to charging fees for “services provided” is substituted for the former reference to charging fees for “use of such services as may support the facilities and services” for brevity.

In subsection (b)(4)(ii) of this section, the reference to “indigent” individuals is substituted for the former reference to individuals “sufficiently impecunious as to be unable to pay the full costs of such care” for brevity and clarity.

Also in subsection (b)(4)(ii) of this section, the former phrase “where aged, convalescent, and chronically ill residents of the county are in need of such facilities and services” is deleted as surplusage.

Also in subsection (b)(4)(ii) of this section, the former reference to an individual’s ability to pay “for the services” is deleted as surplusage.

In subsection (b)(5) of this section, the former reference to the board receiving “other things of value” is deleted as included in the reference to “assets”.

In subsection (b)(6) of this section, the former reference to adopting rules and regulations “subject to the terms of this section” is deleted as implicit because the rules would need to comply with the authority granted in the section.

Also in subsection (b)(6) of this section, the former reference to rules and regulations “as may be necessary for their proper operation” is deleted as implicit in the requirement to adopt rules and regulations.

In subsection (b)(7) of this section, the reference to a “unit” is substituted for the former reference to an “agency” for consistency with other revised articles of the Code. *See* General Revisor’s Note to article.

Also in subsection (b)(7) of this section, the former reference to a “private agency” is deleted as included in the reference to a “person”.

Also in subsection (b)(7) of this section, the former reference to cooperating with certain entities “in furtherance of any of the purposes of this section” is deleted as implicit.

In subsection (b)(8) and (9) of this section, the former references to a facility or service “that it establishes” are deleted as surplusage.

In subsection (b)(8) of this section, the former reference to providing for qualifications and wages of employees “as are necessary to properly operate such facilities” is deleted as implicit in the authority to operate the facilities.

In subsection (b)(10) of this section, the former reference to “accept[ing] funds from, and cooperat[ing] with” the Secretary of Health and Mental Hygiene is deleted as unnecessary in light of subsection (b)(7) of this section.

Also in subsection (b)(10) of this section, the former reference to integrating facilities “in any facet or facets of its operations insofar as deemed advisable by this board” is deleted as implicit.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the reference in subsection (b)(2)(iii) of this section to the county commissioners and the county council of a county selling or otherwise disposing of property acquired by the board is inconsistent in that it appears to authorize the county commissioners and the county council to sell property to which it does not hold title.

Defined terms: “Board” § 1–1005

“County” § 1–101

“Person” § 1–101

“State” § 1–101

1–1011. RULES.

THE BOARD SHALL ADOPT RULES TO GOVERN ITS OPERATIONS.

REVISOR’S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 25, § 254(e).

The reference to adopting rules “to govern its operations” is substituted for the former reference to adopting rules “as are necessary for the internal regulation of the board” for brevity.

The former reference to adopting rules “subject to the terms of this section” is deleted as implicit that the rules would need to comply with the authority granted in the section.

Defined term: “Board” § 1–1005

1–1012. FUNDING.

(A) IN GENERAL.

AS MUCH AS POSSIBLE, THE ACTIVITIES OF THE BOARD SHALL BE SUPPORTED BY THE PUBLIC, VOLUNTARY CONTRIBUTIONS, FEES AND CHARGES, AND PAYMENTS FROM THE STATE AND FEDERAL GOVERNMENT.

(B) ANNUAL APPROPRIATIONS AND BORROWED FUNDS.

TO MAINTAIN AN ADEQUATE LEVEL OF MEDICAL AND NURSING CARE FOR AGED, CONVALESCENT, AND CHRONICALLY ILL INDIVIDUALS, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF A COUNTY MAY:

(1) MAKE ANNUAL APPROPRIATIONS TO SUPPORT THE OPERATIONS OF THE BOARD; AND

(2) MAKE APPROPRIATIONS OR BORROW FUNDS FOR LAND ACQUISITION AND CAPITAL IMPROVEMENTS AND ISSUE BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 254(f).

In subsection (a) of this section, the reference to activities being supported by “the public” is substituted for the former reference to “citizen” support for clarity and consistency with the terminology used throughout this article.

In the introductory language of subsection (b) of this section, the reference to medical and nursing care for “individuals” is substituted for the former reference to care for “citizens of the county” because the latter would be too limiting in that the facilities would not be allowed to care for nonresidents.

Defined terms: “Board” § 1–1005

“County” § 1–101

“State” § 1–101

1–1013. REPORTING REQUIREMENTS.

THE BOARD SHALL REPORT ANNUALLY TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF THE COUNTY ON THE ACTIVITIES OF THE BOARD DURING THE PRECEDING YEAR, INCLUDING ANY RECOMMENDATIONS OR REQUESTS THE BOARD CONSIDERS APPROPRIATE TO ACHIEVE THE OBJECTIVES AND PURPOSES OF THIS PART.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 254(g).

Defined terms: “Board” § 1–1005
“County” § 1–101

1–1014. FREDERICK COUNTY.

IN ADDITION TO THE AUTHORITY PROVIDED IN THIS PART, THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY ESTABLISH, MAINTAIN, AND OPERATE A NURSING HOME OR OTHER FACILITY OR SERVICE FOR THE CARE AND TREATMENT OF AGED, CONVALESCENT, AND CHRONICALLY ILL INDIVIDUALS IN FREDERICK COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 254(h).

The former reference to a “convalescent” home is deleted as included in the reference to “other facility”.

The former reference to “homes” is deleted in light of the reference to “home” and Art. 1, § 8, which provides that the singular generally includes the plural.

The former reference to “proper” care and treatment is deleted as implicit in the requirement for care.

1–1015. RESERVED.

1–1016. RESERVED.

PART III. COUNTY CONTRIBUTIONS.

1–1017. CONTRIBUTIONS ESTABLISHED.

(A) IN GENERAL.

(1) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF A COUNTY MAY COOPERATE, CONSISTENT WITH THIS SUBTITLE, FOR THE CONSTRUCTION OR RECONSTRUCTION OF HOSPITALS OR RELATED FACILITIES BY CONTRIBUTING UP TO ONE-THIRD OF THE COST OF ANY HOSPITAL OR RELATED FACILITY.

(2) TO PAY THE COUNTY CONTRIBUTION UNDER THIS SUBSECTION, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL MAY:

(I) USE GENERAL FUND REVENUES OF THE COUNTY; OR

(II) WITHIN THE LIMITS OF ANY RESTRICTION ON THE BORROWING POWER OF THE COUNTY, ISSUE BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS, PLEDGING THE FULL FAITH AND CREDIT OF THE COUNTY TO THE PAYMENT OF PRINCIPAL OF AND INTEREST ON THE BONDS, NOTES, OR EVIDENCE OF INDEBTEDNESS.

(3) FOR THE PURPOSES OF THIS SUBSECTION, THE SECRETARY OF HEALTH AND MENTAL HYGIENE, AS THE SOLE UNIT TO REPRESENT THE STATE, SHALL COOPERATE WITH THE COUNTY.

(B) KENT COUNTY.

(1) THE COUNTY COMMISSIONERS OF KENT COUNTY MAY COOPERATE, CONSISTENT WITH THIS SUBTITLE, FOR THE CONSTRUCTION OF A NURSING HOME OR RELATED FACILITIES BY CONTRIBUTING UP TO ONE-THIRD OF THE COST OF THE NURSING HOME OR RELATED FACILITIES.

(2) A NURSING HOME CONSTRUCTED UNDER THIS SUBSECTION SHALL HAVE AT LEAST 25 BEDS.

(3) TO PAY THE COUNTY CONTRIBUTION UNDER THIS SUBSECTION, THE COUNTY COMMISSIONERS MAY:

(I) USE GENERAL FUND REVENUES OF THE COUNTY; OR

(II) WITHIN THE LIMITS OF ANY RESTRICTION ON THE BORROWING POWER OF THE COUNTY, ISSUE BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS, PLEDGING THE FULL FAITH AND CREDIT OF THE

COUNTY TO THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS, NOTES, OR EVIDENCE OF INDEBTEDNESS.

(4) FOR THE PURPOSES OF THIS SUBSECTION, THE SECRETARY OF HEALTH AND MENTAL HYGIENE, AS THE SOLE UNIT TO REPRESENT THE STATE, SHALL COOPERATE WITH THE COUNTY COMMISSIONERS.

(c) SOMERSET COUNTY.

(1) THE COUNTY COMMISSIONERS OF SOMERSET COUNTY SHALL COOPERATE, CONSISTENT WITH THIS SUBTITLE, FOR THE CONSTRUCTION OF A NURSING HOME HOSPITAL OR RELATED FACILITIES BY CONTRIBUTING UP TO \$200,000 OF THE COST OF ANY NURSING HOME HOSPITAL OR RELATED FACILITIES.

(2) A NURSING HOME HOSPITAL CONSTRUCTED UNDER THIS SUBSECTION SHALL:

(i) HAVE 60 BEDS;

(ii) BE LOCATED IN THE TOWN OF CRISFIELD, ON THE SAME GROUNDS AS MCCREADY HOSPITAL;

(iii) HAVE A CORRIDOR CONNECTING IT TO MCCREADY HOSPITAL; AND

(iv) BE KNOWN AS THE ALICE BYRD TAWES NURSING HOME.

(3) TO PAY THE COUNTY CONTRIBUTION UNDER THIS SUBSECTION, THE COUNTY COMMISSIONERS MAY:

(i) USE GENERAL FUND REVENUES OF THE COUNTY; OR

(ii) WITHIN THE LIMITS OF ANY RESTRICTION ON THE BORROWING POWER OF THE COUNTY, ISSUE BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS, PLEDGING THE FULL FAITH AND CREDIT OF THE COUNTY TO THE PAYMENT OF PRINCIPAL OF AND INTEREST ON THE BONDS, NOTES, OR EVIDENCE OF INDEBTEDNESS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 255.

In the introductory language of subsections (a)(2), (b)(3), and (c)(3) of this section, the phrase “[t]o pay the county contribution under this subsection” is substituted for the former phrase “[f]or this purpose” for clarity.

In subsections (a)(2)(i), (b)(3)(i), and (c)(3)(i) of this section, the references to the county commissioners or county council “us[ing] general fund revenues” of the county are substituted for the former references to “levy[ing] or appropriat[ing] from the general funds” of the county for brevity.

In subsections (a)(2)(ii), (b)(3)(ii), and (c)(3)(ii) of this section, the references to “notes” are added for consistency with other similar provisions.

Also in subsections (a)(2)(ii), (b)(3)(ii), and (c)(3)(ii) of this section, the references to the “principal of and interest on the bonds, notes, or evidence of indebtedness” are substituted for the former references to the “interest and principal thereon” for clarity.

In subsection (a)(2)(ii) of this section, the former reference to “secur[ing] the payment of this sum” is deleted as surplusage. Similarly, in subsections (b)(3)(ii) and (c)(3)(ii) of this section, the former references to “secur[ing] the necessary moneys or any portion thereof” by issuing bonds are deleted.

In subsections (a)(3) and (b)(4) of this section, the references to the “unit” are substituted for the former references to the “agency” for consistency with other revised articles of the Code. *See* General Revisor’s Note to article.

Also in subsections (a)(3) and (b)(4) of this section, the former references to the Secretary of Health and Mental Hygiene “represent[ing]” the county are deleted as contradictory with the direction that the Secretary shall represent the State and cooperate with the county.

In subsection (c)(2)(ii) of this section, the former reference to McCready Hospital being “in that town” is deleted as surplusage.

In subsection (c)(2)(ii) and (iii) of this section, the former reference to the nursing home hospital “adjoining” McCready Hospital is deleted as implicit in the reference to its being on the same grounds as McCready Hospital and connected by a corridor to McCready Hospital.

Defined terms: “County” § 1–101

“State” § 1–101

SUBTITLE 11. CLEAN ENERGY LOAN PROGRAMS.

1-1101. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 24, § 9-1501(a).

No changes are made.

(B) BOND.

“BOND” MEANS A BOND, NOTE, OR OTHER SIMILAR INSTRUMENT THAT A COUNTY OR MUNICIPALITY ISSUES UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-1501(b).

The only changes are in style.

Defined terms: “County” § 1-101
“Municipality” § 1-101

(C) CHIEF EXECUTIVE.

“CHIEF EXECUTIVE” MEANS THE PRESIDENT, CHAIR, MAYOR, COUNTY EXECUTIVE, OR ANY OTHER CHIEF EXECUTIVE OFFICER OF A COUNTY OR MUNICIPALITY.

REVISOR'S NOTE: This subsection formerly was Art. 24, § 9-1501(c).

The only changes are in style.

Defined terms: “County” § 1-101
“Municipality” § 1-101

(D) PROGRAM.

“PROGRAM” MEANS A CLEAN ENERGY LOAN PROGRAM ESTABLISHED UNDER THIS SUBTITLE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 24, § 9-1501(e).

The reference to a program "established under this subtitle" is added to clarify that each program is a separate program established as authorized by this subtitle.

REVISOR'S NOTE TO SECTION:

Former Art. 24, § 9-1501(d), which defined "political subdivision" to mean a county or a municipality, is deleted because the term is no longer used as defined in former Art. 24, § 9-1501(d) in this subtitle. The specific reference to "county or municipality" is used throughout this subtitle to conform to the terminology used in this article.

1-1102. AUTHORITY TO ESTABLISH PROGRAM.

A COUNTY OR MUNICIPALITY MAY ENACT AN ORDINANCE OR A RESOLUTION TO ESTABLISH A CLEAN ENERGY LOAN PROGRAM.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-1502(a).

The only changes are in style.

Defined terms: "County" § 1-101
"Municipality" § 1-101

1-1103. PURPOSE OF PROGRAM.

THE PURPOSE OF A PROGRAM IS TO PROVIDE LOANS TO:

(1) RESIDENTIAL PROPERTY OWNERS, INCLUDING LOW INCOME RESIDENTIAL PROPERTY OWNERS, TO FINANCE ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS; AND

(2) COMMERCIAL PROPERTY OWNERS TO FINANCE:

(I) ENERGY EFFICIENCY PROJECTS; AND

(II) RENEWABLE ENERGY PROJECTS WITH AN ELECTRIC GENERATING CAPACITY OF NOT MORE THAN 100 KILOWATTS.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-1502(b).

The only changes are in style.

Defined term: "Program" § 1-1101

1-1104. REQUIREMENTS FOR ORDINANCE OR RESOLUTION.

(A) IN GENERAL.

AN ORDINANCE OR RESOLUTION ENACTED UNDER § 1-1102 OF THIS SUBTITLE SHALL PROVIDE FOR:

(1) ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN THE PROGRAM, INCLUDING ELIGIBILITY REQUIREMENTS FOR:

(I) ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY DEVICES; AND

(II) PROPERTY AND PROPERTY OWNERS; AND

(2) LOAN TERMS AND CONDITIONS.

(B) ELIGIBILITY REQUIREMENTS TO INCLUDE ABILITY TO REPAY LOAN.

ELIGIBILITY REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE A REQUIREMENT THAT THE COUNTY OR MUNICIPALITY GIVE DUE REGARD TO THE PROPERTY OWNER'S ABILITY TO REPAY A LOAN PROVIDED UNDER THE PROGRAM, IN A MANNER SUBSTANTIALLY SIMILAR TO THAT REQUIRED FOR A MORTGAGE LOAN UNDER §§ 12-127, 12-311, 12-409.1, 12-925, AND 12-1029 OF THE COMMERCIAL LAW ARTICLE.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-1502(e).

The only changes are in style.

Defined terms: "County" § 1-101

"Municipality" § 1-101

"Program" § 1-1101

1-1105. SURCHARGE REQUIRED.

(A) IN GENERAL.

A PROGRAM SHALL REQUIRE A PROPERTY OWNER TO REPAY A LOAN PROVIDED UNDER THE PROGRAM THROUGH A SURCHARGE ON THE OWNER'S PROPERTY TAX BILL.

(B) LIMIT ON SURCHARGE.

A COUNTY OR MUNICIPALITY MAY NOT SET A SURCHARGE GREATER THAN AN AMOUNT THAT ALLOWS THE COUNTY OR MUNICIPALITY TO RECOVER THE COSTS ASSOCIATED WITH:

(1) ISSUING BONDS TO FINANCE THE LOAN; AND

(2) ADMINISTERING THE PROGRAM.

(C) OBLIGATION TO PAY SURCHARGE.

A PERSON WHO ACQUIRES PROPERTY SUBJECT TO A SURCHARGE UNDER THIS SECTION ASSUMES THE OBLIGATION TO PAY THE SURCHARGE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1502(c) and (d).

In the introductory language of subsection (b) of this section, the reference to a "county or municipality" is added to clarify who sets the surcharge.

In subsection (c) of this section, the former reference to the acquisition of property " , whether by purchase or other means," is deleted as implicit in the reference to the "acqui[sition]" of property.

Defined terms: "Bond" § 1-1101

"County" § 1-101

"Municipality" § 1-101

"Person" § 1-101

"Program" § 1-1101

1-1106. BONDS — GENERAL AUTHORITY.

(A) AUTHORITY TO ISSUE.

A COUNTY OR MUNICIPALITY MAY ISSUE BONDS TO FINANCE LOANS MADE THROUGH A PROGRAM.

(B) ORDINANCE OR RESOLUTION REQUIRED.

TO ISSUE A BOND, A COUNTY OR MUNICIPALITY SHALL ADOPT AN ORDINANCE OR A RESOLUTION THAT SPECIFIES THE MAXIMUM PRINCIPAL AMOUNT OF THE BOND.

(C) OPTIONS FOR BOND SPECIFICATIONS.

IN THE ORDINANCE OR RESOLUTION, THE COUNTY OR MUNICIPALITY MAY:

(1) SPECIFY THE ITEMS LISTED IN SUBSECTION (D) OF THIS SECTION;

(2) AUTHORIZE THE FINANCE BOARD OF THE COUNTY OR MUNICIPALITY TO SPECIFY THOSE ITEMS BY ORDINANCE OR RESOLUTION; OR

(3) AUTHORIZE THE CHIEF EXECUTIVE TO SPECIFY THOSE ITEMS BY EXECUTIVE ORDER.

(D) OPTIONAL BOND SPECIFICATIONS.

FOR EACH ISSUANCE OF A BOND, THE COUNTY OR MUNICIPALITY MAY SPECIFY:

(1) THE PRINCIPAL AMOUNT;

(2) THE INTEREST RATE OR, FOR FLOATING OR VARIABLE RATES OF INTEREST, THE METHOD TO DETERMINE THE INTEREST RATE;

(3) THE MANNER AND TERMS OF SALE, INCLUDING WHETHER BY COMPETITIVE OR NEGOTIATED SALE;

(4) THE TIME OF EXECUTION, ISSUANCE, AND DELIVERY;

(5) THE FORM AND DENOMINATION;

(6) THE SOURCE, MANNER, TIMES, AND PLACES TO PAY PRINCIPAL OR INTEREST;

(7) CONDITIONS FOR REDEMPTION BEFORE MATURITY;

(8) THE PURPOSES FOR WHICH PROCEEDS MAY BE SPENT;

(9) THE SOURCE OF SECURITY; AND**(10) OTHER PROVISIONS THAT ARE NECESSARY OR DESIRABLE TO EFFECT THE PROGRAM.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1503.

In subsection (c) of this section, the introductory language “[i]n the ordinance or resolution, the county or municipality may” is substituted for the former introductory language “[a]s the political subdivision considers appropriate to effect the Program, the ordinance or resolution may” for brevity and to clarify that the authority is granted to the county or municipality instead of the ordinance or resolution.

In subsection (d)(10) of this section, the former reference to “the governing body of” the county or municipality is deleted for consistency within this subtitle.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that it is not clear what was intended by the reference to a “finance board” of a county or municipality authorized to specify matters “by resolution or ordinance” in subsection (c)(2) of this section.

Defined terms: “Bond” § 1-1101
 “Chief executive” § 1-1101
 “County” § 1-101
 “Municipality” § 1-101
 “Program” § 1-1101

1-1107. BONDS — INTENT; PROCEDURES; RESTRICTIONS.**(A) LEGISLATIVE INTENT.**

A COUNTY OR MUNICIPALITY MAY INCUR GENERAL OBLIGATION DEBT FOR THE PURPOSES UNDER THIS SUBTITLE.

(B) PROCEDURES FOR BOND AUTHORIZATIONS.

SUBJECT TO SUBSECTION (C) OF THIS SECTION, A COUNTY OR MUNICIPALITY MAY ISSUE BONDS TO FINANCE LOANS MADE UNDER A PROGRAM IN ACCORDANCE WITH THE PROCEDURES OF THE COUNTY OR MUNICIPALITY

FOR AUTHORIZATION TO SELL AND ISSUE OTHER EVIDENCES OF INDEBTEDNESS.

(C) RESTRICTIONS ON BOND ISSUANCE.

A BOND ISSUED IN ACCORDANCE WITH AN ORDINANCE OR A RESOLUTION THAT PLEDGES THE FULL FAITH AND CREDIT OF A COUNTY OR MUNICIPALITY IS SUBJECT TO:

(1) ANY APPLICABLE REQUIREMENT OF THE MARYLAND CONSTITUTION AND THE COUNTY'S OR MUNICIPALITY'S CHARTER AND LAWS ON REFERENDUM FOR THE ISSUANCE OF GENERAL OBLIGATION DEBT; AND

(2) ANY LIMITATION IMPOSED BY PUBLIC GENERAL LAW, PUBLIC LOCAL LAW, OR CHARTER ON GENERAL OBLIGATION DEBT OF THE COUNTY OR MUNICIPALITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1504.

In subsection (a) of this section, the phrase "[a] county or municipality may incur ... debt" is substituted for the former phrase "[t]he General Assembly intends that ... debt may be incurred" for clarity.

Also in subsection (a) of this section, the former references to "issuing bonds" are deleted as unnecessary in light of the reference to "general obligation debt".

In subsection (b) of this section, the reference to "other evidences of indebtedness" is substituted for the former reference to "bonds" to avoid the use of the defined term in a manner other than for which it was defined for this subtitle.

Defined terms: "Bond" § 1-1101

"County" § 1-101

"Municipality" § 1-101

"Program" § 1-1101

1-1108. BONDS — CONDITIONS OF ISSUANCE.

(A) IN GENERAL.

A BOND:

(1) MAY BE IN BEARER FORM;

(2) MAY BE REGISTRABLE AS TO PRINCIPAL ALONE OR AS TO BOTH PRINCIPAL AND INTEREST; AND

(3) IS A SECURITY UNDER § 8-102 OF THE COMMERCIAL LAW ARTICLE, WHETHER OR NOT THE BOND IS ONE OF A CLASS OR SERIES OR IS DIVISIBLE INTO A CLASS OR SERIES OF INSTRUMENTS.

(B) EXECUTION.

(1) A BOND SHALL BE SIGNED MANUALLY OR IN FACSIMILE BY THE CHIEF EXECUTIVE.

(2) AN OFFICER'S SIGNATURE OR FACSIMILE SIGNATURE ON A BOND REMAINS VALID EVEN IF THE OFFICER LEAVES OFFICE BEFORE THE BOND IS DELIVERED.

(3) THE SEAL OF THE COUNTY OR MUNICIPALITY SHALL BE AFFIXED TO THE BOND AND ATTESTED TO BY THE CLERK OR OTHER SIMILAR ADMINISTRATIVE OFFICER OF THE COUNTY OR MUNICIPALITY.

(C) MATURITY.

(1) A BOND SHALL MATURE NOT LATER THAN 40 YEARS AFTER THE DATE OF ISSUE.

(2) BONDS MAY BE ISSUED AS SERIAL BONDS OR TERM BONDS WITH PROVISIONS FOR A MANDATORY SINKING FUND OR OTHER ANNUAL PRINCIPAL REDEMPTION BEGINNING NOT LATER THAN 3 YEARS AFTER THE DATE OF ISSUE.

(D) TERMS OF SALE.

(1) A BOND SHALL BE SOLD IN THE MANNER, AT PUBLIC SALE OR PRIVATE NEGOTIATED SALE, AND ON THE TERMS AT, ABOVE, OR BELOW PAR, AS THE COUNTY OR MUNICIPALITY CONSIDERS BEST.

(2) A BOND IS NOT SUBJECT TO §§ 19-205 AND 19-206 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1505.

Defined terms: "Bond" § 1-1101
 "Chief executive" § 1-1101
 "County" § 1-101
 "Municipality" § 1-101

1-1109. BONDS — TAX STATUS.

(A) STATE AND LOCAL.

A BOND, THE TRANSFER OF A BOND, THE INTEREST PAYABLE ON A BOND, THE INCOME DERIVED FROM A BOND, AND THE PROFIT REALIZED ON THE SALE OR EXCHANGE OF A BOND ARE EXEMPT FROM STATE AND LOCAL TAXES.

(B) FEDERAL.

A COUNTY OR MUNICIPALITY MAY ISSUE BONDS WITHOUT REGARD TO THE FEDERAL TAX STATUS OF THE BONDS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1506.

Defined terms: "Bond" § 1-1101
 "County" § 1-101
 "Municipality" § 1-101
 "State" § 1-101

1-1110. FINDINGS CONCLUSIVE.

IN AN ACTION INVOLVING THE VALIDITY OR ENFORCEABILITY OF A BOND OR SECURITY FOR A BOND, A FINDING BY A COUNTY OR MUNICIPALITY IS CONCLUSIVE AS TO:

(1) THE PUBLIC PURPOSE OF AN ACTION TAKEN UNDER THIS SUBTITLE; AND

(2) ANY OTHER MATTER RELATING TO THE ISSUANCE OF A BOND.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1507.

Defined terms: "Bond" § 1-1101
 "County" § 1-101
 "Municipality" § 1-101

SUBTITLE 12. TOBACCO PRODUCT SALES.**1-1201. DEFINITIONS.****(A) IN GENERAL.**

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection is new language added as the standard introductory language to a definition section.

(B) DISTRIBUTE.

“DISTRIBUTE” MEANS TO:

- (1) GIVE, SELL, DELIVER, DISPENSE, OR ISSUE;**
- (2) OFFER TO GIVE, SELL, DELIVER, DISPENSE, OR ISSUE; OR**
- (3) CAUSE OR HIRE ANY PERSON TO GIVE, SELL, DELIVER, DISPENSE, OR ISSUE OR OFFER TO GIVE, SELL, DELIVER, DISPENSE, OR ISSUE.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 24, § 15-102.1(a).

Defined term: “Person” § 1-101

(C) TOBACCO PRODUCT.

(1) “TOBACCO PRODUCT” MEANS A PRODUCT CONTAINING TOBACCO.

(2) “TOBACCO PRODUCT” INCLUDES CIGARETTES, CIGARS, SMOKING TOBACCO, SNUFF, AND SMOKELESS TOBACCO.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 24, § 15-101.

1-1202. DISPLAY OF TOBACCO PRODUCTS.**(A) SCOPE OF SECTION.**

THIS SECTION APPLIES ONLY IN:

- (1) CARROLL COUNTY; AND**
 - (2) GARRETT COUNTY.**
- (B) APPLICATION OF SECTION.**

THIS SECTION DOES NOT APPLY TO:

- (1) THE SALE OF A TOBACCO PRODUCT FROM A VENDING MACHINE THAT COMPLIES WITH STATE LAW;**
 - (2) A TOBACCONIST ESTABLISHMENT THAT ENGAGES PRIMARILY IN THE SALE OF TOBACCO PRODUCTS OTHER THAN CIGARETTES, AS DEFINED IN § 16-101 OF THE BUSINESS REGULATION ARTICLE; OR**
 - (3) A BUSINESS THAT ENGAGES PRIMARILY IN THE RETAIL SALE OF BEER, WINE, AND LIQUOR.**
- (C) PROHIBITION.**

A PERSON WHO OWNS OR OPERATES A BUSINESS THAT ENGAGES IN THE RETAIL SALE OF A TOBACCO PRODUCT MAY NOT STORE OR DISPLAY A TOBACCO PRODUCT UNLESS THE TOBACCO PRODUCT:

- (1) IS NOT IMMEDIATELY ACCESSIBLE TO CUSTOMERS; AND**
- (2) IS ACCESSIBLE ONLY TO THE OWNER OR OPERATOR OF THE BUSINESS OR AN AGENT OF THE OWNER OR OPERATOR.**

(D) CIVIL PENALTY.

A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION COMMITS A CIVIL INFRACTION AND IS SUBJECT TO A CIVIL PENALTY OF:

- (1) \$100 FOR THE FIRST VIOLATION; AND**
 - (2) \$300 FOR ANY SUBSEQUENT VIOLATION.**
- (E) SECOND CITATION.**

A CITATION FOR A SECOND VIOLATION MAY NOT BE ISSUED WITHIN 30 DAYS AFTER THE DATE OF THE FIRST CITATION.

(F) ADDITIONAL CITATIONS.

AFTER A CITATION IS ISSUED FOR A SECOND VIOLATION, A CITATION MAY BE ISSUED EACH DAY THAT THE VIOLATION CONTINUES AFTER THE DATE OF THE SECOND CITATION.

REVISOR'S NOTE: This section formerly was Art. 24, § 15–102.

In subsection (b)(1) of this section, the former reference to a vending machine that complies with “the requirements of” State law is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to an “employee” of the owner or operator is deleted as included in the reference to an “agent” of the owner or operator.

The only other changes are in style.

Defined terms: “Person” § 1–101
 “Tobacco product” § 1–1201
 “State” § 1–101

1–1203. DISTRIBUTION OF TOBACCO PRODUCTS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY IN:

- (1) CARROLL COUNTY;**
- (2) CECIL COUNTY;**
- (3) GARRETT COUNTY; AND**
- (4) ST. MARY’S COUNTY.**

(B) APPLICATION OF SECTION.

SUBSECTION (C)(3) OF THIS SECTION DOES NOT APPLY TO THE DISTRIBUTION OF A COUPON THAT IS REDEEMABLE FOR A TOBACCO PRODUCT IF THE COUPON:

(1) IS CONTAINED IN A NEWSPAPER, MAGAZINE, OR OTHER TYPE OF PUBLICATION AND THE COUPON IS INCIDENTAL TO THE PRIMARY PURPOSE OF THE PUBLICATION; OR

(2) IS SENT THROUGH THE MAIL.

(C) PROHIBITION.

A PERSON MAY NOT:

(1) DISTRIBUTE A TOBACCO PRODUCT TO A MINOR, UNLESS THE MINOR IS ACTING SOLELY AS THE AGENT OF THE MINOR'S EMPLOYER WHO IS ENGAGED IN THE BUSINESS OF DISTRIBUTING TOBACCO PRODUCTS;

(2) DISTRIBUTE CIGARETTE ROLLING PAPERS TO A MINOR; OR

(3) DISTRIBUTE TO A MINOR A COUPON REDEEMABLE FOR A TOBACCO PRODUCT.

(D) DEFENSE.

A PERSON HAS NOT VIOLATED THIS SECTION IF:

(1) THE PERSON EXAMINED THE DRIVER'S LICENSE OR OTHER VALID GOVERNMENT-ISSUED IDENTIFICATION PRESENTED BY THE RECIPIENT OF A TOBACCO PRODUCT, CIGARETTE ROLLING PAPER, OR COUPON REDEEMABLE FOR A TOBACCO PRODUCT; AND

(2) THE LICENSE OR OTHER IDENTIFICATION POSITIVELY IDENTIFIED THE RECIPIENT AS BEING AT LEAST 18 YEARS OLD.

(E) CIVIL PENALTY.

(1) IN CARROLL COUNTY AND ST. MARY'S COUNTY, A PERSON WHO VIOLATES THIS SECTION COMMITS A CIVIL INFRACTION AND IS SUBJECT TO A CIVIL PENALTY OF:

(I) \$300 FOR THE FIRST VIOLATION; AND

(II) \$500 FOR ANY SUBSEQUENT VIOLATION WITHIN 24 MONTHS AFTER THE PREVIOUS CITATION.

(2) IN CECIL COUNTY, A PERSON WHO VIOLATES THIS SECTION COMMITS A CIVIL INFRACTION AND IS SUBJECT TO A CIVIL PENALTY OF:

- (I) \$300 FOR THE FIRST VIOLATION;**
- (II) \$500 FOR A SECOND VIOLATION; AND**
- (III) \$750 FOR ANY SUBSEQUENT VIOLATION.**

(3) IN GARRETT COUNTY, A PERSON WHO VIOLATES THIS SECTION COMMITS A CIVIL INFRACTION AND IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$300.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 15-102.1(b) through (f).

Defined terms: "Distribute" § 1-1201

"Person" § 1-101

"Tobacco product" § 1-1201

1-1204. CITATION.

(A) ISSUANCE.

(1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY HEALTH OFFICER OR A DESIGNEE OF A COUNTY HEALTH OFFICER MAY ISSUE A CIVIL CITATION TO A PERSON WHO VIOLATES THIS SUBTITLE.

(2) IN CECIL COUNTY, ONLY A SWORN LAW ENFORCEMENT OFFICER MAY ISSUE A CIVIL CITATION TO A PERSON WHO VIOLATES THIS SUBTITLE.

(B) CONTENTS.

A CITATION ISSUED UNDER THIS SUBTITLE SHALL INCLUDE:

- (1) THE NAME AND ADDRESS OF THE PERSON CHARGED;**
- (2) THE NATURE OF THE VIOLATION;**
- (3) THE LOCATION AND TIME OF THE VIOLATION;**

(4) THE AMOUNT OF THE CIVIL PENALTY;

(5) THE MANNER, LOCATION, AND TIME IN WHICH THE CIVIL PENALTY MAY BE PAID;

(6) THE CITED PERSON'S RIGHT TO ELECT TO STAND TRIAL FOR THE VIOLATION; AND

(7) A WARNING THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST LIABILITY IN A TIMELY MANNER IN ACCORDANCE WITH THE CITATION:

(I) IS AN ADMISSION OF LIABILITY; AND

(II) MAY RESULT IN AN ENTRY OF A DEFAULT JUDGMENT THAT MAY INCLUDE THE CIVIL PENALTY, COURT COSTS, AND ADMINISTRATIVE EXPENSES.

(C) COPY OF CITATION.

THE COUNTY HEALTH OFFICER OR SWORN LAW ENFORCEMENT OFFICER SHALL RETAIN A COPY OF THE CITATION.

REVISOR'S NOTE: This section formerly was Art. 24, § 15–103.

The only changes are in style.

Defined terms: "County" § 1–101

"Person" § 1–101

1–1205. ELECTION TO STAND TRIAL.

(A) IN GENERAL.

(1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO RECEIVES A CITATION UNDER THIS SUBTITLE MAY ELECT TO STAND TRIAL FOR THE VIOLATION BY FILING A NOTICE OF INTENTION TO STAND TRIAL WITH THE COUNTY HEALTH OFFICER AT LEAST 5 DAYS BEFORE THE DATE SET IN THE CITATION FOR THE PAYMENT OF THE CIVIL PENALTY.

(2) IN CECIL COUNTY, A PERSON WHO RECEIVES A CITATION UNDER THIS SUBTITLE MAY ELECT TO STAND TRIAL FOR THE VIOLATION BY FILING A NOTICE OF INTENTION TO STAND TRIAL AND A COPY OF THE CITATION

WITH THE DISTRICT COURT AT LEAST 5 DAYS BEFORE THE DATE SET IN THE CITATION FOR PAYMENT OF THE CIVIL PENALTY.

(B) NOTICE TO DISTRICT COURT.

AFTER RECEIVING A NOTICE OF INTENTION TO STAND TRIAL UNDER SUBSECTION (A)(1) OF THIS SECTION, THE COUNTY HEALTH OFFICER SHALL FORWARD THE NOTICE AND A COPY OF THE CITATION TO THE DISTRICT COURT.

(C) SCHEDULING OF CASE.

AFTER RECEIVING THE CITATION AND NOTICE, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE DEFENDANT OF THE TRIAL DATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 15-104(a) through (d).

In subsections (a)(2) and (b) of this section, the former references to the District Court "having venue" are deleted as surplusage. The citation will provide information regarding which District Court has venue.

In subsection (b) of this section, the former reference to receiving a notice of intention to stand trial "from a person providing notice" is deleted as surplusage.

Defined terms: "County" § 1-101

"Person" § 1-101

1-1206. PROSECUTION OF VIOLATIONS.

(A) IN GENERAL.

IN A PROCEEDING BEFORE THE DISTRICT COURT, A VIOLATION OF THIS SUBTITLE SHALL BE PROSECUTED IN THE SAME MANNER AND TO THE SAME EXTENT AS A MUNICIPAL INFRACTION UNDER §§ 6-108 THROUGH 6-115 OF THIS ARTICLE.

(B) PROSECUTION BY COUNTY ATTORNEY.

THE GOVERNING BODY OF THE COUNTY IN WHICH THE VIOLATION OCCURRED MAY AUTHORIZE THE COUNTY ATTORNEY TO PROSECUTE A CIVIL INFRACTION UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 15–104(f) and (g).

Defined terms: “County” § 1–101
“Governing body” § 1–101

1–1207. COURT COSTS.

IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED A CIVIL INFRACTION UNDER THIS SUBTITLE, THE COURT MAY ASSESS THE COSTS OF THE PROCEEDINGS AGAINST THE PERSON.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 24, § 15–104(h).

Defined term: “Person” § 1–101

1–1208. PENALTIES REMITTED TO COUNTY.

THE DISTRICT COURT SHALL REMIT ANY PENALTIES IT COLLECTS FOR A VIOLATION OF THIS SUBTITLE TO THE COUNTY IN WHICH THE VIOLATION OCCURRED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 15–104(e).

The former reference to “forfeitures” is deleted because this subtitle only provides for penalties.

Defined term: “County” § 1–101

1–1209. ADJUDICATION NOT A CRIMINAL CONVICTION.

ADJUDICATION OF A VIOLATION OF THIS SUBTITLE IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 15–104(i).

The reference to a criminal conviction “for any purpose” is added for consistency with other similar provisions of the Code.

The reference to an “[a]djudication” of a violation of this subtitle is substituted for the former reference to “[t]he finding by the District

Court” of a violation for consistency with other similar provisions of the Code.

The former reference to an adjudication of a violation of this subtitle “not impos[ing] any of the civil disabilities ordinarily imposed by a criminal conviction” is deleted as included in the reference to an adjudication of a violation not being “a criminal conviction for any purpose”.

SUBTITLE 13. MISCELLANEOUS.

1-1301. RESIDENT AGENTS.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DEPARTMENT” MEANS THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(3) “GOVERNING AUTHORITY” MEANS:

(I) THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY;

(II) A BOARD OF DIRECTORS; OR

(III) ANY OTHER BODY THAT GOVERNS AN ENTITY TO WHICH THIS SECTION APPLIES.

(B) SCOPE OF SECTION.

THIS SECTION APPLIES TO THE FOLLOWING GOVERNMENTAL ENTITIES:

(1) COUNTIES;

(2) MUNICIPALITIES;

(3) BICOUNTY OR MULTICOUNTY AGENCIES;

(4) PUBLIC AUTHORITIES;

(5) SPECIAL TAXING DISTRICTS; AND

(6) ANY OTHER POLITICAL SUBDIVISION OR UNIT OF A POLITICAL SUBDIVISION OF THE STATE.

(C) REQUIRED.

EACH GOVERNMENTAL ENTITY SHALL HAVE A RESIDENT AGENT WHO IS:

- (1) A RESIDENT OF THE STATE;**
- (2) A MARYLAND CORPORATION; OR**
- (3) AN OFFICER OF THE GOVERNMENTAL ENTITY.**

(D) DESIGNATION OR CHANGE OF RESIDENT AGENT.

A GOVERNMENTAL ENTITY SHALL DESIGNATE OR CHANGE ITS RESIDENT AGENT BY FILING FOR RECORD WITH THE DEPARTMENT:

- (1) A CERTIFICATION OF THE PERSON WHO THE CHARTER OF THE GOVERNMENTAL ENTITY AUTHORIZES TO ACCEPT SERVICE OF PROCESS FOR THE GOVERNMENTAL ENTITY; OR**
- (2) ABSENT A CHARTER DESIGNATION, A CERTIFIED COPY OF A RESOLUTION OF THE GOVERNMENTAL ENTITY'S GOVERNING AUTHORITY THAT AUTHORIZES THE DESIGNATION.**

(E) CHANGE OF ADDRESS.

(1) A GOVERNMENTAL ENTITY MAY CHANGE THE ADDRESS FOR ITS RESIDENT AGENT BY FILING FOR RECORD WITH THE DEPARTMENT A STATEMENT OF THE CHANGE SIGNED BY THE CHAIR OR OTHER PRINCIPAL OFFICER OF THE GOVERNING AUTHORITY OF THE GOVERNMENTAL ENTITY.

(2) A RESIDENT AGENT WHOSE ADDRESS CHANGES MAY NOTIFY THE DEPARTMENT BY FILING FOR RECORD WITH THE DEPARTMENT A STATEMENT OF THE CHANGE SIGNED BY OR FOR THE RESIDENT AGENT.

(F) RESIGNATION.

A RESIDENT AGENT MAY RESIGN BY FILING A STATEMENT OF RESIGNATION WITH THE DEPARTMENT.

(G) FILING FEE.

THERE IS NO FEE FOR A FILING UNDER THIS SECTION.

(H) EFFECTIVENESS OF DESIGNATION, CHANGE, OR RESIGNATION.

A DESIGNATION, CHANGE OF AGENT, CHANGE OF ADDRESS, OR RESIGNATION IS EFFECTIVE AS PROVIDED IN THE CORPORATIONS AND ASSOCIATIONS ARTICLE FOR A CORPORATE RESIDENT AGENT.

(I) SERVICE OF PROCESS.

(1) SERVICE OF PROCESS ON THE RESIDENT AGENT OF A GOVERNMENTAL ENTITY CONSTITUTES EFFECTIVE SERVICE OF PROCESS UNDER THE MARYLAND RULES ON THE GOVERNMENTAL ENTITY IN AN ACTION BROUGHT AGAINST THE GOVERNMENTAL ENTITY.

(2) ANY NOTICE REQUIRED BY LAW TO BE SERVED BY PERSONAL SERVICE ON THE RESIDENT AGENT OR ANY OTHER AGENT OR OFFICER OF A GOVERNMENTAL ENTITY MAY BE SERVED IN THE MANNER PROVIDED BY THE MARYLAND RULES THAT RELATE TO SERVICE OF PROCESS ON GOVERNMENTAL ENTITIES.

(3) SERVICE UNDER THE MARYLAND RULES IS EQUIVALENT TO PERSONAL SERVICE ON THE RESIDENT AGENT OR OTHER AGENT OR OFFICER OF A GOVERNMENTAL ENTITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 1-110.

In subsections (a)(3), (d)(2), and (e)(1) of this section, the term "[g]overning authority" is substituted for the former references to a "[g]overning body" to avoid confusion with the term "governing body", which is defined for the entire article.

Subsection (b) of this section is revised as a scope provision rather than a definition of "local entity" because the former definition served only to delineate the types of entities that are covered by this section. Correspondingly, throughout this section, the references to "governmental entity" are substituted for the former references to "local entity".

In subsection (c)(1) of this section, the reference to a "resident of the State" is substituted for the former reference to a "citizen of this State who resides in the State" because the meaning of the word citizen in this

context is unclear and for consistency within this article and with other revised articles of the Code. *See* General Revisor's Note to article.

In subsection (i)(1) of this section, the reference to an action "brought" against the governmental entity is substituted for the former reference to an action "that is pending, filed, or instituted" for brevity.

Also in subsection (i)(1) of this section, the former references to a "suit" and a "proceeding" are deleted as included in the reference to an "action".

Defined terms: "County" § 1-101
 "Governing body" § 1-101
 "Municipality" § 1-101
 "Person" § 1-101
 "State" § 1-101

1-1302. PUBLICATION OF REGULATIONS.

(A) "REGULATION" DEFINED.

IN THIS SECTION, "REGULATION" HAS THE MEANING STATED IN § 10-101 OF THE STATE GOVERNMENT ARTICLE.

(B) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO A UNIT OF STATE GOVERNMENT.

(C) REQUIRED.

EACH GOVERNMENTAL AND QUASI-GOVERNMENTAL UNIT SHALL COMPILE, INDEX, AND PUBLISH ITS REGULATIONS THAT AFFECT A MEMBER OF THE GENERAL PUBLIC.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 3-101.

In subsection (c) of this section, the former reference to "edit[ing]" regulations is deleted as included in the references to "compil[ing]" regulations.

Defined term: "State" § 1-101

1-1303. CIVIL PENALTIES.

(A) “CIVIL PENALTY” DEFINED.

IN THIS SECTION, “CIVIL PENALTY” MEANS A CIVIL FINE OR OTHER MONETARY PENALTY ADMINISTRATIVELY IMPOSED.

(B) CONSIDERATIONS IN SETTING AMOUNT OF PENALTY.

UNLESS OTHERWISE PROVIDED BY STATUTE, ORDINANCE, OR REGULATION, AN OFFICER OR UNIT OF A COUNTY, MUNICIPALITY, BICOUNTY AGENCY, OR BOARD OF LICENSE COMMISSIONERS AUTHORIZED BY LAW TO IMPOSE A CIVIL PENALTY UP TO A SPECIFIC DOLLAR AMOUNT FOR VIOLATION OF A STATUTE, ORDINANCE, OR REGULATION SHALL CONSIDER THE FOLLOWING IN SETTING THE AMOUNT OF THE CIVIL PENALTY:

- (1) THE SEVERITY OF THE VIOLATION;**
- (2) THE GOOD FAITH OF THE VIOLATOR; AND**
- (3) ANY HISTORY OF PRIOR VIOLATIONS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 14–101.

In the introductory language of subsection (b) of this section, the former reference to unit “not includ[ing] a court” is deleted as surplusage.

In subsection (b) of this section, the provisions of former Art. 24, § 14–101(a)(2) and (4), which defined “unit” and “political subdivision”, respectively, are incorporated into the substantive provision for clarity and brevity.

In subsection (b)(1) of this section, the former reference to the violation “for which the penalty is to be assessed” is deleted as implicit in assessing a penalty.

Defined terms: “County” § 1–101
 “Municipality” § 1–101

1–1304. OUTDOOR ADVERTISING SIGNS.**(A) DEFINITIONS.**

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "FAIR MARKET VALUE" MEANS A VALUE THAT:

1. IS DETERMINED BY A SCHEDULE ADOPTED BY THE DEPARTMENT OF TRANSPORTATION; AND

2. INCLUDES THE VALUE OF THE INTEGRAL PARTS OF AN OUTDOOR ADVERTISING SIGN, LESS DEPRECIATION.

(II) "FAIR MARKET VALUE" DOES NOT INCLUDE LOSS OF REVENUE.

(3) (I) "OUTDOOR ADVERTISING SIGN" MEANS AN OFF-PREMISES OUTDOOR SIGN THAT IS:

1. COMMERCIALY OWNED AND MAINTAINED; AND

2. USED TO ADVERTISE GOODS OR SERVICES FOR SALE IN A LOCATION OTHER THAN THE LOCATION WHERE THE SIGN IS PLACED.

(II) "OUTDOOR ADVERTISING SIGN" INCLUDES A SIGN COMPOSED OF PAINTED BULLETIN OR POSTER PANEL, GENERALLY REFERRED TO AS A BILLBOARD.

(B) PAYMENT FOR REMOVAL.

A COUNTY OR MUNICIPALITY SHALL PAY THE FAIR MARKET VALUE OF AN OUTDOOR ADVERTISING SIGN THAT:

(1) WAS LAWFULLY ERECTED AND MAINTAINED UNDER A STATE, COUNTY, OR MUNICIPAL LAW OR ORDINANCE; AND

(2) IS REMOVED OR REQUIRED TO BE REMOVED BY THE COUNTY OR MUNICIPALITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 122E.

In subsection (a)(2)(ii) of this section, the former reference to "a value for" loss of revenue is deleted as implicit in the reference to fair market "value".

Defined terms: "County" § 1-101
"Municipality" § 1-101

“State” § 1–101

1–1305. COMPLIANCE WITH WORKERS’ COMPENSATION ACT.

(A) “COVERED EMPLOYEE” DEFINED.

IN THIS SECTION, “COVERED EMPLOYEE” HAS THE MEANING STATED IN § 9–101 OF THE LABOR AND EMPLOYMENT ARTICLE.

(B) EMPLOYER LICENSE OR PERMIT.

BEFORE A COUNTY OR MUNICIPALITY MAY ISSUE A LICENSE OR PERMIT TO AN EMPLOYER TO ENGAGE IN AN ACTIVITY IN WHICH THE EMPLOYER MAY EMPLOY A COVERED EMPLOYEE, THE EMPLOYER SHALL FILE WITH THE ISSUING AUTHORITY:

(1) A CERTIFICATE OF COMPLIANCE WITH THE MARYLAND WORKERS’ COMPENSATION ACT; OR

(2) THE NUMBER OF A WORKERS’ COMPENSATION INSURANCE POLICY OR BINDER.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 48, Art. 24, § 1–106, and Art. 25, § 231.

Defined terms: “County” § 1–101

“Municipality” § 1–101

1–1306. USE OF POPULATION COUNT TO CREATE LEGISLATIVE DISTRICTS FOR ELECTION OF GOVERNING BODY.

THE POPULATION COUNT USED AFTER EACH DECENNIAL CENSUS TO CREATE THE LEGISLATIVE DISTRICTS THAT ARE USED TO ELECT THE GOVERNING BODY OF A COUNTY OR A MUNICIPALITY:

(1) MAY NOT INCLUDE INDIVIDUALS WHO:

(I) WERE INCARCERATED IN STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS; AND

(II) WERE NOT RESIDENTS OF THE STATE BEFORE THEIR INCARCERATION; AND

(2) SHALL INCLUDE INDIVIDUALS INCARCERATED IN STATE OR FEDERAL CORRECTIONAL FACILITIES, AS DETERMINED BY THE DECENNIAL CENSUS, AT THEIR LAST KNOWN RESIDENCE BEFORE INCARCERATION IF THE INDIVIDUALS WERE RESIDENTS OF THE STATE.

REVISOR'S NOTE: This section formerly was Art. 24, § 1-111.

The only changes are in style.

Defined terms: "County" § 1-101

"Governing body" § 1-101

"Municipality" § 1-101

"State" § 1-101

1-1307. AFFORDABLE HOUSING PROGRAMS.

TO SUPPORT, FOSTER, OR PROMOTE AN AFFORDABLE HOUSING PROGRAM FOR INDIVIDUALS OR FAMILIES OF LOW OR MODERATE INCOME, A COUNTY OR MUNICIPALITY MAY:

(1) ESTABLISH LOCAL TRUST FUNDS OR APPROPRIATE FUNDS;

(2) WAIVE OR MODIFY BUILDING PERMIT OR DEVELOPMENT IMPACT FEES AND CHARGES THAT ARE NOT MANDATED UNDER STATE LAW FOR THE CONSTRUCTION OR REHABILITATION OF LOWER INCOME HOUSING UNITS:

(I) IN PROPORTION TO THE NUMBER OF LOWER INCOME HOUSING UNITS OF A DEVELOPMENT; AND

(II) 1. THAT ARE FINANCED, WHOLLY OR PARTLY, BY PUBLIC FUNDING THAT REQUIRES MORTGAGE RESTRICTIONS OR RECORDED COVENANTS RESTRICTING THE RENTAL OR SALE OF THE HOUSING UNITS TO LOWER INCOME RESIDENTS IN ACCORDANCE WITH SPECIFIC GOVERNMENT PROGRAM REQUIREMENTS; OR

2. THAT ARE DEVELOPED BY A NONPROFIT ORGANIZATION THAT:

A. HAS BEEN EXEMPT FROM FEDERAL TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE FOR AT LEAST 3 YEARS; AND

B. REQUIRES THE HOMEBUYER TO PARTICIPATE IN THE CONSTRUCTION OR REHABILITATION OF THE HOUSING UNIT;

(3) ENACT LEGISLATION THAT RESTRICTS COST AND RESALE PRICES AND REQUIRES DEVELOPMENT OF AFFORDABLE HOUSING UNITS AS PART OF ANY SUBDIVISION IN RETURN FOR ADDED DENSITY;

(4) PROVIDE LAND OR PROPERTY FROM THE INVENTORY OF THE COUNTY OR MUNICIPALITY; AND

(5) SUPPORT PILOT (PAYMENT IN LIEU OF TAXES) PROGRAMS TO ENCOURAGE CONSTRUCTION OF AFFORDABLE HOUSING.

REVISOR'S NOTE: This section formerly was Art. 24, § 21-101.

In item (2)(ii)2A of this section, the former reference to exemption for "a period of" at least 3 years is deleted as surplusage.

The only other changes are in style.

Defined terms: "County" § 1-101
 "Municipality" § 1-101
 "State" § 1-101

1-1308. STREET LIGHTING EQUIPMENT.

(A) "ELECTRIC COMPANY" DEFINED.

IN THIS SECTION, "ELECTRIC COMPANY" HAS THE MEANING STATED IN § 1-101 OF THE PUBLIC UTILITIES ARTICLE.

(B) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES AND MUNICIPALITIES.

(C) SALE OF STREET LIGHTING EQUIPMENT.

ON WRITTEN REQUEST BY A COUNTY OR MUNICIPALITY, AN ELECTRIC COMPANY SHALL SELL TO THE COUNTY OR MUNICIPALITY SOME OR ALL OF THE ELECTRIC COMPANY'S EXISTING STREET LIGHTING EQUIPMENT THAT IS LOCATED IN THE COUNTY OR MUNICIPALITY.

(D) FAIR MARKET VALUE.

IF THE COUNTY OR MUNICIPALITY PURCHASES STREET LIGHTING EQUIPMENT FROM AN ELECTRIC COMPANY, THE COUNTY OR MUNICIPALITY SHALL PAY TO THE ELECTRIC COMPANY THE FAIR MARKET VALUE OF THE STREET LIGHTING EQUIPMENT.

(E) MAINTENANCE.

A COUNTY OR MUNICIPALITY THAT PURCHASES STREET LIGHTING EQUIPMENT IN ACCORDANCE WITH THIS SECTION:

(1) SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE STREET LIGHTING EQUIPMENT; AND

(2) MAY CONTRACT WITH AN OUTSIDE ENTITY FOR THE MAINTENANCE OF THE STREET LIGHTING EQUIPMENT.

(F) RIGHT TO USE SPACE.

(1) ANY PERSON WHO CONTROLS THE RIGHT TO USE SPACE ON ANY POLE, LAMPOST, OR OTHER MOUNTING SURFACE PREVIOUSLY USED IN THE COUNTY OR MUNICIPALITY BY THE ELECTRIC COMPANY FOR STREET LIGHTING EQUIPMENT SHALL ALLOW A COUNTY OR MUNICIPALITY THAT HAS PURCHASED THE STREET LIGHTING EQUIPMENT TO ASSUME THE RIGHTS AND OBLIGATIONS OF THE ELECTRIC COMPANY WITH RESPECT TO THE SPACE FOR THE UNEXPIRED TERM OF ANY LEASE OR OTHER AGREEMENT UNDER WHICH THE ELECTRIC COMPANY USED THE SPACE.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY OR MUNICIPALITY MAY NOT RESTRICT OR PROHIBIT UNIVERSAL ACCESS FOR ELECTRICITY OR ANY OTHER SERVICE BY ASSUMING THE RIGHTS AND OBLIGATIONS OF AN ELECTRIC COMPANY AS TO SPACE ON ANY POLE, LAMPOST, OR OTHER MOUNTING SURFACE USED FOR STREET LIGHTING EQUIPMENT.

(3) ANY DISPUTE BETWEEN AN ELECTRIC COMPANY AND A COUNTY OR MUNICIPALITY ARISING UNDER THIS SUBSECTION SHALL BE SUBMITTED TO THE PUBLIC SERVICE COMMISSION FOR RESOLUTION.

REVISOR'S NOTE: Subsections (a) and (c) through (f) of this section are new language derived without substantive change from former Art. 24, § 5-101.

Subsection (b) of this section is new language added to clarify the scope of this section.

Throughout this section, the references to “county or municipality” are substituted for the former references to “local government” and “local jurisdiction” for consistency with other similar provisions of this article.

Defined terms: “County” § 1–101

“Municipality” § 1–101

“Person” § 1–101

TITLE 2. RESERVED.

TITLE 3. RESERVED.

DIVISION II. MUNICIPALITIES.

TITLE 4. IN GENERAL.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

4–101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This subsection is new language added as the standard introductory language to a definition section.

(B) MUNICIPAL CHARTER.

“MUNICIPAL CHARTER” MEANS A CHARTER ADOPTED UNDER ARTICLE XI–E OF THE MARYLAND CONSTITUTION AND A LOCAL LAW ENACTED BY THE GENERAL ASSEMBLY RELATING TO THE INCORPORATION, ORGANIZATION, GOVERNMENT, OR AFFAIRS CONCERNING ADMINISTRATION AND SERVICES OF A MUNICIPALITY.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 23A, § 9(e).

The reference to a “charter adopted under Article XI–E of the Maryland Constitution” is substituted for the former reference to the “existing charter” for clarity.

Defined term: "Municipality" § 1-101

(C) QUALIFIED VOTER.

"QUALIFIED VOTER" MEANS AN INDIVIDUAL AUTHORIZED UNDER A MUNICIPAL CHARTER TO VOTE IN ELECTIONS IN THE MUNICIPALITY.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 23A, § 9(d).

The reference to "an individual" is substituted for the former reference to "persons" because only a human being and not the other entities included in the definition of "person" can vote in a municipal election.

The former reference to the term "qualified to vote" is deleted as unnecessary because the term was not used in the former law, nor is it used in this revision.

Defined terms: "Municipal charter" § 4-101
"Municipality" § 1-101

4-102. CLASSIFICATION OF MUNICIPALITIES.

THERE IS ONE CLASS OF MUNICIPALITIES IN THE STATE, AND EVERY MUNICIPALITY IS A MEMBER OF THAT CLASS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 10.

The former phrase "[p]ursuant to the provisions of § 2 of Article XI-E of the Constitution of Maryland, requiring the General Assembly to group the several municipal corporations in this State into not more than four classes based upon population, the General Assembly hereby declares that" is deleted as surplusage.

The former reference to municipalities being "subject to the constitutional and statutory laws applicable thereto" is deleted as implicit.

Defined terms: "Municipality" § 1-101
"State" § 1-101

4-103. MUNICIPALITY AS CORPORATION; GENERAL POWERS.

(A) CORPORATION.

THE RESIDENTS OF A MUNICIPALITY ARE A MUNICIPAL CORPORATION.**(B) GENERAL POWERS.****UNDER THE MUNICIPALITY’S CORPORATE NAME, THE MUNICIPALITY:****(1) HAS PERPETUAL SUCCESSION;****(2) MAY SUE AND BE SUED; AND****(3) MAY ENACT AND ADOPT ORDINANCES, RESOLUTIONS, OR BYLAWS NECESSARY TO EXERCISE THE AUTHORITY OF THE MUNICIPALITY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 1.

In subsection (a) of this section, the reference to a “municipal corporation” is substituted for the former reference to a “body corporate” for clarity and to use more modern terminology.

Also in subsection (a) of this section, the reference to the residents of a municipality “are” a corporation is substituted for the former reference to the residents of a municipality “constitute and shall continue to be” a corporation for brevity.

In subsection (b)(3) of this section, the reference to the “authority of the municipality” is substituted for the former reference to the “powers granted herein or elsewhere” for clarity.

Also in subsection (b)(3) of this section, the former reference to “proper” ordinances, resolutions, or bylaws is deleted as implicit in the reference to “necessary” ordinances, resolutions, or bylaws.

Defined term: “Municipality” § 1–101

4–104. LIMITATIONS ON HOME RULE.**(A) “SPECIAL DISTRICT” DEFINED.**

IN THIS SECTION, “SPECIAL DISTRICT” MEANS A SPECIAL TAX AREA OR DISTRICT, SANITARY DISTRICT, PARK OR PLANNING DISTRICT, SOIL CONSERVATION DISTRICT, OR PUBLIC AGENCY EXERCISING SPECIFIC POWERS

IN A DEFINED AREA THAT DOES NOT EXERCISE GENERAL MUNICIPAL FUNCTIONS.

(B) MUNICIPAL AUTHORITY OVER NONMUNICIPAL ENTITIES.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A MUNICIPALITY LOCATED IN A SPECIAL DISTRICT MAY NOT EXERCISE, DIVEST, OR DUPLICATE IN THE MUNICIPALITY'S CORPORATE LIMITS ANY SPECIAL POWER OR DUTY CONFERRED ON THE SPECIAL DISTRICT.

(2) SUBJECT TO THE CONSENT OF THE SPECIAL DISTRICT, A MUNICIPALITY MAY, WITHIN ITS CORPORATE LIMITS, PROVIDE RECREATIONAL FACILITIES WITHIN A SPECIAL DISTRICT'S JURISDICTION.

(C) PAYMENTS TO SUPPORT NONMUNICIPAL ENTITIES.

A MUNICIPALITY MAY NOT EXEMPT AN AREA FROM ANY PROPERTY TAX, SPECIAL BENEFIT ASSESSMENT, OR SERVICE CHARGE IMPOSED TO SUPPORT A SPECIAL DISTRICT.

(D) POWERS AND DUTIES GRANTED TO SPECIAL DISTRICT.

A LOCAL LAW CONFERRING A SPECIAL POWER OR DUTY ON A SPECIAL DISTRICT DOES NOT AUTHORIZE THE SPECIAL DISTRICT TO EXERCISE THAT POWER OR PERFORM THAT DUTY IN AN AREA WHERE A MUNICIPALITY CONTINUES TO EXERCISE THE POWER OR PERFORM THE DUTY.

(E) MUNICIPAL AUTHORITY OVER SANITATION OR ZONING.

A MUNICIPALITY MAY NOT AMEND OR REPEAL ITS CHARTER OR EXERCISE ITS POWERS OF ANNEXATION OR INCORPORATION AS TO AFFECT THE POWER OF:

(1) THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, RELATING TO ZONING; OR

(2) THE WASHINGTON SUBURBAN SANITARY COMMISSION, RELATING TO SANITATION, INCLUDING SEWER, WATER, AND SIMILAR FACILITIES.

(F) MUNICIPAL PLANNING AND ZONING JURISDICTION.

ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THIS DIVISION, AND DIVISION I OF THE LAND USE ARTICLE DO NOT AUTHORIZE A MUNICIPALITY, THROUGH PROCEDURES UNDER THIS TITLE OR OTHER CHANGES IN THE MUNICIPAL CHARTER, TO EXERCISE PLANNING AUTHORITY, SUBDIVISION CONTROL, OR ZONING JURISDICTION IN A POLITICAL SUBDIVISION IN WHICH A STATE, REGIONAL, OR COUNTY UNIT EXERCISES PLANNING AUTHORITY, SUBDIVISION CONTROL, OR ZONING JURISDICTION.

REVISOR'S NOTE: This section is new language derived without substantive change from the third, fourth, and, as it related to special tax areas and public agencies exercising power in a defined area, the second sentences of former Art. 23A, § 9(a) and the first sentence of (c)(1) and the first sentence of § 19(s).

Subsection (a) of this section is restated as a defined term to avoid repetition of the full reference to the list of areas and entities that are considered to be a "special district" and for clarity.

In subsection (b) of this section, the references to the "special district" are substituted for the former references to the "board, commission, authority or public corporation" in light of the defined term. Similarly, in subsections (c) and (d) of this section, the references to "a special district" are substituted for the former references to "any such board, commission, authority or other public corporation".

In subsections (b)(1) and (c) of this section, the former references to exercising a power "by incorporation, charter amendment, annexation[,] or otherwise" are deleted as unnecessary because the list is inclusive of every means by which a municipality can exercise power.

In subsection (b)(1) of this section, the statement that a municipality "may not" exercise powers or duties is substituted for the former reference to "[n]othing herein contained shall be construed to confer" powers or duties on a municipality for brevity and clarity.

Also in subsection (b)(1) of this section, the former reference to "perform[ing]" powers or duties is deleted as included in the reference to "exercis[ing]" powers or duties.

Also in subsection (b)(1) of this section, the former reference to the special district "created or appointed in accordance with law" is deleted as unnecessary in light of the definition of "special district".

Also in subsection (b)(1) of this section, the former reference to powers or duties being conferred on the special district “to administer any such special tax area or district” is deleted as implicit.

In subsection (b)(2) of this section, the former reference to the “approval” of a special district is deleted as included in the reference to the “consent” of a special district.

Also in subsection (b)(2) of this section, the former reference to “parks, gardens, [and] playgrounds” is deleted as included in the reference to “recreational facilities”.

In subsection (c) of this section, the former reference to property “in such area” is deleted as surplusage.

Also in subsection (c) of this section, the former reference to a municipality exempting any area “within its corporate limits” is deleted as implicit in a municipality’s jurisdiction to act only within its boundaries. Similarly, in subsection (d) of this section, the former reference to the powers or duties of a municipality “within its corporate limits, in accordance with law” is deleted.

In subsection (d) of this section, the reference to a local law not “authoriz[ing] the special district to exercise that power or perform that duty in an area where a municipality continues to exercise the power or perform the duty” is substituted for the former reference to a local law not “be[ing] construed to divest any municipal corporation exercising the same powers or performing the same duties ... of its right to continue the exercise of such powers or the performance of such duties, it being the intent hereof to avoid duplication in the rendition of public services” for brevity and clarity.

In subsection (e) of this section, the former reference to the powers that a municipality may not “impair in any respect” is deleted as included in the reference to the powers that a municipality may not “affect”.

In subsection (f) of this section, the references to planning “authority” are added for clarity.

Also in subsection (f) of this section, the former reference to “[t]he powers granted to municipal corporations” is deleted as surplusage.

Also in subsection (f) of this section, the former references to planning and zoning “power” are deleted as included in the references to planning and zoning “jurisdiction”.

As to the substitution of the reference to “unit” for the former reference to “agency or authority” in subsection (f) of this section, *see* General Revisor’s Note to article.

Defined terms: “County” § 1–101
 “Municipal charter” § 4–101
 “Municipality” § 1–101
 “State” § 1–101

4–105. MEETINGS OF MUNICIPAL LEGISLATIVE BODIES TO BE PUBLIC.

THE LEGISLATIVE BODY OF A MUNICIPALITY MAY NOT ADOPT AN ORDINANCE, A RESOLUTION, A RULE, OR A REGULATION AT A MEETING NOT OPEN TO THE PUBLIC, EXCEPT IN ACCORDANCE WITH THE OPEN MEETINGS ACT.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 8, except as it applied to Baltimore City.

The reference to not adopting an ordinance, resolution, rule, or regulation “except in accordance with the Open Meetings Act” is substituted for the former references to “[a]ll meetings, regular and special, ... shall be public meetings and open to the public at all times” and “[n]othing contained herein shall be construed to prevent any such body from holding an executive session from which the public is excluded” in light of an opinion of the Attorney General, 94 Op. Atty. Gen. Md. 161 (2009), which stated that the provisions of Art. 23A, § 8 are largely duplicative of the Open Meetings Act, except that certain resolutions that fall within the definition of an administrative function would not be covered under the Open Meetings Act but would be included under Art. 23A, § 8.

The former reference to a “finally” adopted ordinance, resolution, rule, or regulation is deleted as surplusage.

For provisions governing open meetings, *see* Title 10, Subtitle 5 of the State Government Article.

Defined term: “Municipality” § 1–101

4–106. REFERENDUM ON TAX RATES AND MUNICIPAL DEBT.

(A) REFERENDUM AUTHORIZED.

THE LEGISLATIVE BODY OF A MUNICIPALITY MAY SET A DATE AND ESTABLISH PROCEDURES FOR SUBMITTING TO THE QUALIFIED VOTERS OF THE

MUNICIPALITY AT A REGULAR OR SPECIAL MUNICIPAL ELECTION A LOCAL LAW, ENACTED UNDER ARTICLE XI–E, § 5 OF THE MARYLAND CONSTITUTION, THAT SETS A MAXIMUM PROPERTY TAX RATE OR A MAXIMUM AMOUNT OF DEBT THAT MAY BE INCURRED BY THE MUNICIPALITY.

(B) MAJORITY APPROVAL REQUIRED.

THE LEGISLATIVE BODY OF A MUNICIPALITY MAY TAKE NECESSARY ACTION TO ENSURE THAT A LOCAL LAW SETTING A MAXIMUM PROPERTY TAX RATE OR A MAXIMUM AMOUNT OF DEBT THAT MAY BE INCURRED BY THE MUNICIPALITY DOES NOT TAKE EFFECT WITHOUT APPROVAL BY A MAJORITY OF THOSE WHO VOTED ON THE QUESTION AT A REGULAR OR SPECIAL MUNICIPAL ELECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 23A, § 40.

In subsection (a) of this section, the reference to “qualified” voters is added for consistency with the terminology used throughout this title.

Also in subsection (a) of this section, the former reference to submitting a local law to voters “for their approval” is deleted as surplusage.

In subsection (b) of this section, the former reference to a municipality taking “proper” action is deleted as implicit in the reference to taking “necessary” action.

Also in subsection (b) of this section, the former reference to “giv[ing] effect to the requirement of § 5 of Article XI–E of the Constitution of Maryland” is deleted as unnecessary in light of the explicit statement of the requirement that the local law does not take effect without approval by a majority of voters.

Also in subsection (b) of this section, the former reference to a local law not taking effect “in regard to a municipal corporation” is deleted as surplusage.

The second sentence of former Art. 23A, § 40, which established that this section applied to a local law enacted after the effective date of Article XI–E, is deleted as unnecessary in light of the use of the defined term “municipality”.

Defined terms: “Municipality” § 1–101

“Qualified voter” § 4–101

4-107. PROPERTY QUALIFICATIONS FOR VOTING PROHIBITED.

A MUNICIPALITY MAY NOT REQUIRE AN INDIVIDUAL TO OWN OR CONTROL AN INTEREST IN PROPERTY TO PARTICIPATE IN AN ELECTION OR HOLD OFFICE IN THE MUNICIPALITY.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 23A, § 46.

The statement that a municipality “may not require an individual to own or control an interest in property” is substituted for the former statement that a municipality “shall not impose or continue any requirement, distinction, or provision ... which in any way requires the ownership of property, any property–ownership interest, or any form of control of property as a necessity or qualification” for brevity and clarity.

The former reference to “the right to vote” is deleted as included in the reference to “participate in an election”.

The former reference to a requirement “in or connected with municipal elections, the right to vote therein, or the right to hold municipal office” is deleted as surplusage.

The former phrase “whether through its municipal charter or otherwise” is deleted because it is inclusive of all the ways a municipality can take action.

The second sentence of former Art. 23A, § 46, which provides that “[t]his section shall not act to deprive any person of existing rights to participate in elections, to hold public office, or to vote, which he presently has under municipal charters in the State of Maryland” is deleted as unnecessary in light of the fact that nothing in this section suggests any limitation on a person's rights.

Defined term: “Municipality” § 1-101

4-108. ABSENTEE VOTING.**(A) AUTHORIZED ABSENTEE VOTERS.**

A QUALIFIED VOTER MAY VOTE IN A MUNICIPAL ELECTION BY ABSENTEE BALLOT.

(B) PROCEDURE TO VOTE ABSENTEE.

A MUNICIPALITY SHALL PROVIDE A PROCEDURE TO VOTE BY ABSENTEE BALLOT.

(C) ENABLING ABSENTEE VOTING.

A MUNICIPALITY MAY USE ANY METHOD TO ENABLE ABSENTEE VOTERS TO VOTE, INCLUDING USING ANY FACILITIES TO TRANSMIT AND RECEIVE APPLICATIONS FOR ABSENTEE BALLOTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 47.

In subsection (a) of this section, the former reference to a qualified voter "registered to vote in a municipality" is deleted as implicit in the definition of "qualified voter".

In subsection (c) of this section, the reference to a municipality "us[ing] any method" is substituted for the former reference to "do[ing] any and all acts" for clarity.

Also in subsection (c) of this section, the former reference to transmitting and receiving "envelopes, instructions and printed matter" is deleted as included in the reference to transmitting and receiving "applications for absentee ballots".

Defined terms: "Municipality" § 1-101

"Qualified voter" § 4-101

4-109. SUBMISSION OF DOCUMENTS TO DEPARTMENT OF LEGISLATIVE SERVICES.

(A) DOCUMENTS REQUIRED TO BE SUBMITTED.

(1) IF THE GOVERNING BODY OF A MUNICIPALITY CREATES, OR CAUSES THE CREATION OF, A DOCUMENT LISTED IN PARAGRAPH (2) OF THIS SUBSECTION, THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY SHALL SUBMIT ONE COPY OF THE DOCUMENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES BY MAIL.

(2) A MUNICIPALITY SHALL SUBMIT:

(I) A CODE OR COMPILATION CONTAINING ALL OR PART OF THE MUNICIPAL CHARTER;

(II) IN ACCORDANCE WITH § 4-308 OF THIS TITLE, A CHARTER AMENDMENT PASSED BY THE LEGISLATIVE BODY OF THE MUNICIPALITY OR ADOPTED BY REFERENDUM, INCLUDING THE COMPLETE TEXT OF THE AMENDMENT, THE DATE OF ANY REFERENDUM, THE NUMBER OF VOTES CAST FOR AND AGAINST THE AMENDMENT BY THE LEGISLATIVE BODY OR IN A REFERENDUM, AND THE EFFECTIVE DATE OF THE AMENDMENT;

(III) IN ACCORDANCE WITH § 4-303(B), (C), AND (E) OF THIS TITLE, A COMPLETE LIST OF MEASURES THAT ADD, AMEND, OR REPEAL SECTIONS IN A MUNICIPAL CHARTER, INCLUDING EACH CHARTER SECTION AFFECTED, BY NUMBER AND TITLE;

(IV) IN ACCORDANCE WITH § 4-414(A) OF THIS TITLE, A CHARTER AMENDMENT, A RESOLUTION, A REFERENDUM, OR ANY OTHER DOCUMENT THAT CHANGES THE BOUNDARIES OF THE MUNICIPALITY, INCLUDING A COPY OF THE COMPLETE TEXT OF THE DOCUMENT WITH A STATEMENT OF THE NEW BOUNDARIES, THE DATE OF ANY REFERENDUM, THE NUMBER OF VOTES CAST FOR AND AGAINST THE ANNEXATION BY THE LEGISLATIVE BODY OR IN A REFERENDUM, AND THE EFFECTIVE DATE OF THE ANNEXATION;

(V) IN ACCORDANCE WITH § 4-508(B) OF THIS TITLE, A UNIFIED CHARTER FOR MERGING MUNICIPALITIES, INCLUDING THE COMPLETE TEXT OF THE UNIFIED CHARTER, THE DATE OF ANY REFERENDUM, THE NUMBER OF VOTES CAST FOR AND AGAINST THE ADOPTION OF THE UNIFIED CHARTER BY THE LEGISLATIVE BODIES OR A REFERENDUM, AND THE EFFECTIVE DATE OF THE UNIFIED CHARTER;

(VI) IN ACCORDANCE WITH § 4-214(A) OF THIS TITLE, A CHARTER CREATING A MUNICIPALITY, INCLUDING THE COMPLETE TEXT OF THE CHARTER, THE DATE OF THE REFERENDUM, THE NUMBER OF VOTES CAST FOR AND AGAINST THE CHARTER, AND THE EFFECTIVE DATE OF THE CHARTER;

(VII) IN ACCORDANCE WITH § 4-313(A), (B), AND (C) OF THIS TITLE, A CHARTER AMENDMENT REPEALING THE ENTIRE MUNICIPAL CHARTER PASSED BY THE LEGISLATIVE BODY OF THE MUNICIPALITY OR ADOPTED BY REFERENDUM, INCLUDING THE COMPLETE TEXT OF THE AMENDMENT, THE DATE OF ANY REFERENDUM, THE NUMBER OF VOTES CAST FOR AND AGAINST THE AMENDMENT BY THE LEGISLATIVE BODY OR IN A REFERENDUM, AND THE EFFECTIVE DATE OF THE AMENDMENT; AND

(VIII) IN ACCORDANCE WITH § 4-310(D) OF THIS TITLE, A STATEMENT ON THE RESULTS OF ANY REFERENDUM ON A PROPOSED CHARTER

AMENDMENT HELD DURING THE YEAR, OR ANY ACTUAL OR POTENTIAL PENDING REFERENDUM THAT HAD NOT BEEN HELD BY THE END OF THE YEAR.

(B) DELIVERY DEADLINES.

THE CHIEF EXECUTIVE OFFICER OF EACH MUNICIPALITY SHALL SEND TO THE DEPARTMENT OF LEGISLATIVE SERVICES:

(1) ANY CHARTER AMENDMENT RESOLUTION WITHIN 10 DAYS AFTER THE RESOLUTION BECOMES EFFECTIVE UNDER § 4-304(C) OR 4-307(E) OF THIS TITLE; AND

(2) ANY ANNEXATION RESOLUTION WITHIN 10 DAYS AFTER THE RESOLUTION BECOMES EFFECTIVE UNDER § 4-407 OR § 4-412(D) OF THIS TITLE.

(C) FORWARDING TO STATE ARCHIVES.

THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL FORWARD EACH DOCUMENT THE DEPARTMENT RECEIVES UNDER THIS DIVISION TO THE STATE ARCHIVES AT LEAST ONCE EACH YEAR FOR PERMANENT STORAGE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, §§ 9A and 17C.

In this section and throughout this title, the former references to a referendum "election" are deleted as implicit in the reference to a "referendum".

In subsection (a)(1) of this section, the former reference to causing a document to be "implemented or otherwise established" is deleted as included in the reference to causing a document to be "creat[ed]".

Also in subsection (a)(1) of this section, the former reference to the municipality sending "or caus[ing] to be sent, separately" by mail is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to the documents being mailed "bearing a postmark from the United States Postal Service" is deleted as implicit in the requirement to mail a document.

In subsection (a)(2)(i) of this section, the former reference to the code or compilation being submitted "as provided for in § 9(e) of [former Art.

23A]” is deleted as unnecessary in light of the requirements of this division for submitting documents.

Also in subsection (a)(2)(i) of this section, the former reference to a code or compilation “published or issued in printed, mimeographed or similar duplicated form” is deleted as implicit that a copy would be submitted in some published format.

In subsection (a)(2)(ii) and (vii) of this section, the former references to an amendment “ordained” are deleted as included in the references to an amendment “passed”.

Also in subsection (a)(2)(ii) and (vii) of this section, the former references to an amendment being adopted by “the vote on the question” at a referendum are deleted as implicit in the references to the amendment being “adopted by referendum”.

In subsection (a)(2)(ii) of this section, the former references to “amendments” are deleted as included in the references to an “amendment” and Art. 1, § 8, which provides that the singular generally includes the plural.

Also in subsection (a)(2)(ii) of this section, the former reference to the votes cast for and against “each question containing” the amendment is deleted as surplusage.

In subsection (a)(2)(iv) of this section, the references to a “document” are substituted for the former reference to a “device” for clarity and consistency with other provisions of this section.

Also in subsection (a)(2)(iv) of this section, the reference to a “resolution” is substituted for the former reference to an “ordinance” for accuracy.

Also in subsection (a)(2)(iv) of this section, the former reference to the “corporate” boundaries of a municipality is deleted as implicit in that the boundaries of a municipality would by definition be the corporate boundaries.

Also in subsection (a)(2)(iv) of this section, the former reference to the boundaries of a municipality being “enlarged” is deleted as included in the reference to the boundaries being “chang[ed]”.

In subsection (a)(2)(v) of this section, the former reference to the merger “of two or more” municipalities is deleted as surplusage.

In subsection (a)(2)(vi) of this section, the reference to votes cast for and against the “charter” is substituted for the former reference to votes cast for and against the “question of incorporation, under the charter” for brevity.

Also in subsection (a)(2)(vi) of this section, the cross-reference to “§ 4–214(a) of this title” is substituted for the former erroneous cross-reference to “§ 27(a) of this article”, revised as § 4–213(a) of this subtitle, for accuracy.

In subsection (c) of this section, the former reference to the permanent “retention” of documents is deleted as included in the reference to the permanent “storage” of documents.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the reference to a “potential pending” referendum in subsection (a)(2)(viii) of this section is unclear.

Defined terms: “Governing body” § 1–101

“Municipal charter” § 4–101

“Municipality” § 1–101

4–110. PUBLICATION OF CODE OF ORDINANCES.

(A) “ORDINANCE” DEFINED.

(1) IN THIS SECTION, “ORDINANCE” MEANS A LEGISLATIVE ENACTMENT OF GENERAL APPLICATION AND CONTINUING FORCE FOR A MUNICIPALITY.

(2) “ORDINANCE” DOES NOT INCLUDE A PUBLIC LOCAL LAW UNDER § 9–102 OF THIS ARTICLE.

(B) WHEN PUBLICATION REQUIRED.

EACH YEAR, IF A MUNICIPALITY ENACTS ANY ORDINANCE APPROPRIATE FOR CODIFICATION DURING THE YEAR, THE GOVERNING BODY OF A MUNICIPALITY SHALL PROVIDE FOR THE PREPARATION AND DISTRIBUTION OF A SUPPLEMENT TO OR NEW EDITION OF ITS CODE OF ORDINANCES.

(C) REQUIRED CONTENTS.

(1) A SUPPLEMENT PUBLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL CONTAIN EACH ORDINANCE THAT IS IN EFFECT AND HAS BEEN

ENACTED OR AMENDED SINCE THE MUNICIPALITY’S MOST RECENT CODE OF ORDINANCES WAS PUBLISHED.

(2) A NEW CODE PUBLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL CONTAIN EACH ORDINANCE THAT IS IN EFFECT AT THE TIME OF PUBLICATION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 17D(b), (c), and, except as it related to Baltimore City, (a).

In subsection (a)(1) of this section, the former reference to a legislative enactment “by whatever name known” is deleted as surplusage.

In subsection (b) of this section, the former phrase “[f]or the purpose of providing ready access to a current compilation of the municipal corporation’s ordinances,” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to “editing” the code is deleted as included in the reference to “preparation” of the code.

Also in subsection (b) of this section, the former references to “publication” and “sale” of the code are deleted as included in the reference to “distribution” of the code.

Also in subsection (b) of this section, the former reference to the “most recent” code of ordinances is deleted as implicit in the requirement to distribute any ordinances enacted during the year.

In subsection (c) of this section, the references to a supplement and new code “published under subsection (b) of this section” are added for clarity.

Also in subsection (c) of this section, the former statement that “[a] supplement or a code need not contain ordinances of less than general application and continuing force, including (without limitation) the budget ordinance” is deleted as redundant of the definition of “ordinance” in subsection (a) of this section.

Also in subsection (c) of this section, the former references to public ordinances in effect “for the municipal corporation” are deleted as implicit in that a municipality would be required to publish only their own ordinances, not those applicable to another municipality.

In subsection (c)(1) of this section, the reference to the “municipality’s” most recent code of public ordinances is added for clarity.

Former Art. 23A, § 17D(d), which required each municipality to impose taxes and appropriate its public funds for necessary expenditures, is deleted as implicit in the requirement that the municipality perform the mandate.

As for provisions governing Baltimore City, *see* § 9–103 of this article.

Defined terms: “Governing body” § 1–101

“Municipality” § 1–101

4–111. APPLICATION OF COUNTY LEGISLATION TO MUNICIPALITIES.

(A) “LEGISLATION” DEFINED.

IN THIS SECTION, “LEGISLATION” MEANS ANY FORM OF COUNTY OR MUNICIPAL LEGISLATIVE ENACTMENT, INCLUDING A LAW, AN ORDINANCE, A RESOLUTION, OR ANY ACTION BY WHICH A COUNTY BUDGET IS ADOPTED.

(B) MUNICIPALITY EXEMPT.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, LEGISLATION ENACTED BY A COUNTY DOES NOT APPLY IN A MUNICIPALITY LOCATED IN THE COUNTY IF THE LEGISLATION:

(1) BY ITS TERMS, EXEMPTS THE MUNICIPALITY;

(2) CONFLICTS WITH LEGISLATION OF THE MUNICIPALITY ENACTED UNDER A GRANT OF LEGISLATIVE AUTHORITY PROVIDED BY PUBLIC GENERAL LAW OR THE MUNICIPAL CHARTER; OR

(3) (I) RELATES TO A SUBJECT ON WHICH A PUBLIC GENERAL LAW OR THE MUNICIPAL CHARTER GRANTS THE MUNICIPALITY LEGISLATIVE AUTHORITY; AND

(II) THE MUNICIPALITY BY ORDINANCE OR CHARTER AMENDMENT:

1. SPECIFICALLY EXEMPTS ITSELF FROM THE COUNTY LEGISLATION; OR

2. GENERALLY EXEMPTS ITSELF FROM COUNTY LEGISLATION COVERED BY THE TYPE OF GRANT OF AUTHORITY TO THE MUNICIPALITY.

(C) MUNICIPALITY NOT EXEMPT.

THE FOLLOWING CATEGORIES OF COUNTY LEGISLATION, IF WITHIN THE SCOPE OF LEGISLATIVE POWERS GRANTED TO A COUNTY BY THE GENERAL ASSEMBLY, APPLY IN ALL MUNICIPALITIES IN THE COUNTY:

(1) COUNTY LEGISLATION MADE APPLICABLE TO ALL MUNICIPALITIES IN THE COUNTY UNDER A LAW ENACTED BY THE GENERAL ASSEMBLY;

(2) COUNTY REVENUE OR TAX LEGISLATION, SUBJECT TO TITLE 16, SUBTITLE 5 AND TITLE 20 OF THIS ARTICLE, THE TAX – GENERAL ARTICLE, AND THE TAX – PROPERTY ARTICLE, OR LEGISLATION ADOPTING A COUNTY BUDGET; AND

(3) SUBJECT TO SUBSECTION (E) OF THIS SECTION, COUNTY LEGISLATION THAT IS ENACTED IN ACCORDANCE WITH COUNTY REQUIREMENTS FOR LEGISLATION THAT IS TO BECOME EFFECTIVE IMMEDIATELY AND FOR WHICH THE LEGISLATIVE BODY OF THE COUNTY:

(I) MAKES A SPECIFIC FINDING BASED ON EVIDENCE OF RECORD AFTER A HEARING HELD UNDER ITEM (II) OF THIS ITEM THAT THERE WILL BE SIGNIFICANT ADVERSE IMPACT ON THE PUBLIC HEALTH, SAFETY, OR WELFARE AFFECTING RESIDENTS OF THE COUNTY IN UNINCORPORATED AREAS IF THE LEGISLATION DOES NOT APPLY IN ALL MUNICIPALITIES IN THE COUNTY;

(II) CONDUCTS A PUBLIC HEARING AT WHICH ALL MUNICIPALITIES IN THE COUNTY AND ANY INTERESTED PERSONS HAVE AN OPPORTUNITY TO BE HEARD;

(III) 1. PROVIDES NOTICE OF THE HEARING BY CERTIFIED MAIL TO ALL MUNICIPALITIES IN THE COUNTY AT LEAST 30 DAYS BEFORE THE HEARING; AND

2. PUBLISHES NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY FOR 3 SUCCESSIVE WEEKS, BEGINNING AT LEAST 30 DAYS BEFORE THE HEARING; AND

(IV) ENACTS THE COUNTY LEGISLATION BY AN AFFIRMATIVE VOTE OF AT LEAST TWO–THIRDS OF THE AUTHORIZED MEMBERSHIP OF THE COUNTY LEGISLATIVE BODY.

(D) JUDICIAL REVIEW OF COUNTY LEGISLATION.

(1) COUNTY LEGISLATION ENACTED IN ACCORDANCE WITH SUBSECTION (C)(3) OF THIS SECTION IS SUBJECT TO JUDICIAL REVIEW BY THE CIRCUIT COURT OF THE COUNTY, IN ACCORDANCE WITH THE MARYLAND RULES GOVERNING APPEALS FROM ADMINISTRATIVE AGENCIES, OF:

(I) THE FINDING MADE UNDER SUBSECTION (C)(3)(I) OF THIS SECTION; AND

(II) THE LEGISLATION'S APPLICABILITY TO MUNICIPALITIES LOCATED IN THE COUNTY.

(2) AN APPEAL UNDER THIS SUBSECTION SHALL BE FILED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE COUNTY LEGISLATION.

(3) IN A JUDICIAL PROCEEDING UNDER THIS SUBSECTION, THE ONLY ISSUES THAT MAY BE CONSIDERED ARE WHETHER THE COUNTY LEGISLATIVE BODY:

(I) COMPLIED WITH THE PROCEDURES OF SUBSECTION (C)(3) OF THIS SECTION; AND

(II) HAD SUFFICIENT EVIDENCE FROM WHICH A REASONABLE PERSON COULD CONCLUDE THAT THERE WILL BE A SIGNIFICANT ADVERSE IMPACT ON THE PUBLIC HEALTH, SAFETY, OR WELFARE AFFECTING RESIDENTS OF THE COUNTY IN UNINCORPORATED AREAS IF THE COUNTY LEGISLATION DOES NOT APPLY IN ALL MUNICIPALITIES IN THE COUNTY.

(4) THE COURT SHALL DECIDE THE ISSUES UNDER PARAGRAPH (3) OF THIS SUBSECTION WITHOUT A JURY.

(5) IF A COURT REVERSES A LEGISLATIVE BODY'S FINDING UNDER SUBSECTION (C)(3)(I) OF THIS SECTION:

(I) THE LEGISLATION SHALL CONTINUE TO APPLY IN UNINCORPORATED AREAS OF THE COUNTY; AND

(II) THE APPLICABILITY OF THE LEGISLATION IN A MUNICIPALITY IS GOVERNED BY SUBSECTION (B) OF THIS SECTION.

(6) A COUNTY OR MUNICIPALITY IN THE COUNTY MAY APPEAL THE DECISION OF A CIRCUIT COURT IN A PROCEEDING UNDER THIS SUBSECTION TO THE COURT OF SPECIAL APPEALS.

(E) AREAS OF MUNICIPAL LEGISLATION.

COUNTY LEGISLATION ENACTED IN ACCORDANCE WITH SUBSECTION (C)(3) OF THIS SECTION DOES NOT APPLY, OR BECOMES INAPPLICABLE, IN A MUNICIPALITY THAT HAS ENACTED OR ENACTS MUNICIPAL LEGISLATION THAT:

(1) COVERS THE SAME SUBJECT MATTER AND FURTHERS THE SAME POLICIES AS THE COUNTY LEGISLATION;

(2) IS AT LEAST AS RESTRICTIVE AS THE COUNTY LEGISLATION;
AND

(3) INCLUDES PROVISIONS FOR ENFORCEMENT.

(F) COUNTY ENFORCEMENT OF MUNICIPAL LEGISLATION.

(1) BY ORDINANCE, A MUNICIPALITY MAY REQUEST AND AUTHORIZE THE COUNTY IN WHICH IT IS LOCATED TO ADMINISTER OR ENFORCE ANY MUNICIPAL LEGISLATION.

(2) AFTER A MUNICIPALITY ENACTS AN ORDINANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION, A COUNTY MAY ADMINISTER OR ENFORCE THE MUNICIPAL LEGISLATION ON MUTUALLY AGREED TERMS.

(G) CONSTRUCTION.

THE OTHER PROVISIONS OF THIS ARTICLE ARE CONSIDERED AMENDED AS PROVIDED IN THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, §§ 2C and 2B(a) through (d) and (e)(2).

In subsection (b)(3)(ii) of this section, the former reference to an ordinance or amendment "having prospective or retrospective applicability, or both" is deleted as unnecessary because it is inclusive of every application.

In the introductory language of subsection (c) of this section, the former phrase “[n]otwithstanding the provisions of [subsection (b)(2) and (3)] of this section,” is deleted as surplusage.

In subsection (c)(1) of this section, the reference to county legislation “made applicable to all municipalities in the county under a law enacted by the General Assembly” is substituted for the former reference to county legislation “where a law enacted by the General Assembly so provides” for clarity.

In the introductory language of subsection (d)(3) of this section, the reference to issues “that may be considered” in a judicial proceeding is added for clarity.

In subsection (f) of this section, the former reference to “conditions” is deleted as included in the reference to “terms”.

In subsection (g) of this section, the former reference to “modified” is deleted as included in the reference to “amended”.

Former Art. 23A, § 2B(e)(1), which defined “county” to mean any county regardless of the form of government, is deleted in light of the definition of “county” in § 1–101 of this article.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the meaning and intent of subsection (g) of this section is unclear. The General Assembly may wish to clarify the meaning of this subsection or repeal it.

Defined terms: “County” § 1–101
 “Municipal charter” § 4–101
 “Municipality” § 1–101
 “Person” § 1–101

GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 23A, § 5, which specified that if a provision or a certain application of a provision of Article 23A was held invalid, the remainder of the article and other applications would not be affected, is deleted as unnecessary in light of Art. 1, § 23, which states that statutes enacted after July 1, 1973, are severable unless the statute specifically provides that its provisions are not severable.

SUBTITLE 2. INCORPORATION OF MUNICIPALITIES.

4–201. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 23A, § 20(a)(1).

No changes are made.

(B) COUNTY LIAISON.

“COUNTY LIAISON” MEANS A COUNTY OFFICIAL, OR THE DESIGNEE OF THE COUNTY OFFICIAL, WHO COORDINATES COMMUNICATION BETWEEN THE ORGANIZING COMMITTEE AND THE COUNTY.

REVISOR'S NOTE: This subsection formerly was Art. 23A, § 20(a)(3).

The only changes are in style.

Defined terms: “County” § 1-101

“Organizing committee” § 4-201

(C) ORGANIZING COMMITTEE.

“ORGANIZING COMMITTEE” MEANS THE GROUP OF INDIVIDUALS FROM THE ORGANIZING COMMUNITY THAT WORKS WITH THE COUNTY COMMISSIONERS OR COUNTY COUNCIL ON THE PROPOSED MUNICIPAL INCORPORATION AFTER A PETITION FOR INCORPORATION IS VERIFIED.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 23A, § 20(a)(4).

Defined term: “Organizing community” § 4-201

(D) ORGANIZING COMMUNITY.

“ORGANIZING COMMUNITY” MEANS INDIVIDUALS RESIDING IN AN UNINCORPORATED AREA WHO ARE INTERESTED IN FORMING A MUNICIPALITY.

REVISOR'S NOTE: This subsection formerly was Art. 23A, § 20(a)(5).

The former reference to a “particular” unincorporated area is deleted as surplusage.

The only other changes are in style.

Defined term: "Municipality" § 1-101

REVISOR'S NOTE TO SECTION:

Former Art. 23A, § 20(a)(2), which defined "county governing body" to be the board of county commissioners or county council of a county, is deleted and instead the terms "county commissioners" and "county council" are used throughout this subtitle for consistency with other similar provisions of this article.

4-202. APPLICATION OF SUBTITLE.

THIS SUBTITLE GOVERNS MUNICIPAL INCORPORATION.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 23A, § 20(b).

The reference to the "municipal" incorporation is substituted for the former reference to the incorporation "of any area ... not then existing as a municipal corporation" for brevity.

The former reference to a "group of individuals" is deleted as unnecessary because it is the area that defines the municipality.

Defined term: "Municipality" § 1-101

4-203. MINIMUM NUMBER OF RESIDENTS REQUIRED.

AN AREA PROPOSED TO BE INCORPORATED SHALL CONTAIN AT LEAST 300 RESIDENTS BEFORE THE ORGANIZING COMMUNITY MAY PROCEED UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 23A, § 20(b).

The reference to "the organizing community" is substituted for the former reference to "it" to clarify that it is the organizing community that acts on behalf of the area proposed to be incorporated.

The former reference to "bona fide" residents is deleted as surplusage.

Defined term: "Organizing community" § 4-201

4-204. PETITION FOR INCORPORATION.**(A) INITIATION OF PROPOSAL TO INCORPORATE.**

A PROPOSAL TO INCORPORATE AN AREA AS A MUNICIPALITY IS INITIATED WHEN A VALID PETITION IS PRESENTED TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF A COUNTY BY:

(1) AT LEAST 25% OF THE REGISTERED VOTERS WHO ARE RESIDENTS OF THE AREA PROPOSED TO BE INCORPORATED; OR

(2) AT LEAST 20% OF THE REGISTERED VOTERS WHO ARE RESIDENTS OF THE AREA PROPOSED TO BE INCORPORATED, TOGETHER WITH THE OWNERS OF AT LEAST 25% OF THE ASSESSED VALUATION OF THE REAL PROPERTY OF THE AREA PROPOSED TO BE INCORPORATED.

(B) CREATION AND PROVISION OF STANDARD PETITION FORM.

THE OFFICE OF THE ATTORNEY GENERAL SHALL:

(1) CREATE A STANDARD PETITION FORM FOR USE BY AN ORGANIZING COMMUNITY; AND

(2) PROVIDE THE BOARD OF ELECTIONS OF EACH COUNTY WITH THE FORM FOR DISTRIBUTION TO AN ORGANIZING COMMUNITY.

(C) CONTENTS OF PETITION.

A PETITION PRESENTED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) EXPRESS THE INTEREST OF THE SUBSCRIBING INDIVIDUALS IN THE INCORPORATION OF THE AREA;

(2) CONTAIN A DETAILED DESCRIPTION OF THE BOUNDARIES OF THE AREA PROPOSED TO BE INCORPORATED, INCLUDING A SURVEY OF COURSES AND DISTANCES OR GENERAL LANDMARKS AND PLACE NAMES;

(3) STATE THE NAME OF THE NEW MUNICIPALITY, WHICH MAY NOT BE THE SAME AS A NAME USED BY A MUNICIPALITY OR COUNTY IN THE STATE; AND

(4) STATE THE NAMES OF THE INDIVIDUALS WHO WILL INITIALLY REPRESENT THE ORGANIZING COMMUNITY ON THE ORGANIZING COMMITTEE.

(D) DEADLINE FOR OBTAINING SIGNATURES.

THE ORGANIZING COMMUNITY SHALL OBTAIN THE MINIMUM NUMBER OF VALID SIGNATURES REQUIRED UNDER SUBSECTION (A) OF THIS SECTION WITHIN 18 MONTHS AFTER THE ORGANIZING COMMUNITY RECEIVES THE STANDARD PETITION FORM FROM THE COUNTY BOARD OF ELECTIONS.

(E) INFORMATION PROVIDED BY PERSON SIGNING PETITION.

EACH PERSON SIGNING THE PETITION SHALL INDICATE ON THE PETITION:

(1) THE PERSON'S NAME AND RESIDENCE ADDRESS; AND

(2) IF THE PETITION IS INTENDED TO BE PRESENTED UNDER SUBSECTION (A)(2) OF THIS SECTION AND THE PERSON SIGNING THE PETITION OWNS REAL PROPERTY IN THE AREA PROPOSED TO BE INCORPORATED, THE LOCATION AND ASSESSED VALUATION OF THE PROPERTY.

(F) DUTIES OF COUNTY COMMISSIONERS OR COUNTY COUNCIL ON RECEIPT OF PETITION.

WITHIN 60 DAYS AFTER RECEIVING A PETITION, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL:

(1) VERIFY THAT EACH PERSON WHO SIGNED THE PETITION:

(I) RESIDES IN THE AREA PROPOSED TO BE INCORPORATED;

(II) IS REGISTERED TO VOTE IN THE ELECTIONS OF THAT COUNTY; AND

(III) IF APPLICABLE, OWNS REAL PROPERTY WITHIN THE AREA PROPOSED TO BE INCORPORATED;

(2) VERIFY THAT THE PETITION MEETS THE REQUIREMENTS OF THIS SECTION; AND

(3) APPOINT A COUNTY LIAISON IF THE PETITION MEETS THE REQUIREMENTS OF THIS SECTION.

(G) FILED PETITION PROPERTY OF COUNTY COMMISSIONERS OR COUNTY COUNCIL.

A PETITION, WHEN RECEIVED, BECOMES THE PROPERTY OF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL AND MAY NOT BE USED TO INITIATE ANOTHER INCORPORATION.

(H) RESCISSION.

A PROPOSAL TO INCORPORATE A MUNICIPALITY AND TO ADOPT A MUNICIPAL CHARTER MAY NOT BE RESCINDED AFTER THE FORMAL SUBMISSION OF THE PROPOSAL IN A MANNER OTHER THAN THAT OF A FORMAL CHARTER REPEAL AS PROVIDED IN §§ 4-313 AND 4-314 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, §§ 21 and 28(b).

In this section and throughout this subtitle, the former references to the board "of supervisors" of elections are deleted for accuracy.

In subsection (a) of this section, the references to "registered voters" are substituted for the former references to "individuals ... who are registered to vote in county elections" for brevity.

In subsection (b)(1) of this section, the former reference to an organizing community "within the State" is deleted as surplusage.

In subsection (e)(2) of this section, the reference to the "petition is intended to be presented" is substituted for the former reference to the "organizing community pursues the incorporation petition" for clarity.

In subsection (f)(1)(i) of this section, the former reference to the "particular" area is deleted as surplusage.

In subsection (g) of this section, the reference to a petition "received" is substituted for the former reference to a petition "filed" for clarity.

Also in subsection (g) of this section, the reference to not using a petition "to initiate another incorporation" is substituted for the former reference to not using a petition "for the purposes of initiating further referenda" for clarity.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the reference in subsection (h) of this section to the "formal submission" of the charter is unclear. The

Committee believes it refers to the submission of the charter to the county for use in a referendum.

Defined terms: "County" § 1-101
"County liaison" § 4-201
"Municipality" § 1-101
"Organizing committee" § 4-201
"Organizing community" § 4-201
"Person" § 1-101
"State" § 1-101

4-205. REPORT OF ORGANIZING COMMITTEE.

(A) COUNTY INPUT; PUBLIC MEETING; REPORT.

(1) WITHIN 90 DAYS AFTER THE COUNTY COMMISSIONERS OR COUNTY COUNCIL HAS VERIFIED THAT A PETITION PRESENTED UNDER § 4-204 OF THIS SUBTITLE IS VALID, THE ORGANIZING COMMITTEE SHALL:

(I) ACTIVELY SEEK INFORMATION AND INPUT FROM THE COUNTY;

(II) HOLD A PUBLIC MEETING TO COLLECT TESTIMONY ON THE PROPOSED INCORPORATION; AND

(III) PROVIDE THE COUNTY COMMISSIONERS OR COUNTY COUNCIL WITH A REPORT ON ISSUES RELATED TO THE PROPOSED INCORPORATION.

(2) DURING THE 90-DAY PERIOD, THE COUNTY SHALL COOPERATE FULLY WITH THE ORGANIZING COMMITTEE.

(B) DUTIES TO COUNTY LIAISON.

THE ORGANIZING COMMITTEE SHALL:

(1) NOTIFY THE COUNTY LIAISON OF ALL MEETINGS AND DELIBERATIONS OF THE ORGANIZING COMMITTEE; AND

(2) GIVE THE COUNTY LIAISON FULL OPPORTUNITY TO PARTICIPATE IN ALL MEETINGS AND DELIBERATIONS OF THE ORGANIZING COMMITTEE.

(C) COUNTY COMMISSIONERS OR COUNTY COUNCIL TO REVIEW REPORT.

WITHIN 45 DAYS AFTER RECEIVING THE REPORT REQUIRED UNDER SUBSECTION (A)(1)(III) OF THIS SECTION, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OR ITS DESIGNEE MAY REVIEW THE REPORT AND PROVIDE COMMENTS TO THE ORGANIZING COMMITTEE ON ISSUES RELATING TO THE PROPOSED INCORPORATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 22.

In the introductory language of subsection (a) of this section, the reference to a petition presented "under § 4-204 of this subtitle" is added for clarity.

In subsection (a)(1)(ii) of this section, the former reference to collecting "public" testimony is deleted as implicit in the requirement that the testimony be taken at a public meeting.

Defined terms: "County" § 1-101

"County liaison" § 4-201

"Organizing committee" § 4-201

4-206. SUBMISSION OF PROPOSED MUNICIPAL CHARTER.

(A) PROPOSED MUNICIPAL CHARTER.

THE ORGANIZING COMMITTEE SHALL PRESENT TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL A PROPOSED MUNICIPAL CHARTER:

(1) WITHIN 45 DAYS AFTER RECEIVING THE COMMENTS SUBMITTED TO THE ORGANIZING COMMITTEE UNDER § 4-205(C) OF THIS SUBTITLE; OR

(2) IF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL HAS NOT SUBMITTED COMMENTS, WITHIN 90 DAYS AFTER THE REPORT IS SUBMITTED BY THE ORGANIZING COMMITTEE UNDER § 4-205(A)(1)(III) OF THIS SUBTITLE.

(B) PROPOSED MUNICIPAL CHARTER STATEMENTS.

THE ORGANIZING COMMITTEE SHALL SUBMIT STATEMENTS WITH THE PROPOSED MUNICIPAL CHARTER DESCRIBING:

(1) THE LIKELY FISCAL EFFECT OF THE PROPOSED INCORPORATION ON RESIDENTS OF THE PROPOSED MUNICIPALITY, RESIDENTS IN THE VICINITY OF THE PROPOSED MUNICIPALITY, AND THE COUNTY;

(2) THE SERVICES THAT THE PROPOSED MUNICIPALITY IS EXPECTED TO PROVIDE; AND

(3) THE IMPACT THAT THE PROPOSED INCORPORATION IS EXPECTED TO HAVE ON PROPERTY TAX RATES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 23.

In this section and throughout this subtitle, the references to a "municipal" charter are added for clarity.

In the introductory language of subsection (a) of this section, the former phrase "for use in the referendum election" is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to the county "as a whole" is deleted as surplusage.

In subsection (b)(2) and (3) of this section, the references to the services and impact the municipality "is expected to" provide or have are substituted for the former references to the services and impact the municipality "will" provide or have because the information submitted would have to be based on assumptions made by the organizing committee.

Defined terms: "County" § 1-101
"Municipal charter" § 4-101
"Municipality" § 1-101
"Organizing committee" § 4-201

4-207. REFERENDUM REQUEST.

(A) APPROVAL OF REFERENDUM REQUEST.

(1) IF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL APPROVES THE REFERENDUM REQUEST, BETWEEN 40 AND 60 DAYS AFTER IT RECEIVES THE PROPOSED MUNICIPAL CHARTER, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL SPECIFY, BY RESOLUTION, THE DAY AND HOURS FOR A VOTE ON THE PROPOSED INCORPORATION BY THE VOTERS OF THE AREA TO BE INCORPORATED.

(2) THE RESOLUTION SHALL INCLUDE THE EXACT TEXT OF THE PROPOSED MUNICIPAL CHARTER AS SUBMITTED BY THE ORGANIZING COMMITTEE.

(B) REJECTION OF REFERENDUM REQUEST.

(1) IF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL REJECTS THE REFERENDUM REQUEST, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL:

(I) PROVIDE IN WRITING AND MAKE AVAILABLE TO THE PUBLIC WITHIN A REASONABLE TIME THE REASONS FOR THE REJECTION; AND

(II) ESTABLISH REASONABLE PROCEDURES BY WHICH THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL RECONSIDER A REFERENDUM REQUEST, INCLUDING AN OPPORTUNITY FOR A PUBLIC HEARING WITH SUFFICIENT ADVANCE PUBLIC NOTICE.

(2) AFTER THE HEARING AND RECONSIDERATION PROCESS IS COMPLETED, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL, BY RESOLUTION, SHALL AFFIRM THE REJECTION OR APPROVE THE REFERENDUM REQUEST.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 24.

In subsection (a)(1) of this section, the phrase “[i]f the county commissioners or county council approves the referendum request,” is added for consistency with subsection (b) of this section.

Also in subsection (a)(1) of this section, the reference to the days and hours for a “vote” is substituted for the former reference to the days and hours for a “special referendum election” for brevity.

Also in subsection (a)(1) of this section, the former reference to receiving the charter “from the organizing committee” is deleted as unnecessary because § 4–206 of this subtitle directs the organizing committee to present the charter.

In subsection (a)(2) of this section, the former reference to the wording of the proposed charter “to be voted on at the time of the referendum” is deleted as surplusage.

Defined term: "Organizing committee" § 4-201

4-208. POSTING AND PUBLICATION.

(A) NOTICE TO VOTERS.

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL NOTIFY THE VOTERS OF THE AREA PROPOSED TO BE INCORPORATED BY POSTING AND PUBLICATION OF THE PROPOSAL TO INCORPORATE, INCLUDING A FAIR SUMMARY OF THE PROPOSED MUNICIPAL CHARTER.

(B) POSTING COPY OF PROPOSED MUNICIPAL CHARTER BEFORE REFERENDUM.

FOR AT LEAST 4 WEEKS IMMEDIATELY BEFORE THE REFERENDUM, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL MAKE AVAILABLE AN EXACT COPY OF THE PROPOSED MUNICIPAL CHARTER FOR PUBLIC INSPECTION AT ITS OFFICE.

(C) PUBLICATION OF NOTICE.

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL PUBLISH NOTICE OF THE REFERENDUM, TOGETHER WITH A FAIR SUMMARY OF THE PROPOSED MUNICIPAL CHARTER, IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA PROPOSED TO BE INCORPORATED AT LEAST ONCE A WEEK DURING THE 4 WEEKS IMMEDIATELY BEFORE THE REFERENDUM.

(D) COPY OF PROPOSED MUNICIPAL CHARTER AVAILABLE ON ELECTION DAY.

ON THE DAY OF THE REFERENDUM, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL MAKE AVAILABLE AN EXACT COPY OF THE PROPOSED MUNICIPAL CHARTER FOR PUBLIC INSPECTION AT EACH PLACE FOR VOTING ON THE REFERENDUM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 25.

In subsections (b), (c), and (d) of this section, the references to a "referendum" are substituted for the former references to an "election" for consistency with other similar provisions of this subtitle.

In subsections (b) and (d) of this section, the former reference to “post[ing]” a copy is deleted as included in the reference to “mak[ing] available” a copy.

In subsection (b) of this section, the former reference to a “complete” copy of the proposed charter is deleted as included in the reference to an “exact” copy of the proposed charter.

Also in subsection (b) of this section, the former reference to an exact copy of the “wording of the” proposed municipal charter is deleted as surplusage.

Also in subsection (b) of this section, the former reference to the referendum “at which the question is to be submitted” is deleted as surplusage.

In subsection (c) of this section, the former reference to “newspapers” is deleted in light of the reference to a “newspaper” and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in subsection (d) of this section, the former reference to “places” is deleted in light of the reference to “place”.

Also in subsection (c) of this section, the former reference to a “particular” area is deleted as surplusage.

In subsection (d) of this section, the reference to an “exact copy of the proposed municipal charter” is substituted for the former reference to a “copy” for clarity and consistency with the terminology in subsection (b) of this section.

Also in subsection (d) of this section, the reference to voting on the “referendum” is substituted for the former reference to voting on the “question of incorporation” for clarity.

Defined term: “Municipal charter” § 4–101

4–209. REFERENDUM; PROCLAMATION OF RESULT.

(A) IN GENERAL.

EXCEPT AS EXPRESSLY OR NECESSARILY MODIFIED BY THIS SUBTITLE, A REFERENDUM SHALL BE CONDUCTED GENERALLY ACCORDING TO THE PROCEDURES AND PRACTICES FOR REGULAR COUNTYWIDE ELECTIONS.

(B) CONDUCT OF REFERENDUM; BALLOTS.

(1) ON THE DAY AND DURING THE HOURS SPECIFIED FOR THE REFERENDUM, THE QUESTION OF INCORPORATION UNDER THE PROPOSED MUNICIPAL CHARTER SHALL BE SUBMITTED TO THE REGISTERED VOTERS OF THE AREA PROPOSED TO BE INCORPORATED.

(2) THE COUNTY BOARD OF ELECTIONS SHALL ARRANGE FOR AND CONDUCT THE REFERENDUM.

(3) THE WORDING SPECIFIED BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL IN THE RESOLUTION AUTHORIZING A REFERENDUM ON THE QUESTION OF THE PROPOSED INCORPORATION SHALL BE PLACED ON THE BALLOTS USED AT THE REFERENDUM.

(C) TALLY AND CERTIFICATION OF RESULTS.

PROMPTLY AFTER THE CANVASS IS COMPLETE, THE COUNTY BOARD OF ELECTIONS SHALL CERTIFY THE RESULTS TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL.

(D) PROCLAMATION OF RESULTS; EFFECT OF REFERENDUM.

WITHIN 10 DAYS AFTER RECEIVING A CERTIFICATION OF THE VOTE ON THE REFERENDUM FROM THE COUNTY BOARD OF ELECTIONS:

(1) IF A MAJORITY OF THOSE WHO VOTED ON THE QUESTION VOTED IN FAVOR OF INCORPORATION UNDER THE PROPOSED MUNICIPAL CHARTER:

(I) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL PUBLICLY SHALL SO PROCLAIM; AND

(II) ON THE 30TH DAY AFTER THE PUBLIC PROCLAMATION, THE AREA PROPOSED TO BE INCORPORATED SHALL BECOME A MUNICIPALITY OPERATING UNDER THE MUNICIPAL CHARTER; OR

(2) IF LESS THAN A MAJORITY OF THOSE WHO VOTED ON THE QUESTION VOTED IN FAVOR OF INCORPORATION UNDER THE PROPOSED MUNICIPAL CHARTER:

(I) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL PUBLICLY SHALL SO PROCLAIM; AND

(II) THE PROCLAMATION SHALL STATE THAT THE PROPOSED INCORPORATION IS NOT APPROVED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, §§ 26 and, as it related to certifying the results of a referendum, 30(b).

In subsection (a) of this section, the former phrase “[i]t is the intent of this section” is deleted as surplusage.

In subsection (b)(2) and the introductory language of subsection (c) of this section, the references to the “county board of elections” are substituted for the former references to the “board of supervisors of elections [of the county], and its clerks, judges of election and subordinates” for brevity and consistency with the Election Law Article.

In subsection (b)(3) of this section, the former reference to “voting machines” is deleted as unnecessary in light of the reference to “ballots”.

In subsection (c) of this section, the reference to after the “canvass is complete” is substituted for the former reference to after the “closing of the polls” for accuracy because time would need to be given to allow for the counting of absentee ballots.

Also in subsection (c) of this section, the former reference to “tally[ing] the results thereof” is deleted as unnecessary in light of the reference to the “canvass [being] complete”.

In the introductory language of subsection (d)(1) of this section, the former reference to the question “so submitted to the voters of a particular area, proposing the incorporation thereof” is deleted as surplusage.

In subsection (d)(1)(ii) of this section, the former reference to the “residents thereof” is deleted as included in the reference to the “area proposed to be incorporated”.

Also in subsection (d)(1)(ii) of this section, the former reference to the municipal charter “in all respects to be effective and observed as the charter of the municipal corporation” is deleted as surplusage.

In subsection (d)(2)(ii) of this section, the reference to the proposed incorporation being “not approved” is substituted for the former references to the proposed incorporation being “of no effect” and the “proposed charter [being] null and void and of no effect” for brevity.

Defined terms: "Municipal charter" § 4-101
"Municipality" § 1-101

4-210. NOMINATION AND ELECTION OF MUNICIPAL OFFICERS.

(A) IN GENERAL.

AN ELECTION OF OFFICERS FOR A PROPOSED MUNICIPALITY SHALL BE CONDUCTED AT THE SAME TIME AND PLACE AS THE REFERENDUM ON THE QUESTION OF INCORPORATION AND IS SUBJECT TO THE SAME PROCEDURES AND PRACTICES.

(B) QUALIFICATIONS.

AN INDIVIDUAL MAY NOT BE INITIALLY NOMINATED OR ELECTED TO A MUNICIPAL OFFICE UNLESS THE INDIVIDUAL QUALIFIES UNDER THE REQUIREMENTS SPECIFIED FOR THAT OFFICE IN THE PROPOSED MUNICIPAL CHARTER.

(C) NOMINATION.

(1) A CANDIDATE FOR AN ELECTED OFFICE OF A PROPOSED MUNICIPALITY SHALL BE NOMINATED BY A CERTIFICATE OF NOMINATION FILED BY THE CANDIDATE WITH THE COUNTY BOARD OF ELECTIONS.

(2) THE CERTIFICATE OF NOMINATION SHALL INCLUDE:

(I) THE NAME AND RESIDENCE ADDRESS OF THE CANDIDATE; AND

(II) THE OFFICE THAT THE CANDIDATE SEEKS.

(D) PREPARATION OF BALLOTS.

AFTER CERTIFICATES OF NOMINATION BY CANDIDATES FOR MUNICIPAL OFFICE ARE FILED, THE COUNTY BOARD OF ELECTIONS SHALL PREPARE BALLOTS TO ALLOW THE REGISTERED VOTERS OF THE AREA PROPOSED TO BE INCORPORATED TO VOTE ON THE CANDIDATES WHO ARE NOMINATED UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 30(e) and the first through third sentences of (a).

In subsection (a) of this section, the reference to a “proposed municipality” is substituted for the former reference to the “municipal corporation” for clarity.

Also in subsection (a) of this section, the former reference to an election being “arranged for” is deleted as implicit in the reference to an election being “conducted”.

Also in subsection (a) of this section, the former reference to “places” is deleted in light of the reference to “place” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (b) of this section, the reference to an individual being “initially” nominated or elected is added for clarity.

In subsection (c)(1) of this section, the reference to “[a] candidate for an elected office of a proposed municipality” is substituted for the former reference to “[t]own officers” for accuracy because there are officers that are not elected.

Also in subsection (c)(1) of this section, the reference to the “county board of elections” is substituted for the former reference to the “county governing body” for consistency with § 4–209 of this subtitle, which requires the board of elections to conduct the referendum. Correspondingly, in subsection (d) of this section, the former reference to the “county governing body” is deleted.

In subsection (d) of this section, the phrase “[a]fter certificates of nomination by candidates for municipal office are filed” is substituted for the former word “[t]hereupon” for clarity.

Also in subsection (d) of this section, the reference to “the area proposed to be incorporated” is substituted for the former reference to “the particular area” for clarity.

Also in subsection (d) of this section, the former reference to “voting machines” is deleted as unnecessary in light of the reference to “ballots”.

Defined terms: “Municipal charter” § 4–101
“Municipality” § 1–101

4–211. TALLY AND CERTIFICATION OF ELECTION RESULTS.

(A) VOTE AGAINST INCORPORATION NOT BAR.

CASTING A VOTE AGAINST THE PROPOSED INCORPORATION DOES NOT PREVENT THE VOTER FROM VOTING FOR A CANDIDATE FOR A MUNICIPAL OFFICE.

(B) TALLY AND CERTIFICATION.

THE COUNTY BOARD OF ELECTIONS SHALL:

(1) TALLY THE VOTES CAST FOR CANDIDATES TO A MUNICIPAL OFFICE; AND

(2) CERTIFY THE RESULTS TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL.

(C) NULLIFICATION OF CANDIDATE VOTES.

IF LESS THAN A MAJORITY OF THOSE WHO VOTED ON THE QUESTION VOTED IN FAVOR OF INCORPORATION UNDER THE PROPOSED MUNICIPAL CHARTER, THE VOTES CAST FOR CANDIDATES FOR A MUNICIPAL OFFICE ARE VOID.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 30(b), as it related to the tallying and certifying of votes for candidates for municipal office, and the fourth sentence of (a).

In subsection (a) of this section, the reference to "voting for a candidate for a municipal office" is substituted for the former reference to "expressing his choices among the nominees for the several offices" for brevity and clarity.

In the introductory language of subsection (b) of this section, the reference to the "county board of elections" is substituted for the former reference to the "board of supervisors of elections, and its clerks, judges of election and subordinates" for brevity and consistency with the Election Law Article.

In subsection (c) of this section, the reference to the votes cast for "candidates for a municipal office" is substituted for the former reference to the votes cast for "election to the several offices" for clarity.

Also in subsection (c) of this section, the former references to the votes being "null" and "of no effect whatsoever" are deleted as included in the reference to the votes being "void".

4-212. PROCLAMATION OF ELECTED OFFICERS; APPOINTMENT PROCESS.**(A) PLURALITY NEEDED FOR ELECTION.**

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL PUBLICLY SHALL PROCLAIM THAT A CANDIDATE WHO RECEIVED A PLURALITY OF THE VOTES CAST FOR AN OFFICE HAS BEEN ELECTED TO THAT OFFICE.

(B) OFFICE EFFECTIVE WITH MUNICIPAL CHARTER.

A CANDIDATE PROCLAIMED BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL TO HAVE BEEN ELECTED TO AN OFFICE SHALL BECOME AN OFFICER OF THE MUNICIPALITY WHEN THE MUNICIPAL CHARTER TAKES EFFECT.

(C) APPOINTMENT TO UNFILLED OFFICE.

(1) IF NO INDIVIDUAL IS NOMINATED FOR A MUNICIPAL OFFICE, A CANDIDATE ELECTED TO AN OFFICE IS UNABLE TO ASSUME THE OFFICE, OR FOR ANY OTHER REASON NO CANDIDATE IS ELECTED TO FILL AN OFFICE, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL APPOINT A RESIDENT OF THE MUNICIPALITY TO THE OFFICE.

(2) WHEN APPOINTED TO AN OFFICE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, A RESIDENT SHALL HOLD THE OFFICE AS IF ELECTED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 30(d) and the first and second sentence of (c).

In subsection (a) of this section, the reference to "a candidate" is substituted for the former reference to "any person" for accuracy.

Also in subsection (a) of this section, the former reference to a candidate being elected "whether or not he receives a majority of all the votes cast for that office" is deleted as surplusage.

In subsection (b) of this section, the reference to a "candidate proclaimed by the county commissioners or county council to have been elected to an office" is substituted for the former reference to the "persons so named by proclamation" for clarity.

In subsection (c)(1) of this section, the reference to a resident “of the municipality” is substituted for the former reference to a resident “of the particular area” for clarity.

In subsection (c)(2) of this section, the phrase “[w]hen appointed to an office as provided in paragraph (1) of this subsection” is substituted for the former phrase “upon assuming it” for clarity.

Also in subsection (c)(2) of this section, the phrase “as if elected” is substituted for the former phrase “in all respects as if regularly elected thereto as in this section provided” for brevity.

Also in subsection (c)(2) of this section, the former reference to holding office “in all respects” is deleted as surplusage.

The third sentence of former Art. 23A, § 30(c), which provided that an officer shall continue to hold the office until superseded by a newly elected officer as provided in the municipal charter, is deleted as unnecessary in light of the fact that it restates common law.

Defined terms: “Municipal charter” § 4–101
 “Municipality” § 1–101

4–213. COST OF REFERENDUM AND ELECTION OF OFFICERS.

(A) COUNTY COMMISSIONERS OR COUNTY COUNCIL TO PAY EXPENSES.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL PAY FOR:

- (1) THE REFERENDUM;**
- (2) THE ORIGINAL ELECTION OF OFFICERS REQUIRED UNDER § 4–210 OF THIS SUBTITLE; AND**
- (3) THE REASONABLE COSTS OF THIRD PARTY CONSULTANTS HIRED BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL TO ANALYZE ISSUES RELATED TO THE PROPOSED INCORPORATION.**

(B) REPAYMENT BY MUNICIPALITY.

IF THE REFERENDUM RESULTS IN INCORPORATION, THE MUNICIPALITY SHALL REPAY THE EXPENSES SPECIFIED IN SUBSECTION (A) OF THIS SECTION TO THE COUNTY WITHIN 1 YEAR AFTER THE INCORPORATION TAKES EFFECT.

(C) WITHHOLDING PAYMENT.

AFTER 1 YEAR FROM THE EFFECTIVE DATE OF THE INCORPORATION, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL MAY WITHHOLD ANY PAYMENT DUE TO THE MUNICIPALITY TO SATISFY ANY UNPAID EXPENSE SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 27.

In the introductory language of subsection (a) of this section, the reference to "pay[ing] for" is substituted for the former reference to "defray[ing] the expenses of" for brevity.

In subsection (a)(2) of this section, the reference to an election of officers "required under § 4-210 of this subtitle" is added for clarity.

In subsection (b) of this section, the former reference to "the total amount of" the expenses is deleted as surplusage.

Also in subsection (b) of this section, the former reference to the county "governing body" is deleted as surplusage.

Defined terms: "County" 1-101
"Municipality" § 1-101

4-214. REGISTRATION OF MUNICIPAL CHARTER.**(A) CHARTER INFORMATION SENT TO DEPARTMENT OF LEGISLATIVE SERVICES.**

WHEN THE PUBLIC PROCLAMATION UNDER § 4-209(D) OF THIS SUBTITLE IS MADE, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL SEND THE INFORMATION CONCERNING THE MUNICIPAL CHARTER TO THE DEPARTMENT OF LEGISLATIVE SERVICES, AS PROVIDED IN § 4-109 OF THIS TITLE.

(B) PRINTING AND INDEXING MUNICIPAL CHARTER.

THE MUNICIPAL CHARTER IS SUBJECT TO THE REQUIREMENTS OF §§ 4-310 AND 4-311 OF THIS TITLE, INCLUDING THE PRINTING AND INDEXING IN THE LAWS ENACTED BY THE GENERAL ASSEMBLY.

(C) CODIFICATION OF MUNICIPAL CHARTER.

THE EXACT TEXT OF THE MUNICIPAL CHARTER, INCLUDING ANY AMENDMENTS, SHALL BE INCLUDED IN ANY EDITION OR CODIFICATION OF THE MUNICIPAL CHARTER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 28(a), (c), and (d).

In subsection (a) of this section, the reference to the proclamation "under § 4-209(d) of this subtitle" is substituted for the former reference to the proclamation "as to the vote on the question of incorporation under the proposed charter" for brevity.

Also in subsection (a) of this section, the former reference to sending information as provided "for municipal officials" is deleted as surplusage.

In subsection (c) of this section, the phrase "including any amendments," is substituted for the former phrase "as amended from time to time," for brevity.

Also in subsection (c) of this section, the former reference to a municipal charter "adopted under the provisions of this subtitle" is deleted as unnecessary because only this subtitle governs adoption of municipal charters.

Defined term: "Municipal charter" § 4-101

4-215. SCHEDULE FOR PHASING IN LOCAL INCOME TAX PAYMENTS.

IF A REFERENDUM HELD UNDER THIS SUBTITLE RESULTS IN THE CREATION OF A NEW MUNICIPALITY, THE LOCAL INCOME TAX PAYMENTS AUTHORIZED UNDER § 2-607 OF THE TAX – GENERAL ARTICLE SHALL BE DISTRIBUTED TO THE MUNICIPALITY AS FOLLOWS, UNLESS THE COUNTY COMMISSIONERS OR COUNTY COUNCIL AGREES TO AN ACCELERATED PAYMENT SCHEDULE:

(1) IN THE FIRST FULL FISCAL YEAR AFTER THE MUNICIPAL INCORPORATION TAKES EFFECT, ONE-THIRD OF THE DISTRIBUTION OTHERWISE REQUIRED UNDER § 2-607 OF THE TAX – GENERAL ARTICLE;

(2) IN THE SECOND FISCAL YEAR AFTER THE MUNICIPAL INCORPORATION TAKES EFFECT, TWO-THIRDS OF THE DISTRIBUTION OTHERWISE REQUIRED UNDER § 2-607 OF THE TAX – GENERAL ARTICLE; AND

(3) IN THE THIRD FISCAL YEAR AFTER THE MUNICIPAL INCORPORATION TAKES EFFECT AND EACH SUBSEQUENT FISCAL YEAR, ALL OF THE DISTRIBUTION REQUIRED UNDER § 2-607 OF THE TAX – GENERAL ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 29(a).

In the introductory language of this section, the reference to a referendum “held under this subtitle” is added for clarity.

In items (2) and (3) of this section, the former references to the “full” fiscal year are deleted as surplusage.

Defined term: “Municipality” § 1-101

4-216. COMPREHENSIVE LAND USE PLAN.

(A) COOPERATION IN DEVELOPING PLAN.

A NEW MUNICIPALITY THAT IS ELIGIBLE TO ASSUME PLANNING AND ZONING AUTHORITY AND THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL COOPERATE IN DEVELOPING THE FIRST COMPREHENSIVE LAND USE PLAN OF THE MUNICIPALITY.

(B) ZONING DESIGNATION COMPLIANCE.

UNLESS THE COUNTY COMMISSIONERS OR COUNTY COUNCIL EXPRESSLY APPROVES OTHERWISE, THE INITIAL ZONING DESIGNATIONS USED BY THE MUNICIPALITY SHALL COMPLY WITH §§ 4-104(E) AND 4-516 OF THIS TITLE, INCLUDING THE 5-YEAR ZONING CLASSIFICATION RESTRICTION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 29(b).

In subsection (a) of this section, the reference to a “new” municipality is added for clarity.

Defined term: “Municipality” § 1-101

SUBTITLE 3. AMENDMENT OR REPEAL OF CHARTER.

4-301. PROCEDURE TO AMEND CHARTER.

A MUNICIPALITY SHALL ACT IN ACCORDANCE WITH THIS SUBTITLE IN EXERCISING THE POWERS TO AMEND ITS MUNICIPAL CHARTER THAT ARE GRANTED UNDER ARTICLE XI-E OF THE MARYLAND CONSTITUTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 11.

The former reference to a municipality "applying" the powers to amend its municipal charter is deleted as included in the reference to "exercising" the powers.

Defined terms: "Municipal charter" § 4-101
"Municipality" § 1-101

4-302. INITIATION OF CHARTER AMENDMENT — IN GENERAL.

AN AMENDMENT TO A MUNICIPAL CHARTER MAY BE INITIATED BY:

(1) THE LEGISLATIVE BODY OF THE MUNICIPALITY AS PROVIDED IN § 4-304 OF THIS SUBTITLE; OR

(2) A PETITION OF THE QUALIFIED VOTERS OF THE MUNICIPALITY AS PROVIDED IN § 4-305 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 12.

In items (1) and (2) of this section, the phrases "as provided in § 4-304 of this subtitle" and "as provided in § 4-305 of this subtitle", respectively, are added for clarity.

Defined terms: "Municipal charter" § 4-101
"Municipality" § 1-101
"Qualified voter" § 4-101

4-303. FORM OF PROPOSED CHARTER AMENDMENT.

(A) IN GENERAL.

IN CONFORMITY WITH THE REQUIREMENT IMPOSED ON THE GENERAL ASSEMBLY UNDER ARTICLE III, § 29 OF THE MARYLAND CONSTITUTION:

(1) A RESOLUTION OR PETITION TO AMEND A MUNICIPAL CHARTER SHALL CONTAIN THE EXACT TEXT OF THE PROPOSED CHARTER

AMENDMENT, PREPARED SO THAT EACH PROVISION IS SHOWN AS THE PROVISION WOULD READ WHEN AMENDED OR ENACTED;

(2) EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION, A PROVISION OF A MUNICIPAL CHARTER MAY NOT BE AMENDED BY REFERENCE TO ITS TITLE OR CITATION ONLY; AND

(3) A MUNICIPAL CHARTER AMENDMENT SHALL:

(I) EMBRACE ONE SUBJECT ONLY; AND

(II) DESCRIBE THE SUBJECT IN ITS TITLE.

(B) SOURCE LAW.

A PROPOSED AMENDMENT SHALL IDENTIFY THE PROVISION TO BE AMENDED BY CITING THE CODE OR OTHER PUBLICATION OR AMENDMENT IN WHICH THE MOST RECENT TEXT OF THE PROVISION APPEARS.

(C) NUMBERING.

PROPOSED AMENDMENTS SHALL BE IN A CONSECUTIVELY NUMBERED SERIES.

(D) INCONSISTENT PROVISIONS.

A PROPOSED AMENDMENT SHALL PROVIDE SPECIFICALLY FOR THE REPEAL OF A PROVISION OF THE MUNICIPAL CHARTER THAT IS INCONSISTENT WITH THE AMENDED PROVISION.

(E) FORMAT.

(1) IN A PROPOSAL TO AMEND A MUNICIPAL CHARTER:

(I) EACH ADDITION SHALL BE UNDERScoreD, ITALICIZED, OR SHOWN IN CAPITAL LETTERS;

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH PROVISION TO BE REPEALED SHALL BE ENCLOSED IN DOUBLE PARENTHESSES OR BOLDFACE BRACKETS; AND

(III) EACH NEW SECTION SHALL BE UNDERSCORED, ITALICIZED, OR SHOWN IN CAPITAL LETTERS OR CONTAIN SOME MARGINAL OR OTHER NOTATION TO THAT EFFECT.

(2) EACH ENTIRE SECTION TO BE REPEALED NEED NOT BE WRITTEN OUT IN FULL AND ENCLOSED IN DOUBLE PARENTHESES OR BOLDFACE BRACKETS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, §§ 13(b) and (c), the second sentence of 14(a), and 17(a) through (d).

In this section and throughout this subtitle, the references to a "municipal" charter are added for clarity.

In this section, the references to a "provision" are substituted for the former references to "section or sections" for brevity.

Also in this section, the former references to an "existing" charter or section are deleted as surplusage.

In subsection (a)(1) of this section and throughout this subtitle, the former references to "amendments" are deleted in light of the references to "amendment" and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (a)(1) of this section, the reference to the "exact text" of the amendment is substituted for the former reference to the "complete and exact wording" for brevity.

In subsection (a)(2) of this section, the phrase "except as provided in subsection (e)(2) of this section" is added for clarity.

Also in subsection (a)(2) of this section, the reference to a "provision of a municipal charter" is substituted for the former references to a "charter" and a "section of a charter" for brevity.

Also in subsection (a)(2) of this section, the former reference to a charter being "revised" is deleted as included in the reference to being "amended".

In subsections (b) and (d) of this section, the references to a "proposed amendment" are substituted for the former references to the "resolution to amend a charter" for brevity.

In subsection (b) of this section, the former reference to "the source of" the section to be amended is deleted as implicit in the designation of a

section. Similarly, the former reference to the section “to be amended” is deleted.

In subsection (c) of this section, the reference to “[p]roposed” amendments is added to conform to the terminology used throughout this section.

In subsection (d) of this section, the former reference to a charter providing for repeal “not simply by implication” is deleted as implicit in the requirement that the repeal be specifically provided for.

In subsection (e) of this section, the reference to sections being “shown” are substituted for the former references to sections being “typed or printed completely” for brevity.

In subsection (e)(1)(i) of this section, the reference to an “addition” is substituted for the former reference to “new matter, if any, to be added” for brevity.

In subsection (e)(1)(ii) of this section, the reference to each “provision to be repealed” is substituted for the former reference to “all matter to be eliminated from the existing charter, if any” for brevity.

Also in subsection (e)(1)(ii) of this section, the former reference to matter to be repealed from a charter being indicated “in its proper place” is deleted as surplusage.

In subsection (e)(1)(iii) of this section, the former phrase “[w]here the subject matter consists of an entirely new section or sections” is deleted as surplusage.

Also in subsection (e)(1)(iii) of this section, the former reference to “sections” is deleted in light of the reference to “section” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (e)(2) of this section, the former phrase “[w]hen the purpose of any proposal is to repeal in entirety any section or sections of the existing charter” is deleted as surplusage.

Defined term: “Municipal charter” § 4–101

4–304. INITIATION OF CHARTER AMENDMENT BY LEGISLATIVE BODY.

(A) RESOLUTION REQUIRED.

THE LEGISLATIVE BODY OF A MUNICIPALITY MAY INITIATE A PROPOSED AMENDMENT TO THE MUNICIPAL CHARTER BY A RESOLUTION THAT, EXCEPT AS

OTHERWISE PROVIDED IN THIS SUBTITLE, IS ADOPTED IN THE SAME MANNER AS OTHER RESOLUTIONS IN THE MUNICIPALITY BY A MAJORITY OF ALL THE INDIVIDUALS ELECTED TO THE LEGISLATIVE BODY.

(B) NOTICE REQUIRED.

THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY SHALL GIVE NOTICE OF THE RESOLUTION THAT PROPOSES AN AMENDMENT TO THE MUNICIPAL CHARTER BY:

(1) POSTING AN EXACT COPY OF THE RESOLUTION AT THE MAIN MUNICIPAL BUILDING OR OTHER PUBLIC PLACE FOR THE 40 DAYS AFTER THE RESOLUTION IS ADOPTED; AND

(2) PUBLISHING A FAIR SUMMARY OF THE PROPOSED AMENDMENT IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY:

(I) AT LEAST FOUR TIMES;

(II) AT WEEKLY INTERVALS; AND

(III) WITHIN THE 40 DAYS AFTER THE RESOLUTION IS ADOPTED.

(C) EFFECTIVE DATE OF CHARTER AMENDMENT.

UNLESS A PETITION MEETING THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION IS PRESENTED TO THE LEGISLATIVE BODY OF A MUNICIPALITY ON OR BEFORE THE 40TH DAY AFTER THE LEGISLATIVE BODY ADOPTS A CHARTER AMENDMENT RESOLUTION, THE AMENDMENT SHALL TAKE EFFECT AS A PART OF THE MUNICIPAL CHARTER ON THE 50TH DAY AFTER THE RESOLUTION IS ADOPTED.

(D) REFERENDUM ON CHARTER AMENDMENT.

(1) A PETITION FOR A REFERENDUM ON A PROPOSED CHARTER AMENDMENT SHALL:

(I) BE SIGNED BY AT LEAST 20% OF THE QUALIFIED VOTERS FOR THE MUNICIPAL GENERAL ELECTION; AND

(II) REQUEST THAT THE PROPOSED AMENDMENT BE SUBMITTED TO REFERENDUM OF THE QUALIFIED VOTERS OF THE MUNICIPALITY.

(2) EACH INDIVIDUAL SIGNING THE PETITION SHALL INDICATE ON THE PETITION THE INDIVIDUAL'S NAME AND RESIDENCE ADDRESS.

(3) THE PETITION SHALL BE DELIVERED TO THE LEGISLATIVE BODY OF THE MUNICIPALITY BY:

(I) PRESENTMENT; OR

(II) CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

(4) (I) ON RECEIVING THE PETITION, THE LEGISLATIVE BODY SHALL VERIFY THAT EACH INDIVIDUAL WHO SIGNED THE PETITION IS A QUALIFIED VOTER FOR THE MUNICIPAL GENERAL ELECTION.

(II) THE PETITION HAS NO EFFECT IF IT IS SIGNED BY LESS THAN 20% OF THE QUALIFIED VOTERS FOR THE MUNICIPAL GENERAL ELECTION.

(5) IF THE PETITION COMPLIES WITH THIS SECTION, THE LEGISLATIVE BODY SHALL SPECIFY BY RESOLUTION ADOPTED IN ACCORDANCE WITH ITS NORMAL LEGISLATIVE PROCEDURE:

(I) THE DAY AND HOURS FOR THE REFERENDUM; AND

(II) THE EXACT TEXT THAT IS TO BE PLACED ON THE BALLOT.

(6) (I) THE LEGISLATIVE BODY MAY SCHEDULE THE REFERENDUM FOR THE NEXT REGULAR MUNICIPAL GENERAL ELECTION OR AT A SPECIAL ELECTION.

(II) IF THE LEGISLATIVE BODY SCHEDULES A SPECIAL ELECTION, IT SHALL BE HELD NOT LESS THAN 40 DAYS OR MORE THAN 60 DAYS AFTER THE RESOLUTION SCHEDULING THE REFERENDUM IS ADOPTED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, §§ 13(a) and (d) through (h) and the fourth sentence of 16(a).

In subsections (a) and (b) of this section, the former references to the legislative body and chief executive officer of a municipality “by whatever name known” are deleted as surplusage.

In subsections (a) and (c) of this section, the former references to a resolution “ordained” are deleted as unnecessary in light of the references to a resolution “adopt[ed]”.

In the introductory language of subsection (b) of this section and throughout this subtitle, the former references to the “mayor” of the municipality are deleted as included in the references to the “chief executive officer” of the municipality.

In subsection (b) of this section, the references to “the” 40 days after the resolution is adopted are substituted for the former references to “at least” 40 days “starting immediately after” the resolution is adopted and “at least” 40 days “following” adoption for brevity and to clarify that it must be the 40 days immediately after adoption.

In subsection (b)(1) of this section, the former reference to the “town hall” is deleted as included in the reference to the “main municipal building”.

Also in subsection (b)(1) of this section, the former reference to a “complete” copy of the resolution is deleted as included in the reference to an “exact” copy.

In subsection (c) of this section, the reference to the amendment “tak[ing] effect” as a part of the municipal charter is substituted for the former reference to the amendment “becom[ing] and be[ing] considered” as a part of the municipal charter for brevity.

Also in subsection (c) of this section, the former phrase “in all respects to be effective and observed as such” is deleted as surplusage.

Also in subsection (c) of this section, the former reference to the amendment becoming effective “according to the terms of the amendment” is deleted as implicit in an amendment taking effect.

In the introductory language of subsection (d)(1) of this section, the reference to a petition “for a referendum on a proposed charter amendment” is added for clarity.

In subsection (d)(1)(i) of this section, the former reference to the municipal general election “of the particular municipal corporation” is deleted as surplusage.

In subsection (d)(2) and (4)(i) of this section, the references to an “individual” are substituted for the former references to a “person” because only a human being and not the other entities included in the defined term “person” can sign a petition.

In subsection (d)(3)(ii) of this section, the former reference to the petition being delivered “bearing a postmark from the United States Postal Service” is deleted as implicit in the requirement that it be delivered through certified mail.

In subsection (d)(5)(i) of this section, the reference to the “referendum” is substituted for the former reference to the “election at which the question shall be submitted to the voters of the municipal corporation” for brevity.

In subsection (d)(5)(ii) of this section, the former references to “voting machines” are deleted as included in the reference to a “ballot”.

Also in subsection (d)(5)(ii) of this section, the former phrase “when the question is submitted to the voters of the municipal corporation” is deleted as surplusage.

In subsection (d)(6)(ii) of this section, the references to the legislative body “schedul[ing]” a special election and a referendum are substituted for the former references to the legislative body “designat[ing]” a special election and “providing for” a referendum for clarity.

Also in subsection (d)(6)(ii) of this section, the reference to the resolution being “adopted” is substituted for the former reference to the resolution’s “final passage” for clarity and consistency within this section.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the reference in subsection (a) of this section to a resolution being adopted “by a majority of all the individuals elected to the legislative body” is ambiguous because it is unclear whether it requires vacant positions to be included in the total count for determining a majority.

Defined terms: “Municipal charter” § 4-101

“Municipality” § 1-101

“Qualified voter” § 4-101

4-305. INITIATION OF CHARTER AMENDMENT BY PETITION OF VOTERS.

(A) PETITION.

(1) BY A PETITION PRESENTED TO THE LEGISLATIVE BODY OF A MUNICIPALITY, AT LEAST 20% OF THE QUALIFIED VOTERS FOR THE MUNICIPAL GENERAL ELECTION MAY INITIATE A PROPOSED AMENDMENT TO THE MUNICIPAL CHARTER.

(2) EACH INDIVIDUAL SIGNING THE PETITION SHALL INDICATE ON THE PETITION THE INDIVIDUAL'S NAME AND RESIDENCE ADDRESS.

(B) VERIFICATION OF SIGNATURES ON PETITION.

(1) ON RECEIVING THE PETITION, THE LEGISLATIVE BODY SHALL VERIFY THAT EACH INDIVIDUAL WHO SIGNED THE PETITION IS A QUALIFIED VOTER FOR THE MUNICIPAL GENERAL ELECTION.

(2) THE PETITION HAS NO EFFECT IF IT IS SIGNED BY LESS THAN 20% OF THE QUALIFIED VOTERS FOR THE MUNICIPAL GENERAL ELECTION.

(C) ADOPTION BY LEGISLATIVE BODY OF CHARTER AMENDMENT PROPOSED BY PETITION.

IF THE LEGISLATIVE BODY APPROVES OF THE AMENDMENT IN THE PETITION PRESENTED UNDER SUBSECTION (A) OF THIS SECTION, THE LEGISLATIVE BODY MAY ADOPT THE PROPOSED AMENDMENT BY RESOLUTION AND PROCEED IN THE SAME MANNER AS IF THE AMENDMENT HAD BEEN INITIATED BY THE LEGISLATIVE BODY AND IN COMPLIANCE WITH §§ 4-303(A) AND 4-304 OF THIS SUBTITLE.

(D) RESOLUTION FOR REFERENDUM.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF THE PETITION COMPLIES WITH THIS SECTION, THE LEGISLATIVE BODY, NO LATER THAN 60 DAYS AFTER THE PETITION IS PRESENTED TO THE LEGISLATIVE BODY, SHALL SPECIFY BY RESOLUTION ADOPTED IN ACCORDANCE WITH ITS NORMAL LEGISLATIVE PROCEDURE:

(1) THE DAY AND HOURS FOR THE REFERENDUM; AND

(2) THE EXACT TEXT THAT IS TO BE PLACED ON THE BALLOT.

(E) DATE OF REFERENDUM.

(1) THE LEGISLATIVE BODY MAY SCHEDULE THE REFERENDUM FOR THE NEXT REGULAR MUNICIPAL GENERAL ELECTION OR AT A SPECIAL ELECTION.

(2) IF THE LEGISLATIVE BODY SCHEDULES A SPECIAL ELECTION, IT SHALL BE HELD NOT LESS THAN 40 DAYS OR MORE THAN 60 DAYS AFTER THE RESOLUTION SCHEDULING THE REFERENDUM IS ADOPTED.

(F) NOTICE OF PROPOSED CHARTER AMENDMENT REQUIRED.

THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY SHALL GIVE NOTICE OF A SUBMISSION OF A PROPOSED CHARTER AMENDMENT BY:

(1) (I) POSTING AN EXACT COPY OF THE PROPOSED AMENDMENT AT THE MAIN MUNICIPAL BUILDING OR OTHER PUBLIC PLACE FOR AT LEAST 4 WEEKS IMMEDIATELY PRECEDING THE REFERENDUM AT WHICH THE QUESTION IS TO BE SUBMITTED; AND

(II) ON THE DAY OF THE REFERENDUM, POSTING A SIMILAR COPY AT THE PLACE FOR VOTING; AND

(2) PUBLISHING NOTICE OF THE REFERENDUM AND A FAIR SUMMARY OF THE PROPOSED AMENDMENT IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY AT LEAST ONCE IN EACH OF THE 4 WEEKS IMMEDIATELY PRECEDING THE REFERENDUM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, §§ 14, 15, and the fourth sentence of 16(a).

In subsections (a)(1) and (f) of this section, the former references to the legislative body and chief executive officer of a municipality "by whatever name known" are deleted as surplusage.

In subsection (a)(1) of this section, the former reference to the municipal general election "in the particular municipal corporation" is deleted as surplusage.

In subsection (a)(2) and (b)(1) of this section, the references to an "individual" are substituted for the former references to a "person" because only a human being and not the other entities included in the defined term "person" can sign a petition.

In the introductory language of subsection (d) of this section, the phrase "[e]xcept as provided in subsection (c) of this section" is added to clarify

that this requirement does not comply if the legislative body approves of the charter amendment without a referendum.

In subsection (d)(1) of this section, the reference to the “referendum” is substituted for the former reference to the “election at which the question shall be submitted to the voters of the municipal corporation” for brevity.

In subsection (d)(2) of this section, the former references to “voting machines” are deleted as included in the reference to a “ballot”.

Also in subsection (d)(2) of this section, the former phrase “when the question is submitted to the voters of the municipal corporation” is deleted as surplusage.

In subsection (e)(2) of this section, the reference to the “resolution scheduling the referendum is adopted” is substituted for the former reference to the “final passage of the resolution” for clarity.

In the introductory language of subsection (f) of this section, the former reference to giving notice “to the voters thereof” is deleted as surplusage.

In subsection (f)(1)(i) of this section, the former reference to the “town hall” is deleted as included in the reference to the “main municipal building”.

Also in subsection (f)(1)(i) of this section, the former reference to an exact copy “of the wording” of the proposed amendment is deleted as surplusage.

Also in subsection (f)(1)(i) of this section, the former reference to the “complete” copy of the proposed amendment is deleted as included in the reference to the “exact” copy of the amendment.

In subsection (f)(1)(ii) of this section, the former reference to “places” is deleted in light of the reference to “place” and Art. 1, § 8, which provides that the singular generally includes the plural.

Defined terms: “Municipal charter” § 4–101

“Municipality” § 1–101

“Qualified voter” § 4–101

4–306. RESCISSION OF PROPOSED CHARTER AMENDMENT PROHIBITED.

AFTER A RESOLUTION IS ADOPTED BY THE LEGISLATIVE BODY OR AFTER ITS SUBMISSION IN A PETITION, A PROPOSAL TO AMEND A MUNICIPAL CHARTER

MAY NOT BE RESCINDED IN ANY MANNER EXCEPT BY ANOTHER CHARTER AMENDMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 17(e).

The former reference to amending a municipal charter “whether initiated by the legislative body of the municipal corporation or by a petition of qualified voters of the municipal corporation” is deleted as unnecessary in light of the fact that, as provided in § 4–302 of this subtitle, these are the only two methods of initiating an amendment to a charter.

The former reference to the “formal” submission of a petition proposing an amendment of a charter is deleted as surplusage.

Defined term: “Municipal charter” § 4–101

4–307. REFERENDUM ON CHARTER AMENDMENT.

(A) IN GENERAL.

ON THE DAY AND DURING THE HOURS SPECIFIED IN THE RESOLUTION FOR A REFERENDUM, THE CHARTER AMENDMENT SHALL BE SUBMITTED TO THE QUALIFIED VOTERS.

(B) CONDUCT OF REFERENDUM.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE REFERENDUM SHALL BE CONDUCTED GENERALLY ACCORDING TO THE PROCEDURES FOR REGULAR MUNICIPAL ELECTIONS.

(2) THE OFFICIAL WHO CONDUCTS THE REGULAR MUNICIPAL ELECTION SHALL PERFORM THE SAME DUTIES FOR THE REFERENDUM.

(C) COST OF REFERENDUM.

THE MUNICIPALITY SHALL PAY FOR THE REFERENDUM.

(D) TALLY AND CERTIFICATION OF RESULTS.

PROMPTLY AFTER THE CANVAS IS COMPLETE, THE OFFICIAL WHO CONDUCTS THE REFERENDUM SHALL CERTIFY THE RESULTS TO THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY.

(E) PROCLAMATION OF RESULTS.

WITHIN 10 DAYS AFTER RECEIVING THE CERTIFICATION:

(1) IF A MAJORITY OF THOSE WHO VOTED ON THE QUESTION VOTED FOR THE PROPOSED CHARTER AMENDMENT:

(I) THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY PUBLICLY SHALL SO PROCLAIM; AND

(II) ON THE 30TH DAY AFTER THE PUBLIC PROCLAMATION, THE CHARTER AMENDMENT SHALL BECOME PART OF THE MUNICIPAL CHARTER; OR

(2) IF LESS THAN A MAJORITY OF THOSE WHO VOTED ON THE QUESTION VOTED FOR THE PROPOSED CHARTER AMENDMENT:

(I) THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY PUBLICLY SHALL SO PROCLAIM; AND

(II) THE PROCLAMATION SHALL STATE THAT THE CHARTER AMENDMENT IS NOT APPROVED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 16(b), (c), and the first, second, third, and fifth sentences of (a).

In subsection (a) of this section, the reference to the day and hours specified "in the resolution" is added for clarity.

In subsection (b)(1) of this section, the former phrase "[i]t is the intent of this section" is deleted as surplusage.

Also in subsection (b)(1) of this section, the former reference to "practices" is deleted as included in the reference to "procedures".

Also in subsection (b)(1) of this section, the former reference to procedures "specifically or necessarily" modified by this subtitle is deleted as surplusage.

In subsection (b)(2) and the introductory language of subsection (d) of this section, the former references to "officials" are deleted in light of the references to an "official" and Art. 1, § 8, which provides that the singular generally includes the plural.

Also in subsection (b)(2) and the introductory language of subsection (d) of this section, the former references to “arrang[ing] for” elections are deleted as included in the references to “conduct[ing]” elections.

Also in subsection (b)(2) and the introductory language of subsection (d) of this section, the former references to the official whose “duty” it is to conduct the election is deleted as implicit in the reference to the official “who conducts” the election.

In subsection (b)(2) of this section, the former reference to performing the duties “so far as relevant” to the referendum is deleted as unnecessary because the relevant duties would be the only duties required of the official.

In subsection (c) of this section, the reference to “pay[ing] for” the referendum is substituted for the former reference to “[t]he expenses ... be[ing] defrayed” for brevity.

In subsection (d) of this section, the reference to after the “canvass is complete” is substituted for the former reference to after the “closing of the polls” for accuracy because time would need to be given for the counting of absentee ballots.

Also in subsection (d) of this section, the former reference to “tally[ing] the results thereof” is deleted as unnecessary in light of the reference to the “canvass [being] complete”.

In the introductory language of subsection (e) of this section, the former reference to the certification “of the votes from the officials conducting the referendum” is deleted as unnecessary because the only certification being referred to in this section is the certification of the vote.

In subsection (e)(1)(ii) of this section, the former reference to the amendment becoming a part of the municipal charter “according to its terms, in all respects to be effective and observed as such” is deleted as surplusage.

In subsection (e)(2)(ii) of this section, the reference to the amendment being “not approved” is substituted for the former reference to the amendment being “null and void and of no effect whatsoever” for brevity.

Also in subsection (e)(2)(ii) of this section, the former reference to the proposed charter amendment “contained in said question” is deleted as surplusage.

Defined terms: “Municipal charter” § 4-101

“Municipality” § 1–101
“Qualified voter” § 4–101

4–308. REGISTRATION OF ADOPTED CHARTER AMENDMENT.

WHEN A CHARTER AMENDMENT BECOMES EFFECTIVE, THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY SHALL SEND THE INFORMATION CONCERNING THE CHARTER AMENDMENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES AS PROVIDED IN § 4–109 OF THIS TITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 17(f).

The former reference to the amendment becoming effective “by reason of having been ordained or passed by the legislative body of the municipal corporation, or at the time of making public proclamation as to the vote on any question containing a proposed charter amendment or amendments which have been adopted” is deleted as unnecessary because it encompasses the only means by which an amendment can become effective.

Defined term: “Municipality” § 1–101

4–309. CODIFICATION OF ADOPTED CHARTER AMENDMENT.

THE EXACT TEXT OF AN AMENDMENT TO A MUNICIPAL CHARTER THEN EFFECTIVE SHALL BE INCLUDED IN ANY LATER EDITION OR CODIFICATION OF THE CHARTER.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 18.

The reference to an amendment to a municipal charter “then effective” is added for clarity.

The former reference to an amendment “adopted as in this subheading specified” is deleted as unnecessary because all amendments are required to be adopted under this subtitle.

The former reference to the text of an amendment being included in a codification of the charter “until altered, modified or repealed by a subsequent amendment or amendments to the charter” is deleted as implicit because an alteration would necessarily be by amendment which would be required under this section to be included and the original amendment would no longer exist with the same wording.

Defined term: "Municipal charter" § 4-101

4-310. ANNUAL DUTIES REGARDING CHARTER AMENDMENTS — MUNICIPALITY.

(A) COMPILATION OF CHARTER AMENDMENTS.

(1) AT THE END OF EACH CALENDAR OR FISCAL YEAR, EACH MUNICIPALITY SHALL COMPILE A COMPLETE SET OF CHARTER ENACTMENTS OF THE MUNICIPALITY FOR THAT YEAR.

(2) THE CHARTER ENACTMENTS IN THE COMPILATION SHALL BE IN A NUMERICAL SEQUENCE, BEGINNING WITH NO. 1, AND IN A SEPARATE SERIES FOR EACH YEAR.

(B) PUBLIC INSPECTION OF COPIES OF COMPILATION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, COPIES OF THE COMPILATION SHALL BE:

(i) KEPT ON PERMANENT RECORD AT THE OFFICES OF THE CHIEF EXECUTIVE OFFICER AND LEGISLATIVE BODY OF THE MUNICIPALITY;

(ii) MADE AVAILABLE AT THOSE OFFICES FOR INSPECTION DURING REGULAR BUSINESS HOURS; AND

(iii) PROVIDED BY THOSE OFFICES WITHOUT CHARGE.

(2) THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED MAY MAKE OTHER COPIES OF THE COMPILATION AVAILABLE AT A REASONABLE COST TO ANY PERSON.

(C) PROVIDING COPIES OF COMPILATION TO DEPARTMENT OF LEGISLATIVE SERVICES.

ON OR BEFORE MARCH 1 OF EACH YEAR, THE MUNICIPALITY SHALL PROVIDE WITHOUT CHARGE COPIES OF THE COMPILATION TO THE DEPARTMENT OF LEGISLATIVE SERVICES AS PROVIDED IN § 4-109 OF THIS TITLE.

(D) STATEMENT REGARDING REFERENDUM ON PROPOSED CHARTER AMENDMENTS.

ALONG WITH THE COMPILATION PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, THE MUNICIPALITY SHALL PROVIDE TO THE DEPARTMENT OF LEGISLATIVE SERVICES, AS PROVIDED IN § 4-109 OF THIS TITLE, A STATEMENT THAT INCLUDES INFORMATION ON ANY REFERENDUM ON A PROPOSED CHARTER AMENDMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 17A(a) through (d).

In subsection (a)(1) of this section, the reference to "charter enactments" is substituted for the former reference to "measures ... which enact, amend, or repeal sections in its municipal charter" for brevity.

Also in subsection (a)(1) of this section, the former reference to the compilation being "convenient and legible" is deleted as implicit in the municipality's obligation to provide the documents in compilation form.

In subsection (b)(1)(i) of this section, the reference to the "chief executive officer and legislative body of the municipality" is substituted for the former reference to the "mayor and town council" for consistency with the terminology used throughout this subtitle.

Also in subsection (b)(1)(i) of this section, the former reference to the office of the chief executive officer and legislative body "by whatever name known" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the county "in which the municipality is located" is added for clarity.

Also in subsection (b)(2) of this section, the reference to copies "of the compilation" is added for clarity.

In subsection (c) of this section, the reference to "each" year is substituted for the former reference to "the next succeeding" year for clarity.

Defined terms: "County" § 1-101

"Municipality" § 1-101

"Person" § 1-101

4-311. ANNUAL DUTIES REGARDING CHARTER AMENDMENTS — DEPARTMENT OF LEGISLATIVE SERVICES.

(A) INQUIRY TO MUNICIPALITIES.

(1) AT THE END OF EACH CALENDAR YEAR, THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL ASK EACH MUNICIPALITY WHETHER ANY CHARTER ENACTMENTS HAVE BEEN ADOPTED DURING THAT CALENDAR YEAR OR THE LAST FISCAL YEAR.

(2) THE MUNICIPALITY PROMPTLY SHALL:

(I) ANSWER THE INQUIRY; AND

(II) VERIFY, BY A SIGNED AND NOTARIZED STATEMENT, THAT COPIES OF THE CHARTER ENACTMENTS ALREADY HAVE BEEN SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES.

(B) NONCOMPLIANCE BY MUNICIPALITIES.

(1) THE DEPARTMENT OF LEGISLATIVE SERVICES PROMPTLY SHALL CERTIFY TO THE STATE COMPTROLLER IF A MUNICIPALITY DOES NOT COMPLY WITH SUBSECTION (A) OF THIS SECTION OR § 4-310(C) OR (D) OF THIS SUBTITLE.

(2) IF THE DEPARTMENT OF LEGISLATIVE SERVICES CERTIFIES NONCOMPLIANCE, THE COMPTROLLER MAY DISCONTINUE ALL FUNDS, GRANTS, OR STATE AID THAT THE MUNICIPALITY IS ENTITLED TO UNDER STATE LAW RELATING TO:

(I) THE INCOME TAX;

(II) THE TAX ON RACING;

(III) THE RECORDATION TAX;

(IV) THE ADMISSIONS AND AMUSEMENT TAX; AND

(V) LICENSE TAXES OR FEES.

(C) PRINTING AND INDEXING OF MUNICIPAL COMPILATIONS AND STATEMENTS.

THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL:

(1) ARRANGE IN A LOGICAL AND CONVENIENT ORDER THE TITLES OF THE LAWS OF THE MUNICIPALITIES THAT AMEND THE MUNICIPAL CHARTERS;

(2) PRINT EACH TITLE, IDENTIFIED AS A TITLE OF THE LAWS OF THE MUNICIPALITY, IN THE SESSION LAWS OF THE GENERAL ASSEMBLY FOR ITS REGULAR SESSION IN THAT YEAR; AND

(3) INDEX EACH TITLE WITH OR IN A SUPPLEMENTAL VOLUME TO THE LAWS ENACTED BY THE GENERAL ASSEMBLY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 17A(e) through (g).

In subsection (a)(1) of this section, the reference to “charter enactments ... adopted” is substituted for the former reference to “enacted, amended or repealed any portion of its municipal charter” for brevity. Correspondingly, in subsection (a)(2)(ii) of this section, the reference to “charter enactments” is substituted for the former reference to “such enactments, amendments, or repeals”.

In subsection (b)(1) of this section, the reference to a municipality that “does not comply with subsection (a) of this section or § 4–310(c) or (d) of this subtitle” is substituted for the former reference to a municipality that “fails or refuses to supply copies of this compilation and of the results of any referenda thereon to the Department of Legislative Services by March 1 of the next succeeding year, or fails or refuses to certify that there have been no such enactments, amendments, or repeals, or referenda, during the last calendar or fiscal year” for brevity.

In subsection (b)(2)(v) of this section, the reference to the license taxes “or fees” is added for accuracy. When Art. 23A, § 17A(f) was enacted in 1967, licenses were governed by Article 56 of the Code. At that time there were several instances in Article 56 where the language suggested that certain license fees were viewed as a tax. Additionally, there is case law dating back to the late 1800s that supports the assertion that certain license fees are viewed as a tax. *See, e.g. State Ins. Comm'r v. Nationwide Mutual Ins. Co.*, 241 Md. 108, 117 (1966); *Ruggles v. State*, 120 Md. 553, 563 (1913); and *Carson v. State* 57 Md. 251, 255 (1881).

In subsection (c) of this section, the former reference to the Department of Legislative Services “receiv[ing] the several compilations and statements thus delivered to it” is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to the titles of the laws being “delivered to the State printer” for inclusion in the Session

Laws is deleted as obsolete because the Department of Legislative Services prints the Session Laws of the General Assembly.

Defined terms: “Municipal charter” § 4–101

“Municipality” § 1–101

“State” § 1–101

4–312. COMPILATION OF MUNICIPAL CHARTERS BY DEPARTMENT OF LEGISLATIVE SERVICES.

(A) REQUIRED.

THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL COMPILE THE CHARTERS OF ALL MUNICIPALITIES INTO A SINGLE PUBLICATION.

(B) REGULAR UPDATING REQUIRED.

THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL UPDATE THE COMPILATION OF MUNICIPAL CHARTERS ON A REGULAR BASIS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 17B.

Defined terms: “Municipal charter” § 4–101

“Municipality” § 1–101

4–313. REPEAL OF CHARTER — BY CHARTER AMENDMENT.

(A) REPEAL ACCOMPLISHED BY CHARTER AMENDMENT PROCESS.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE REPEAL OF AN ENTIRE MUNICIPAL CHARTER, AND THE TERMINATION OF THE MUNICIPALITY, MAY BE ACCOMPLISHED BY A CHARTER AMENDMENT ADOPTED UNDER THIS SUBTITLE.

(B) CONTENTS OF REPEAL DOCUMENTS.

THE FOLLOWING NEED NOT CONTAIN THE TEXT OF THE MUNICIPAL CHARTER THAT IS PROPOSED FOR REPEAL AND MAY SIMPLY STATE THAT THE CHARTER IS PROPOSED FOR REPEAL:

(1) THE RESOLUTION OF THE LEGISLATIVE BODY OF THE MUNICIPALITY, OR THE PETITION OF THE QUALIFIED VOTERS, PROPOSING THE REPEAL OF THE MUNICIPAL CHARTER;

(2) THE POSTING AND PUBLICATION OF THE PROPOSED REPEAL OF THE MUNICIPAL CHARTER; AND

(3) THE SUBMISSION OF THE RESOLUTION PROPOSING THE REPEAL OF THE MUNICIPAL CHARTER AND THE FAVORABLE VOTE ON THE RESOLUTION TO THE DEPARTMENT OF LEGISLATIVE SERVICES AS PROVIDED IN § 4-109 OF THIS TITLE.

(C) EFFECT OF REPEAL.

AFTER A MUNICIPAL CHARTER IS REPEALED, THE CHARTER MAY NOT BE INCLUDED IN ANY LATER EDITION OR CODIFICATION OF THE PUBLIC LOCAL LAWS OF THE COUNTY OR STATE.

(D) DISPOSITION OF ASSETS AND LIQUIDATION OF INDEBTEDNESS IN RESOLUTION.

THE RESOLUTION OR PETITION TO INITIATE THE REPEAL OF A MUNICIPAL CHARTER MAY PROVIDE FOR THE DISPOSITION OF THE ASSETS OF THE MUNICIPALITY AND THE LIQUIDATION OF ANY DEBT OF THE MUNICIPALITY.

(E) ACTION IF NO DISPOSITION IS MADE IN RESOLUTION OR PETITION.

IF NO DISPOSITION IS MADE IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED SHALL:

(1) SUCCEED TO FULL OWNERSHIP, TITLE, AND CONTROL OF THE ASSETS OF THE MUNICIPALITY AFTER THE MUNICIPAL CHARTER IS REPEALED; AND

(2) PAY THE DEBTS AND OBLIGATIONS OF THE MUNICIPALITY IN ACCORDANCE WITH THE TERMS OF THE DEBTS AND OBLIGATIONS.

(F) TAKEOVER BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL.

WHILE A MUNICIPAL CHARTER REMAINS IN EFFECT, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED MAY PROVIDE, BY WRITTEN AGREEMENT WITH THE MUNICIPALITY, WHEN THE REPEAL OF THE CHARTER TAKES EFFECT, FOR:

(1) THE TRANSFER OF SOME OR ALL OF THE ASSETS OF THE MUNICIPALITY; AND

(2) THE ASSUMPTION OF SOME OR ALL OF THE DEBTS AND OBLIGATIONS OF THE MUNICIPALITY.

(G) ESTABLISHMENT OF SPECIAL TAX AREA.

(1) TO PROVIDE THE REVENUE NECESSARY TO PAY THE DEBTS AND OBLIGATIONS OF A MUNICIPALITY AS OF THE TIME THE MUNICIPAL CHARTER IS REPEALED, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED SHALL:

(I) ESTABLISH A SPECIAL TAX AREA WITH THE SAME BOUNDARIES AS THE FORMER MUNICIPALITY; AND

(II) IMPOSE A SPECIAL TAX OR SPECIAL ASSESSMENT IN THE SPECIAL TAX AREA AND COLLECT THE SPECIAL TAX OR SPECIAL ASSESSMENT IN THE SAME MANNER AS OTHER COUNTY PROPERTY TAXES ARE COLLECTED.

(2) THE PROCEEDS OF THE TAX OR ASSESSMENT SHALL BE APPLIED ONLY TO THE DEBT AND OBLIGATION OF THE FORMER MUNICIPALITY.

(3) THE TAX OR ASSESSMENT SHALL BE DISCONTINUED WHEN ALL DEBTS AND OBLIGATIONS OF THE FORMER MUNICIPALITY HAVE BEEN PAID.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, §§ 41 and 42.

In this section and throughout this subtitle, the former references to "property" are deleted as included in the references to "assets".

In subsection (a) of this section, the phrase "[e]xcept as provided in subsection (b) of this section" is added for clarity.

Also in subsection (a) of this section, the reference to a repeal being accomplished "by a charter amendment adopted under this subtitle" is substituted for the former reference to a repeal being accomplished "as generally provided above in the subheading 'Charter Amendments'" for clarity.

Also in subsection (a) of this section, the former reference to the termination “of the existence” of the municipality is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to the petition “of 20 percent or more” of the qualified voters is deleted as unnecessary because under this subtitle the only petitions that are considered are those of 20% or more of the qualified voters.

In subsection (b)(3) of this section, the reference to the “resolution proposing the repeal of the municipal charter” is substituted for the former reference to the “charter amendment resolution” for clarity.

In subsection (c) of this section, the reference to the “codification” of the public local laws is substituted for the former reference to the “printing of the code” of public local laws for brevity.

In subsection (d) of this section, the former reference to “unpaid” debt is deleted as unnecessary because the term “debt” would only apply to items not yet paid.

In the introductory language of subsections (e), (f), and (g)(1) of this section, the references to the county commissioners or county council “of the county in which the municipality is located” are added for clarity.

In subsection (e)(2) of this section, the reference to “pay[ing]” the debts and obligations of a municipality is substituted for the former reference to “be[ing] responsible for payment of” the debts and obligations for brevity.

In the introductory language of subsection (f) of this section, the former reference to a written agreement with “the proper officers of” the municipality is deleted as implicit in entering into an agreement with the municipality.

In subsection (f)(1) of this section, the reference to “the transfer of” some or all of the assets of the municipality is substituted for the former reference to “taking over” some or all of the assets for accuracy. Similarly, in subsection (f)(2) of this section, the reference to “the assumption of” some or all of the debts and obligations of the municipality is substituted for the former reference to “taking over” some or all of the debts and obligations.

In subsection (f)(2) of this section, the reference to the “debts” of the municipality is substituted for the former reference to the “liabilities” of

the municipality for consistency with the terminology used throughout this section.

In the introductory language of subsection (g)(1) of this section, the reference to “pay[ing]” debts and obligations is substituted for the former reference to “defray[ing]” debts and obligations for clarity.

In subsection (g)(1)(i) of this section, the reference to the “former” municipality is substituted for the former reference to the municipality “for which a charter was repealed” for brevity.

In subsection (g)(1)(ii) of this section, the reference to collecting the special tax or special assessment “in the same manner as other county property taxes are collected” is substituted for the former references to collecting the tax or assessment “in such a manner as other residents of the county may be taxed or assessed” and “with the same powers and procedures as exist for general county taxation” for brevity and consistency with other similar provisions of this article.

In subsection (g)(3) of this section, the former reference to debts and obligations being paid “in full” is deleted as surplusage.

Defined terms: “County” § 1–101
 “Municipal charter” § 4–101
 “Municipality” § 1–101
 “Qualified voter” § 4–101
 “State” § 1–101

4–314. REPEAL OF CHARTER — BY OPERATION OF LAW.

(A) CERTIFICATION OF INACTIVITY TO SECRETARY OF STATE.

IF THE FOLLOWING CONDITIONS ARE SATISFIED, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES PROMPTLY SHALL CERTIFY ALL THE FACTS TO THE SECRETARY OF STATE:

(1) A MUNICIPALITY FAILS FOR 3 CONSECUTIVE YEARS TO FILE WITH THE DEPARTMENT OF LEGISLATIVE SERVICES A COMPREHENSIVE STATEMENT OF FINANCIAL CONDITION AS REQUIRED UNDER § 16–103 OF THIS ARTICLE;

(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES HAS REASONABLE CAUSE TO BELIEVE THE

MUNICIPALITY IS NO LONGER ACTIVELY OPERATING AS A MUNICIPALITY UNDER ITS CHARTER; AND

(3) THE LEGISLATIVE AUDITOR CERTIFIES THAT THE MUNICIPALITY HAS NO DEBTS OR OBLIGATIONS OUTSTANDING AND UNPAID.

(B) PROCLAMATION OF REPEAL.

(1) ON RECEIVING A CERTIFICATION UNDER SUBSECTION (A) OF THIS SECTION, THE SECRETARY OF STATE SHALL ISSUE A PUBLIC PROCLAMATION DECLARING THAT THE MUNICIPAL CHARTER IS REPEALED UNDER THIS SECTION.

(2) THE SECRETARY OF STATE SHALL FILE COPIES OF THE PROCLAMATION WITH:

(I) THE CLERK OF THE COURT OF APPEALS;

(II) THE CLERK OF THE CIRCUIT COURT OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED; AND

(III) THE DEPARTMENT OF LEGISLATIVE SERVICES.

(C) EFFECTIVE DATE OF REPEAL.

THE REPEAL OF THE MUNICIPAL CHARTER IS EFFECTIVE ON THE FIRST DAY OF THE MONTH AFTER A PROCLAMATION IS ISSUED UNDER SUBSECTION (B) OF THIS SECTION.

(D) EFFECT OF REPEAL.

ON AND AFTER THE EFFECTIVE DATE OF THE REPEAL:

(1) THE FORMER MUNICIPALITY MAY NOT BE TREATED AS A MUNICIPALITY; AND

(2) THE REPEALED MUNICIPAL CHARTER MAY NOT BE INCLUDED IN ANY LATER EDITION OR CODIFICATION OF PUBLIC LOCAL LAWS OF THE COUNTY IN WHICH THE MUNICIPALITY WAS LOCATED OR OF THE STATE.

(E) DISPOSITION OF ASSETS AND PAYMENT OF OBLIGATIONS.

IF THE ASSETS AND LIABILITIES OF THE FORMER MUNICIPALITY HAVE NOT BEEN DISPOSED OF BEFORE A MUNICIPAL CHARTER IS REPEALED, AFTER THE CHARTER IS REPEALED THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED SHALL:

(1) SUCCEED TO FULL OWNERSHIP, TITLE, AND CONTROL OF THE ASSETS OF THE MUNICIPALITY; AND

(2) LIQUIDATE THE DEBT OF THE MUNICIPALITY AS PROVIDED IN § 4-313 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 43.

In subsection (a)(1) of this section, the former reference to a municipality "subject to any of the provisions of this article" is deleted as unnecessary because all municipalities are subject to this division, which encompasses former Art. 23A.

In subsections (b)(1) and (c) of this section, the former references to the charter "including all amendment and additions thereto" are deleted as implicit in the references to "the municipal charter".

In subsection (c) of this section, the reference to the repeal of the municipal charter being "effective" is substituted for the former reference to the municipal charter "be[ing] and the same is hereby declared to be repealed" for brevity.

In the introductory language of subsection (d) of this section, the phrase "[o]n and after the effective date of the repeal" is substituted for the former phrase "[f]rom such latter date" for clarity.

In subsection (d)(1) and the introductory language of subsection (e) of this section, the references to the "former" municipality are added for clarity.

In subsection (d)(1) of this section, the former reference to a municipality not being "construed to be" a municipality is deleted as included in the reference to not being "treated as" a municipality.

In subsection (d)(2) of this section, the reference to the county "in which the municipality was located" is substituted for the former reference to the "particular" county for clarity.

Also in subsection (d)(2) of this section, the reference to the “codification” of public local laws is substituted for the former reference to the “printing of the code” of public local laws for brevity.

In the introductory language of subsection (e) of this section, the former reference to the disposition of assets and liabilities “by the proper officers of the municipal corporation,” is deleted as implicit in the requirement to dispose of assets and liabilities.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the direction in subsection (e)(2) of this section to a county to liquidate the debt of a municipality is inconsistent with the requirement in subsection (a)(3) of this section that the Legislative Auditor certify that a municipality has no debt outstanding before a repeal of the charter occurs by operation of law.

Defined terms: “County” § 1–101
 “Municipal charter” § 4–101
 “Municipality” § 1–101

SUBTITLE 4. ANNEXATION.

4–401. POWER TO ENLARGE MUNICIPAL BOUNDARIES BY ANNEXATION.

(A) IN GENERAL.

SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, THE LEGISLATIVE BODY OF A MUNICIPALITY MAY ENLARGE ITS BOUNDARIES BY ANNEXATION AS PROVIDED IN THIS SUBTITLE.

(B) LAND TO WHICH POWER APPLIES.

THE POWER OF ANNEXATION APPLIES ONLY TO LAND THAT:

(1) IS CONTIGUOUS AND ADJOINING TO THE EXISTING BOUNDARIES OF THE MUNICIPALITY; AND

(2) DOES NOT CREATE AN UNINCORPORATED AREA THAT IS BOUNDED ON ALL SIDES BY:

(I) REAL PROPERTY PRESENTLY IN THE BOUNDARIES OF THE MUNICIPALITY;

(II) REAL PROPERTY PROPOSED TO BE IN THE BOUNDARIES OF THE MUNICIPALITY AS A RESULT OF THE PROPOSED ANNEXATION; OR

(III) ANY COMBINATION OF REAL PROPERTY DESCRIBED IN ITEM (I) OR (II) OF THIS ITEM.

(C) ANNEXATION OF LAND IN ANOTHER MUNICIPALITY PROHIBITED.

A MUNICIPALITY MAY NOT ANNEX LAND THAT IS IN ANOTHER MUNICIPALITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19(a) and (m).

In subsection (a) of this section, the reference to enlarging the boundaries of a municipality "by annexation" is added for clarity.

Also in subsection (a) of this section, the former reference to "corporate" boundaries of a municipality is deleted as surplusage.

Also in subsection (a) of this section, the former reference to the legislative body "by whatever name known" is deleted as surplusage.

In subsection (b) of this section, the references to the "boundaries" of the municipality are substituted for the former references to the "corporate area" and "corporate limits" for consistency with the terminology used throughout this article.

In subsection (c) of this section, the reference to "annex[ing]" land is substituted for the former reference to "an increase in the area within any municipal corporation" for brevity and consistency with the terminology used throughout this subtitle.

Also in subsection (c) of this section, the former reference to land within "the corporate limits of" another municipality is deleted as surplusage.

Defined term: "Municipality" § 1-101

4-402. INITIATION OF ANNEXATION — IN GENERAL.

AN ANNEXATION PROPOSAL MAY BE INITIATED BY:

(1) THE LEGISLATIVE BODY OF THE MUNICIPALITY AS PROVIDED IN § 4-403 OF THIS SUBTITLE; OR

(2) A PETITION IN ACCORDANCE WITH § 4-404 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 23A, § 19(b)(1), as it related to initiating an annexation by resolution, and the first sentence of (c), as it related to initiating an annexation by petition.

In the introductory language of this section, the reference to the "annexation proposal" is substituted for the former references to the "proposal for change" for clarity.

In item (2) of this section, the former reference to "written" is deleted as implicit in the reference to a "petition".

Defined term: "Municipality" § 1-101

4-403. PROPOSAL FOR ANNEXATION — INITIATION BY LEGISLATIVE BODY.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, AN ANNEXATION RESOLUTION MAY BE INTRODUCED IN THE LEGISLATIVE BODY OF THE MUNICIPALITY IN ACCORDANCE WITH:

(1) THE REQUIREMENTS AND PRACTICES APPLICABLE TO ITS LEGISLATIVE ENACTMENTS; AND

(2) THE REQUIREMENTS OF § 4-303(A) OF THIS TITLE.

(B) CONSENT OF RESIDENTS AND VOTERS REQUIRED.

BEFORE AN ANNEXATION RESOLUTION IS INTRODUCED, THE LEGISLATIVE BODY SHALL OBTAIN CONSENT FROM:

(1) AT LEAST 25% OF THE REGISTERED VOTERS WHO ARE RESIDENTS IN THE AREA TO BE ANNEXED; AND

(2) THE OWNERS OF AT LEAST 25% OF THE ASSESSED VALUATION OF THE REAL PROPERTY IN THE AREA TO BE ANNEXED.

(C) ANNEXATION RESOLUTION.

THE ANNEXATION RESOLUTION:

(1) SHALL DESCRIBE BY A SURVEY OF COURSES AND DISTANCES THE EXACT AREA TO BE ANNEXED;

(2) MAY ALSO DESCRIBE BY LANDMARKS AND OTHER WELL-KNOWN TERMS THE EXACT AREA TO BE ANNEXED; AND

(3) SHALL CONTAIN A COMPLETE AND DETAILED DESCRIPTION OF THE CONDITIONS AND CIRCUMSTANCES THAT APPLY TO:

(I) THE CHANGE IN BOUNDARIES; AND

(II) THE RESIDENTS AND PROPERTY IN THE AREA TO BE ANNEXED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19(b)(1).

In the introductory language of subsection (a) of this section, the reference to an "annexation resolution" is substituted for the former reference to the "proposal for change may be initiated by resolution" for brevity.

Also in the introductory language of subsection (a) of this section, the former reference to a resolution "regularly" introduced into the legislative body is deleted as surplusage.

In subsection (a)(1) of this section, the former reference to the "usual" requirements and practices is deleted as surplusage.

In the introductory language of subsection (b) of this section, the phrase "[b]efore an annexation resolution is introduced," is substituted for the former reference to "but only after" the legislative body has obtained consent for clarity.

Also in the introductory language of subsection (b) of this section, the former reference to obtaining consent "for the proposal" is deleted as surplusage.

In subsection (c)(1) and (2) of this section, the references to the area "to be annexed" are substituted for the former reference to the area "proposed to be included in the change" for brevity.

Former Art. 23A, § 19(b)(2), which exempted from various requirements of this section specified property to be annexed if the property met certain

requirements on or before January 1, 1983, is deleted as obsolete because the provisions were of no effect and could not be exercised after June 30, 1984.

Defined term: "Municipality" § 1-101

4-404. PROPOSAL FOR ANNEXATION — INITIATION BY PETITION.

(A) IN GENERAL.

SUBJECT TO § 4-413 OF THIS SUBTITLE, AN ANNEXATION PETITION SHALL BE SIGNED BY:

(1) AT LEAST 25% OF THE REGISTERED VOTERS WHO ARE RESIDENTS IN THE AREA TO BE ANNEXED; AND

(2) THE OWNERS OF AT LEAST 25% OF THE ASSESSED VALUATION OF THE REAL PROPERTY IN THE AREA TO BE ANNEXED.

(B) VERIFICATION OF COMPLIANCE WITH REQUIREMENTS.

AFTER AN ANNEXATION PETITION IS PRESENTED TO THE LEGISLATIVE BODY OF THE MUNICIPALITY, THE PRESIDING OFFICER OF THE LEGISLATIVE BODY SHALL VERIFY:

(1) THE SIGNATURES ON THE PETITION; AND

(2) THAT THE PETITION MEETS THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.

(C) INTRODUCTION OF RESOLUTION IN LEGISLATIVE BODY.

(1) AFTER VERIFYING COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION, THE PRESIDING OFFICER OF THE LEGISLATIVE BODY PROMPTLY SHALL CAUSE A RESOLUTION PROPOSING THE CHANGE OF BOUNDARIES AS REQUESTED BY THE PETITION TO BE INTRODUCED IN THE LEGISLATIVE BODY.

(2) THE ANNEXATION RESOLUTION SHALL CONFORM TO THE FORM AND CONTENT REQUIREMENTS OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19(c).

In subsection (a) of this section, the phrase “[s]ubject to § 4–413 of this subtitle” is added for clarity.

Also in subsection (a) of this section and throughout this subtitle, the former references to the registered voters “in the precinct or precincts in which the territory to be annexed is located” are deleted as implicit in the references to the registered voters “who are residents in the area to be annexed”.

In subsection (b)(2) of this section, the reference to verifying that the “petition meets the requirements of subsection (a) of this section” is substituted for the former reference to verifying that the “persons signing the petition represent ... the persons who reside ... and the owners of ... real property located in the area to be annexed” for brevity.

Defined term: “Municipality” § 1–101

4–405. PROVISIONS OF RESOLUTION.

(A) IN GENERAL.

AN ANNEXATION RESOLUTION SHALL PROVIDE THAT THE RESIDENTS IN THE AREA TO BE ANNEXED AND THEIR PROPERTY SHALL BE ADDED TO THE MUNICIPALITY, GENERALLY SUBJECT OR NOT, AS APPLICABLE, TO SPECIFIC PROVISIONS OF THE MUNICIPAL CHARTER.

(B) SPECIAL TREATMENT FOR MUNICIPAL TAXATION, SERVICES, AND FACILITIES.

(1) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, AN ANNEXATION RESOLUTION MAY PROVIDE, FOR STATED PERIODS AND UNDER SPECIFIC CONDITIONS, SPECIAL TREATMENT OF THE RESIDENTS IN THE AREA TO BE ANNEXED AND THEIR PROPERTY AS TO:

(I) RATES OF MUNICIPAL TAXATION; AND

(II) MUNICIPAL SERVICES AND FACILITIES.

(2) AFTER AN ANNEXATION RESOLUTION TAKES EFFECT, ANY CHANGE IN THE PROVISIONS FOR SPECIAL TREATMENT FOR STATED PERIODS AND UNDER SPECIFIC CONDITIONS MAY BE MADE ONLY BY A RESOLUTION ENACTED UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19(n).

In subsection (a) of this section, the reference to "specific" provisions of the municipal charter is added for clarity.

Also in subsection (a) of this section, the reference to an "annexation resolution" is substituted for the former reference to a "resolution to add to the corporate boundaries of a municipal corporation" for brevity and consistency with the terminology throughout this subtitle.

Also in subsection (a) of this section, the reference to persons and property being added to the "municipality" is substituted for the former reference to persons and property being added to the "corporate boundaries" for clarity.

In subsection (b)(2) of this section, the phrase "[a]fter an annexation resolution takes effect" is added for clarity.

Defined terms: "Municipal charter" § 4-101

"Municipality" § 1-101

4-406. PUBLIC NOTICE AND HEARING ON RESOLUTION.

(A) IN GENERAL.

AFTER AN ANNEXATION RESOLUTION IS INTRODUCED, THE CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER OF THE MUNICIPALITY SHALL PUBLISH NOTICE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION THAT:

(1) BRIEFLY AND ACCURATELY DESCRIBES THE PROPOSED ANNEXATION AND THE APPLICABLE CONDITIONS AND CIRCUMSTANCES; AND

(2) SPECIFIES THE DATE, TIME, AND PLACE THAT THE LEGISLATIVE BODY SETS FOR THE PUBLIC HEARING ON THE PROPOSED ANNEXATION.

(B) PUBLICATION OF NOTICE; DATE AND LOCATION OF HEARING.

(1) PUBLIC NOTICE OF THE ANNEXATION RESOLUTION SHALL BE PUBLISHED:

(I) 1. AT LEAST FOUR TIMES; OR

2. IF THE TOTAL AREA OF THE PROPOSED ANNEXATION IS 25 ACRES OR LESS, AT LEAST TWO TIMES;

(II) AT NOT LESS THAN WEEKLY INTERVALS; AND

(III) IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY AND THE AREA TO BE ANNEXED.

(2) THE PUBLIC HEARING SHALL BE:

(I) SET NO SOONER THAN 15 DAYS AFTER THE FINAL REQUIRED PUBLICATION OF THE PUBLIC NOTICE; AND

(II) HELD IN THE MUNICIPALITY OR THE AREA TO BE ANNEXED.

(C) NOTICE TO COUNTY AND PLANNING AGENCIES.

IMMEDIATELY AFTER THE FIRST PUBLICATION OF THE PUBLIC NOTICE, THE MUNICIPALITY SHALL PROVIDE A COPY OF THE PUBLIC NOTICE TO:

(1) THE GOVERNING BODY OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED; AND

(2) ANY REGIONAL OR STATE PLANNING AGENCY WITH JURISDICTION IN THE COUNTY.

(D) FIRST RIGHT TO BE HEARD.

THE COUNTY AND ANY REGIONAL OR STATE PLANNING AGENCY WITH JURISDICTION IN THE COUNTY HAS THE RIGHT TO BE HEARD BEFORE THE PUBLIC AT THE HEARING ON THE PROPOSED ANNEXATION.

(E) RESCHEDULING OR CONTINUATION OF HEARING.

(1) THE PUBLIC HEARING MAY BE RESCHEDULED FOR OR CONTINUED TO A LATER DATE NOT MORE THAN 30 DAYS AFTER:

(I) THE DATE WHEN THE HEARING WAS ORIGINALLY SCHEDULED; OR

(II) THE DATE ON WHICH THE HEARING BEGAN BUT WAS NOT COMPLETED.

(2) IF THE HEARING IS RESCHEDULED OR CONTINUED, PUBLIC NOTICE SHALL BE PUBLISHED:

(I) AT LEAST 7 DAYS BEFORE THE DATE OF THE RESCHEDULED OR CONTINUED HEARING; AND

(II) IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY AND THE AREA TO BE ANNEXED.

(3) THE PUBLIC NOTICE SHALL:

(I) BRIEFLY AND ACCURATELY DESCRIBE THE AREA TO BE ANNEXED; AND

(II) SPECIFY THE DATE, TIME, AND PLACE OF THE RESCHEDULED OR CONTINUED PUBLIC HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19(d).

In the introductory language of subsection (a) of this section, the reference to notice being published "in accordance with the requirements of this section" is added for clarity.

Also in the introductory language of subsection (a) of this section, the former reference to an annexation resolution introduced "into the legislative body of the municipal corporation" is deleted as unnecessary because the legislative body of a municipality is the only place a resolution under this subtitle can be introduced.

In subsection (a)(1) of this section, the reference to the proposed "annexation" is substituted for the former reference to the proposed "change" for clarity.

In subsection (a)(2) of this section, the reference to specifying the "date" for a public hearing is added for consistency with subsection (e)(3)(ii) of this section.

In subsection (b)(1)(i)2 of this section, the former reference to acres "of land" is deleted as implicit in the reference to "acres".

In subsection (b)(1)(iii) of this section, the reference to “at least one newspaper” is substituted for the former reference to “a newspaper or newspapers” for clarity and consistency with other similar provisions of the Code.

In the introductory language of subsection (b)(2) of this section, the reference to a “public” hearing is added for consistency with subsection (a)(2) of this section.

In subsection (b)(2)(i) of this section, the reference to 15 days after the “final required” publication of the public notice is substituted for the former references to the “fourth” publication and “if the total area of the proposed annexation is for 25 acres of land or less, not less than 15 days after the second” publication of the notice for brevity.

In subsection (b)(2)(ii) of this section, the former reference to the “boundaries of the” municipality is deleted as surplusage.

In subsection (c)(1) of this section, the reference to the county “in which the municipality is located” is added for clarity.

In subsection (d) of this section, the reference to the hearing “on the proposed annexation” is substituted for the former reference to the “scheduled” hearing for clarity.

Also in subsection (d) of this section, the former phrase “after which the hearing shall be open to the general public” is deleted as implicit in the concept of a public hearing.

In subsection (e)(1)(i) of this section, the reference to the “hearing” is substituted for the former reference to the “meeting” for consistency within this section.

In subsection (e)(2) of this section, the former reference to a “single” notice being given is deleted as surplusage.

In subsection (e)(2)(ii) and (3)(i) of this section, the former references to the area “to be discussed” are deleted as surplusage.

In subsection (e)(3)(ii) of this section, the reference to the “rescheduled or continued” public hearing is added for clarity.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the reference in subsection (a) of this section and throughout this subtitle to the chief executive “and” administrative officer of the municipality may be too limiting as it

appears to contemplate a single individual. The various forms of municipal government may separate the roles of chief executive and administrative officer into more than one individual.

Defined terms: "County" § 1-101

"Governing body" § 1-101

"Municipality" § 1-101

"State" § 1-101

4-407. ENACTMENT OF RESOLUTION.

(A) IN GENERAL.

AFTER A PUBLIC HEARING, THE LEGISLATIVE BODY OF A MUNICIPALITY MAY ENACT AN ANNEXATION RESOLUTION IN ACCORDANCE WITH ITS NORMAL LEGISLATIVE PROCEDURE.

(B) EFFECTIVE DATE.

THE ANNEXATION RESOLUTION MAY NOT TAKE EFFECT UNTIL AT LEAST 45 DAYS AFTER ITS ENACTMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19(e).

In subsection (a) of this section, the reference to the legislative body "of a municipality" is added for clarity.

Also in subsection (a) of this section, the reference to "normal legislative procedure" is substituted for the former reference to "usual requirements and practices applicable to its legislative enactments" for brevity and consistency with other similar provisions of this title.

In subsection (b) of this section and throughout this subtitle, the former references to the "final" enactment are deleted as surplusage.

Defined term: "Municipality" § 1-101

4-408. PETITION FOR REFERENDUM — BY RESIDENTS OF AREA TO BE ANNEXED.

(A) IN GENERAL.

SUBJECT TO § 4-413 OF THIS SUBTITLE, AT ANY TIME WITHIN 45 DAYS AFTER ENACTMENT OF AN ANNEXATION RESOLUTION, AT LEAST 20% OF THE

REGISTERED VOTERS WHO ARE RESIDENTS IN THE AREA TO BE ANNEXED MAY PETITION THE CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER OF THE MUNICIPALITY IN WRITING FOR A REFERENDUM ON THE RESOLUTION.

(B) VERIFICATION OF COMPLIANCE WITH REQUIREMENTS.

AFTER A PETITION IS PRESENTED TO THE CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER, THE OFFICER SHALL VERIFY:

(1) THE SIGNATURES ON THE PETITION; AND

(2) THAT THE PETITION MEETS THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.

(C) SUSPENSION OF RESOLUTION.

AFTER VERIFYING COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION, THE CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER, BY PROCLAMATION, SHALL SUSPEND THE EFFECTIVENESS OF THE ANNEXATION RESOLUTION PENDING THE RESULTS OF THE REFERENDUM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19(f).

In subsection (a) of this section, the phrase “[s]ubject to § 4–413 of this subtitle,” is added for clarity.

In subsection (b)(2) of this section, the reference to verifying that the “petition meets the requirements of subsection (a) of this section” is substituted for the former reference to verifying that the “persons signing the petition represent ... the persons who reside in the area ... to be annexed is located” for brevity.

Defined term: “Municipality” § 1–101

4–409. PETITION FOR REFERENDUM — BY QUALIFIED VOTERS OF MUNICIPALITY.

(A) IN GENERAL.

AT ANY TIME WITHIN 45 DAYS AFTER ENACTMENT OF AN ANNEXATION RESOLUTION, AT LEAST 20% OF THE QUALIFIED VOTERS OF THE MUNICIPALITY

MAY PETITION THE CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER OF THE MUNICIPALITY IN WRITING FOR A REFERENDUM ON THE RESOLUTION.

(B) VERIFICATION OF COMPLIANCE WITH REQUIREMENTS.

AFTER A PETITION IS PRESENTED TO THE CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER, THE OFFICER SHALL VERIFY:

(1) THE SIGNATURES ON THE PETITION; AND

(2) THAT THE PETITION MEETS THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.

(C) SUSPENSION OF RESOLUTION.

AFTER VERIFYING COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION, THE CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER, BY PROCLAMATION, SHALL SUSPEND THE EFFECTIVENESS OF THE ANNEXATION RESOLUTION PENDING THE RESULTS OF THE REFERENDUM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19(g).

In subsection (b)(2) of this section, the reference to verifying that the "petition meets the requirements of subsection (a) of this section" is substituted for the former reference to verifying that the "persons signing the petition represent ... the qualified voters of the municipal corporation" for brevity.

Defined terms: "Municipality" § 1-101

"Qualified voter" § 4-101

4-410. PETITION FOR REFERENDUM — BY COUNTY GOVERNING BODY.

(A) IN GENERAL.

AT ANY TIME WITHIN 45 DAYS AFTER ENACTMENT OF AN ANNEXATION RESOLUTION, THE GOVERNING BODY OF THE COUNTY OR COUNTIES IN WHICH THE MUNICIPALITY IS LOCATED, BY AT LEAST A TWO-THIRDS MAJORITY VOTE, MAY PETITION THE CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER OF THE MUNICIPALITY FOR A REFERENDUM ON THE RESOLUTION.

(B) SUSPENSION OF RESOLUTION.

AFTER VERIFYING COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION, THE CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER, BY PROCLAMATION, SHALL SUSPEND THE EFFECTIVENESS OF THE ANNEXATION RESOLUTION PENDING THE RESULTS OF THE REFERENDUM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19(h).

In subsection (a) of this section, the former reference to "in writing" is deleted as implicit in the reference to a "petition".

Defined terms: "County" § 1-101

"Governing body" § 1-101

"Municipality" § 1-101

4-411. DATE AND LOCATION FOR REFERENDUM; PUBLIC NOTICE.

(A) IN GENERAL.

THE CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER OF THE MUNICIPALITY SHALL SCHEDULE A REFERENDUM ON THE ANNEXATION RESOLUTION AND PUBLISH NOTICE OF THE DATE, TIME, AND PLACE AT WHICH THE REFERENDUM WILL BE HELD.

(B) DATE AND LOCATION OF REFERENDUM.

THE REFERENDUM SHALL BE HELD:

(1) NO SOONER THAN 15 DAYS AND NO LATER THAN 90 DAYS AFTER NOTICES OF THE REFERENDUM ARE PUBLISHED; AND

(2) AT ONE OR MORE PLACES IN:

(I) THE MUNICIPALITY, FOR THE REFERENDUM IN THE MUNICIPALITY; AND

(II) THE AREA TO BE ANNEXED, FOR THE REFERENDUM IN THAT AREA.

(C) PUBLICATION OF NOTICE.

PUBLIC NOTICE OF THE REFERENDUM SHALL BE PUBLISHED:

(1) TWICE AT NOT LESS THAN WEEKLY INTERVALS; AND

(2) IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY AND THE AREA TO BE ANNEXED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19(i).

In subsection (a) of this section, the reference to publishing the "date" of the referendum is added for clarity and consistency with other similar provisions of this subtitle.

Also in subsection (a) of this section, the former reference to an "ordinance" is deleted as unnecessary in light of the reference to the "annexation resolution" and for consistency throughout this subtitle.

Also in subsection (a) of this section, the former reference to "places" is deleted in light of the reference to a "place" and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (b)(2) of this section, the former references to the "limits of" the municipality and the area to be annexed are deleted as surplusage.

In subsection (c)(3) of this section, the reference to "at least one newspaper" is substituted for the former reference to "a newspaper or newspapers" for clarity and consistency with other similar provisions of the Code.

Defined term: "Municipality" § 1-101

4-412. REFERENDUM.

(A) POWER TO CONDUCT REFERENDUM BY ORDINANCE, RESOLUTION, OR REGULATION.

THE GOVERNING BODY OF A MUNICIPALITY, BY ORDINANCE, RESOLUTION, OR REGULATION, MAY PROVIDE FOR CONDUCTING AND TABULATING THE RESULTS OF A REFERENDUM HELD UNDER THIS SUBTITLE.

(B) CONDUCT OF REFERENDUM.

(1) THE ANNEXATION RESOLUTION SHALL BE SUBMITTED TO:

(I) A REFERENDUM OF THE QUALIFIED VOTERS OF THE MUNICIPALITY IF THE PETITION FOR REFERENDUM WAS PRESENTED BY THE RESIDENTS OF THE MUNICIPALITY;

(II) SUBJECT TO § 4-413 OF THIS SUBTITLE, A REFERENDUM OF THE REGISTERED VOTERS WHO ARE RESIDENTS IN THE AREA TO BE ANNEXED IF THE PETITION FOR REFERENDUM WAS PRESENTED BY THE RESIDENTS OF THE AREA TO BE ANNEXED; OR

(III) SEPARATE REFERENDUMS OF THE VOTERS SPECIFIED IN ITEMS (I) AND (II) OF THIS PARAGRAPH IF A PETITION FOR REFERENDUM WAS PRESENTED BY THE RESIDENTS OF THE MUNICIPALITY AND THE RESIDENTS IN THE AREA TO BE ANNEXED.

(2) A PETITION FOR REFERENDUM PRESENTED BY THE GOVERNING BODY OF A COUNTY SHALL BE ACTED ON IN THE SAME MANNER AS A PETITION FOR REFERENDUM PRESENTED BY THE RESIDENTS OF THE AREA TO BE ANNEXED.

(C) BALLOTS.

THE BALLOT SHALL:

(1) CONTAIN A SUMMARY OF THE ANNEXATION RESOLUTION; AND

(2) PROVIDE FOR THE VOTER TO INDICATE A CHOICE FOR OR AGAINST THE ANNEXATION RESOLUTION.

(D) RESULTS OF REFERENDUM.

(1) IF ONLY ONE PETITION FOR A REFERENDUM IS FILED AND IF A MAJORITY OF THE PERSONS VOTING ON THE ANNEXATION RESOLUTION VOTE FOR THE RESOLUTION, THE RESOLUTION TAKES EFFECT ON THE 14TH DAY AFTER THE REFERENDUM.

(2) (I) IF A REFERENDUM IS CONDUCTED FOR BOTH THE RESIDENTS OF THE MUNICIPALITY AND THE RESIDENTS IN THE AREA TO BE ANNEXED, THE VOTES CAST FOR THE TWO REFERENDUMS SHALL BE TABULATED SEPARATELY TO SHOW THE VOTES CAST IN THE MUNICIPALITY AND THE AREA TO BE ANNEXED.

(II) IF IN BOTH REFERENDUMS A MAJORITY OF THE PERSONS VOTING ON THE ANNEXATION RESOLUTION VOTE FOR THE RESOLUTION, THE RESOLUTION TAKES EFFECT ON THE 14TH DAY AFTER THE REFERENDUM.

(III) IF TWO REFERENDUMS ARE HELD, THE ANNEXATION RESOLUTION IS VOID UNLESS A MAJORITY IN BOTH REFERENDUMS VOTE FOR THE RESOLUTION.

(E) COST OF REFERENDUM.

THE MUNICIPALITY SHALL PAY FOR A REFERENDUM HELD UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19(j), (l), and (r).

In the introductory language of subsection (b)(1) of this section, the former reference to the resolution being submitted “[o]n the date and at the places specified,” is deleted as surplusage.

Also in the introductory language of subsection (b)(1) of this section, the reference to an “annexation resolution” is substituted for the former reference to the “resolution proposing a change in the corporate boundaries of the municipal corporation” for brevity and consistency with the terminology used throughout this subtitle.

In subsection (b)(1)(ii) of this section, the phrase “subject to § 4–413 of this subtitle,” is added for clarity.

In subsection (b)(1)(iii) of this section, the reference to “separate referendums” is added for consistency with subsection (d) of this section.

In the introductory language of subsection (c) of this section, the former reference to “voting machines” is deleted as included in the reference to a “ballot”.

In subsection (d) of this section, the references to the “resolution” are substituted for the former references to the “change” for clarity.

In subsection (d)(1) and (2)(ii) of this section, the former references to the resolution taking effect “as proposed” are deleted as surplusage.

In subsection (d)(1) of this section, the reference to persons voting on the “annexation resolution” is substituted for the former reference to persons

voting on the “question in that referendum” for clarity. Similarly, in subsection (d)(2)(ii) of this section, the reference to persons voting on the “annexation resolution” is substituted for the former reference to voting on the “question”.

In subsection (d)(2)(i) of this section, the reference to “a referendum ... conducted for both the residents of the municipality and the residents in the area to be annexed” is substituted for the former reference to “two petitions for referendum [being] filed” for clarity and consistency with subsection (b)(1) of this section.

In subsection (d)(2)(ii) and (iii) of this section, the references to both “referendums” are substituted for the former references to both “tabulations” for accuracy.

Also in subsection (d)(2)(ii) and (iii) of this section, the former references to tabulations being “reckoned separately” are deleted as implicit in the requirement in subsection (d)(2)(i) of this section that the referendums be tabulated separately.

In subsection (d)(2)(iii) of this section, the former reference to the resolution being “of no further effect whatsoever” is deleted as included in the reference to the resolution being “void”.

In subsection (e) of this section, the former reference to paying “in full for the expenses of” a referendum is deleted as surplusage.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Municipality” § 1–101

“Person” § 1–101

“Qualified voter” § 4–101

4–413. RIGHT OF PROPERTY OWNERS TO PARTICIPATE.

IF FEWER THAN 20 RESIDENTS IN AN AREA TO BE ANNEXED ARE ELIGIBLE TO SIGN A PETITION FOR ANNEXATION AND VOTE IN A REFERENDUM UNDER THIS SUBTITLE, ANY PERSON, INCLUDING THE TWO OR MORE JOINT OWNERS OF JOINTLY OWNED PROPERTY, WHO OWNS REAL PROPERTY IN THE AREA TO BE ANNEXED MAY SIGN THE PETITION AND VOTE IN THE REFERENDUM.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19(k).

The reference to a petition “for annexation” is added for clarity.

The references to “vot[ing]” in a referendum are substituted for the former references to “participat[ing]” in a referendum for clarity.

The former phrase “[f]or the purposes of this section” is deleted as surplusage.

The former reference to “an association ... a firm or corporation” is deleted as included in the reference to a “person”.

The statement that an owner of real property “may” sign the petition is substituted for the former reference to an owner of real property “hav[ing] a right equal to that of a natural person” for brevity.

Defined term: “Person” § 1–101

4–414. COPIES OF RESOLUTION.

(A) IN GENERAL.

(1) THE CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER OF A MUNICIPALITY THAT HAS ANNEXED PROPERTY SHALL SEND A COPY OF THE ANNEXATION RESOLUTION WITH THE NEW BOUNDARIES TO:

(I) THE CLERK OR SIMILAR OFFICIAL OF THE MUNICIPALITY;

(II) THE CLERK OF THE COURT IN ANY COUNTY IN WHICH THE MUNICIPALITY IS LOCATED;

(III) THE DEPARTMENT OF LEGISLATIVE SERVICES IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION; AND

(IV) FOR ANY MUNICIPALITY LOCATED IN THE REGIONAL DISTRICT, THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION.

(2) THE ANNEXATION RESOLUTION SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES WITHIN 10 DAYS AFTER THE RESOLUTION TAKES EFFECT.

(B) KEEPING RECORD OF RESOLUTION; PUBLIC INSPECTION.

EACH OFFICIAL OR AGENCY THAT RECEIVES AN ANNEXATION RESOLUTION UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) KEEP ON RECORD THE RESOLUTION WITH THE NEW BOUNDARIES; AND

(2) MAKE THE RESOLUTION AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, §§ 19(p) and 9A(c)(2).

In the introductory language of subsection (a)(1) of this section, the reference to sending "a copy of" the annexation resolution is added for clarity.

Also in the introductory language of subsection (a)(1) of this section, the reference to the municipality "annex[ing] property" is substituted for the former reference to the municipality "enlarg[ing] its corporate boundaries under the provisions of this section" for brevity.

Also in the introductory language of subsection (a)(1) of this section, the former reference to the "mayor" is deleted as included in the reference to "chief executive and administrative officer".

Also in the introductory language of subsection (a)(1) of this section, the former reference to the chief executive officer "by whatever name known," is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to "promptly" sending a copy of the annexation resolution is deleted as implicit.

In the introductory language of subsection (b) of this section, the reference to each "agency" that receives an annexation is added for consistency with subsection (a) of this section.

Defined terms: "County" § 1-101

"Municipality" § 1-101

4-415. ANNEXATION PLAN.

(A) IN GENERAL.

IN ADDITION TO, BUT NOT AS PART OF, AN ANNEXATION RESOLUTION, THE LEGISLATIVE BODY OF THE MUNICIPALITY SHALL ADOPT AN ANNEXATION PLAN FOR THE AREA TO BE ANNEXED.

(B) ANNEXATIONS BEFORE OCTOBER 1, 2009.

EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, FOR AN ANNEXATION THAT BEGAN BEFORE OCTOBER 1, 2009, THE ANNEXATION PLAN SHALL:

(1) CONTAIN A DESCRIPTION OF THE LAND USE PATTERN PROPOSED FOR THE AREA TO BE ANNEXED, WHICH MAY INCLUDE A COUNTY MASTER PLAN ALREADY IN EFFECT FOR THE AREA;

(2) DESCRIBE THE SCHEDULE TO EXTEND EACH MUNICIPAL SERVICE PERFORMED IN THE MUNICIPALITY AT THE TIME OF THE ANNEXATION TO THE AREA TO BE ANNEXED;

(3) DESCRIBE THE GENERAL METHODS BY WHICH THE MUNICIPALITY ANTICIPATES FINANCING THE EXTENSION OF MUNICIPAL SERVICES TO THE AREA TO BE ANNEXED; AND

(4) BE PRESENTED SO AS TO DEMONSTRATE THE AVAILABLE LAND FOR PUBLIC FACILITIES THAT MAY BE CONSIDERED REASONABLY NECESSARY FOR THE PROPOSED USE, INCLUDING FACILITIES FOR SCHOOLS, WATER OR SEWAGE TREATMENT, LIBRARIES, RECREATION, OR FIRE OR POLICE SERVICES.

(C) ANNEXATIONS ON OR AFTER OCTOBER 1, 2009.

EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, FOR ANNEXATION THAT BEGINS ON OR AFTER OCTOBER 1, 2009, THE ANNEXATION PLAN SHALL BE CONSISTENT WITH THE MUNICIPAL GROWTH ELEMENT OF THE COMPREHENSIVE PLAN OF THE MUNICIPALITY.

(D) WHEN ANNEXATION BEGINS.

FOR PURPOSES OF SUBSECTIONS (B) AND (C) OF THIS SECTION, AN ANNEXATION BEGINS WHEN A PROPOSAL FOR ANNEXATION IS INITIATED BY:

(1) RESOLUTION UNDER § 4-403 OF THIS SUBTITLE; OR

(2) PETITION UNDER § 4-404 OF THIS SUBTITLE.

(E) EXTENSION FOR INCLUSION OF MUNICIPAL GROWTH ELEMENT.

(1) ON OR AFTER OCTOBER 1, 2009, A MUNICIPALITY MAY SUBMIT AN ANNEXATION PLAN UNDER SUBSECTION (B) OF THIS SECTION IF THE MUNICIPALITY IS GRANTED AN EXTENSION FOR THE INCLUSION OF A MUNICIPAL GROWTH ELEMENT UNDER § 3-304 OF THE LAND USE ARTICLE.

(2) AFTER THE EXPIRATION OF A FINAL EXTENSION GRANTED UNDER § 3-304 OF THE LAND USE ARTICLE FOR THE INCLUSION OF A MUNICIPAL GROWTH ELEMENT, AN ANNEXATION PLAN SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(F) COPIES OF ANNEXATION PLAN.

AT LEAST 30 DAYS BEFORE THE PUBLIC HEARING ON AN ANNEXATION RESOLUTION REQUIRED UNDER § 4-406 OF THIS SUBTITLE, A COPY OF THE ANNEXATION PLAN SHALL BE PROVIDED TO:

(1) THE GOVERNING BODY OF ANY COUNTY IN WHICH THE MUNICIPALITY IS LOCATED;

(2) THE DEPARTMENT OF PLANNING; AND

(3) ANY REGIONAL OR STATE PLANNING AGENCY WITH JURISDICTION IN THE COUNTY.

(G) CONSIDERATION AT HEARING ON ANNEXATION RESOLUTION; EFFECT OF AMENDMENT.

(1) THE ANNEXATION PLAN SHALL BE OPEN TO PUBLIC REVIEW AND DISCUSSION AT THE PUBLIC HEARING ON THE ANNEXATION RESOLUTION.

(2) AN AMENDMENT TO THE ANNEXATION PLAN DOES NOT:

(I) AMEND THE PROPOSED ANNEXATION RESOLUTION; OR

(II) CAUSE A REINITIATION OF THE ANNEXATION PROCEDURE THEN IN PROCESS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19(o).

In subsection (b)(4) of this section, the reference to fire or police “services” is added for clarity.

In subsection (d)(2) of this section, the former reference to “written” petition is deleted as implicit in the reference to a “petition”.

In the introductory language of subsection (f) and in subsection (g)(1) of this section, the references to the hearing “on [an] annexation resolution” are added for clarity.

In subsection (g)(2) of this section, the former references to the annexation plan not “in any way” amending the annexation resolution or “serv[ing] in any manner” to cause a reinitiation of the annexation procedure are deleted as surplusage.

In subsection (g)(2)(i) of this section, the reference to the “proposed” annexation resolution is added for clarity.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Municipality” § 1–101

“State” § 1–101

4–416. PLANNING AND ZONING AUTHORITY.

(A) EXISTING MUNICIPAL AUTHORITY.

(1) NOTWITHSTANDING § 4–104(F) OF THIS TITLE, IF AN AREA IS ANNEXED TO A MUNICIPALITY THAT HAS PLANNING AND ZONING AUTHORITY AT THE TIME OF ANNEXATION, THE MUNICIPALITY SHALL HAVE EXCLUSIVE JURISDICTION OVER PLANNING, SUBDIVISION CONTROL, AND ZONING IN THE AREA ANNEXED.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT GRANT ANY PLANNING OR ZONING POWER OR SUBDIVISION CONTROL TO A MUNICIPALITY THAT IS NOT AUTHORIZED TO EXERCISE PLANNING OR ZONING POWER OR SUBDIVISION CONTROL AT THE TIME OF ANNEXATION.

(B) DIFFERENT LAND USE OR DENSITY.

WITHOUT THE EXPRESS APPROVAL OF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED, FOR 5 YEARS AFTER AN ANNEXATION BY A MUNICIPALITY, THE MUNICIPALITY MAY NOT ALLOW DEVELOPMENT OF THE ANNEXED LAND FOR LAND USES SUBSTANTIALLY DIFFERENT THAN THE AUTHORIZED USE, OR AT A

SUBSTANTIALLY HIGHER DENSITY, NOT EXCEEDING 50%, THAN COULD BE GRANTED FOR THE PROPOSED DEVELOPMENT, IN ACCORDANCE WITH THE ZONING CLASSIFICATION OF THE COUNTY APPLICABLE AT THE TIME OF THE ANNEXATION.

(c) COUNTY APPROVAL OF ZONING CLASSIFICATION.

NOTWITHSTANDING § 4-204 OF THE LAND USE ARTICLE AND IF THE COUNTY EXPRESSLY APPROVES, THE MUNICIPALITY MAY PLACE THE ANNEXED LAND IN A ZONING CLASSIFICATION THAT ALLOWS A LAND USE OR DENSITY DIFFERENT FROM THE LAND USE OR DENSITY SPECIFIED IN THE ZONING CLASSIFICATION OF THE COUNTY OR AGENCY WITH PLANNING AND ZONING JURISDICTION OVER THE LAND PRIOR TO ITS ANNEXATION APPLICABLE AT THE TIME OF THE ANNEXATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 9(c)(2) and the second sentence of (1) and the second sentence of § 19(s).

In subsection (a)(1) of this section, the reference to a municipality having planning and zoning authority "at the time of annexation" is substituted for the former references to a municipality "then" having authority for clarity.

Defined terms: "County" § 1-101
"Municipality" § 1-101

SUBTITLE 5. MERGER OF MUNICIPALITIES.

4-501. AUTHORIZED MERGERS.

(A) MERGER OF ADJOINING MUNICIPALITIES.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, TWO OR MORE ABUTTING MUNICIPALITIES LOCATED IN THE SAME COUNTY MAY MERGE TO FORM ONE MUNICIPALITY.

(B) APPROVAL REQUIRED.

THE GOVERNING BODY OF THE COUNTY MUST APPROVE ANY MERGER UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19A(a).

In subsection (a) of this section, the phrase “[s]ubject to subsection (b) of this section” is added for clarity.

Also in subsection (a) of this section, the reference to “abutting” municipalities is substituted for the former phrase “if any part of the legal boundary of one of the municipal corporations abuts on the legal boundary of the other uniting municipal corporations” for brevity.

In subsection (b) of this section, the former reference to the county “in which the municipal corporations are situated” is deleted as implicit because no other counties would have an interest in the merger.

Also in subsection (b) of this section, the former reference to “prior” approval is deleted as implicit in the requirement for approval.

Defined terms: “County” § 1–101
“Governing body” § 1–101
“Municipality” § 1–101

4–502. PROPOSAL OF UNIFICATION.

(A) INITIATION OF UNIFICATION.

TO INITIATE A MERGER, THE LEGISLATIVE BODY OF EACH MUNICIPALITY SHALL ADOPT A PROPOSAL OF UNIFICATION.

(B) ADOPTION PROCESS.

EACH MUNICIPALITY SHALL ADOPT THE PROPOSAL OF UNIFICATION:

(1) IN SUBSTANTIALLY IDENTICAL FORM; AND

(2) IN THE MANNER THAT THE MUNICIPALITY ADOPTS ORDINARY LEGISLATION.

(C) DETAILED DESCRIPTION.

THE PROPOSAL OF UNIFICATION SHALL INCLUDE A DETAILED DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED MUNICIPALITY THAT:

**(1) IS COMPRISED OF A SURVEY OF COURSES AND DISTANCES;
AND**

(2) MAY REFER TO GENERAL LANDMARKS AND PLACE NAMES.

REVISOR'S NOTE: This section is new language derived without substantive change from the first through fourth sentences of former Art. 23A, § 19A(b).

In subsection (a) and the introductory language of subsection (b) of this section, the references to “adopt[ing]” a proposal of unification are substituted for the former references to “pass[ing]” and “approv[ing]” a proposal, respectively, for consistency with other similar provisions of this subtitle.

In subsection (b)(2) of this section, the former reference to “other” ordinary legislation is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to the municipality “which is considering the proposal of unification” is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to the manner of adopting legislation “provided for ... by the municipal charter or bylaws of the municipal corporation” is deleted as implicit.

In the introductory language of subsection (c) of this section, the reference to the “proposed municipality” is substituted for the former reference to the “area of proposed unification” for brevity.

Defined term: “Municipality” § 1–101

4–503. CHARTER COMMISSION.**(A) PREPARATION OF UNIFIED CHARTER.**

AFTER BOTH MUNICIPALITIES ADOPT THE PROPOSAL OF UNIFICATION, THE MUNICIPALITIES SHALL PREPARE A UNIFIED CHARTER.

(B) REPRESENTATIVES.

(1) EACH MUNICIPALITY SHALL APPOINT THREE, FOUR, OR FIVE REPRESENTATIVES TO SERVE ON A CHARTER COMMISSION.

(2) EACH MUNICIPALITY SHALL APPOINT THE SAME NUMBER OF REPRESENTATIVES.

(C) MEETING OF REPRESENTATIVES.

(1) THE REPRESENTATIVES SHALL MEET AS A CHARTER COMMISSION.

(2) WITHIN 6 MONTHS AFTER THE MUNICIPALITIES ADOPT THE PROPOSAL OF UNIFICATION, THE COMMISSION SHALL DRAFT A PROPOSED UNIFIED CHARTER.

(D) RULES; OFFICERS.

(1) THE CHARTER COMMISSION SHALL ELECT OFFICERS FROM AMONG THE REPRESENTATIVES.

(2) AS THE REPRESENTATIVES CONSIDER NECESSARY, THE CHARTER COMMISSION MAY ADOPT RULES TO GOVERN MEETINGS AND EXPEDITE THE DRAFTING OF THE UNIFIED CHARTER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19A(c) and the fifth sentence of (b).

In subsection (a) of this section, the reference to a proposal of unification being "adopt[ed]" is substituted for the former reference to a proposal being "approv[ed]" for consistency with other similar provisions of this subtitle.

In subsection (b) of this section, the former reference to a "unifying" municipality is deleted as surplusage.

In subsection (b)(1) of this section, the phrase "to serve on a charter commission" is added for clarity.

In subsection (c)(2) of this section, the former reference to the proposal "required by this section" is deleted as surplusage.

In subsection (d)(2) of this section, the former provision that "none of these rules may conflict with any of the provisions and requirements of Article 23A of the Code" is deleted as unnecessary because administrative rules do not supersede statutory law.

Defined term: "Municipality" § 1-101

4-504. UNIFIED CHARTER.

(A) SEPARATE LEGAL DOCUMENT.

THE UNIFIED CHARTER IS A LEGAL DOCUMENT SEPARATE FROM ANY OTHER LEGAL INSTRUMENT.

(B) ASSETS AND LIABILITIES OF MERGING MUNICIPALITIES.

THE UNIFIED CHARTER SHALL PROVIDE THAT THE UNIFIED MUNICIPALITY RECEIVE THE ASSETS AND LIABILITIES OF THE MERGING MUNICIPALITIES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19A(d) and the third sentence of (g).

In subsection (b) of this section, the reference to the "merging" municipalities is substituted for the former reference to the "individual" municipalities for clarity.

Also in subsection (b) of this section, the reference to "liabilities" is substituted for the former reference to "unpaid debts" for clarity.

Also in subsection (b) of this section, the former reference to "all of" the assets and liabilities is deleted as surplusage.

Defined term: "Municipality" § 1-101

4-505. ACTION ON UNIFIED CHARTER BY LEGISLATIVE BODIES.

(A) SUBMISSION OF PROPOSED CHARTER TO MUNICIPALITIES.

(1) THE CHARTER COMMISSION SHALL SUBMIT A PROPOSED UNIFIED CHARTER TO THE LEGISLATIVE BODY OF EACH MUNICIPALITY.

(2) THE LEGISLATIVE BODY SHALL INCLUDE THE PROPOSED CHARTER IN A RESOLUTION THAT IS CONSIDERED IN ACCORDANCE WITH THE PROCEDURAL REQUIREMENTS PROVIDED FOR CHARTER AMENDMENTS IN §§ 4-303(A) AND 4-304 OF THIS TITLE.

(3) FOR PURPOSES OF § 4-303(A) OF THIS TITLE, THE RESOLUTION IS CONSIDERED TO EMBRACE ONLY ONE SUBJECT.

(B) ADOPTION, REJECTION, OR AMENDMENT.

EACH LEGISLATIVE BODY MAY:

(1) ADOPT OR REJECT THE RESOLUTION; OR

(2) AMEND THE RESOLUTION, IF THE LEGISLATIVE BODIES OF THE OTHER MUNICIPALITIES CONCUR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19A(f).

In subsection (a)(2) of this section, the reference to “[t]he legislative body” including the proposed charter in a resolution is added for clarity.

Also in subsection (a)(2) of this section, the reference to the resolution being “considered in accordance with” the procedural requirements provided for charter amendments is substituted for the former reference to the resolution being “adopted and conform[ing] to” the requirements for clarity.

In subsection (b)(1) of this section, the former reference to adopting or rejecting the resolution “as a whole” is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to “chang[ing]” the resolution is deleted as included in the reference to “amend[ing]” the resolution.

Also in subsection (b)(2) of this section, the former reference to making an amendment in “any part of” the resolution is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to municipalities concurring “in the change” is deleted as surplusage.

Defined term: “Municipality” § 1–101

4–506. REFERENDUM PROCEDURES.

(A) TIMING.

IF A REFERENDUM IS REQUIRED UNDER § 4–304 OF THIS TITLE, THE REFERENDUM SHALL OCCUR ON THE SAME DAY IN EACH MUNICIPALITY.

(B) ADMINISTRATION AND COST.

EACH MUNICIPALITY SHALL ADMINISTER AND PAY FOR THE REFERENDUM IN PROPORTION TO ITS RESPECTIVE POPULATION.

(C) MAJORITY NEEDED.

IN A REFERENDUM, THE UNIFIED CHARTER IS ADOPTED IF A MAJORITY OF VOTES CAST IN EACH MUNICIPALITY IS IN FAVOR OF ADOPTION.

REVISOR'S NOTE: This section is new language derived without substantive change from the first through third sentences of former Art. 23A, § 19A(h).

In subsection (a) of this section, the reference to "each municipality" is substituted for the former reference to "all areas to be included in the unified municipal corporation" for brevity.

In subsection (c) of this section, the reference to "votes cast ... in favor of adoption" by a majority of voters is substituted for the former reference to "approval" of a majority of voters for clarity.

Also in subsection (c) of this section, the former reference to the "uniting" municipalities is deleted as surplusage.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that it is unclear what referendum requirements apply to a referendum under this section, including requirements for who can sign a petition and how many signatures are needed.

Defined term: "Municipality" § 1-101

4-507. EFFECT OF APPROVAL OR DISAPPROVAL OF UNIFIED CHARTER.

(A) EFFECT OF DISAPPROVAL.

IF A MAJORITY OF THE VOTERS CASTING VOTES IN ANY MUNICIPALITY AT A REFERENDUM DO NOT VOTE TO ADOPT THE UNIFIED CHARTER, THE PROPOSED MERGER IS NOT APPROVED.

(B) EFFECT OF APPROVAL.

IF THE UNIFIED CHARTER IS ADOPTED, BY REFERENDUM OR BY THE LEGISLATIVE BODIES WHEN A REFERENDUM IS NOT REQUIRED, THE ADOPTION IS FINAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19A(i) and the fourth sentence of (h).

In this section, the references to “adopt[ing]” the unified charter are substituted for the former references to “[a]pprov[ing]” the unified charter for consistency with other similar provisions of this subtitle.

In subsection (a) of this section, the reference to “a majority of the voters casting votes ... at a referendum” is substituted for the former reference to “the required vote at a referendum election held pursuant to this article” for clarity.

Also in subsection (a) of this section, the reference to the merger being “not approved” is substituted for the former reference to the merger being “null and void” for clarity.

In subsection (b) of this section, the former reference to adoption “by voters” is deleted as implicit in the reference to a “referendum”.

Also in subsection (b) of this section, the former reference to a referendum “when required” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to the legislative bodies “of each of the uniting municipal corporations” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to approval of a unified charter being “not subject to further action” is deleted as implicit in the reference to the adoption being “final”.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that it is unclear in this section when the charter of a new municipality formed as the result of a merger takes effect.

Defined term: “Municipality” § 1–101

4–508. POSTAPPROVAL PROCEDURES.

(A) TRANSFER OF ASSETS.

(1) A MERGING MUNICIPALITY SHALL TRANSFER ITS ASSETS AND LIABILITIES TO THE UNIFIED MUNICIPALITY.

(2) THE MERGING MUNICIPALITY SHALL TRANSFER THE ASSETS AND LIABILITIES BY LEGAL INSTRUMENTS SEPARATE FROM THE UNIFIED CHARTER AND RESOLUTION.

(3) THE INVALIDITY OF A LEGAL INSTRUMENT THAT TRANSFERS OR DISPOSES OF ANY PROPERTY OF A MERGING MUNICIPALITY DOES NOT AFFECT THE VALIDITY OF THE UNIFIED CHARTER.

(B) INFORMATION TO BE SENT TO DEPARTMENT OF LEGISLATIVE SERVICES.

WITHIN 60 DAYS AFTER THE UNIFIED CHARTER IS ADOPTED, THE LEGISLATIVE BODIES OF THE MERGING MUNICIPALITIES JOINTLY SHALL SEND THE INFORMATION CONCERNING THE CHARTER TO THE DEPARTMENT OF LEGISLATIVE SERVICES AS PROVIDED IN § 4-109 OF THIS TITLE.

(C) CODIFICATION OF CHARTER.

THE EXACT TEXT OF THE UNIFIED CHARTER ADOPTED UNDER THIS SUBTITLE, INCLUDING ANY AMENDMENTS, SHALL BE INCLUDED IN ANY EDITION OR CODIFICATION OF THE CHARTER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19A(j), (k), and the first and second sentences of (g).

In subsection (a)(1) of this section, the reference to the "merging municipalities" is substituted for the former reference to the "municipal corporations which approve the unified charter" for brevity and clarity.

Also in subsection (a)(1) of this section, the former reference to assets and liabilities "not otherwise disposed of by the effective date of the unification charter" is deleted as unnecessary because an asset or liability already disposed of would no longer be an asset or liability of the municipality.

In subsection (a)(2) of this section, the former reference to legal instruments "apart" from the charter and resolution is deleted as included in the reference to legal instruments "separate" from them.

In subsection (a)(3) of this section, the former reference to the "legal force and effect" of the unified charter is deleted as included in the reference to the "validity" of the unified charter.

In subsection (b) of this section, the former reference to the unified charter being adopted "by the legislative bodies of the unifying municipal corporations or by a referendum election" is deleted as unnecessary because they are the only ways a charter can be adopted.

Also in subsection (b) of this section, the former reference to the charter “adopted by the unified municipal corporation” is deleted as surplusage.

In subsection (c) of this section, the former reference to the charter being amended “from time to time” is deleted as surplusage.

Defined term: “Municipality” § 1–101

4–509. PLANNING AND ZONING.

(A) IN GENERAL.

UNLESS THE ZONING CLASSIFICATION IS AMENDED UNDER THE PROCEDURES REQUIRED BY THE COUNTY, FOR 5 YEARS AFTER THE EFFECTIVE DATE OF THE UNIFIED CHARTER, THE LAND OF A MERGING MUNICIPALITY THAT DOES NOT HAVE PLANNING AND ZONING POWERS MAY NOT BE PLACED IN A ZONING CLASSIFICATION THAT ALLOWS A LAND USE SUBSTANTIALLY DIFFERENT FROM THE USE ALLOWED BY THE MASTER PLAN OR PLAN OF THE COUNTY OR AGENCY THAT HAS PLANNING AND ZONING JURISDICTION OVER THE LAND BEFORE THE MERGER.

(B) LIMITATIONS.

THIS SUBTITLE DOES NOT GRANT PLANNING AND ZONING POWERS TO A UNIFIED MUNICIPALITY IF NONE OF THE MERGING MUNICIPALITIES HAS PLANNING AND ZONING POWERS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 19A(e).

In subsection (a) of this section, the former reference to the unified charter “contain[ing] all the powers held by the separate municipal corporations” is deleted for clarity because of the implication that powers of the unified municipality would be limited to the powers of the merging municipalities.

Also in subsection (a) of this section, the reference to a “zoning classification” being amended is added for clarity.

Also in subsection (a) of this section, the former reference to the “current and duly adopted” master plan is deleted as surplusage.

Also in subsection (a) of this section, the former reference to the county “in which the municipal corporation is situated” is deleted as surplusage.

In subsection (b) of this section, the reference to the “merging municipalities” is substituted for the former reference to the “separate corporations to be included in the unified corporation” for brevity.

Defined terms: “County” § 1–101

“Municipality” § 1–101

TITLE 5. POWERS.

SUBTITLE 1. IN GENERAL.

5–101. TAX TO PAY JUDGMENT OR DECREE OF COURT.

A MUNICIPALITY MAY IMPOSE A PROPERTY TAX TO PAY A JUDGMENT OR DECREE AGAINST IT IN THE STATE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23, § 181.

The reference to “impos[ing] a property tax” is substituted for the former reference to “levy[ing] a sum of money upon the assessable property of such municipality” for brevity and consistency with other similar provisions of the Code.

The former reference to a judgment or decree “in any court of law or equity” is deleted as obsolete because of the elimination of the distinction between law and equity for purposes of pleadings, parties, court sittings, and dockets that was effected by revisions to the Federal Rules of Civil Procedure in 1938 and the Maryland Rules of Civil Procedure in 1984.

Defined terms: “Municipality” § 1–101

“State” § 1–101

5–102. COLLECTION OF DEVELOPMENT IMPACT FEES.

(A) APPLICATION OF SECTION.

THIS SECTION DOES NOT AFFECT ANY AGREEMENT EXISTING BEFORE OCTOBER 1, 1997, BETWEEN A COUNTY AND A MUNICIPALITY CONCERNING THE IMPOSITION OF DEVELOPMENT IMPACT FEES.

(B) ASSISTANCE WITH COLLECTION.

IF A COUNTY IMPOSES A DEVELOPMENT IMPACT FEE ON NEW RESIDENTIAL CONSTRUCTION TO FINANCE THE COSTS OF SCHOOL CONSTRUCTION, A MUNICIPALITY SHALL ASSIST THE COUNTY BY:

(1) COLLECTING AND REMITTING THE FEE FOR NEW RESIDENTIAL CONSTRUCTION IN THE MUNICIPALITY TO THE COUNTY; OR

(2) REQUIRING THE FEE TO BE PAID TO THE COUNTY IN ACCORDANCE WITH THE COUNTY DEVELOPMENT IMPACT FEE LAW OR ORDINANCE.

(C) NEXUS TO PROJECT.

THE APPLICATION OF ANY IMPACT FEE PAID UNDER SUBSECTION (B) OF THIS SECTION SHALL HAVE A RATIONAL NEXUS TO THE PROJECT FOR WHICH THE FEE IS ASSESSED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 8C(b).

In subsection (a) and the introductory language of subsection (b) of this section, the former references to the "collection" of a fee are deleted as implicit in the authority to impose a fee.

In subsection (a) of this section, the reference to an agreement existing "before October 1, 1997" is added for clarity because that is the date that former Art. 23A, § 8C(b) was enacted.

Defined terms: "County" § 1-101
"Municipality" § 1-101

5-103. JUNKYARDS.

(A) "JUNKYARD" DEFINED.

IN THIS SECTION, "JUNKYARD" MEANS:

- (1) A PUBLIC OR PRIVATE DUMP;**
- (2) AN AUTOMOBILE JUNKYARD;**
- (3) AN AUTOMOTIVE DISMANTLER OR RECYCLER FACILITY;**
- (4) A SCRAP METAL PROCESSING FACILITY;**

(5) AN OUTDOOR PLACE WHERE OLD MOTOR VEHICLES ARE STORED IN QUANTITY OR DISMANTLED; OR

(6) A LOT ON WHICH REFUSE, TRASH, OR JUNK IS DEPOSITED.

(B) APPLICATION OF SECTION.

AN ORDINANCE ADOPTED UNDER THIS SECTION DOES NOT APPLY TO A BUSINESS LICENSED ON OR BEFORE JUNE 30, 2004, AS AN AUTOMOTIVE DISMANTLER AND RECYCLER OR A SCRAP PROCESSOR UNDER § 15-502 OF THE TRANSPORTATION ARTICLE.

(C) IN GENERAL.

BY ORDINANCE, THE LEGISLATIVE BODY OF A MUNICIPALITY MAY REGULATE THE LOCATION AND OPERATION OF JUNKYARDS IN THE MUNICIPALITY TO:

(1) PROTECT THE RESIDENTS OF THE MUNICIPALITY FROM UNPLEASANT AND UNWHOLESOME CONDITIONS AND DETERIORATING NEIGHBORHOODS;

(2) PRESERVE THE BEAUTY AND AESTHETIC VALUE OF RURAL OR RESIDENTIAL AREAS;

(3) SAFEGUARD THE PUBLIC HEALTH AND WELFARE;

(4) PROMOTE GOOD CIVIC DESIGN; AND

(5) PROMOTE THE HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, AND PROSPERITY OF THE COMMUNITY.

(D) LICENSE REQUIREMENT.

THE ORDINANCE MAY:

(1) REQUIRE THAT EACH PERSON WHO OPERATES OR MAINTAINS A JUNKYARD OBTAIN AN ANNUAL LICENSE; AND

(2) PROVIDE FOR A REASONABLE FEE FOR A LICENSE.

(E) HEARING REQUIRED.

(1) BEFORE ADOPTING AN ORDINANCE UNDER SUBSECTION (C) OF THIS SECTION, THE LEGISLATIVE BODY OF THE MUNICIPALITY SHALL HOLD A PUBLIC HEARING.

(2) AN ORDINANCE ADOPTED IN VIOLATION OF THIS SUBSECTION IS VOID.

(F) NOTICE.

THE LEGISLATIVE BODY OF THE MUNICIPALITY SHALL PUBLISH NOTICE OF THE DATE, TIME, AND PLACE OF THE PUBLIC HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY NOT LESS THAN FOUR TIMES, AT WEEKLY INTERVALS, WITHIN A PERIOD OF AT LEAST 30 DAYS BEFORE THE DATE OF THE HEARING.

(G) PENALTIES.

(1) A PERSON WHO VIOLATES AN ORDINANCE ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT LESS THAN \$25.

(2) EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

(H) VIOLATION AS MUNICIPAL INFRACTION.

THE LEGISLATIVE BODY OF THE MUNICIPALITY MAY DECLARE A VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SECTION TO BE A MUNICIPAL INFRACTION UNDER TITLE 6, SUBTITLE 1 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 4.

In subsection (a) of this section, the term "junkyard" is revised as a definition to standardize the references to the types of property that are considered junkyards.

In subsection (b) of this section, the former reference to "the legislative body of a municipal corporation" is deleted as surplusage.

In the introductory language of subsection (c) of this section, the reference to the “operation” of junkyards is substituted for the former references to the “control” and “maintenance” of junkyards for brevity.

Also in the introductory language of subsection (c) of this section, the former reference to a municipality adopting an ordinance “for the licensing” of junkyards is deleted because provisions relating to licensing are in subsection (d)(1) of this section.

In subsection (d)(1) of this section, the reference to the municipality “requir[ing]” a license to operate or maintain a junkyard is substituted for the former reference to the “ordinance adopted under this section may prohibit” the operation or maintenance of a junkyard until a license is obtained to recognize the administrative nature of the function.

Also in subsection (d)(1) of this section, the former reference to a junkyard “within the limits of the municipal corporation” is deleted as surplusage.

In subsection (d)(2) of this section, the reference to the municipality “provid[ing] for a reasonable fee for a license” is substituted for the former reference to a license being obtained “at a reasonable fee specified in the ordinance” to clarify the authority of the municipality to establish a fee for the license.

In subsection (e)(1) of this section, the phrase “[b]efore adopting an ordinance under subsection (c) of this section” is added to clarify that this subsection creates an obligation on the municipality to hold a hearing.

Also in subsection (e)(1) of this section, the former references to a public hearing “actually” being held “as specified in the notice” are deleted as implicit in the requirements to hold a hearing and provide notice.

In subsection (e)(2) of this section, the reference to an ordinance “adopted in violation of this subsection [being] void” is substituted for the former statement that the ordinance “is not valid unless” for clarity.

In subsection (f) of this section, the former reference to a hearing “on the proposed ordinance” is deleted as surplusage.

In subsection (g)(1) of this section, the former reference to a violation “including the maintenance or operation of a junkyard, dump, or other facility without a license” is deleted as redundant of subsection (d)(1) of this section.

In subsection (h) of this section, the reference to a municipal infraction “under” Title 6, Subtitle 1 of this article is substituted for the former

reference to a municipal infraction “that shall be enforced in accordance with the provisions of” Title 6, Subtitle 1 for brevity.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the references to “old” motor vehicles and vehicles stored “in quantity” in subsection (a) of this section are vague. The General Assembly may wish to clarify what is meant by these terms.

The Local Government Article Review Committee also notes, for consideration by the General Assembly, that the fine identified in subsection (g) of this section specifies a minimum, but no maximum, penalty. In accordance with § 6–101(b) of this article, the maximum criminal penalty that may be imposed by a municipality is a term of 6 months imprisonment or a fine of \$1,000 or both.

Defined terms: “Municipality” § 1–101
 “Person” § 1–101

5–104. INTERGOVERNMENTAL AGREEMENTS FOR DISPOSAL OF GARBAGE.

A MUNICIPALITY MAY CONTRACT WITH A COUNTY TO DISPOSE OF GARBAGE OR OTHER MATTER COLLECTED IN THE MUNICIPALITY AT AN INCINERATOR OR PLANT OPERATED UNDER § 1–1304 OF THIS ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 14A(b).

The former reference to “enter[ing] into agreements” is deleted as included in the reference to “contract[ing]”.

The former references to “refuse” and “trash” are deleted as included in the reference to “garbage”.

The former reference to “[t]he mayor and city council, by whatever name known” is deleted as surplusage.

Defined terms: “County” § 1–101
 “Municipality” § 1–101

5–105. REGULATION OF NUDITY AND SEXUAL DISPLAYS.

(A) IN GENERAL.

THE LEGISLATIVE BODY OF A MUNICIPALITY MAY ADOPT AN ORDINANCE REGULATING THE LICENSING, LOCATION, AND OPERATION IN THE

MUNICIPALITY OF A BUSINESS ESTABLISHMENT THAT ALLOWS ON ITS PREMISES ANY ACTIVITY INVOLVING NUDITY AND SEXUAL DISPLAYS LISTED UNDER ARTICLE 2B, § 10-405(C) THROUGH (F) OF THE CODE.

(B) PENALTIES.

(1) A PERSON WHO VIOLATES AN ORDINANCE ADOPTED UNDER SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE OF NOT LESS THAN \$500 OR BOTH.

(2) EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 4A.

In subsection (a) of this section, the reference to the "operation" of a business establishment is substituted for the former references to the "control" and "maintenance" of a business establishment for brevity.

In subsection (b)(1) of this section, the reference to "imprisonment not exceeding 6 months or a fine of not less than \$500 or both" is substituted for the former reference to "imprisonment not exceeding 6 months and a fine of not less than \$500" for consistency with other penalty provisions in the Code.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the fine identified in subsection (b)(1) of this section specifies a minimum, but no maximum, penalty. In accordance with § 6-101(b) of this article, the maximum criminal penalty that may be imposed by a municipality is a term of 6 months imprisonment or a fine of \$1,000 or both.

Defined terms: "Municipality" § 1-101
"Person" § 1-101

5-106. CONSERVATION AREAS.

(A) "CONSERVATION AREA" DEFINED.

IN THIS SECTION, "CONSERVATION AREA" MEANS AN AREA IN A MUNICIPALITY THAT THE LEGISLATIVE BODY OF THE MUNICIPALITY FINDS TO

BE SO AFFECTED BY BLIGHT AND COMMUNITY OR PROPERTY DETERIORATION AS TO REQUIRE COMPREHENSIVE RENOVATION AND REHABILITATION.

(B) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO OR AFFECT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) CALVERT COUNTY;**
- (3) HOWARD COUNTY;**
- (4) KENT COUNTY;**
- (5) SOMERSET COUNTY;**
- (6) WICOMICO COUNTY; OR**
- (7) WORCESTER COUNTY.**

(C) IN GENERAL.

THE LEGISLATIVE BODY OF A MUNICIPALITY MAY:

- (1) ESTABLISH AND DEFINE THE BOUNDARIES OF A CONSERVATION AREA IN THE MUNICIPALITY; AND**
- (2) ESTABLISH AND VEST IN ANY UNIT OF THE MUNICIPALITY, FOR A PERIOD NOT EXCEEDING 5 YEARS, EXCLUSIVE JURISDICTION OR AUTHORITY TO ENFORCE IN THE CONSERVATION AREA THE LAWS, ORDINANCES, CODES, RULES, AND REGULATIONS THE LEGISLATIVE BODY OF THE MUNICIPALITY CONSIDERS EXPEDIENT.**

(D) POWER OF MUNICIPAL POLICE NOT IMPEDED.

THIS SECTION DOES NOT AUTHORIZE A UNIT OF THE MUNICIPALITY ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION TO INTERFERE WITH THE POWERS OF A LAW ENFORCEMENT AUTHORITY IN A MUNICIPALITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 7.

In subsection (b) of this section, the former reference to “Baltimore City” is deleted as unnecessary because this section applies to municipalities and there are no municipalities in Baltimore City.

In the introductory language of subsection (c) of this section, the former reference to “the governing authorities of the several counties, within those areas of the respective counties which lie without the boundaries of any such incorporated municipality therein” is deleted as unnecessary because conservation areas are defined in subsection (a) of this section as being within municipalities.

In subsections (c)(2) and (d) of this section, the references to a “unit” of the municipality are substituted for the former references to a “board, commission, department, bureau or agency” of the municipality for consistency with other revised articles of the Code. *See* General Revisor’s Note to article.

In subsection (c)(2) of this section, the former reference to “portions or parts [of]” laws, ordinances, codes, rules, and regulations is deleted as surplusage.

Also in subsection (c)(2) of this section, the former reference to “creat[ing]” a unit of the municipality is deleted as included in the reference to “establish[ing]” a unit of the municipality.

Also in subsection (c)(2) of this section, the former reference to a “suitable” unit of the municipality is deleted because it is implicit that the governing body would be required to make a suitable choice for a unit to govern the laws of a conservation area.

In subsection (d) of this section, the reference to a “law enforcement authority” is substituted for the former reference to the “police commissioner, police department or police force” for brevity.

Also in subsection (d) of this section, the former references to “conflict”, “impede”, “obstruct”, and “hinder” are deleted as included in the reference to “interfere with”.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that this section, which grants rehabilitation of blight powers, is unclear as to its applicability and appears to be superseded by laws on blight later enacted. This section appears to apply to both counties and municipalities based on a specific exclusion of certain counties, however, a conservation area is defined as an area found by a municipality to be “so affected by blight and community or property deterioration as to require comprehensive renovation and rehabilitation”.

Additionally, subsequent more detailed enactments, Art. III, § 61 of the Maryland Constitution and Art. 23A, § 2(b)(37), grant urban renewal authority to municipalities. The General Assembly may wish to consider repealing this section.

Defined term: "Municipality" § 1-101

SUBTITLE 2. ENUMERATION OF EXPRESS LAW MAKING POWERS.

5-201. CONSTRUCTION OF SUBTITLE.

THIS SUBTITLE DOES NOT AUTHORIZE THE LEGISLATIVE BODY OF A MUNICIPALITY TO ADOPT AN ORDINANCE THAT IS INCONSISTENT WITH OR CONFLICTS WITH ANY RULE OR REGULATION ADOPTED BY THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION OR THE WASHINGTON SUBURBAN SANITARY COMMISSION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(a), as it related to the construction of this subtitle.

The former reference to the article not being "taken or construed to affect, change, modify, limit or restrict in any manner any of the corporate powers of the Mayor and City Council of Baltimore which it now has or which hereafter may be granted to it" is deleted as unnecessary because this subtitle does not apply to Baltimore City.

The former reference to any "ordinance ... passed" by the Maryland-National Capital Park and Planning Commission or the Washington Suburban Sanitary Commission is deleted because those entities do not have the authority to pass ordinances.

The former reference to a rule or regulation being "ordained" is deleted as included in the reference to a rule or regulation being "adopted".

Defined term: "Municipality" § 1-101

5-202. GENERAL AUTHORITY OF MUNICIPALITIES.

THE LEGISLATIVE BODY OF A MUNICIPALITY MAY ADOPT ORDINANCES TO:

- (1) ASSURE THE GOOD GOVERNMENT OF THE MUNICIPALITY;**
- (2) PROTECT AND PRESERVE THE MUNICIPALITY'S RIGHTS, PROPERTY, AND PRIVILEGES;**

(3) PRESERVE PEACE AND GOOD ORDER;

(4) SECURE PERSONS AND PROPERTY FROM DANGER AND DESTRUCTION; AND

(5) PROTECT THE HEALTH, COMFORT, AND CONVENIENCE OF THE RESIDENTS OF THE MUNICIPALITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(a), as it related to the authority of a municipality to enact local laws relating to police powers.

In the introductory language of this section, the former reference to adopting ordinances "as they may deem necessary" is deleted as surplusage.

In item (5) of this section, the reference to "residents" of the municipality is substituted for the former reference to "citizens" of the municipality for consistency with the terminology used throughout this article. See General Revisor's Note to article.

Defined terms: "Municipality" § 1-101
"Person" § 1-101

5-203. GRANT OF EXPRESS POWERS.

(A) IN GENERAL.

IN ADDITION TO, BUT NOT IN SUBSTITUTION OF, THE POWERS THAT HAVE BEEN OR MAY BE GRANTED TO IT, THE LEGISLATIVE BODY OF A MUNICIPALITY MAY EXERCISE THE EXPRESS POWERS PROVIDED IN THIS SUBTITLE BY ADOPTING ORDINANCES.

(B) CONFLICTS.

EXCEPT AS PROVIDED IN ARTICLE XI-E OF THE MARYLAND CONSTITUTION, AN ORDINANCE ADOPTED BY THE LEGISLATIVE BODY OF A MUNICIPALITY MAY NOT CONFLICT WITH STATE LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(a), as it related to the limitations on authority to adopt conflicting laws, and the introductory language of (b).

In subsection (a) of this section, the reference to the municipality “exercis[ing] the express powers provided in this subtitle by adopting ordinances” is substituted for the former reference to the municipality “hav[ing] the following express ordinance–making powers” for clarity.

In subsection (b) of this section, the phrase “[e]xcept as provided in Article XI–E of the Maryland Constitution” is added to clarify that there are certain instances where conflicting laws are constitutionally permissible. *See* Article XI–E, § 6 of the Maryland Constitution.

Also in subsection (b) of this section, the reference to “State law” is substituted for the former references to “the Constitution of Maryland” and “public general law” for brevity.

Also in subsection (b) of this section, the former reference to ordinances conflicting with public local law “except as provided in § 2B of this article” is deleted as unnecessary in light of § 4–111 of this article, which provides for the application of county legislation to municipalities.

Also in subsection (b) of this section, the former reference to “Baltimore City” is deleted as unnecessary in light of the definition of “municipality”, which does not include Baltimore City.

Also in subsection (b) of this section, the former reference to the legislative body “by whatever name known” is deleted as surplusage.

Defined terms: “Municipality” § 1–101
 “State” § 1–101

5–204. LEGISLATIVE AUTHORITY — GENERAL POWERS OF MUNICIPALITIES.

(A) CHANGE NAME OF MUNICIPALITY.

(1) A MUNICIPALITY MAY CHANGE ITS CORPORATE NAME.

(2) BEFORE AN ORDINANCE UNDER THIS SUBSECTION TAKES EFFECT, A MUNICIPALITY SHALL SUBMIT THE ORDINANCE TO THE QUALIFIED VOTERS OF THE MUNICIPALITY FOR THEIR APPROVAL AT A REGULAR OR SPECIAL MUNICIPAL ELECTION.

(3) A CHANGE OF NAME MAY NOT AFFECT ANY RIGHT, DUTY, OR OBLIGATION OF THE MUNICIPALITY.

(B) ESTABLISH SEAL.

A MUNICIPALITY MAY HAVE A SEAL.

(C) ACQUISITION AND TRANSFER OF REAL PROPERTY OF MUNICIPALITY.

A MUNICIPALITY MAY:

(1) ACQUIRE BY CONVEYANCE, PURCHASE, OR CONDEMNATION ANY REAL OR LEASEHOLD PROPERTY NEEDED FOR A PUBLIC PURPOSE;

(2) CONSTRUCT BUILDINGS ON MUNICIPAL PROPERTY FOR THE BENEFIT OF THE MUNICIPALITY; AND

(3) SELL, AT PUBLIC OR PRIVATE SALE AFTER 20 DAYS' PUBLIC NOTICE, AND CONVEY TO THE PURCHASER ANY REAL OR LEASEHOLD PROPERTY BELONGING TO THE MUNICIPALITY IF THE LEGISLATIVE BODY OF THE MUNICIPALITY DETERMINES THAT THE PROPERTY IS NO LONGER NEEDED FOR PUBLIC USE.

(D) FRANCHISES.

(1) A MUNICIPALITY MAY GRANT FRANCHISES IN ACCORDANCE WITH PUBLIC GENERAL LAW OR PUBLIC LOCAL LAW.

(2) A MUNICIPALITY MAY GRANT A FRANCHISE FOR A CABLE TELEVISION SYSTEM AS PROVIDED IN § 1-708 OF THIS ARTICLE.

(3) FOR ANY FRANCHISE GRANTED UNDER THIS SUBSECTION, A MUNICIPALITY MAY:

(I) IMPOSE FRANCHISE FEES; AND

(II) ADOPT RATES, RULES, AND REGULATIONS.

(E) LICENSING AUTHORITY.

A MUNICIPALITY MAY EXERCISE THE LICENSING AUTHORITY GRANTED BY LAW.

(F) MARKETS.

A MUNICIPALITY MAY:

- AND
- (1) ESTABLISH AND REGULATE MARKETS IN THE MUNICIPALITY;
- (2) LICENSE THE SALE OF MERCHANDISE IN THE MARKETS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(b)(8), (13), (18), (27), (32), and the first sentence of (24).

In subsection (a)(2) of this section, the phrase “[b]efore an ordinance under this subsection takes effect” is substituted for the former phrase “such ordinance shall first” for clarity.

In subsection (b) of this section, the former references to “mak[ing]” and “us[ing]” a seal are deleted as implicit in the reference to “hav[ing]” a seal. Similarly, the former reference to “from time to time, alter[ing]” the seal is deleted.

Also in subsection (b) of this section, the former reference to a “common” seal is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “construct[ing] buildings on municipal property” is substituted for the former reference to “erect[ing] buildings thereon” to state expressly that which only was implied in the former law, *i.e.*, that buildings and signs erected by the municipality can be built on property acquired by the municipality.

In subsection (c)(3) of this section, the former reference to “purchasers” is deleted in light of the reference to “purchaser” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (d)(1) of this section, the former reference to “existing” laws is deleted as surplusage. The Local Government Article Review Committee interprets the reference to mean laws applicable at the time of the grant of the franchise.

In subsection (d)(2) of this section, the reference to a municipality granting a franchise “for a cable television system as provided in § 1–708 of this article” is substituted for the former reference to granting “one or more exclusive or nonexclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley, or bridge” for brevity.

In subsection (e) of this section, the reference to authority granted “by law” is substituted for the former reference to authority granted “in the Business Regulations Article and other provisions of law” for brevity.

In subsection (f)(1) of this section, the reference to establishing markets “in the municipality” is added for clarity.

In subsection (f)(2) of this section, the reference to “merchandise” is substituted for the former reference to “marketable commodities” for brevity.

Defined term: “Municipality” § 1–101

5–205. LEGISLATIVE AUTHORITY — GENERAL OPERATIONS OF MUNICIPALITIES.

(A) FINANCIAL OPERATIONS.

(1) A MUNICIPALITY MAY PROVIDE FOR THE CONTROL AND MANAGEMENT OF ITS FINANCES.

(2) THE MUNICIPALITY MAY:

(I) DESIGNATE THE BANKS OR TRUST COMPANIES OF THE STATE IN WHICH THE MUNICIPALITY SHALL DEPOSIT ALL MONEY BELONGING TO THE MUNICIPALITY; AND

(II) PROVIDE FOR THE APPOINTMENT OF AN AUDITOR OR ACCOUNTANT TO AUDIT THE BOOKS AND ACCOUNTS OF MUNICIPAL OFFICERS COLLECTING, HANDLING, OR DISBURSING MONEY BELONGING TO THE MUNICIPALITY.

(B) EXPENDITURE FOR SAFETY, HEALTH, AND GENERAL WELFARE — IN GENERAL.

(1) A MUNICIPALITY MAY SPEND MONEY FOR ANY PUBLIC PURPOSE AND TO AFFECT THE SAFETY, HEALTH, AND GENERAL WELFARE OF THE MUNICIPALITY AND ITS OCCUPANTS.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A MUNICIPALITY MAY NOT SPEND MONEY UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE MONEY WAS NOT APPROPRIATED AT THE TIME OF THE ANNUAL LEVY.

(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A MUNICIPALITY MAY SPEND MONEY ONLY FOR THE PURPOSE FOR WHICH THE MONEY WAS APPROPRIATED.

(4) A MUNICIPALITY MAY SPEND MONEY FOR A PURPOSE DIFFERENT FROM THE PURPOSE FOR WHICH THE MONEY WAS APPROPRIATED OR SPEND MONEY NOT APPROPRIATED AT THE TIME OF THE ANNUAL LEVY IF APPROVED BY A TWO-THIRDS VOTE OF ALL THE INDIVIDUALS ELECTED TO THE LEGISLATIVE BODY.

(C) BUSINESS OPERATIONS.

A MUNICIPALITY MAY PROVIDE FOR:

(1) THE PURCHASE OF MATERIALS, SUPPLIES, AND EQUIPMENT THROUGH THE DEPARTMENT OF GENERAL SERVICES;

(2) MUNICIPAL ADVERTISING;

(3) PRINTING AND PUBLISHING STATEMENTS OF ITS RECEIPTS AND EXPENDITURES; AND

(4) CODIFYING AND PUBLISHING LAWS, ORDINANCES, RESOLUTIONS, AND REGULATIONS.

(D) COLLECTIONS.

(1) EXCEPT AS OTHERWISE PROVIDED UNDER THIS ARTICLE, THE TAX - GENERAL ARTICLE, AND THE TAX - PROPERTY ARTICLE, A MUNICIPALITY MAY ESTABLISH AND COLLECT REASONABLE FEES AND CHARGES:

(I) FOR FRANCHISES, LICENSES, OR PERMITS GRANTED BY THE MUNICIPALITY; OR

(II) ASSOCIATED WITH THE EXERCISE OF A GOVERNMENTAL OR PROPRIETARY FUNCTION EXERCISED BY A MUNICIPALITY.

(2) A MUNICIPALITY MAY PROVIDE THAT ANY VALID CHARGE, TAX, OR ASSESSMENT MADE AGAINST REAL PROPERTY IN THE MUNICIPALITY IS A LIEN ON THE PROPERTY TO BE COLLECTED IN THE SAME MANNER AS MUNICIPAL TAXES.

(E) AGREEMENTS WITH OTHER MUNICIPALITIES.

A MUNICIPALITY MAY ENTER INTO AN AGREEMENT WITH OTHER MUNICIPALITIES FOR PURPOSES INCLUDING:

- (1) THE JOINT ADMINISTRATION OF THE MUNICIPALITIES;**
- (2) THE COOPERATIVE PROCUREMENT OF GOODS AND SERVICES, INCLUDING CONSTRUCTION SERVICES;**
- (3) THE PROVISION OF MUNICIPAL SERVICES; AND**
- (4) THE JOINT FUNDING AND MANAGEMENT OF ANY PROJECT THAT IS CENTRALLY LOCATED TO THE MUNICIPALITIES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(b)(1), (2), (3), (11), (17), (24A), (33), and (38).

In subsection (a)(1) of this section, the former reference to the "general" control and management of finances is deleted as surplusage.

In subsection (c)(1) of this section, the former reference to the "Purchasing Bureau" of the Department of General Services is deleted as obsolete.

Also in subsection (c)(1) of this section, the former reference to the purchase through the Department of General Services "whenever desirable" is deleted as surplusage.

In subsection (c)(4) of this section, the former reference to laws "adopted by or affecting the municipality" is deleted as surplusage.

In subsection (d)(1)(i) of this section, the former reference to franchises, licenses, or permits "authorized by law" to be granted is deleted as surplusage. Similarly, in subsection (d)(1)(ii) of this section, the former reference to functions "authorized by law" to be exercised is deleted.

In the introductory language of subsection (e) of this section, the former reference to entering into an agreement with "one or more" other municipalities is deleted as surplusage.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the requirement in subsection (b)(4) of this section for a two-thirds vote of "all the individuals elected to the

legislative body” of a municipality to spend money for a different purpose is unclear in the instance of a vacancy in the legislative body. Is the intent of the section to require two-thirds of the number of total elected positions or two-thirds of the number of positions currently filled? The General Assembly may wish to clarify this provision.

Defined terms: “Municipality” § 1-101

“State” § 1-101

5-206. LEGISLATIVE AUTHORITY — OFFICERS AND EMPLOYEES.

(A) MERIT SYSTEM.

(1) A MUNICIPALITY MAY ESTABLISH A MERIT SYSTEM IN CONNECTION WITH THE APPOINTMENT OF ANY MUNICIPAL OFFICIAL OR EMPLOYEE NOT ELECTED OR APPOINTED UNDER THE MARYLAND CONSTITUTION, PUBLIC GENERAL LAW, OR PUBLIC LOCAL LAW.

(2) IN ACCORDANCE WITH § 4-303 OF THE STATE PERSONNEL AND PENSIONS ARTICLE, A MUNICIPALITY MAY REQUEST AND USE THE FACILITIES OF THE DEPARTMENT OF BUDGET AND MANAGEMENT IN THE ADMINISTRATION OF A MERIT SYSTEM ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) COMPENSATION.

A MUNICIPALITY MAY SET THE COMPENSATION OF MUNICIPAL OFFICERS AND EMPLOYEES.

(C) PENSION AND GROUP INSURANCE.

A MUNICIPALITY MAY PROVIDE FOR:

(1) A RETIREMENT OR PENSION SYSTEM OR A GROUP INSURANCE PLAN FOR ITS OFFICERS AND EMPLOYEES; OR

(2) INCLUDING ITS OFFICERS AND EMPLOYEES IN ANY RETIREMENT OR PENSION SYSTEM OPERATED BY OR IN CONJUNCTION WITH THE STATE, ON THE TERMS AND CONDITIONS SET FORTH IN STATE LAW.

(D) REMOVAL OF OFFICERS.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MUNICIPALITY MAY PROVIDE FOR THE REMOVAL OR TEMPORARY SUSPENSION FROM OFFICE OF AN APPOINTED MUNICIPAL OFFICER FOR:

- (I) INEFFICIENCY;**
- (II) MALFEASANCE;**
- (III) MISFEASANCE;**
- (IV) NONFEASANCE;**
- (V) MISCONDUCT IN OFFICE; OR**
- (VI) INSUBORDINATION.**

(2) BEFORE REMOVING OR SUSPENDING ANY OFFICER, THE MUNICIPALITY SHALL NOTIFY THE OFFICER AND CONDUCT A HEARING.

(3) A MUNICIPALITY MAY PROVIDE FOR FILLING THE VACANCY CAUSED BY THE REMOVAL OR SUSPENSION.

(E) SPECIAL ELECTIONS.

SUBJECT TO ITS MUNICIPAL CHARTER, A MUNICIPALITY MAY PROVIDE FOR SPECIAL ELECTIONS FOR MUNICIPAL PURPOSES AT TIMES AND PLACES DETERMINED BY THE MUNICIPALITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(b)(19), (21), (25), (26), and (29).

In subsection (a)(2) of this section, the reference to "us[ing]" facilities is substituted for the former reference to "avail[ing] themselves of" facilities for brevity.

Also in subsection (a)(2) of this section, the former reference to the use of facilities "without unnecessary expense" is deleted as surplusage.

In subsection (b) of this section, the former reference to "salary" is deleted as included in the reference to "compensation".

In the introductory language of subsection (d)(1) of this section, the phrase "[s]ubject to paragraph (2) of this subsection" is added for clarity.

Also in the introductory language of subsection (d)(1) of this section, the reference to “an appointed municipal officer” is substituted for the former reference to “any person who has been appointed to any municipal office” for brevity.

Also in the introductory language of subsection (d)(1) of this section, the former phrase “adjudged to have been guilty” is deleted as implicit in the requirement that a municipality hold a hearing before removing or suspending an officer.

In subsection (d)(2) of this section, the phrase “[b]efore removing or suspending any officer, the municipality shall notify the officer and conduct a hearing” is substituted for the former phrase “after due notice and hearing” for clarity.

In subsection (e) of this section, the reference to a special election at the times and places determined “by the municipality” is added for clarity.

Defined terms: “Municipality” § 1–101

“State” § 1–101

5–207. LEGISLATIVE AUTHORITY — PUBLIC SAFETY.

(A) ESTABLISHMENT OF PUBLIC SAFETY UNITS.

A MUNICIPALITY MAY ESTABLISH AND MAINTAIN:

(1) A FIRE DEPARTMENT; AND

(2) A POLICE FORCE.

(B) REGULATION OF HAZARDOUS AND EXPLOSIVE MATERIALS.

A MUNICIPALITY MAY:

(1) PROVIDE FOR THE REMOVAL OF FIRE HAZARDS;

(2) CONTROL THE USE AND HANDLING OF DANGEROUS AND EXPLOSIVE MATERIALS; AND

(3) PREVENT THE DISCHARGE OF FIREARMS OR OTHER EXPLOSIVE INSTRUMENTS.

(C) MISCELLANEOUS.

A MUNICIPALITY MAY:

(1) PAY REWARDS FOR INFORMATION RELATING TO CRIME COMMITTED IN THE MUNICIPALITY;

(2) PROHIBIT VAGRANCY, VICE, GAMBLING, AND HOUSES OF PROSTITUTION IN THE MUNICIPALITY;

(3) ENFORCE ALL ORDINANCES RELATING TO DISORDERLY CONDUCT AND NUISANCES EQUALLY:

(I) WITHIN THE MUNICIPALITY; AND

(II) UP TO ONE-HALF MILE OUTSIDE THE MUNICIPAL LIMITS, EXCEPT WHERE THERE IS A CONFLICT WITH THE POWERS OF ANOTHER MUNICIPALITY; AND

(4) PROHIBIT MINORS FROM BEING ON THE STREETS AND IN PUBLIC PLACES AT CERTAIN HOURS OF THE NIGHT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(b)(9), (10), (12), (22), (23), and (34).

In subsection (a)(2) of this section, the former reference to an "adequate" police force is deleted as implicit in the requirement to establish a police force.

In subsection (c)(1) of this section, the former reference to "offer[ing]" rewards is deleted as implicit in the reference to "pay[ing]" rewards.

In subsection (c)(2) of this section, the reference to houses of "prostitution" is substituted for the former archaic reference to houses of "ill fame".

Also in subsection (c)(2) of this section, the reference to "prohibit[ing]" certain activities is substituted for the former reference to "punish[ing] and suppress[ing]" certain activities for brevity.

Also in subsection (c)(2) of this section, the former reference to "the owning or keeping" of houses of prostitution is deleted as surplusage.

In subsection (c)(3) of this section, the former reference to the "suppression of" nuisances is deleted as surplusage.

In subsection (c)(4) of this section, the reference to “minors” is substituted for the former reference to “the youth” for clarity.

Also in subsection (c)(4) of this section, the reference to “certain” hours is substituted for the former reference to “unreasonable” hours for clarity.

Defined term: “Municipality” § 1–101

5–208. LEGISLATIVE AUTHORITY — PORT WARDENS.

(A) ESTABLISH BOARD OF PORT WARDENS.

A MUNICIPALITY MAY PROVIDE FOR THE CREATION, APPOINTMENT, DUTIES, AND POWERS OF A BOARD OF PORT WARDENS TO EXERCISE JURISDICTION IN THE MUNICIPALITY.

(B) SCOPE OF AUTHORITY.

(1) A BOARD OF PORT WARDENS MAY REGULATE THE PLACEMENT OR CONSTRUCTION OF STRUCTURES OR OTHER BARRIERS IN OR ON THE WATERS OF THE MUNICIPALITY.

(2) THE BOARD MAY:

(I) ISSUE LICENSES TO BUILD WHARVES OR PIERS; AND

(II) ISSUE PERMITS FOR MOORING PILES, FLOATING WHARVES, BUOYS, AND ANCHORS.

(3) WHEN ISSUING LICENSES OR PERMITS UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD SHALL CONSIDER:

(I) THE PRESENT AND PROPOSED USES OF THE WATERS;

(II) THE EFFECT OF THE PRESENT AND PROPOSED USES OF THE WATERS ON MARINE LIFE, WILDLIFE, CONSERVATION, WATER POLLUTION, EROSION, AND NAVIGATIONAL HAZARDS;

(III) THE EFFECT OF THE PROPOSED USE OF THE WATERS ON CONGESTION IN THE WATERS;

(IV) THE EFFECT OF THE PROPOSED USE OF THE WATERS ON OTHER RIPARIAN PROPERTY OWNERS; AND

(V) THE PRESENT AND PROJECTED NEEDS FOR ANY PROPOSED COMMERCIAL OR INDUSTRIAL USE IN OR ON THE WATERS OF THE MUNICIPALITY.

(4) THE BOARD SHALL ENSURE THAT THE IMPROVEMENTS DO NOT RENDER NAVIGATION TOO CLOSE AND CONFINED.

(5) THE BOARD MAY REGULATE THE MATERIALS FOR AND CONSTRUCTION OF THE IMPROVEMENTS.

(6) THIS SUBSECTION DOES NOT AFFECT THE ZONING POWER OF THE MUNICIPALITY.

(C) WHARF AND PIER BUILDING RESTRICTIONS; PENALTIES.

(1) UNLESS A PERSON HAS BEEN GRANTED A LICENSE OR PERMIT FROM THE BOARD OF PORT WARDENS, A PERSON MAY NOT:

(I) BUILD A WHARF OR PIER;

(II) MOVE ANY EARTH OR OTHER MATERIAL FOR THE PURPOSE OF BUILDING A WHARF OR PIER; OR

(III) PLACE OR CONSTRUCT MOORING PILES, FLOATING WHARVES, BUOYS, OR ANCHORS.

(2) A PERSON MAY NOT BUILD A WHARF OR PIER:

(I) A GREATER DISTANCE INTO THE WATER THAN APPROVED BY THE BOARD; OR

(II) IN A DIFFERENT FORM OR OF DIFFERENT MATERIALS THAN APPROVED BY THE BOARD.

(3) A PERSON WHO VIOLATES THIS SUBSECTION IS SUBJECT TO A FINE SET BY THE LEGISLATIVE BODY OF THE MUNICIPALITY.

(D) APPEALS.

A PERSON AGGRIEVED BY A DECISION OF A BOARD OF PORT WARDENS MAY APPEAL THE DECISION:

(1) TO THE LEGISLATIVE BODY OF THE MUNICIPALITY; OR

(2) IF AUTHORIZED BY ORDINANCE, TO THE CIRCUIT COURT OF THE APPROPRIATE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(b)(23A).

In subsection (b) of this section, the former phrase "including but not limited to" is deleted in light of the revised structure of the section.

In subsection (b)(1) of this section, the former reference to the "erection" of structures is deleted as included in the reference to the "construction" of structures.

In subsection (b)(2)(i) of this section, the former reference to "creat[ing]" wharves or piers is deleted as included in the reference to "build[ing]" wharves or piers.

In subsection (b)(3) of this section, the references to use "of the waters" are added to state expressly that which was implied in the former law, *i.e.*, that the issues listed should be considered by the board of port wardens when deliberating on a request for a license or permit for an improvement.

In the introductory language of subsection (b)(3) of this section, the phrase "shall consider" is substituted for the former phrase "taking into account" for clarity.

In subsection (b)(3)(v) of this section, the reference to commercial or industrial use "in or on the waters of the municipality" is added for clarity.

In subsection (b)(4) of this section, the former reference to improvements "in the waters within the municipality" is deleted as unnecessary because the improvements addressed in this section are all in the waters in the municipality.

In subsection (b)(6) of this section, the phrase "does not" is substituted for the former phrase "in no way intends to" for clarity and brevity.

Also in subsection (b)(6) of this section, the former reference to "conflict[ing]" with the zoning power is deleted as included in the reference to "affect[ing]" the zoning power.

In subsection (c)(1)(ii) of this section, the reference to "mov[ing]" earth is substituted for the former reference to "carry[ing] out" earth for clarity.

In the introductory language of subsection (d) of this section, the reference to “[a] person aggrieved by a decision of a board of port wardens” is substituted for the former reference to “[i]n all differences that arise between any aggrieved party and the port wardens of that municipal corporation concerning the discharge of the duties of the port wardens” for brevity.

In subsection (d)(2) of this section, the former reference to being authorized “by the municipal corporation” by ordinance is deleted as surplusage.

Defined terms: “Municipality” § 1–101
 “Person” § 1–101

5–209. LEGISLATIVE AUTHORITY — HEALTH AND WELFARE.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT AFFECT ANY PUBLIC GENERAL LAW OR PUBLIC LOCAL LAW RELATING TO HEALTH OR THE POWERS AND DUTIES OF:

- (1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE; OR**
- (2) A COUNTY BOARD OF HEALTH.**

(B) ESTABLISH BOARD OF HEALTH.

A MUNICIPALITY MAY APPOINT A BOARD OF HEALTH AND ESTABLISH ITS POWERS AND DUTIES.

(C) QUARANTINE AND HEALTH HAZARDS.

A MUNICIPALITY MAY:

- (1) ESTABLISH QUARANTINE REGULATIONS;**
- (2) AUTHORIZE THE REMOVAL OR CONFINEMENT OF INDIVIDUALS HAVING INFECTIOUS OR CONTAGIOUS DISEASES;**
- (3) PREVENT AND REMOVE NUISANCES;**
- (4) PREVENT THE INTRODUCTION OF CONTAGIOUS DISEASES INTO THE MUNICIPALITY; AND**

(5) REGULATE ANY PLACE WHERE NOXIOUS THINGS ARE MANUFACTURED, OFFENSIVE TRADES ARE CONDUCTED, OR THAT MAY CAUSE UNSANITARY CONDITIONS OR CONDITIONS DETRIMENTAL TO HEALTH.

(D) TRASH DISPOSAL.

A MUNICIPALITY MAY:

(1) REGULATE OR PROHIBIT THE THROWING OR DEPOSITING OF DIRT, GARBAGE, TRASH, OR LIQUIDS IN A PUBLIC PLACE; AND

(2) PROVIDE FOR THE PROPER DISPOSAL OF THESE MATERIALS.

(E) CEMETERIES.

A MUNICIPALITY MAY:

(1) REGULATE THE INTERMENT OF BODIES; AND

(2) CONTROL THE LOCATION AND ESTABLISHMENT OF CEMETERIES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(b)(6), (14), and (15).

In the introductory language of subsection (a) of this section, the former phrase "in any manner" is deleted as surplusage.

In subsection (b) of this section, the reference to "establish[ing]" powers and duties is substituted for the former reference to "defin[ing] and regulat[ing]" powers and duties for brevity and consistency with other similar provisions of this article.

In subsection (c)(2) of this section, the reference to "individuals" is substituted for the former reference to "persons" because only a human being and not the other entities included in the definition of person can have an infectious or contagious disease.

In subsection (c)(5) of this section, the former references to regulating places manufacturing "soap [and] fertilizer" and "slaughterhouses [and] packing houses" are deleted as included in the reference to "any place where noxious things are manufactured [and] offensive trades are conducted".

Defined terms: “County” § 1–101
 “Municipality” § 1–101

5–210. LEGISLATIVE AUTHORITY — ESTABLISHMENT OF SOCIAL SERVICES.

A MUNICIPALITY MAY PROVIDE FOR, MAINTAIN, AND OPERATE COMMUNITY AND SOCIAL SERVICES TO PRESERVE AND PROMOTE THE HEALTH, RECREATION, AND WELFARE OF THE RESIDENTS OF THE MUNICIPALITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(b)(7).

The reference to “residents” is substituted for the former reference to “inhabitants” for consistency with the terminology used throughout this article.

The former reference to the “enlightenment” of residents is deleted as included in the reference to the “welfare” of residents.

The former reference to actions taken “as the legislative body may determine” is deleted as implicit in the grant of authority to the municipality.

Defined term: “Municipality” § 1–101

5–211. LEGISLATIVE AUTHORITY — BUILDING REGULATIONS.

(A) ESTABLISH BUILDING CODES.

A MUNICIPALITY MAY ADOPT REGULATIONS REGARDING THE ERECTION OF BUILDINGS AND SIGNS IN THE MUNICIPALITY, INCLUDING:

- (1) A BUILDING CODE; AND**
- (2) REQUIREMENTS FOR BUILDING PERMITS.**

(B) INSPECTION AND REPAIRS.

A MUNICIPALITY MAY PROVIDE FOR THE INSPECTION OF AND REQUIRE REPAIRS TO THE FOLLOWING ON PRIVATE PROPERTY:

- (1) DRAINAGE AND SEWAGE SYSTEMS;**
- (2) ELECTRIC LINES AND WIRES;**

- (3) GAS PIPES;**
- (4) PLUMBING APPARATUS; AND**
- (5) WATER PIPES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(b)(5) and (16).

In the introductory language of subsection (a) of this section, the former reference to "reasonable" regulations is deleted as implicit in the grant of authority to adopt regulations.

Defined term: "Municipality" § 1-101

5-212. LEGISLATIVE AUTHORITY — STATE POLICY FOR REGULATION OF DEVELOPMENT.

(A) LOCAL PLANNING AND ZONING CONTROLS.

IT IS THE POLICY OF THE STATE THAT:

(1) THE ORDERLY DEVELOPMENT AND USE OF LAND AND STRUCTURES REQUIRES COMPREHENSIVE REGULATION THROUGH IMPLEMENTATION OF PLANNING AND ZONING CONTROLS; AND

(2) PLANNING AND ZONING CONTROLS SHALL BE IMPLEMENTED BY LOCAL GOVERNMENT.

(B) DISPLACEMENT OF COMPETITION.

(1) TO ACHIEVE THE PUBLIC PURPOSES OF THE POLICY SET FORTH UNDER SUBSECTION (A) OF THIS SECTION, THE GENERAL ASSEMBLY RECOGNIZES THAT LOCAL GOVERNMENT ACTION WILL DISPLACE OR LIMIT ECONOMIC COMPETITION BY OWNERS AND USERS OF PROPERTY.

(2) IT IS THE POLICY OF THE STATE THAT COMPETITION AND ENTERPRISE SHALL BE DISPLACED OR LIMITED FOR THE ATTAINMENT OF THE PURPOSES OF THE STATE POLICY FOR IMPLEMENTING PLANNING AND ZONING CONTROLS AS SET FORTH IN THIS ARTICLE AND ELSEWHERE IN PUBLIC GENERAL LAW AND PUBLIC LOCAL LAW.

(C) CONSTRUCTION OF SECTION.

THIS SECTION DOES NOT:

(1) GRANT TO A MUNICIPALITY POWERS IN ANY SUBSTANTIVE AREA NOT OTHERWISE GRANTED TO THE MUNICIPALITY BY OTHER PUBLIC GENERAL LAW OR PUBLIC LOCAL LAW;

(2) RESTRICT A MUNICIPALITY FROM EXERCISING ANY POWER OTHERWISE GRANTED TO THE MUNICIPALITY;

(3) AUTHORIZE A MUNICIPALITY OR ITS OFFICERS TO ENGAGE IN ANY ACTIVITY THAT IS OTHERWISE BEYOND THE POWER OF THE MUNICIPALITY OR ITS OFFICERS; OR

(4) PREEMPT OR SUPERSEDE THE REGULATORY AUTHORITY OF ANY STATE UNIT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(b)(36).

In subsection (b)(1) of this section, the reference to “the policy set forth under subsection (a) of this section” is substituted for the former reference to “this regulatory scheme” for clarity.

In subsection (b)(2) of this section, the former reference to the policy of “the General Assembly” is deleted as included in the reference to the policy of “the State”.

In the introductory language of subsection (c) of this section, the phrase “[t]his section does not” is substituted for the former phrase “[t]he powers granted to the municipality pursuant to this [section] shall not be construed” for clarity and brevity.

In subsection (c)(2) of this section, the reference to powers “otherwise granted” to the municipality is substituted for the former reference to powers granted “by other public general or public local law or otherwise” for brevity. Similarly, in subsection (c)(3) of this section, the reference to activity that is “otherwise” beyond the power of the municipality is substituted for the former reference to activity that is beyond the power of the municipality “under other public general law, public local law, or otherwise”.

In subsection (c)(4) of this section, the reference to a State “unit” is substituted for the former reference to a State “department or agency” for

consistency with other similar provisions of the Code. *See* General Revisor's Note to article.

Also in subsection (c)(4) of this section, the former reference to the authority of any State unit "under any public general law" is deleted as surplusage.

Defined terms: "Municipality" § 1-101
"State" § 1-101

5-213. LEGISLATIVE AUTHORITY — ZONING REGULATIONS.

A MUNICIPALITY MAY ADOPT ZONING REGULATIONS, SUBJECT TO ANY RIGHT OF REFERENDUM OF THE VOTERS AT A REGULAR OR SPECIAL ELECTION AS MAY BE PROVIDED BY THE MUNICIPAL CHARTER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(b)(30).

The reference to "any right of" referendum "as may be provided by the municipal charter" is added for clarity.

The former reference to "reasonable" regulations is deleted as implicit in the authority to adopt regulations.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that this section does not provide a grant of authority to a municipality to allow the municipality to exceed the powers granted to municipalities under the Land Use Article. *See* 75 Op. Att. Gen. 360 (1990).

Defined term: "Municipality" § 1-101

5-214. LEGISLATIVE AUTHORITY — COMMERCIAL AND INDUSTRIAL DEVELOPMENT.

(A) FUNDING; RESTRICTIONS.

SECTION 18-301 OF THIS ARTICLE APPLIES TO THE USE OF FEDERAL OR STATE FINANCIAL ASSISTANCE FOR COMMERCIAL OR INDUSTRIAL REDEVELOPMENT PROJECTS.

(B) COMMERCIAL DISTRICT MANAGEMENT AUTHORITY.

(1) IN THIS SUBSECTION, “AUTHORITY” MEANS A COMMERCIAL DISTRICT MANAGEMENT AUTHORITY.

(2) A MUNICIPALITY MAY ESTABLISH AN AUTHORITY FOR ANY COMMERCIAL DISTRICT IN THE MUNICIPALITY.

(3) FOR EACH AUTHORITY ESTABLISHED, A MUNICIPALITY SHALL:

(I) SPECIFY THE MEMBERSHIP, ORGANIZATION, JURISDICTION, AND GEOGRAPHICAL LIMITS OF THE AUTHORITY;

(II) PROVIDE FINANCING FOR THE AUTHORITY THROUGH FEES THAT MAY BE CHARGED TO, OR TAXES THAT MAY BE IMPOSED AGAINST, ANY BUSINESS SUBJECT TO THE AUTHORITY’S JURISDICTION; AND

(III) SPECIFY THE PURPOSES OF THE AUTHORITY, INCLUDING:

- 1. PROMOTION;**
- 2. MARKETING; OR**
- 3. THE PROVISION OF SECURITY, MAINTENANCE, OR AMENITIES IN THE DISTRICT.**

(4) AN AUTHORITY MAY NOT:

- (I) EXERCISE THE POWER OF EMINENT DOMAIN;**
- (II) PURCHASE, SELL, CONSTRUCT, OR LEASE, AS LESSOR, OFFICE OR RETAIL SPACE; OR**
- (III) EXCEPT AS OTHERWISE AUTHORIZED BY LAW, ENGAGE IN COMPETITION WITH THE PRIVATE SECTOR.**

(5) ANY FEE OR TAX IMPOSED UNDER THIS SUBSECTION SHALL BE USED ONLY FOR THE PURPOSES STATED IN THIS SUBSECTION AND MAY NOT REVERT TO THE GENERAL FUND OF THE MUNICIPALITY.

REVISOR’S NOTE: Subsection (a) of this section is new language added to provide a cross-reference to § 18-301 of this article.

Subsection (b) of this section is new language derived without substantive change from former Art. 23A, § 2(b)(35).

In subsection (b) of this section, the term “municipality” is substituted for the former references to “its geographical limits” and “legislative body” for clarity and consistency with the terminology used throughout this subtitle.

In subsection (b)(1) of this section, the definition of “authority” is added to avoid repetition of the full reference to a “commercial district management authority”.

In subsection (b)(2) of this section, the former phrase “[i]n accordance with the provisions of this paragraph” is deleted as surplusage. Similarly, in the introductory language of subsection (b)(4) of this section, the former reference to “[a]n authority established pursuant to this paragraph” is deleted.

In subsection (b)(3)(ii) of this section, the former reference to the legislative body providing financing “as it deems appropriate” is deleted as surplusage.

In subsection (b)(4)(ii) of this section, the reference to leasing as “lessor” is substituted for the former reference to leasing “as a landlord” for consistency with other similar provisions of the Code.

Defined terms: “Municipality” § 1–101
 “State” § 1–101

5–215. LEGISLATIVE AUTHORITY — URBAN RENEWAL AUTHORITY.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO A MUNICIPALITY THAT HAS URBAN RENEWAL AUTHORITY GRANTED UNDER ARTICLE III, § 61 OF THE MARYLAND CONSTITUTION.

(B) ACQUISITION OF PROPERTY BY MUNICIPALITY.

SUBJECT TO SUBSECTION (E) OF THIS SECTION, A MUNICIPALITY MAY:

(1) ACQUIRE PROPERTY OF ANY KIND IN THE MUNICIPALITY, INCLUDING ANY RIGHT, INTEREST, FRANCHISE, EASEMENT, OR PRIVILEGE ATTACHED TO THE PROPERTY, BY PURCHASE, LEASE, GIFT, CONDEMNATION, OR ANY OTHER LEGAL MEANS FOR DEVELOPMENT OR REDEVELOPMENT OF THE

**PROPERTY, INCLUDING COMPREHENSIVE RENOVATION OR REHABILITATION;
AND**

(2) SELL, LEASE, CONVEY, TRANSFER, OR OTHERWISE DISPOSE OF ANY PROPERTY ACQUIRED UNDER ITEM (1) OF THIS SUBSECTION, TO ANY PERSON OR PUBLIC OR QUASI-PUBLIC ENTITY:

(I) WHETHER OR NOT THE PROPERTY HAS BEEN DEVELOPED, REDEVELOPED, ALTERED, OR IMPROVED; AND

(II) REGARDLESS OF HOW THE PROPERTY WAS ACQUIRED.

(C) COMPENSATION FOR PROPERTY ACQUIRED BY EMINENT DOMAIN.

(1) A MUNICIPALITY SHALL PROVIDE JUST COMPENSATION TO THE OWNER OF ANY PROPERTY ACQUIRED BY THE MUNICIPALITY UNDER SUBSECTION (B) OF THIS SECTION IF THE PROPERTY IS TAKEN BY EMINENT DOMAIN.

(2) THE AMOUNT OF COMPENSATION PAID TO AN OWNER UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DETERMINED BY:

**(I) AN AGREEMENT BY THE PARTIES TO THE TRANSACTION;
OR**

(II) A JURY AWARD.

(3) A MUNICIPALITY SHALL PAY THE AMOUNT OF COMPENSATION DETERMINED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO THE OWNER BEFORE TAKING THE PROPERTY.

(D) PROPERTY NEEDED OR TAKEN FOR PUBLIC USE OR BENEFIT.

ANY PROPERTY NEEDED, OR TAKEN BY EMINENT DOMAIN, BY A MUNICIPALITY FOR THE PURPOSES IN SUBSECTION (B) OF THIS SECTION OR IN CONNECTION WITH THE EXERCISE OF ANY POWER OF A MUNICIPALITY UNDER THIS SECTION IS CONSIDERED TO BE NEEDED OR TAKEN FOR A PUBLIC USE OR BENEFIT.

(E) DETERMINATION OF CONDITION OF PROPERTY TO BE ACQUIRED.

BEFORE ACQUIRING A SINGLE-FAMILY OR MULTIFAMILY DWELLING UNIT OR OTHER STRUCTURE UNDER THIS SECTION, A MUNICIPALITY SHALL FIND THAT:

(1) THE DWELLING UNIT OR STRUCTURE HAS DETERIORATED TO AN EXTENT THAT CONSTITUTES A SERIOUS AND GROWING MENACE TO THE PUBLIC HEALTH, SAFETY, AND WELFARE;

(2) THE DWELLING UNIT OR STRUCTURE IS LIKELY TO CONTINUE TO DETERIORATE;

(3) THE CONTINUED DETERIORATION OF THE DWELLING UNIT OR STRUCTURE WILL CONTRIBUTE TO THE BLIGHTING OR DETERIORATION OF THE AREA IMMEDIATELY SURROUNDING THE DWELLING UNIT OR STRUCTURE; AND

(4) THE OWNER OF THE DWELLING UNIT OR STRUCTURE HAS NOT CORRECTED THE DETERIORATION.

(F) ADOPTION OF ORDINANCE TO ACQUIRE PROPERTY.

THE LEGISLATIVE BODY OF A MUNICIPALITY SHALL ADOPT AN ORDINANCE FOR EACH ACQUISITION OF PROPERTY MADE UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(b)(37).

In this section, the former references to "land" are deleted as included in the references to "property".

In subsection (a) of this section, the former phrase "[i]n addition to the authority provided elsewhere in this subsection" is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to "the boundary lines of" the municipality is deleted as surplusage.

In subsection (b)(2) of this section, the former references to a "private" entity, "corporation", "partnership", and "association" are deleted as included in the reference to a "person".

Also in subsection (b)(2) of this section, the former reference to a "legal" entity is deleted as surplusage.

In subsection (c)(1) of this section, the reference to the "owner of any property acquired by the municipality" is substituted for the former reference to the "party entitled to such compensation" for clarity.

Also in subsection (c)(1) of this section, the former reference to property taken by “exercising the power of” eminent domain is deleted as surplusage. Similarly, in subsection (d) of this section, the former reference to property taken by “the exercise of the power of” eminent domain is deleted.

Also in subsection (c)(1) of this section, the reference to property acquired “under subsection (b) of this section” is substituted for the former reference to property acquired “for any of the aforementioned purposes or in connection with the exercise of any of the powers which may be granted to a municipal corporation pursuant to this paragraph” for brevity.

In subsection (c)(2)(i) of this section, the reference to parties “to the transaction” is added for clarity.

In subsection (c)(3) of this section, the former reference to a municipality “tender[ing]” compensation is deleted as included in the reference to “pay[ing]” compensation.

In subsection (d) of this section, the reference to the “purposes in subsection (b) of this section” is substituted for the former reference to the “aforementioned purposes” for clarity.

In the introductory language of subsection (e) of this section, the former reference to making a “determination” is deleted as included in the reference to making a “find[ing]”.

In subsection (e)(2) of this section, the former reference to the dwelling unit continuing to deteriorate “unless corrected” is deleted as implicit in the reference to continued deterioration.

Defined terms: “Municipality” § 1-101

“Person” § 1-101

5-216. LEGISLATIVE AUTHORITY — COMMUNITY SERVICES.

(A) ESTABLISHING RECREATIONAL FACILITIES AND PARKS.

A MUNICIPALITY MAY ESTABLISH AND MAINTAIN ANY PARK, GARDEN, PLAYGROUND, OR RECREATIONAL FACILITY THAT THE MUNICIPALITY DETERMINES IS FOR THE BENEFIT OF THE HEALTH AND WELFARE OF THE MUNICIPALITY AND ITS RESIDENTS.

(B) REGULATION OF PROPERTY FOR SPECIFIC PURPOSES.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MUNICIPALITY MAY ACQUIRE BY GIFT, GRANT, BEQUEST, OR DEVISE AND HOLD PROPERTY ABSOLUTELY OR IN TRUST FOR:

(I) PARKS OR GARDENS;

(II) THE ERECTION OF STATUES, MONUMENTS, BUILDINGS, OR STRUCTURES; OR

(III) ANY PUBLIC USE.

(2) THE MUNICIPALITY SHALL ACQUIRE, HOLD, OR USE PROPERTY UNDER THIS SUBSECTION ON THE TERMS AND CONDITIONS REQUIRED BY THE GRANTOR OR DONOR AND ACCEPTED BY THE MUNICIPALITY.

(3) THE MUNICIPALITY SHALL PROVIDE FOR THE ADMINISTRATION OF ANY PROPERTY ACCEPTED BY THE MUNICIPALITY UNDER THIS SUBSECTION.

(4) SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL GRANT, THE MUNICIPALITY MAY CONVEY ANY PROPERTY ACCEPTED BY THE MUNICIPALITY UNDER THIS SUBSECTION IF THE MUNICIPALITY DETERMINES THAT THE PROPERTY IS NO LONGER NEEDED FOR PUBLIC PURPOSES.

(C) ESTABLISH MUNICIPAL BAND OR MUSICAL ORGANIZATION.

A MUNICIPALITY MAY ESTABLISH, MAINTAIN, AND SUPPORT A MUNICIPAL BAND OR MUSICAL ORGANIZATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(b)(4), (20), and the second sentence of (24).

In subsections (a) and (b)(4) of this section, the references to the "municipality" are substituted for the former references to the "legislative body" for consistency with the terminology used throughout this subtitle.

Also in subsection (a) of this section, the reference to "residents" of the municipality is substituted for the former reference to "inhabitants" of the municipality for consistency with the terminology used throughout this article.

In subsection (b)(1) of this section, the former reference to “real and personal” property is deleted as surplusage.

In subsection (b)(3) and (4) of this section, the references to “any property accepted by the municipality under this subsection” are substituted for the former references to “the same” for clarity.

In subsection (b)(3) of this section, the former reference to the “proper” administration of property is deleted as surplusage.

Defined term: “Municipality” § 1–101

5–217. LEGISLATIVE AUTHORITY — CLEANING OF SIDEWALKS.

A MUNICIPALITY MAY REQUIRE THE OWNERS OF PROPERTY TO KEEP THE SIDEWALKS ON THE PROPERTY CLEAN AND FREE FROM SNOW, ICE, OR OTHER OBSTRUCTIONS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(b)(28).

Defined term: “Municipality” § 1–101

SUBTITLE 3. PRIVATE COMMUNITIES.

5–301. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This subsection formerly was Art. 23A, § 49(a).

No changes are made.

(B) PRIVATE COMMUNITY.

“PRIVATE COMMUNITY” MEANS:

(1) A COMMUNITY GOVERNED BY A HOMEOWNERS ASSOCIATION, AS DEFINED UNDER THE MARYLAND HOMEOWNERS ASSOCIATION ACT;

(2) A CONDOMINIUM, AS DEFINED UNDER THE MARYLAND CONDOMINIUM ACT; OR

(3) A COOPERATIVE HOUSING CORPORATION, AS DEFINED UNDER THE MARYLAND COOPERATIVE HOUSING CORPORATION ACT.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 23A, § 49(b).

In this subsection and throughout this subtitle, the references to a “[p]rivate community” are substituted for the former references to a “[p]rivately owned residential community” for brevity.

In item (1) of this subsection, the reference to a “community governed by a” homeowners association is added for clarity.

In item (3) of this subsection, the reference to a cooperative housing “corporation” is substituted for the former reference to a cooperative housing “association” for consistency with the Maryland Cooperative Housing Corporation Act.

(C) RESIDENTIAL STREET SERVICE.

“RESIDENTIAL STREET SERVICE” MEANS:

(1) REMOVING SNOW, ICE, OR OTHER OBSTRUCTIONS FROM ROADWAYS;

(2) LIGHTING ROADWAYS AND MAINTAINING THE LIGHTING EQUIPMENT;

(3) COLLECTING LEAVES, RECYCLABLE MATERIALS, OR GARBAGE ALONG ROADWAYS; OR

(4) MAINTAINING ROADWAYS.

REVISOR'S NOTE: This subsection formerly was Art. 23A, § 49(c).

The only changes are in style.

Defined term: “Roadway” § 5–301

(D) ROADWAY.

“ROADWAY” MEANS A PAVED SURFACE THAT PROVIDES VEHICULAR ACCESS OR IS DESIGNATED FOR PARKING.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 23A, § 49(d).

5-302. AGREEMENTS CONCERNING RESIDENTIAL STREET SERVICE.

(A) IN GENERAL.

(1) THE GOVERNING BODY OF A MUNICIPALITY THAT PROVIDES RESIDENTIAL STREET SERVICE MAY MAKE AN AGREEMENT WITH A PRIVATE COMMUNITY THAT QUALIFIES UNDER PARAGRAPH (2) OF THIS SUBSECTION CONCERNING:

(I) THE PROVISION OF RESIDENTIAL STREET SERVICE TO THE PRIVATE COMMUNITY BY THE MUNICIPALITY; OR

(II) INSTEAD OF PROVIDING RESIDENTIAL STREET SERVICE, THE REIMBURSEMENT TO THE PRIVATE COMMUNITY OF AN AMOUNT NOT TO EXCEED THE COST THAT THE MUNICIPALITY WOULD INCUR TO PROVIDE RESIDENTIAL STREET SERVICE.

(2) THE GOVERNING BODY OF A MUNICIPALITY MAY MAKE AN AGREEMENT UNDER THIS SECTION WITH A PRIVATE COMMUNITY THAT:

(I) LIES WHOLLY OR PARTLY IN THE MUNICIPALITY; AND

(II) HAS AT LEAST ONE-QUARTER MILE OF ROADWAY.

(B) TERMS OF AGREEMENT.

AN AGREEMENT ENTERED INTO UNDER THIS SECTION MAY REQUIRE THE PRIVATE COMMUNITY TO:

(1) PAY ANY INSURANCE RIDER THAT THE MUNICIPALITY REQUIRES TO ENABLE VEHICLES OWNED OR CONTRACTED BY THE MUNICIPALITY TO OPERATE ON A ROADWAY IN THE PRIVATE COMMUNITY; AND

(2) REGARDING A ROADWAY IN THE PRIVATE COMMUNITY THAT IS TO BE USED TO PROVIDE RESIDENTIAL STREET SERVICE:

(I) ALLOW THE ROADWAY TO BE DEDICATED TO PUBLIC USE; AND

(II) UNLESS MAINTENANCE OF THE ROADWAY IS PROVIDED BY THE MUNICIPALITY, MAINTAIN THE ROADWAY AT A LEVEL OF SERVICE SATISFACTORY TO THE MUNICIPALITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, §§ 50 and 51.

In this section, the former references to the "governing body of" a private community are deleted as unnecessary in light of the definition of "private community" in § 5-301 of this subtitle.

In subsection (a)(2)(i) of this section, the former reference to "the boundaries of" the municipality is deleted as surplusage.

- Defined terms: "Governing body" § 1-101
- "Municipality" § 1-101
- "Private community" § 5-301
- "Residential street service" § 5-301
- "Roadway" § 5-301

SUBTITLE 4. ESTABLISHMENT OF LAND BANK AUTHORITIES BY MUNICIPALITIES.

5-401. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 23A, § 52(a).

No changes are made.

(B) AUTHORITY.

"AUTHORITY" MEANS A NONPROFIT OR QUASI-GOVERNMENTAL ENTITY CREATED BY A MUNICIPALITY UNDER § 5-403 OF THIS SUBTITLE.

REVISOR'S NOTE: This subsection formerly was Art. 23A, § 52(b).

The only changes are in style.

Defined term: "Municipality" § 1-101

(C) BOARD.

"BOARD" MEANS THE BOARD OF DIRECTORS OF AN AUTHORITY.

REVISOR'S NOTE: This subsection formerly was Art. 23A, § 52(c).

No changes are made.

Defined term: "Authority" § 5-401

(D) BOND.

(1) "BOND" MEANS A BOND ISSUED BY AN AUTHORITY UNDER THIS SUBTITLE.

(2) "BOND" INCLUDES A BOND, A REFUNDING BOND, A NOTE, AND ANY OTHER OBLIGATION.

REVISOR'S NOTE: This subsection formerly was Art. 23A, § 52(d).

No changes are made.

Defined term: "Authority" § 5-401

(E) COST.

"COST" INCLUDES:

- (1) THE PURCHASE PRICE OF PROPERTY;**
- (2) THE COST TO ACQUIRE ANY RIGHT, TITLE, OR INTEREST IN PROPERTY;**
- (3) THE COST OF ANY IMPROVEMENTS MADE TO PROPERTY;**
- (4) THE AMOUNT TO BE PAID TO DISCHARGE EACH OBLIGATION NECESSARY OR DESIRABLE TO VEST TITLE TO ANY PART OF PROPERTY IN AN AUTHORITY OR OTHER OWNER;**
- (5) THE COST OF ANY PROPERTY, RIGHT, EASEMENT, FRANCHISE, OR PERMIT ASSOCIATED WITH A PROJECT;**

(6) THE COST OF LABOR, MACHINERY, AND EQUIPMENT NECESSARY TO IMPLEMENT A PROJECT;

(7) FINANCING CHARGES;

(8) INTEREST AND RESERVES FOR PRINCIPAL AND INTEREST AND FOR IMPROVEMENTS;

(9) THE COST OF REVENUE AND COST ESTIMATES, ENGINEERING AND LEGAL SERVICES, PLANS, SPECIFICATIONS, STUDIES, SURVEYS, AND OTHER EXPENSES NECESSARY OR INCIDENT TO DETERMINING THE FEASIBILITY OR PRACTICABILITY OF A PROJECT;

(10) ADMINISTRATIVE EXPENSES; AND

(11) OTHER EXPENSES AS NECESSARY OR INCIDENT TO:

(I) FINANCING A PROJECT;

(II) ACQUIRING AND IMPROVING A PROJECT;

(III) PLACING A PROJECT IN OPERATION, INCLUDING REASONABLE PROVISIONS FOR WORKING CAPITAL; AND

(IV) OPERATING AND MAINTAINING A PROJECT.

REVISOR'S NOTE: This subsection formerly was Art. 23A, § 52(e).

The only changes are in style.

Defined terms: "Authority" § 5-401

"Project" § 5-401

"Revenue" § 5-401

(F) PROJECT.

(1) "PROJECT" MEANS ANY ORGANIZED PLAN CARRIED OUT BY AN AUTHORITY IN RELATION TO:

(I) ACQUIRING AND REHABILITATING ABANDONED AND DILAPIDATED PROPERTIES; AND

(II) MARKETING AND LEASING OR SELLING THE REHABILITATED PROPERTIES.

(2) “PROJECT” INCLUDES:

(I) ACQUIRING LAND OR AN INTEREST IN LAND;

(II) ACQUIRING STRUCTURES, EQUIPMENT, AND FURNISHINGS LOCATED ON A PROPERTY;

(III) ACQUIRING PROPERTY THAT IS FUNCTIONALLY RELATED AND SUBORDINATE TO A PROJECT; AND

(IV) OBTAINING OR CONTRACTING FOR ANY SERVICES NECESSARY FOR THE REHABILITATION OF A PROPERTY.

REVISOR’S NOTE: This subsection formerly was Art. 23A, § 52(g).

No changes are made.

Defined term: “Authority” § 5–401

(G) REVENUE.

(1) “REVENUE” MEANS THE INCOME, REVENUE, AND OTHER MONEY AN AUTHORITY RECEIVES FROM OR IN CONNECTION WITH A PROJECT AND ALL OTHER INCOME OF AN AUTHORITY.

(2) “REVENUE” INCLUDES GRANTS, RENTALS, RATES, FEES, AND CHARGES.

REVISOR’S NOTE: This subsection formerly was Art. 23A, § 52(h).

The only changes are in style.

Defined terms: “Authority” § 5–401

“Project” § 5–401

(H) TAX SALE PROPERTY.

“TAX SALE PROPERTY” MEANS PROPERTY OR AN INTEREST IN PROPERTY SOLD BY THE TAX COLLECTOR OF THE COUNTY IN ACCORDANCE WITH TITLE 14, SUBTITLE 8, PART III OF THE TAX – PROPERTY ARTICLE.

REVISOR'S NOTE: This subsection formerly was Art. 23A, § 52(i).

No changes are made.

Defined terms: "County" § 1-101

"Tax collector" § 1-101

(I) TRUST AGREEMENT.

(1) "TRUST AGREEMENT" MEANS AN AGREEMENT ENTERED INTO BY AN AUTHORITY TO SECURE A BOND.

(2) "TRUST AGREEMENT" INCLUDES A BOND CONTRACT, BOND RESOLUTION, OR OTHER CONTRACT WITH OR FOR THE BENEFIT OF A BONDHOLDER.

REVISOR'S NOTE: This subsection formerly was Art. 23A, § 52(j).

The only changes are in style.

Defined terms: "Authority" § 5-401

"Bond" § 5-401

5-402. CONSTRUCTION OF SUBTITLE.

(A) IN GENERAL.

THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO ACCOMPLISH ITS PURPOSES.

(B) POWERS GRANTED TO AUTHORITY ARE SUPPLEMENTAL.

THE POWERS GRANTED TO AN AUTHORITY UNDER THIS SUBTITLE ARE SUPPLEMENTAL TO POWERS GRANTED TO AN AUTHORITY UNDER ANY OTHER LAW.

(C) LIMITATION OF POWERS.

THIS SUBTITLE DOES NOT AUTHORIZE AN AUTHORITY TO:

(1) EXERCISE THE POWER OF EMINENT DOMAIN; OR

(2) IMPOSE ANY TAX OR SPECIAL ASSESSMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 53.

In subsection (b) of this section, the reference to any "other" law is substituted for the former reference to any "State or local" law for consistency with other similar provisions of this article.

Also in subsection (b) of this section, the former reference to powers being "in addition" to other powers is deleted as included in the reference to powers being "supplemental" to other powers.

Defined term: "Authority" § 5-401

5-403. LAND BANK AUTHORITY.

(A) ESTABLISHMENT.

BY ORDINANCE, THE LEGISLATIVE BODY OF A MUNICIPALITY MAY ESTABLISH A LAND BANK AUTHORITY IN ACCORDANCE WITH THIS SUBTITLE.

(B) ARTICLES OF INCORPORATION.

AN ORDINANCE ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE PROPOSED ARTICLES OF INCORPORATION OF AN AUTHORITY THAT STATE:

(1) THE NAME OF THE AUTHORITY, WHICH SHALL BE "LAND BANK AUTHORITY OF (NAME OF THE INCORPORATING MUNICIPALITY)";

(2) THAT THE AUTHORITY IS FORMED UNDER THIS SUBTITLE;

(3) THE NAMES, ADDRESSES, AND TERMS OF OFFICE OF THE INITIAL MEMBERS OF THE BOARD;

(4) THE ADDRESS OF THE PRINCIPAL OFFICE OF THE AUTHORITY;

(5) THE PURPOSES FOR WHICH THE AUTHORITY IS FORMED; AND

(6) THE POWERS OF THE AUTHORITY, SUBJECT TO THE LIMITATIONS OF THIS SUBTITLE.

(C) FILING AND RECORDATION.

(1) THE CHIEF EXECUTIVE OF THE INCORPORATING MUNICIPALITY, OR ANY OTHER OFFICIAL DESIGNATED IN THE ORDINANCE ESTABLISHING AN AUTHORITY, SHALL EXECUTE AND FILE THE ARTICLES OF INCORPORATION OF THE AUTHORITY FOR RECORDATION WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(2) WHEN THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION ACCEPTS THE ARTICLES OF INCORPORATION FOR RECORDATION, THE AUTHORITY BECOMES A BODY POLITIC AND CORPORATE AND AN INSTRUMENTALITY OF THE INCORPORATING MUNICIPALITY.

(3) ACCEPTANCE OF THE ARTICLES OF INCORPORATION FOR RECORDATION BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION IS CONCLUSIVE EVIDENCE OF THE FORMATION OF THE AUTHORITY.

(D) ARTICLES OF AMENDMENT.

(1) BY ORDINANCE, THE LEGISLATIVE BODY OF THE INCORPORATING MUNICIPALITY MAY ADOPT AN AMENDMENT TO THE ARTICLES OF INCORPORATION OF AN AUTHORITY.

(2) ARTICLES OF AMENDMENT MAY CONTAIN ANY PROVISION THAT LAWFULLY COULD BE CONTAINED IN ARTICLES OF INCORPORATION AT THE TIME OF THE AMENDMENT.

(3) THE ARTICLES OF AMENDMENT SHALL BE FILED FOR RECORDATION WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(4) THE ARTICLES OF AMENDMENT ARE EFFECTIVE AS OF THE TIME THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION ACCEPTS THE ARTICLES FOR RECORDATION.

(5) ACCEPTANCE OF THE ARTICLES OF AMENDMENT FOR RECORDATION BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION IS CONCLUSIVE EVIDENCE THAT THE ARTICLES HAVE BEEN LAWFULLY AND PROPERLY ADOPTED.

(E) CHANGE AND TERMINATION.

(1) SUBJECT TO THIS SECTION AND ANY LIMITATIONS IMPOSED BY LAW ON THE IMPAIRMENT OF CONTRACTS, THE INCORPORATING MUNICIPALITY, IN ITS SOLE DISCRETION, BY ORDINANCE MAY:

(I) SET OR CHANGE THE STRUCTURE, ORGANIZATION, PROCEDURES, PROGRAMS, OR ACTIVITIES OF AN AUTHORITY; OR

(II) TERMINATE THE AUTHORITY.

(2) ON TERMINATION OF THE AUTHORITY:

(I) TITLE TO ALL PROPERTY OF THE AUTHORITY SHALL BE TRANSFERRED TO AND SHALL VEST IN THE INCORPORATING MUNICIPALITY; AND

(II) ALL OBLIGATIONS OF THE AUTHORITY SHALL BE TRANSFERRED TO AND ASSUMED BY THE INCORPORATING MUNICIPALITY.

REVISOR'S NOTE: This section formerly was Art. 23A, § 54.

The only changes are in style.

Defined terms: "Authority" § 5-401

"Board" § 5-401

"Municipality" § 1-101

5-404. BOARD OF DIRECTORS.

AN ORDINANCE THAT CREATES AN AUTHORITY SHALL ESTABLISH A BOARD TO GOVERN THE AUTHORITY AND SHALL INCLUDE PROVISIONS FOR:

(1) APPOINTMENT PROCEDURES;

(2) POWERS OF THE BOARD;

(3) REMOVAL PROCEDURES;

(4) TERM LENGTHS; AND

(5) THE ELECTION OF A CHAIR.

REVISOR'S NOTE: This section formerly was Art. 23A, § 55.

The only changes are in style.

Defined terms: "Authority" § 5-401

"Board" § 5-401

5-405. POWERS.

(A) IN GENERAL.

EXCEPT AS LIMITED BY THE AUTHORITY'S ARTICLES OF INCORPORATION, AN AUTHORITY HAS ALL THE POWERS SPECIFIED IN THIS SUBTITLE.

(B) SPECIFIC POWERS.

AN AUTHORITY MAY:

(1) ADOPT BYLAWS FOR THE CONDUCT OF BUSINESS OF THE AUTHORITY;

(2) SUE AND BE SUED;

(3) MAINTAIN AN OFFICE AT A PLACE THE AUTHORITY DESIGNATES;

(4) BORROW MONEY;

(5) ISSUE BONDS AND OTHER OBLIGATIONS FOR ANY CORPORATE PURPOSE IN ACCORDANCE WITH THIS SUBTITLE OR AN ORDINANCE ADOPTED UNDER THIS SUBTITLE;

(6) INVEST MONEY OF THE AUTHORITY IN INSTRUMENTS, OBLIGATIONS, SECURITIES, OR PROPERTY;

(7) ENTER INTO CONTRACTS AND EXECUTE THE INSTRUMENTS OR AGREEMENTS NECESSARY OR CONVENIENT TO CARRY OUT THIS SUBTITLE OR AN ORDINANCE ADOPTED UNDER THIS SUBTITLE TO ACCOMPLISH THE PURPOSES OF THE AUTHORITY;

(8) SOLICIT AND ACCEPT GIFTS, GRANTS, LOANS, OR OTHER ASSISTANCE IN ANY FORM FROM ANY PUBLIC OR PRIVATE SOURCE, SUBJECT TO THIS SUBTITLE OR ANY ORDINANCE ADOPTED UNDER THIS SUBTITLE;

(9) PARTICIPATE IN A PROGRAM OF THE FEDERAL GOVERNMENT, THE STATE, A POLITICAL SUBDIVISION OF THE STATE, OR AN INTERGOVERNMENTAL ENTITY CREATED UNDER STATE LAW;

(10) CONTRACT FOR GOODS AND SERVICES;

(11) STUDY, DEVELOP, AND PREPARE REPORTS OR PLANS TO ASSIST IN THE AUTHORITY'S EXERCISE OF POWERS AND TO MONITOR AND EVALUATE THE AUTHORITY'S PROGRESS;

(12) CONTRACT WITH PUBLIC OR PRIVATE ENTITIES FOR SERVICES NECESSARY TO MANAGE AND OPERATE THE AUTHORITY;

(13) PROVIDE ACQUISITION, MANAGEMENT, AND SALE SERVICES TO A MUNICIPALITY FOR PROPERTY OWNED BY THE MUNICIPALITY;

(14) CREATE, OWN, CONTROL, OR BE A MEMBER OF A CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, OR OTHER PERSON, WHETHER OPERATED FOR PROFIT OR NOT FOR PROFIT, FOR THE PURPOSES OF DEVELOPING PROPERTY IN ORDER TO MAXIMIZE MARKETABILITY;

(15) EXERCISE A POWER USUALLY POSSESSED BY A PRIVATE CORPORATION IN PERFORMING SIMILAR FUNCTIONS, UNLESS TO DO SO WOULD CONFLICT WITH STATE LAW; AND

(16) DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS EXPRESSLY GRANTED BY THIS SUBTITLE OR BY AN ORDINANCE ADOPTED UNDER THIS SUBTITLE.

(c) DELEGATION.

AN AUTHORITY MAY DELEGATE TO A MEMBER OR OFFICER A POWER GRANTED TO THE AUTHORITY BY THIS SUBTITLE, INCLUDING THE POWER TO EXECUTE A BOND, OBLIGATION, CERTIFICATE, DEED, LEASE, MORTGAGE AGREEMENT, OR OTHER DOCUMENT OR INSTRUMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 56.

In subsection (b)(9) of this section, the former reference to participating "in any way" in a program is deleted as surplusage.

Defined terms: "Authority" § 5-401

"Bond" § 5-401

"Municipality" § 1-101

"Person" § 1-101

"State" § 1-101

5-406. PROPERTY.

(A) IN GENERAL.

AN AUTHORITY MAY:

(1) ACQUIRE REAL PROPERTY OR RIGHTS OR INTERESTS IN REAL PROPERTY, DIRECTLY OR THROUGH A PERSON OR GOVERNMENTAL ENTITY, BY GIFT, DEVISE, TRANSFER, EXCHANGE, FORECLOSURE, PURCHASE, OR OTHERWISE ON TERMS AND CONDITIONS AND IN A MANNER THE AUTHORITY CONSIDERS PROPER;

(2) OWN PROPERTY IN THE AUTHORITY'S NAME, INCLUDING TAX FORECLOSED PROPERTY AND PROPERTY WITHOUT CLEAR TITLE;

(3) SELL, LEASE AS LESSOR, TRANSFER, AND DISPOSE OF THE AUTHORITY'S INTEREST IN PROPERTY;

(4) PROCURE INSURANCE AGAINST LOSS IN CONNECTION WITH THE PROPERTY, ASSETS, OR ACTIVITIES OF THE AUTHORITY; AND

(5) EXECUTE DEEDS, MORTGAGES, CONTRACTS, LEASES, PURCHASES, OR OTHER AGREEMENTS REGARDING THE PROPERTY OF THE AUTHORITY.

(B) LIMITATION.

PROPERTY PURCHASED, OWNED, OR SOLD UNDER THIS SECTION MAY NOT BE LOCATED OUTSIDE THE MUNICIPALITY IN WHICH THE AUTHORITY IS LOCATED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 57.

In subsection (a)(2) of this section, the former reference to property "acquired by or conveyed to the authority by the State, a local government, an intergovernmental agency created under the laws of this

State, or any other public or private person” is deleted as unnecessary because it encompasses all entities that could possibly transfer property.

In subsection (a)(3) of this section, the former reference to the authority’s “property” is deleted as included in the reference to the authority’s “interest in property”.

Defined terms: “Authority” § 5–401

“Municipality” § 1–101

“Person” § 1–101

5–407. STAFF AND CONSULTANTS.

AN AUTHORITY MAY:

- (1) EMPLOY STAFF AND RETAIN CONSULTANTS; AND**
- (2) SET THEIR COMPENSATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 58.

In item (1) of this section, the former reference to employing staff and retaining consultants “as employees or agents that the authority considers necessary” is deleted as implicit.

Defined term: “Authority” § 5–401

5–408. APPOINTMENT OF RECEIVER.

THE COURT MAY APPOINT AN AUTHORITY TO SERVE AS A RECEIVER IN A RECEIVERSHIP PROCEEDING FILED BY A MUNICIPALITY.

REVISOR’S NOTE: This section formerly was Art. 23A, § 59.

The only changes are in style.

Defined terms: “Authority” § 5–401

“Municipality” § 1–101

5–409. INTERNAL ADMINISTRATION.

- (A) CODE OF ETHICS; POLICIES AND PROCEDURES.**

AN AUTHORITY SHALL:

(1) ADOPT A CODE OF ETHICS FOR THE AUTHORITY'S DIRECTORS, OFFICERS, AND EMPLOYEES;

(2) ESTABLISH POLICIES AND PROCEDURES REQUIRING:

(I) THE DISCLOSURE OF RELATIONSHIPS THAT MAY CREATE A CONFLICT OF INTEREST; AND

(II) ANY MEMBER OF THE BOARD WITH A DIRECT OR INDIRECT INTEREST IN A MATTER BEFORE THE AUTHORITY TO DISCLOSE THE MEMBER'S INTEREST TO THE BOARD BEFORE THE BOARD TAKES ANY ACTION ON THE MATTER; AND

(3) COMPLY WITH THE OPEN MEETINGS ACT.

(B) CONTROLLING PROCEDURES.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE OR THE ORDINANCE ESTABLISHING AN AUTHORITY, THE PROCEDURES OF THE INCORPORATING MUNICIPALITY CONTROL ANY MATTER RELATING TO THE INTERNAL ADMINISTRATION OF AN AUTHORITY.

REVISOR'S NOTE: This section formerly was Art. 23A, § 60.

The only changes are in style.

Defined terms: "Authority" § 5-401

"Board" § 5-401

"Municipality" § 1-101

5-410. IMMUNITY.

AN AUTHORITY MAY HAVE THE SAME IMMUNITIES AS A MUNICIPALITY.

REVISOR'S NOTE: This section formerly was Art. 23A, § 61.

The only changes are in style.

Defined terms: "Authority" § 5-401

"Municipality" § 1-101

5-411. PROPERTY RIGHTS.

(A) IN GENERAL.

WITH RESPECT TO PROPERTY HELD OR OWNED BY THE AUTHORITY, THE AUTHORITY MAY:

(1) GRANT OR ACQUIRE A LICENSE, AN EASEMENT, OR AN OPTION;

(2) SET, CHARGE, AND COLLECT RENTS, FEES, AND CHARGES FOR USE OF THE PROPERTY;

(3) PAY TAXES OR SPECIAL ASSESSMENTS DUE;

(4) TAKE ANY ACTION, PROVIDE ANY NOTICE, OR INSTITUTE ANY PROCEEDING REQUIRED TO CLEAR OR QUIET TITLE IN ORDER TO ESTABLISH OWNERSHIP BY AND VEST TITLE TO PROPERTY IN THE AUTHORITY;

(5) ABATE VIOLATIONS OF THE LOCAL AND STATE BUILDING, FIRE, HEALTH, AND RELATED CODES; AND

(6) HOLD, MANAGE, MAINTAIN, OPERATE, REPAIR, LEASE AS LESSOR, SECURE, PREVENT THE WASTE OR DETERIORATION OF, OR DEMOLISH THE PROPERTY AND TAKE ALL OTHER ACTIONS NECESSARY TO PRESERVE THE VALUE OF THE PROPERTY.

(B) PARTY TO ACTION.

AN AUTHORITY SHALL BE MADE A PARTY TO, AND SHALL DEFEND ANY ACTION OR PROCEEDING CONCERNING, CLAIMS AGAINST PROPERTY HELD BY THE AUTHORITY.

REVISOR'S NOTE: This section formerly was Art. 23A, § 62.

The only changes are in style.

Defined terms: "Authority" § 5-401

"State" § 1-101

5-412. PROPERTY — INVENTORY AND CLASSIFICATION; FEE.**(A) INVENTORY AND CLASSIFICATION.**

PROPERTY HELD BY AN AUTHORITY SHALL BE INVENTORIED AND CLASSIFIED ACCORDING TO TITLE STATUS AND SUITABILITY FOR USE.

(B) FEE.

A CLERK OF THE COURT MAY NOT CHARGE A FEE TO RECORD A DOCUMENT EVIDENCING THE TRANSFER UNDER THIS SUBTITLE OF PROPERTY TO THE AUTHORITY BY THE STATE OR A MUNICIPALITY.

REVISOR'S NOTE: This section formerly was Art. 23A, § 63.

In subsection (b) of this section, the reference to a "clerk of the court" is substituted for the former reference to a "register of deeds in a county in which property owned by an authority is located" for accuracy and brevity.

The only other changes are in style.

Defined terms: "Authority" § 5-401

"Municipality" § 1-101

"State" § 1-101

5-413. OUTSTANDING TAX LIENS.

(A) CONVEYANCE OF PROPERTY INTEREST TO AUTHORITY.

AFTER AN UNSUCCESSFUL ATTEMPT BY THE MUNICIPALITY TO COLLECT OUTSTANDING LIENS AT TAX SALE AND SUBJECT TO THE APPROVAL OF THE TAX COLLECTOR OF THE JURISDICTION WHERE THE PROPERTY IS LOCATED, AN AUTHORITY MAY ACCEPT FROM A PERSON WITH AN INTEREST IN A PARCEL OF TAX DELINQUENT PROPERTY OR TAX SALE PROPERTY A DEED OR ASSIGNMENT CONVEYING THAT PERSON'S INTEREST IN THE PROPERTY INSTEAD OF:

(1) THE FORECLOSURE OR SALE OF THE PROPERTY FOR DELINQUENT TAXES, PENALTIES, AND INTEREST, AS DEFINED BY § 14-801(C) OF THE TAX - PROPERTY ARTICLE; OR

(2) DELINQUENT-SPECIFIC TAXES IMPOSED BY A LOCAL TAXING JURISDICTION.

(B) OTHER LIENS NOT AFFECTED.

CONVEYANCE OF PROPERTY BY DEED INSTEAD OF FORECLOSURE UNDER THIS SECTION MAY NOT AFFECT OR IMPAIR ANY OTHER LIEN AGAINST THE

PROPERTY OR ANY EXISTING RECORDED OR UNRECORDED INTEREST IN THE PROPERTY, INCLUDING ANY:

- (1) EASEMENT OR RIGHT-OF-WAY;**
 - (2) FUTURE INSTALLMENT OF A SPECIAL ASSESSMENT;**
 - (3) LIEN RECORDED BY THE STATE;**
 - (4) PRIVATE DEED RESTRICTION;**
 - (5) SECURITY INTEREST OR MORTGAGE; OR**
 - (6) TAX LIEN OF ANOTHER TAXING JURISDICTION THAT DOES NOT CONSENT TO A RELEASE OF ITS LIEN.**
- (C) RELEASE OR ABATEMENT.**

A TAX LIEN AGAINST PROPERTY HELD BY OR UNDER THE CONTROL OF AN AUTHORITY MAY BE RELEASED OR ABATED AT ANY TIME BY:

- (1) A COUNTY OR MUNICIPALITY WITH RESPECT TO A LIEN HELD BY THE COUNTY OR MUNICIPALITY;**
- (2) THE GOVERNING BODY OF ANY TAXING JURISDICTION OTHER THAN THE STATE, COUNTY, OR MUNICIPALITY WITH RESPECT TO A LIEN HELD BY THE TAXING JURISDICTION;**
- (3) A PUBLIC WATER OR SEWER AUTHORITY WITH RESPECT TO A TAX LIEN OR RIGHT TO COLLECT A TAX HELD BY THE PUBLIC WATER OR SEWER AUTHORITY; OR**
- (4) THE COMPTROLLER WITH RESPECT TO A STATE TAX LIEN.**

REVISOR'S NOTE: This section formerly was Art. 23A, § 64.

In the introductory language of subsection (b) of this section, the former phrase "[e]xcept as otherwise provided by law" is deleted as surplusage.

The only other changes are in style.

Defined terms: "Authority" § 5-401

"County" § 1-101

- “Municipality” § 1-101
- “Person” § 1-101
- “State” § 1-101
- “Tax collector” § 1-101
- “Tax sale property” § 5-401

5-414. MONEY AND PROCEEDS.

(A) RETURN OF MONEY TO TAX COLLECTOR.

MONEY RECEIVED BY AN AUTHORITY AS PAYMENT OF TAXES, PENALTIES, OR INTEREST, OR FROM THE REDEMPTION OR SALE OF PROPERTY SUBJECT TO A TAX LIEN OF ANY TAXING UNIT, SHALL BE RETURNED TO THE TAX COLLECTOR IN THE JURISDICTION WHERE THE PROPERTY IS LOCATED FOR DISTRIBUTION ON A PRO RATA BASIS TO THE APPROPRIATE TAXING UNITS IN AN AMOUNT EQUAL TO DELINQUENT TAXES, PENALTIES, AND INTEREST OWED ON THE PROPERTY.

(B) RETENTION OF PROCEEDS.

PROCEEDS RECEIVED BY AN AUTHORITY MAY BE RETAINED BY THE AUTHORITY FOR THE PURPOSES OF THIS SUBTITLE, UNLESS OTHERWISE DESIGNATED BY:

- (1) AN AGREEMENT OF THE AUTHORITY;**
- (2) THE PROVISIONS OF A DEED;**
- (3) THIS SUBTITLE; OR**
- (4) ANY OTHER LAW.**

REVISOR'S NOTE: This section formerly was Art. 23A, § 65.

The only changes are in style.

Defined terms: “Authority” § 5-401
“Tax collector” § 1-101

5-415. STATE AND LOCAL TAXES.

(A) EXEMPTION.

AN AUTHORITY IS EXEMPT FROM ANY STATE OR LOCAL TAX OR ASSESSMENT ON THE AUTHORITY'S PROPERTIES OR ACTIVITIES OR ON ANY REVENUE FROM THE PROPERTIES OR ACTIVITIES.

(B) SALE OR LEASE OF PROPERTY TO PRIVATE ENTITY.

PROPERTY THAT AN AUTHORITY SELLS OR LEASES TO A PRIVATE ENTITY IS SUBJECT TO STATE AND LOCAL PROPERTY TAXES FROM THE TIME OF THE SALE OR LEASE.

(C) BONDS.

THE PRINCIPAL OF AND INTEREST ON BONDS, THE TRANSFER OF BONDS, AND ANY INCOME DERIVED FROM THE BONDS, INCLUDING PROFITS MADE ON THEIR SALE OR TRANSFER, ARE EXEMPT FROM ALL STATE AND LOCAL TAXES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 66.

In subsection (a) of this section, the former phrase "[e]xcept as provided in subsection (b) of this section" is deleted as surplusage.

Also in subsection (a) of this section, the former reference to "any requirement to pay" certain taxes is deleted as surplusage.

In subsection (c) of this section, the former reference to bonds being "forever" exempt from State and local taxes is deleted as surplusage.

The only other changes are in style.

Defined terms: "Authority" § 5-401

"Bond" § 5-401

"Revenue" § 5-401

"State" § 1-101

5-416. CIVIL ACTION.

(A) IN GENERAL.

AN AUTHORITY MAY BRING A CIVIL ACTION TO PREVENT, RESTRAIN, OR ENJOIN THE WASTE OF OR UNLAWFUL REMOVAL OF ANY PROPERTY FROM REAL PROPERTY HELD BY THE AUTHORITY.

(B) PARTY TO ACTION.

(1) AN AUTHORITY SHALL BE MADE A PARTY TO ANY ACTION TO SET ASIDE:

(I) TITLE TO PROPERTY THE AUTHORITY HOLDS; OR

(II) THE SALE OF PROPERTY BY THE AUTHORITY.

(2) A HEARING IN AN ACTION UNDER THIS SUBSECTION MAY NOT BE HELD UNTIL THE AUTHORITY IS SERVED IN ACCORDANCE WITH THE MARYLAND RULES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 67.

In subsection (b)(1) of this section, the former reference to a "proceeding" is deleted as included in the reference to an "action".

In subsection (b)(2) of this section, the reference to "an action under this subsection" is substituted for the former reference to "any such proceeding" for clarity.

Defined term: "Authority" § 5-401

5-417. PUBLIC PROPERTY.

(A) DECLARATION OF PURPOSE.

PROPERTY OF AN AUTHORITY IS PUBLIC PROPERTY DEVOTED TO AN ESSENTIAL PUBLIC AND GOVERNMENTAL FUNCTION AND PURPOSE.

(B) INCOME.

INCOME OF AN AUTHORITY IS RECEIVED FOR A PUBLIC AND GOVERNMENTAL PURPOSE.

REVISOR'S NOTE: This section formerly was Art. 23A, § 68.

In subsection (b) of this section, the reference to income "received" for a public purpose is substituted for the former reference to income "considered to be" for a public purpose for clarity.

No other changes are made.

Defined term: "Authority" § 5-401

5-418. LOCAL LAWS.

AN AUTHORITY IS SUBJECT TO ANY LOCAL:

- (1) LAND USE CONTROLS;**
- (2) PERMITTING PROCESSES FOR CONSTRUCTION, DEMOLITION, OR REPAIR OF A PROPERTY; AND**
- (3) ZONING LAWS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 69.

Defined term: "Authority" § 5-401

5-419. REPORT.

AN AUTHORITY SHALL REPORT ANNUALLY ON THE ACTIVITIES OF THE AUTHORITY TO THE MUNICIPALITY WHERE THE AUTHORITY IS LOCATED AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

REVISOR'S NOTE: This section formerly was Art. 23A, § 70.

The only changes are in style.

Defined terms: "Authority" § 5-401
"Municipality" § 1-101

5-420. BONDS.**(A) POWERS.**

- (1) AN AUTHORITY MAY:**
 - (I) ISSUE BONDS TO PAY THE COST OF ACQUIRING OR IMPROVING PROPERTY;**
 - (II) FUND OR REFUND THE BONDS;**
 - (III) PURCHASE BONDS WITH ANY FUNDS AVAILABLE; AND**

(IV) HOLD, PLEDGE, CANCEL, OR RESELL BONDS.

(2) BY RESOLUTION, AN AUTHORITY MAY AUTHORIZE THE CHAIR, ONE OF THE AUTHORITY'S MEMBERS, OR A COMMITTEE OF THE MEMBERS TO DETERMINE OR PROVIDE FOR ANY MATTER RELATING TO BONDS THAT THE AUTHORITY CONSIDERS APPROPRIATE, INCLUDING:

(I) SPECIFYING, DETERMINING, REQUIRING, AND APPROVING MATTERS, DOCUMENTS, AND PROCEDURES THAT RELATE TO THE AUTHORIZATION, SALE, SECURITY, ISSUANCE, DELIVERY, AND PAYMENT OF AND FOR THE BONDS;

(II) CREATING SECURITY FOR THE BONDS; AND

(III) PROVIDING FOR THE ADMINISTRATION OF BOND ISSUES.

(3) THE POWER GRANTED IN PARAGRAPH (2) OF THIS SUBSECTION IS IN ADDITION TO POWERS CONFERRED ON THE AUTHORITY BY THIS SUBTITLE AND DOES NOT LIMIT ANY POWER OF THE AUTHORITY UNDER THIS SUBTITLE.

(4) WITHIN THE LIMITS THAT THE AUTHORITY SETS, THE AUTHORITY MAY AUTHORIZE THE EXECUTIVE DIRECTOR TO TAKE ANY OF THE ACTIONS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION.

(B) ISSUANCE.

AN AUTHORITY MAY ISSUE THE BONDS AT ONE TIME OR IN ONE OR MORE SERIES.

(C) RESOLUTION.

FOR EACH ISSUE OF AN AUTHORITY'S BONDS, THE AUTHORITY SHALL PASS A RESOLUTION THAT:

(1) SPECIFIES AND DESCRIBES THE PROJECT FOR WHICH THE PROCEEDS OF THE BOND ISSUANCE ARE INTENDED;

(2) GENERALLY DESCRIBES THE PUBLIC PURPOSE AND THE FINANCING TRANSACTION TO BE ACCOMPLISHED;

(3) SPECIFIES THE MAXIMUM PRINCIPAL AMOUNT OF THE BONDS THAT MAY BE ISSUED BY THE AUTHORITY; AND

(4) IMPOSES ANY TERMS OR CONDITIONS ON THE ISSUANCE AND SALE OF THE BONDS THAT THE AUTHORITY CONSIDERS APPROPRIATE.

(D) NEGOTIABLE INSTRUMENTS.

SUBJECT TO ANY PROVISION FOR THEIR REGISTRATION, BONDS ARE NEGOTIABLE INSTRUMENTS FOR ALL PURPOSES REGARDLESS OF WHETHER THEY ARE PAYABLE FROM A SPECIAL FUND.

(E) TYPES; TERMS.

(1) THE BONDS MAY BE SERIAL BONDS, TERM BONDS, OR BOTH.

(2) SUBJECT TO ANY DELEGATION UNDER SUBSECTION (A)(2) OF THIS SECTION, THE RESOLUTION AUTHORIZING BONDS MAY PROVIDE:

(I) THE DATES OF THE BONDS;

(II) THE MATURITY DATES OF THE BONDS;

(III) THE INTEREST RATES ON THE BONDS;

(IV) THE TIME AT WHICH THE BONDS WILL BE PAYABLE;

(V) THE DENOMINATIONS OF THE BONDS;

(VI) WHETHER THE BONDS WILL BE IN COUPON OR REGISTERED FORM;

(VII) ANY REGISTRATION PRIVILEGES OF THE BONDS;

(VIII) THE MANNER OF EXECUTION OF THE BONDS;

(IX) THE PLACE AT WHICH THE BONDS WILL BE PAYABLE;

AND

(X) ANY TERMS OF REDEMPTION OF THE BONDS.

(3) THE BONDS SHALL MATURE WITHIN A PERIOD NOT TO EXCEED 50 YEARS AFTER THE DATE OF ISSUE.

(4) THE BONDS SHALL BE PAYABLE IN UNITED STATES CURRENCY.

(F) SALE.

AN AUTHORITY SHALL SELL THE BONDS AT COMPETITIVE OR NEGOTIATED SALE IN A MANNER AND FOR A PRICE THE AUTHORITY DETERMINES TO BE IN THE AUTHORITY'S BEST INTERESTS.

(G) VALIDITY OF SIGNATURE.

AN OFFICER'S SIGNATURE OR FACSIMILE ON A BOND REMAINS VALID IF THE OFFICER LEAVES OFFICE BEFORE THE BOND IS DELIVERED.

(H) DEFINITIVE BONDS; INTERIM RECEIPTS.

PENDING PREPARATION OF THE DEFINITIVE BONDS, AN AUTHORITY MAY ISSUE INTERIM RECEIPTS OR CERTIFICATES THAT WILL BE EXCHANGED FOR DEFINITIVE BONDS.

(I) TRUST AGREEMENT.

A TRUST AGREEMENT AUTHORIZING BONDS MAY CONTAIN PROVISIONS THAT ARE PART OF THE CONTRACT WITH THE BONDHOLDERS, INCLUDING:

(1) THE RATES, RENTALS, FEES, AND OTHER CHARGES, THE AMOUNTS TO BE RAISED IN EACH YEAR, AND THE USE AND DISPOSITION OF THE REVENUES;

(2) THE SETTING ASIDE OF RESERVES AND SINKING FUNDS AND THEIR DISPOSITION;

(3) LIMITS ON THE RIGHT OF THE AUTHORITY OR THE AUTHORITY'S AGENTS TO RESTRICT AND REGULATE THE USE OF A PROJECT;

(4) LIMITS ON THE PURPOSE TO WHICH THE PROCEEDS OF THE SALE OF BONDS MAY BE APPLIED;

(5) LIMITS ON ISSUING ADDITIONAL BONDS AND REFUNDING BONDS AND THE TERMS UNDER WHICH ADDITIONAL BONDS MAY BE ISSUED AND SECURED;

(6) THE PROCEDURE TO AMEND OR ABROGATE THE TERMS OF A CONTRACT WITH BONDHOLDERS AND THE REQUIREMENTS FOR CONSENT;

(7) LIMITS ON THE AMOUNT OF PROJECT REVENUES TO BE EXPENDED FOR OPERATING, ADMINISTRATIVE, OR OTHER EXPENSES OF THE AUTHORITY;

(8) THE ACTS OR OMISSIONS THAT CONSTITUTE DEFAULT BY THE AUTHORITY AND THE RIGHTS AND REMEDIES OF THE BONDHOLDERS IN A DEFAULT;

(9) THE CONVEYANCE OR MORTGAGING OF A PROJECT AND ITS SITE TO SECURE THE BONDHOLDERS;

(10) CREATION AND DISPOSITION OF A COLLATERAL FUND TO SECURE THE BONDHOLDERS; AND

(11) PLEDGING THE FOLLOWING TO SECURE PAYMENT OF BONDS, SUBJECT TO ANY EXISTING AGREEMENTS WITH BONDHOLDERS:

- 1. THE FULL FAITH AND CREDIT OF AN AUTHORITY;**
- 2. REVENUES OF A PROJECT;**
- 3. A REVENUE-PRODUCING CONTRACT THE AUTHORITY HAS MADE WITH A PERSON OR PUBLIC ENTITY; OR**
- 4. THE PROCEEDS OF THE SALE OF BONDS.**

(J) PERSONAL LIABILITY.

THE MEMBERS OF AN AUTHORITY AND A PERSON EXECUTING THE BONDS MAY NOT BE HELD LIABLE PERSONALLY ON THE BONDS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 71.

In the introductory language of subsection (a) of this section, the former word "periodically" is deleted as surplusage.

In subsection (a)(1)(i) of this section, the former reference to paying “all or part of” the cost of acquiring or improving property is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to a member of the authority “[t]aking other actions it considers appropriate concerning the bonds” is deleted as redundant of the reference to “determin[ing] or provid[ing] for any matter relating to bonds that the authority considers appropriate”.

In subsection (a)(4) of this section, the phrase “[w]ithin the limits that the authority sets” is substituted for the former statement that “[i]f the authority authorizes the executive director to take any of the actions described in paragraph (2) of this subsection, the authority shall prescribe limits within which the executive director may exercise discretion” for brevity.

In subsection (b) of this section, the former reference to issuing bonds “from time to time” is deleted as surplusage.

In subsection (e)(1) of this section, the former reference to bonds being issued “in the discretion of the authority” is deleted as surplusage.

In subsection (f) of this section, the former reference to bonds being “exempt from §§ 8–206 and 8–208 of the State Finance and Procurement Article” is deleted as unnecessary because those sections of law only apply to a unit of the State.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the reference in subsection (e)(2)(vi) of this section to issuing bonds in “coupon form” may be obsolete. The federal Tax Equity and Fiscal Responsibility Act of 1982 prohibited the new issuance of bearer bonds (bonds in coupon form) in the United States. All new bonds are required to be registered so the Internal Revenue Service can keep track of them for tax purposes.

Defined terms: “Authority” § 5–401

“Bond” § 5–401

“Cost” § 5–401

“Person” § 1–101

“Project” § 5–401

“Revenue” § 5–401

“Trust agreement” § 5–401

5–421. TRUST AGREEMENT.

(A) TRUSTEE.

THE CORPORATE TRUSTEE UNDER A TRUST AGREEMENT MAY BE A TRUST COMPANY OR BANK THAT HAS THE POWERS OF A TRUST COMPANY IN OR OUTSIDE THE STATE.

(B) EXPENSE.

AN EXPENSE INCURRED IN CARRYING OUT THE TRUST AGREEMENT OR A RESOLUTION MAY BE TREATED AS PART OF THE COST OF THE OPERATION OF A PROJECT.

REVISOR'S NOTE: This section formerly was Art. 23A, § 72.

No changes are made.

Defined terms: "Cost" § 5-401

"Project" § 5-401

"State" § 1-101

"Trust agreement" § 5-401

5-422. CONCLUSIVE AND BINDING DETERMINATION OF AUTHORITY.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, IN A PROCEEDING INVOLVING THE VALIDITY OR ENFORCEABILITY OF A BOND OR THE SECURITY FOR A BOND, THE DETERMINATION OF AN AUTHORITY UNDER THIS SUBTITLE IS CONCLUSIVE AND BINDING.

REVISOR'S NOTE: This section formerly was Art. 23A, § 73.

No changes are made.

Defined terms: "Authority" § 5-401

"Bond" § 5-401

5-423. SECURITIES.**BONDS ARE SECURITIES:**

(1) THAT MAY BE DEPOSITED WITH AND RECEIVED BY A UNIT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE FOR ANY PURPOSE FOR WHICH THE DEPOSIT OF BONDS OR OBLIGATIONS OF THE STATE IS AUTHORIZED BY LAW; AND

(2) IN WHICH ANY OF THE FOLLOWING PERSONS OR ENTITIES MAY LEGALLY AND PROPERLY INVEST MONEY, INCLUDING CAPITAL THAT THE PERSON OR ENTITY OWNS OR CONTROLS:

(I) AN OFFICER OR A UNIT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE;

(II) A BANK, A TRUST COMPANY, A SAVINGS AND LOAN ASSOCIATION, AN INVESTMENT COMPANY, OR ANY OTHER PERSON CONDUCTING A BANKING BUSINESS;

(III) AN INSURANCE COMPANY, AN INSURANCE ASSOCIATION, OR ANY OTHER PERSON CONDUCTING AN INSURANCE BUSINESS;

(IV) A PERSONAL REPRESENTATIVE, A GUARDIAN, A TRUSTEE, OR ANY OTHER FIDUCIARY; AND

(V) ANY OTHER PERSON.

REVISOR'S NOTE: This section formerly was Art. 23A, § 74.

In the introductory language of item (2) of this section, the references to "entit[ies]" are added for accuracy.

In item (2)(i) of this section, the reference to a political subdivision "of the State" is added for clarity.

The only other changes are in style.

Defined terms: "Bond" § 5-401

"Person" § 1-101

"State" § 1-101

5-424. LIABILITY; FULL FAITH AND CREDIT.

(A) IN GENERAL.

A BOND IS NOT:

(1) A DEBT OR LIABILITY OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE; OR

(2) A PLEDGE OF THE FULL FAITH AND CREDIT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

(B) REQUIRED STATEMENT.

EACH BOND SHALL STATE ON ITS FACE THAT NEITHER THE STATE NOR A POLITICAL SUBDIVISION OF THE STATE IS OBLIGED TO PAY THE PRINCIPAL OF OR INTEREST ON THE BOND EXCEPT FROM REVENUES PLEDGED TO THE PAYMENT OF THE BOND.

(C) STATE OR POLITICAL SUBDIVISION NOT OBLIGATED TO PLEDGE OR IMPOSE TAX.

THE ISSUANCE OF BONDS DOES NOT DIRECTLY, INDIRECTLY, OR CONTINGENTLY OBLIGATE THE STATE OR ANY POLITICAL SUBDIVISION:

(1) TO IMPOSE OR PLEDGE A TAX TO PAY THE BONDS; OR

(2) TO APPROPRIATE MONEY TO PAY THE BONDS.

(D) AUTHORITY AUTHORIZED TO PLEDGE ITS FULL FAITH AND CREDIT.

THIS SUBTITLE DOES NOT PROHIBIT AN AUTHORITY FROM PLEDGING ITS FULL FAITH AND CREDIT IN CONNECTION WITH THE ISSUANCE OF BONDS.

REVISOR'S NOTE: This section formerly was Art. 23A, § 75.

In subsection (a)(2) of this section, the reference to the "full" faith and credit is added for consistency with subsection (d) of this section and other similar provisions of the Code.

The only other changes are in style.

Defined terms: "Authority" § 5-401

"Bond" § 5-401

"Revenue" § 5-401

"State" § 1-101

5-425. RATES, RENTS, AND FEES.

(A) IN GENERAL.

AN AUTHORITY MAY:

(1) IMPOSE RATES, RENTS, FEES, AND CHARGES RELATED TO A PROJECT AND FOR THE SERVICES RELATED TO A PROJECT; AND

(2) CONTRACT WITH ANY PERSON OR GOVERNMENTAL ENTITY TO EXERCISE ITS AUTHORITY UNDER THIS SECTION.

(B) IMPOSITION AND ADJUSTMENT.

THE RATES, RENTS, FEES, AND CHARGES ESTABLISHED BY AN AUTHORITY UNDER THIS SECTION SHALL BE IMPOSED AND ADJUSTED SO THAT THE AGGREGATE AMOUNT OF THE RATES, RENTS, FEES, AND CHARGES FROM THE PROJECT, WHEN ADDED TO OTHER AVAILABLE MONEY, IS SUFFICIENT TO:

(1) PAY FOR THE EXPENSES OF THE PROJECT;

(2) PAY THE PRINCIPAL OF AND THE INTEREST ON THE BONDS THAT THE AUTHORITY ISSUED FOR THE PROJECT AS THEY BECOME DUE AND PAYABLE; AND

(3) CREATE AND MAINTAIN RESERVES REQUIRED OR PROVIDED FOR IN A TRUST AGREEMENT.

(C) NOT SUBJECT TO SUPERVISION OR REGULATION BY STATE.

THE RATES, RENTS, FEES, AND CHARGES ESTABLISHED BY AN AUTHORITY UNDER THIS SECTION ARE NOT SUBJECT TO SUPERVISION OR REGULATION BY ANY UNIT OF THE STATE.

REVISOR'S NOTE: This section formerly was Art. 23A, § 76.

In subsection (a)(1) of this section, the reference to "impos[ing]" rates, rents, fees, and charges is substituted for the former reference to "[f]ix[ing] and collect[ing]" rates, rents, fees, and charges for consistency with other similar provisions of the Code. Correspondingly, in the introductory language of subsection (b) of this section, the reference to rates, rents, fees, and charges "imposed" is substituted for the former reference to "fixed".

In subsection (c) of this section, the former reference to any unit of the State "other than the authority" is deleted for clarity and accuracy.

No other changes are made.

Defined terms: "Authority" § 5-401

“Bond” § 5–401
 “Person” § 1–101
 “Project” § 5–401
 “State” § 1–101
 “Trust agreement” § 5–401

5–426. PLEDGE OF REVENUE.

(A) VALIDATION.

(1) ANY PLEDGE OF REVENUES AND OTHER MONEY UNDER § 5–420(I) OF THIS SUBTITLE IS VALID AND BINDING FROM THE TIME THE PLEDGE IS MADE.

(2) (I) THE REVENUE OR MONEY THAT AN AUTHORITY PLEDGES AND RECEIVES IS SUBJECT IMMEDIATELY TO THE LIEN OF THE PLEDGE.

(II) NEITHER PHYSICAL DELIVERY OF THE REVENUE OR MONEY NOR ANY OTHER ACT IS REQUIRED TO VALIDATE THE LIEN.

(3) THE LIEN OF THE PLEDGE IS VALID AND BINDING AGAINST EACH PARTY WITH A CLAIM AGAINST THE AUTHORITY IN TORT, CONTRACT, OR OTHERWISE, REGARDLESS OF WHETHER THE PARTY HAS NOTICE OF THE LIEN.

(B) FILING OR RECORDATION.

THE TRUST AGREEMENT AND ANY OTHER AGREEMENT OR LEASE CREATING A PLEDGE UNDER THIS SECTION NEED NOT BE FILED OR RECORDED, EXCEPT IN THE RECORDS OF THE AUTHORITY.

REVISOR’S NOTE: This section formerly was Art. 23A, § 77.

The only changes are in style.

Defined terms: “Authority” § 5–401
 “Revenue” § 5–401
 “Trust agreement” § 5–401

5–427. TRUST FUNDS.

(A) IN GENERAL.

PROCEEDS FROM THE SALE OF BONDS AND OTHER REVENUES RECEIVED UNDER THIS SUBTITLE ARE TRUST FUNDS TO BE HELD AND APPLIED SOLELY AS PROVIDED IN THIS SUBTITLE.

(B) TRUSTEE.

(1) EACH OFFICER, BANK, OR TRUST COMPANY THAT RECEIVES TRUST MONEY FROM AN AUTHORITY UNDER THIS SUBTITLE SHALL ACT AS TRUSTEE OF THE MONEY AND SHALL HOLD AND APPLY THE MONEY FOR THE PURPOSES SPECIFIED UNDER THIS SUBTITLE.

(2) THE OFFICER, BANK, OR TRUST COMPANY HOLDING MONEY IS SUBJECT TO:

(I) ANY REGULATION ADOPTED UNDER THIS SUBTITLE;
AND

(II) THE RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS OR THE TRUST AGREEMENT.

REVISOR'S NOTE: This section formerly was Art. 23A, § 78.

No changes are made.

Defined terms: "Authority" § 5-401

"Bond" § 5-401

"Revenue" § 5-401

"Trust agreement" § 5-401

5-428. REFUNDING BONDS.

(A) ISSUANCE.

(1) AN AUTHORITY MAY ISSUE BONDS TO REFUND OUTSTANDING BONDS OF THE AUTHORITY, INCLUDING PAYING:

(I) ANY REDEMPTION PREMIUM;

(II) INTEREST ACCRUED OR TO ACCRUE TO THE DATE OF REDEMPTION, PURCHASE, OR MATURITY OF THE BONDS; AND

(III) ANY PART OF THE COST OF ACQUIRING OR IMPROVING PROPERTY AS PART OF A PROJECT.

(2) REFUNDING BONDS MAY BE ISSUED FOR ANY CORPORATE PURPOSE, INCLUDING:

(I) REALIZING SAVINGS IN THE EFFECTIVE COSTS OF DEBT SERVICE, DIRECTLY OR THROUGH A DEBT RESTRUCTURING; OR

(II) ALLEVIATING A POTENTIAL OR ACTUAL DEFAULT.

(B) MANNER.

REFUNDING BONDS ISSUED UNDER THIS SECTION SHALL BE ISSUED IN THE SAME MANNER AND ARE SUBJECT TO THIS SUBTITLE TO THE SAME EXTENT AS ANY OTHER BOND.

(C) SERIES AND AMOUNT.

AN AUTHORITY MAY ISSUE REFUNDING BONDS IN ONE OR MORE SERIES IN AN AMOUNT GREATER THAN THE AMOUNT OF THE BONDS TO BE REFUNDED.

REVISOR'S NOTE: This section formerly was Art. 23A, § 79.

In subsection (a)(1)(iii) of this section, the former reference to the authority issuing bonds “[i]f considered advisable by the authority” is deleted as implicit in the statement that the authority “may” issue bonds.

The only other changes are in style.

Defined terms: “Authority” § 5-401

“Bond” § 5-401

“Cost” § 5-401

“Project” § 5-401

5-429. BOND ANTICIPATION NOTES.

(A) ISSUANCE.

AN AUTHORITY MAY ISSUE NEGOTIABLE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF BONDS FOR ANY CORPORATE PURPOSE.

(B) MANNER.

BOND ANTICIPATION NOTES ISSUED UNDER THIS SECTION SHALL BE ISSUED IN THE SAME MANNER AS BONDS.

(C) PROVISIONS, CONDITIONS, OR LIMITATIONS.

BOND ANTICIPATION NOTES ISSUED UNDER THIS SECTION AND THE RESOLUTION AUTHORIZING THEM MAY CONTAIN ANY PROVISION, CONDITION, OR LIMITATION THAT MAY BE INCLUDED IN A TRUST AGREEMENT.

(D) PAYMENT OF OTHER BOND ANTICIPATION NOTES.

AN AUTHORITY MAY ISSUE BOND ANTICIPATION NOTES TO PAY ANY OTHER BOND ANTICIPATION NOTES.

(E) PAYMENT.

BOND ANTICIPATION NOTES SHALL BE PAID FROM:

- (1) MONEY AVAILABLE AND NOT OTHERWISE PLEDGED;**
- (2) REVENUES OF THE AUTHORITY; OR**
- (3) THE PROCEEDS OF THE SALE OF THE BONDS IN ANTICIPATION OF WHICH THE NOTES WERE ISSUED.**

REVISOR'S NOTE: This section formerly was Art. 23A, § 80.

The only changes are in style.

Defined terms: "Authority" § 5-401
"Bond" § 5-401
"Revenue" § 5-401
"Trust agreement" § 5-401

5-430. CONVEYANCE OF TITLE AND RELEASE OF COLLATERAL.

(A) CONDITIONS.

AN AUTHORITY SHALL CONVEY TITLE TO PROPERTY RELATING TO A PROJECT AND RELEASE COLLATERAL IN ACCORDANCE WITH THIS SECTION WHEN:

- (1) (I) THE PRINCIPAL OF AND INTEREST ON BONDS ISSUED TO FINANCE OR REFINANCE THE PROJECT, INCLUDING ANY REFUNDING BONDS, HAVE BEEN FULLY PAID AND RETIRED; OR**

(II) ADEQUATE PROVISION HAS BEEN MADE TO FULLY PAY AND RETIRE THE BONDS;

(2) ALL OTHER CONDITIONS OF THE TRUST AGREEMENT HAVE BEEN SATISFIED; AND

(3) THE LIEN OF THE TRUST AGREEMENT HAS BEEN RELEASED.

(B) NECESSARY ACTIONS.

ON SATISFACTION OF THE CONDITIONS UNDER SUBSECTION (A) OF THIS SECTION, AN AUTHORITY PROMPTLY SHALL EXECUTE ANY DEED, CONVEYANCE, RELEASE, OR DOCUMENT AND TAKE ANY OTHER ACTION NECESSARY TO CONVEY TITLE TO THE PROPERTY AND RELEASE COLLATERAL FREE OF ANY LIEN OR ENCUMBRANCE CREATED THROUGH THE AUTHORITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, §§ 81 and 52(f).

Defined terms: "Authority" § 5-401

"Bond" § 5-401

"Project" § 5-401

"Trust agreement" § 5-401

5-431. ENFORCEMENT OF RIGHTS AND DUTIES.

(A) IN GENERAL.

A BONDHOLDER, A HOLDER OF ANY COUPONS ATTACHED TO BONDS, OR A TRUSTEE UNDER A TRUST AGREEMENT SECURING THE BONDS MAY SUE:

(1) TO PROTECT AND ENFORCE RIGHTS UNDER STATE LAW OR A TRUST AGREEMENT; AND

(2) TO ENFORCE AND COMPEL THE PERFORMANCE OF DUTIES BY AN AUTHORITY OR ITS OFFICER, EMPLOYEE, OR AGENT THAT THIS SUBTITLE OR A TRUST AGREEMENT REQUIRES, INCLUDING IMPOSING RATES, RENTS, FEES, AND CHARGES THAT THE TRUST AGREEMENT REQUIRES TO BE IMPOSED.

(B) RIGHTS SUBJECT TO TRUST AGREEMENT.

THE RIGHTS UNDER THIS SECTION ARE SUBJECT TO ANY TRUST AGREEMENT.

REVISOR'S NOTE: This section formerly was Art. 23A, § 82.

In subsection (a)(2) of this section, the reference to "imposing" rates, rents, fees, and charges is substituted for the former reference to "fixing and collecting" rates, rents, fees, and charges for consistency with other similar provisions of the Code.

No other changes are made.

Defined terms: "Authority" § 5-401

"Bond" § 5-401

"State" § 1-101

"Trust agreement" § 5-401

TITLE 6. VIOLATIONS OF ORDINANCES AND RESOLUTIONS.

6-101. VIOLATIONS PUNISHABLE AS MISDEMEANORS.

(A) IN GENERAL.

THE LEGISLATIVE BODY OF A MUNICIPALITY MAY PROVIDE THAT VIOLATIONS OF ORDINANCES AND RESOLUTIONS AUTHORIZED BY THIS DIVISION ARE PUNISHABLE AS MISDEMEANORS.

(B) PENALTY LIMITS.

A PENALTY FOR A VIOLATION OF AN ORDINANCE OR RESOLUTION THAT IS DECLARED TO BE A MISDEMEANOR UNDER THIS SECTION MAY NOT EXCEED IMPRISONMENT FOR 6 MONTHS OR A FINE OF \$1,000 OR BOTH.

(C) IMPRISONMENT IN DEFAULT OF FINES AND COSTS.

SECTIONS 7-504 AND 7-505 OF THE COURTS ARTICLE SHALL GOVERN IMPRISONMENT IN DEFAULT OF FINES AND COSTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 3(a).

In subsection (b) of this section, the reference to "imprisonment for 6 months or a fine of \$1,000 or both" is substituted for the former reference to "a fine of \$1,000 and imprisonment for 6 months" for consistency with other penalty provisions in the Code.

Defined term: "Municipality" § 1-101

6-102. MUNICIPAL INFRACTIONS.**(A) IN GENERAL.**

(1) UNLESS STATE LAW CLASSIFIES A VIOLATION AS A CRIMINAL OFFENSE, THE LEGISLATIVE BODY OF A MUNICIPALITY MAY PROVIDE, BY LAW, THAT A VIOLATION OF A MUNICIPAL ORDINANCE IS A MUNICIPAL INFRACTION.

(2) A MUNICIPAL INFRACTION IS A CIVIL OFFENSE.

(B) ZONING OR LAND USE ORDINANCE OR REGULATION; LITTERING.

THE LEGISLATIVE BODY OF A MUNICIPALITY MAY CLASSIFY AS A MUNICIPAL INFRACTION:

(1) A VIOLATION OF AN ORDINANCE OR REGULATION CONCERNING ZONING OR LAND USE; AND

(2) LITTERING IN THE MUNICIPALITY AS PROHIBITED UNDER § 10-110 OF THE CRIMINAL LAW ARTICLE.

(C) FINE.

(1) A FINE NOT EXCEEDING \$1,000 MAY BE IMPOSED FOR EACH MUNICIPAL INFRACTION.

(2) THE FINE IS PAYABLE TO THE MUNICIPALITY BY THE PERSON CHARGED IN THE CITATION WITHIN 20 CALENDAR DAYS OF SERVICE OF THE CITATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 3(b)(1) and (2).

In subsection (a)(1) of this section, the reference to the legislative body providing "by law" that a violation of a municipal ordinance is a municipal infraction is added for clarity.

Also in subsection (a)(1) of this section, the reference to "a criminal offense" is substituted for the former reference to "a felony or a misdemeanor" for brevity as the term "criminal offense" encompasses both felonies and misdemeanors.

In subsection (a)(2) of this section, the former phrase “[f]or purposes of this article” is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to an ordinance or regulation “authorized to be adopted or enacted by that municipality” is deleted as surplusage.

Defined terms: “Municipality” § 1-101

“Person” § 1-101

“State” § 1-101

6-103. CITATIONS.

(A) AUTHORITY TO SERVE.

ANY OFFICIAL AUTHORIZED BY THE LEGISLATIVE BODY OF A MUNICIPALITY TO ACT AS AN ENFORCEMENT OFFICER MAY SERVE A CITATION ON A PERSON:

(1) WHO THE OFFICIAL BELIEVES IS COMMITTING OR HAS COMMITTED A MUNICIPAL INFRACTION; OR

(2) ON THE BASIS OF AN AFFIDAVIT THAT:

(I) CITES THE FACTS OF THE ALLEGED INFRACTION; AND

(II) IS SUBMITTED TO A DESIGNATED OFFICIAL OF THE MUNICIPALITY.

(B) SERVICE.

(1) THE CITATION SHALL BE SERVED ON THE DEFENDANT:

(I) IN ACCORDANCE WITH MARYLAND RULE 3-121; OR

(II) FOR REAL PROPERTY-RELATED VIOLATIONS, IF AN AFFIDAVIT IS MADE THAT GOOD FAITH EFFORTS TO SERVE THE DEFENDANT UNDER MARYLAND RULE 3-121(A) HAVE NOT SUCCEEDED, BY:

1. REGULAR MAIL TO THE DEFENDANT’S LAST KNOWN ADDRESS; AND

2. POSTING THE CITATION AT THE PROPERTY WHERE THE MUNICIPAL INFRACTION HAS OCCURRED OR IS OCCURRING AND, IF

LOCATED IN THE MUNICIPALITY, AT THE DEFENDANT'S RESIDENCE OR PLACE OF BUSINESS.

(2) THE ENFORCEMENT OFFICER SHALL RETAIN A COPY OF THE CITATION.

(c) CONTENTS.

THE CITATION SHALL CONTAIN:

(1) THE ENFORCEMENT OFFICER'S CERTIFICATION:

(i) ATTESTING TO THE TRUTH OF THE MATTER SET FORTH IN THE CITATION; OR

(ii) THAT THE CITATION IS BASED ON AN AFFIDAVIT;

(2) THE NAME AND ADDRESS OF THE DEFENDANT;

(3) THE NATURE OF THE MUNICIPAL INFRACTION;

(4) THE LOCATION AND TIME THAT THE MUNICIPAL INFRACTION OCCURRED;

(5) THE AMOUNT OF THE FINE ASSESSED;

(6) THE MANNER, LOCATION, AND TIME IN WHICH THE FINE MAY BE PAID TO THE MUNICIPALITY;

(7) NOTICE OF THE DEFENDANT'S RIGHT TO ELECT TO STAND TRIAL; AND

(8) NOTICE OF THE EFFECT OF FAILING TO PAY THE FINE OR DEMAND A TRIAL WITHIN THE REQUIRED TIME.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 3(b)(3).

In subsection (a)(2)(ii) of this section, the reference to a "designated" official is substituted for the former reference to an official "to be named by the municipality" for brevity.

Also in subsection (a)(2)(ii) of this section, the former reference to an “appropriate” official is deleted as implicit in the reference to a “designated” official.

In the introductory language of subsection (b)(1)(ii) of this section, the former reference to “proof” being made by affidavit is deleted as surplusage.

In subsection (b)(1)(ii)2 of this section and throughout this subtitle, the references to a “municipal” infraction are added for clarity.

In subsection (c) of this section and throughout this subtitle, the references to the “defendant” are substituted for the former references to “person charged” and “person” for clarity and consistency with other similar provisions of the Code.

In subsection (c)(7) and (8) of this section, the phrase “notice of” is added for clarity.

In subsection (c)(7) of this section, the former reference to standing trial “for the infraction” is deleted as surplusage.

Defined terms: “Municipality” § 1–101
 “Person” § 1–101

6–104. SUMMONS.

(A) REQUIREMENT TO APPEAR.

AN ENFORCEMENT OFFICER MAY SERVE A SUMMONS WITH A CITATION THAT:

(1) REQUIRES THE DEFENDANT TO APPEAR IN DISTRICT COURT AT A SPECIFIED DATE AND TIME; AND

(2) SPECIFIES THAT THE DEFENDANT IS NOT REQUIRED TO APPEAR IN DISTRICT COURT IF THE FINE IS PAID AS PROVIDED IN THE CITATION.

(B) CITATION MAY CONTAIN SUMMONS.

IF APPROVED BY THE CHIEF JUDGE OF THE DISTRICT COURT OF MARYLAND, THE CITATION FORM MAY CONTAIN THE SUMMONS.

(C) COORDINATION OF COURT DATES.

THE ENFORCEMENT OFFICER SHALL COORDINATE THE SELECTION OF COURT DATES WITH THE APPROPRIATE DISTRICT COURT OFFICIALS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 3(b)(6)(i).

6-105. ELECTION TO STAND TRIAL.

(A) WRITTEN NOTICE.

IF A CITATION IS SERVED WITHOUT A SUMMONS, THE DEFENDANT MAY ELECT TO STAND TRIAL FOR THE MUNICIPAL INFRACTION BY PROVIDING WRITTEN NOTICE OF INTENT TO STAND TRIAL TO THE MUNICIPALITY AT LEAST 5 DAYS BEFORE THE PAYMENT DATE SPECIFIED IN THE CITATION.

(B) SCHEDULING PROCEDURE.

(1) AFTER RECEIVING THE WRITTEN NOTICE OF INTENTION TO STAND TRIAL, THE MUNICIPALITY SHALL FORWARD A COPY OF THE CITATION AND NOTICE TO THE DISTRICT COURT HAVING VENUE.

(2) AFTER RECEIVING THE CITATION AND NOTICE, THE DISTRICT COURT SHALL:

(I) SCHEDULE THE CASE FOR TRIAL; AND

(II) NOTIFY THE DEFENDANT OF THE TRIAL DATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 3(b)(4).

Defined term: "Municipality" § 1-101

6-106. CITATION — FAILURE TO PAY OR ELECT TO STAND TRIAL.

(A) IN GENERAL.

IF THE DEFENDANT DOES NOT PAY THE FINE BY THE DATE OF PAYMENT SET FORTH ON THE CITATION AND DOES NOT SEND TO THE MUNICIPALITY THE WRITTEN NOTICE OF INTENT TO STAND TRIAL:

(1) THE DEFENDANT IS LIABLE FOR THE FINE;

(2) THE MUNICIPALITY MAY DOUBLE THE FINE TO AN AMOUNT NOT EXCEEDING \$1,000 AND REQUEST ADJUDICATION OF THE CASE THROUGH THE DISTRICT COURT, INCLUDING THE FILING OF A DEMAND FOR JUDGMENT ON AFFIDAVIT; AND

(3) THE DISTRICT COURT PROMPTLY SHALL SCHEDULE THE CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.

(B) ENTRY OF JUDGMENT FOR FAILURE TO RESPOND.

IF THE MUNICIPALITY MAKES A PROPER DEMAND FOR JUDGMENT ON AFFIDAVIT AND THE DEFENDANT DOES NOT RESPOND TO A SUMMONS ISSUED UNDER SUBSECTION (A)(3) OF THIS SECTION, THE DISTRICT COURT SHALL ENTER JUDGMENT AGAINST THE DEFENDANT IN FAVOR OF THE MUNICIPALITY IN THE AMOUNT THEN DUE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 3(b)(5).

In subsection (b) of this section, the reference to "the District Court" entering judgment is added for clarity.

Also in subsection (b) of this section, the reference to "the municipality" making a demand for judgment is added for clarity.

Defined term: "Municipality" § 1-101

6-107. SUMMONS — FAILURE TO PAY OR APPEAR.

IF THE DEFENDANT DOES NOT PAY THE FINE AS PROVIDED IN THE CITATION AND DOES NOT APPEAR IN DISTRICT COURT AS PROVIDED IN THE SUMMONS:

(1) THE MUNICIPALITY MAY DOUBLE THE FINE TO AN AMOUNT NOT EXCEEDING \$1,000; AND

(2) THE COURT MAY ENTER JUDGMENT AGAINST THE DEFENDANT IN THE AMOUNT THEN DUE IF THE PROPER DEMAND FOR JUDGMENT ON AFFIDAVIT HAS BEEN MADE.

REVISOR'S NOTE: This section formerly was Art. 23A, § 3(b)(6)(ii).

The only changes are in style.

Defined term: "Municipality" § 1-101

6-108. PROSECUTION OF MUNICIPAL INFRACTIONS.

(A) AUTHORITY OF STATE'S ATTORNEY.

THE STATE'S ATTORNEY FOR A COUNTY MAY:

- (1) PROSECUTE A MUNICIPAL INFRACTION; AND**
- (2) (I) ENTER A NOLLE PROSEQUI; OR**
- (II) PLACE A MUNICIPAL INFRACTION CASE ON THE STET DOCKET.**

(B) DESIGNATION OF ATTORNEY.

NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, A MUNICIPALITY MAY DESIGNATE AN ATTORNEY TO PROSECUTE A MUNICIPAL INFRACTION IN THE SAME MANNER AS THE STATE'S ATTORNEY FOR A COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 3(b)(14) and (15).

Defined terms: "County" § 1-101
"Municipality" § 1-101

6-109. PROCEEDINGS.

(A) IN GENERAL.

IN A MUNICIPAL INFRACTION PROCEEDING:

- (1) THE DISTRICT COURT SHALL CONFIRM THAT THE DEFENDANT HAS RECEIVED A COPY OF AND UNDERSTANDS THE CHARGES;**
- (2) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY;**
- (3) THE DISTRICT COURT SHALL APPLY THE EVIDENTIARY STANDARDS PROVIDED BY LAW OR RULE FOR THE TRIAL OF A CIVIL CASE;**

(4) THE DEFENDANT MAY:

(I) CROSS-EXAMINE WITNESSES;

(II) PRODUCE EVIDENCE OR WITNESSES ON THE DEFENDANT'S OWN BEHALF;

(III) TESTIFY; AND

(IV) BE REPRESENTED BY COUNSEL OF THE DEFENDANT'S CHOICE AND AT THE DEFENDANT'S EXPENSE; AND

(5) THE MUNICIPALITY HAS THE BURDEN TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT HAS COMMITTED THE INFRACTION.

(B) VERDICT.

THE DISTRICT COURT MAY:

(1) ENTER A VERDICT OF GUILTY OR NOT GUILTY; OR

(2) BEFORE ENTERING A VERDICT, PLACE THE DEFENDANT ON PROBATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 3(b)(12).

In subsection (a)(1) of this section, the former reference to charges "against the defendant" is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to pleading guilty "of the infraction as charged," is deleted as surplusage.

In subsection (a)(4)(i) of this section, the former reference to witnesses "who appear against the defendant" is deleted as implicit in the reference to "cross-examin[ing]" witnesses.

In subsection (a)(4)(iii) of this section, the former reference to testifying "in the defendant's own behalf, if the defendant elects to do so" is deleted as implicit in the defendant's right to testify.

In subsection (b)(1) of this section, the former references to a verdict of guilty or not guilty "of a municipal infraction" are deleted as surplusage.

In subsection (b)(2) of this section, the reference to “entering a verdict” is substituted for the former reference to “rendering judgment” for consistency with other similar provisions of the Code.

Defined term: “Municipality” § 1-101

6-110. PENALTIES.

IF THE DISTRICT COURT FINDS THAT THE DEFENDANT HAS COMMITTED A MUNICIPAL INFRACTION:

(1) (I) THE COURT SHALL ORDER THE DEFENDANT TO PAY THE FINE, INCLUDING ANY DOUBLING OF THE FINE, NOT EXCEEDING THE LIMIT UNDER § 6-102(C) OF THIS SUBTITLE;

(II) THE FINE IMPOSED IS A JUDGMENT IN FAVOR OF THE MUNICIPALITY; AND

(III) IF THE FINE REMAINS UNPAID FOR 30 DAYS AFTER THE JUDGMENT IS ENTERED, THE JUDGMENT IS ENFORCEABLE IN THE SAME MANNER AND TO THE SAME EXTENT AS OTHER CIVIL JUDGMENTS FOR MONEY UNLESS THE COURT HAS SUSPENDED OR DEFERRED THE PAYMENT OF THE FINE AS PROVIDED UNDER ITEM (2) OF THIS SECTION;

(2) THE COURT MAY SUSPEND OR DEFER THE PAYMENT OF THE FINE UNDER CONDITIONS THAT THE COURT SETS;

(3) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE COURT PROCEEDINGS; AND

(4) THE COURT MAY ORDER THE DEFENDANT TO ABATE THE INFRACTION OR ENTER AN ORDER AUTHORIZING THE MUNICIPALITY TO ABATE THE INFRACTION AT THE DEFENDANT’S EXPENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 3(b)(7).

Defined term: “Municipality” § 1-101

6-111. ABATEMENT OF INFRACTION BY MUNICIPALITY.

(A) DEFENDANT TO BE BILLED FOR COST.

IF A MUNICIPALITY ABATES AN INFRACTION UNDER A DISTRICT COURT ORDER, THE MUNICIPALITY SHALL PRESENT THE DEFENDANT WITH A BILL FOR THE COST OF ABATEMENT BY:

(1) REGULAR MAIL TO THE DEFENDANT'S LAST KNOWN ADDRESS;
OR

(2) ANY OTHER MEANS THAT ARE REASONABLY CALCULATED TO GIVE NOTICE OF THE BILL TO THE DEFENDANT.

(B) JUDGMENT.

IF THE DEFENDANT DOES NOT PAY THE BILL WITHIN 30 DAYS AFTER IT IS PRESENTED UNDER SUBSECTION (A) OF THIS SECTION, ON A MOTION OF THE MUNICIPALITY, THE DISTRICT COURT SHALL ENTER A JUDGMENT AGAINST THE DEFENDANT FOR THE COST OF THE ABATEMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 3(b)(8).

Defined term: "Municipality" § 1-101

6-112. COURT COSTS.

(A) IN GENERAL.

COURT COSTS IN A MUNICIPAL INFRACTION PROCEEDING IN WHICH COSTS ARE IMPOSED ARE \$5.

(B) CRIMINAL INJURIES COMPENSATION FUND.

A DEFENDANT IS NOT LIABLE FOR PAYMENT TO THE CRIMINAL INJURIES COMPENSATION FUND.

REVISOR'S NOTE: This section formerly was Art. 23A, § 3(b)(13).

The only changes are in style.

6-113. FINES, PENALTIES, OR FORFEITURES REMITTED TO MUNICIPALITY.

ALL FINES, PENALTIES, OR FORFEITURES COLLECTED BY THE DISTRICT COURT FOR A MUNICIPAL INFRACTION SHALL BE REMITTED TO THE MUNICIPALITY IN WHICH THE INFRACTION OCCURRED.

REVISOR'S NOTE: This section formerly was Art. 23A, § 3(b)(9).

No changes are made.

Defined term: "Municipality" § 1-101

6-114. CONTEMPT OF COURT.

IF, WITHOUT GOOD CAUSE, A DEFENDANT DOES NOT PAY A FINE OR COST IMPOSED BY THE DISTRICT COURT, THE COURT MAY TREAT THE FAILURE AS CONTEMPT OF COURT.

REVISOR'S NOTE: This section formerly was Art. 23A, § 3(b)(10).

The only changes are in style.

6-115. ADJUDICATION NOT A CRIMINAL CONVICTION.

ADJUDICATION OF A MUNICIPAL INFRACTION IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 3(b)(11).

The former reference to a municipal infraction "as defined in paragraph (1) of this subsection" is deleted as surplusage.

The former reference to an adjudication of a municipal infraction not "impos[ing] any of the civil disabilities ordinarily imposed by a criminal conviction" is deleted as included in the reference to an adjudication of a municipal infraction not being "a criminal conviction for any purpose".

TITLE 7. RESERVED.

TITLE 8. RESERVED.

DIVISION III. COUNTIES.

TITLE 9. GENERAL AND ADMINISTRATIVE PROVISIONS.

SUBTITLE 1. IN GENERAL.

9-101. MEETINGS OF COUNTY GOVERNING BODIES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES.

(B) OPEN MEETINGS REQUIRED.

THE GOVERNING BODY OF A COUNTY MAY NOT ADOPT AN ORDINANCE, A RESOLUTION, A RULE, OR A REGULATION AT A MEETING NOT OPEN TO THE PUBLIC, EXCEPT IN ACCORDANCE WITH THE OPEN MEETINGS ACT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 5 and, as it related to Baltimore City, Art. 23A, § 8.

In subsection (b) of this section, the reference to not adopting an ordinance, resolution, rule, or regulation "except in accordance with the Open Meetings Act" is substituted for the former references to "[a]ll meetings, regular and special, ... shall be public meetings and open to the public at all times" and "[n]othing contained herein shall be construed to prevent any such body from holding an executive session from which the public is excluded" in light of an opinion of the Attorney General, 94 Op. Atty. Gen. Md. 161 (2009), which states that the provisions of Art. 23A, § 8 and Art. 25, § 5 are largely duplicative of the Open Meetings Act, except that certain resolutions that fall within the definition of an administrative function would not be covered under the Open Meetings Act but would be included under Art. 23A, § 8 and Art. 25, § 5.

Also in subsection (b) of this section, the former references to a "finally" adopted ordinance, resolution, rule, or regulation are deleted as surplusage.

For provisions governing open meetings, see Title 10, Subtitle 5 of the State Government Article.

Defined terms: "County" § 1-101
"Governing body" § 1-101

9-102. COPIES OF PUBLIC LOCAL LAWS.

IF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF A COUNTY PUBLISHES A CODE OR COMPILATION THAT CONTAINS ALL OR PART OF THE

PUBLIC LOCAL LAWS OF THE COUNTY, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL PROVIDE WITHOUT CHARGE:

- (1) ONE PRINTED COPY TO THE STATE ARCHIVES;**
- (2) ONE PRINTED COPY TO THE STATE LAW LIBRARY; AND**
- (3) FIVE PRINTED COPIES TO THE DEPARTMENT OF LEGISLATIVE SERVICES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 32A, Art. 25A, § 7(h), and Art. 25B, § 12(h).

In the introductory language of this section, the former references to "issu[ing] in printed, mimeographed[,] or similar duplicated form" are deleted as included in the reference to "publish[ing]".

Defined term: "County" § 1-101

9-103. BALTIMORE CITY — PUBLICATION OF CODE OF ORDINANCES.

(A) "ORDINANCE" DEFINED.

IN THIS SECTION, "ORDINANCE":

(1) MEANS A LEGISLATIVE ENACTMENT OF GENERAL APPLICATION AND CONTINUING FORCE FOR BALTIMORE CITY; AND

(2) DOES NOT INCLUDE A PUBLIC LOCAL LAW UNDER § 9-102 OF THIS SUBTITLE.

(B) WHEN PUBLICATION REQUIRED.

EACH YEAR, IF BALTIMORE CITY ENACTS ANY ORDINANCE APPROPRIATE FOR CODIFICATION DURING THE YEAR, THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL PROVIDE FOR THE PREPARATION AND DISTRIBUTION OF A SUPPLEMENT TO OR NEW EDITION OF ITS CODE OF ORDINANCES.

(C) REQUIRED CONTENTS.

(1) A SUPPLEMENT PUBLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL CONTAIN EACH ORDINANCE THAT IS IN EFFECT AND HAS BEEN

ENACTED OR AMENDED SINCE BALTIMORE CITY'S MOST RECENT CODE OF ORDINANCES WAS PUBLISHED.

(2) A NEW CODE PUBLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL CONTAIN EACH ORDINANCE THAT IS IN EFFECT AT THE TIME OF PUBLICATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 17D(a), (b), and, as it related to Baltimore City, (c).

In this section, the references to "Baltimore City" are substituted for the former references to "municipal corporation" to reflect that this provision is revised to apply only to Baltimore City.

In subsection (a)(1) of this section, the former reference to legislative enactment "(by whatever name known)" is deleted as surplusage.

In subsection (b) of this section, the former phrase "[f]or the purpose of providing ready access to a current compilation of the municipal corporation's ordinances," is deleted as surplusage.

Also in subsection (b) of this section, the former references to "editing" and "publication" of the code are deleted as included in the reference to "preparation" of the code.

Also in subsection (b) of this section, the former reference to "sale" of the code is deleted as included in the reference to "distribution" of the code.

Also in subsection (b) of this section, the former reference to the "most recent" code of ordinances is deleted as implicit in the requirement to distribute any ordinances enacted during that year.

In subsection (c) of this section, the references to a supplement and new code "published under subsection (b) of this section" are added for clarity.

Also in subsection (c) of this section, the former statement that "[a] supplement or a code need not contain ordinances of less than general application and continuing force, including (without limitation) the budget ordinance" is deleted as unnecessary in light of the definition of "ordinance" in subsection (a) of this section.

Also in subsection (c) of this section, the former reference to public ordinances in effect "for the municipal corporation" is deleted as implicit in that this section applies only to Baltimore City.

In subsection (c)(1) of this section, the reference to “Baltimore City’s” most recent code of public ordinances is added for clarity.

As for provisions governing municipal corporations, *see* § 4–110 of this article.

9–104. POWERS OF GOVERNING BODY.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES, EXCEPT BALTIMORE CITY.

(B) APPOINTMENTS.

THE GOVERNING BODY OF A COUNTY MAY APPOINT ALL OFFICERS, AGENTS, AND EMPLOYEES REQUIRED FOR A COUNTY PURPOSE AND NOT OTHERWISE PROVIDED FOR BY LAW.

(C) AUTHORITY OVER COUNTY PROPERTY.

THE GOVERNING BODY OF A COUNTY CONTROLS PROPERTY OWNED BY THE COUNTY.

REVISOR’S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section. Baltimore City is excluded because former Art. 25A, § 4 and Art. 25B, § 13 made the powers granted in Art. 25, § 1–1 applicable to commission counties, code counties, and charter counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsections (b) and (c) of this section are new language derived without substantive change from the first sentence of former Art. 25, § 1–1 and, as it related to the authority of the governing body of a county to control property, the second sentence.

In subsection (b) of this section, the former reference to the “Constitution” is deleted as included in the reference to “law”.

Also in subsection (b) of this section, the former reference to “road supervisors, collectors of taxes, trustees of the poor, [and] a clerk to their board” is deleted as unnecessary in light of the reference to “officers, agents, and employees”.

In subsection (c) of this section, the former reference to the governing body of a county having “charge of” county property is deleted as included in the reference to the governing body “control[ling]” county property.

Defined terms: “County” § 1–101

“Governing body” § 1–101

9–105. ADOPTION OF LOCAL LAWS BY COUNTY COMMISSIONERS AFTER PUBLIC HEARING.

(A) SCOPE OF SECTION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES ONLY TO COMMISSION COUNTIES.

(2) THIS SECTION DOES NOT APPLY TO CECIL COUNTY.

(B) APPLICATION OF SECTION.

(1) THIS SECTION APPLIES ONLY TO A SECTION OF THIS ARTICLE THAT SPECIFICALLY REFERENCES THIS SECTION.

(2) THIS SECTION DOES NOT APPLY TO A RESOLUTION EXPRESSING THE OPINION OR AN ADMINISTRATIVE ACT OF THE COUNTY COMMISSIONERS OF FREDERICK COUNTY, ST. MARY’S COUNTY, OR SOMERSET COUNTY.

(C) ADOPTION OF ACTS, ORDINANCES, OR RESOLUTIONS AFTER PUBLIC HEARING.

(1) THE COUNTY COMMISSIONERS MAY NOT ADOPT AN ACT, AN ORDINANCE, OR A RESOLUTION UNTIL 10 DAYS AFTER A PUBLIC HEARING HAS BEEN HELD ON THE PROPOSED ACT, ORDINANCE, OR RESOLUTION.

(2) THE COUNTY COMMISSIONERS SHALL PUBLISH NOTICE OF THE PUBLIC HEARING AND A SUMMARY OF THE PROPOSED ACT, ORDINANCE, OR RESOLUTION IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONCE EACH WEEK FOR 2 SUCCESSIVE WEEKS.

REVISOR’S NOTE: Subsections (a), (b)(2), and (c) of this section are new language derived without substantive change from the first through third sentences of former Art. 25, § 3(r) and, as it related to the scope of this section, (a).

Subsection (b)(1) of this section is new language added to reflect that provisions of former Art. 25, § 3, to which this section applies, have been revised throughout this article. Each of those separate provisions of former Art. 25, § 3, include a cross-reference to this section to indicate that this section applies to that provision.

In subsection (b)(2) of this section, the former reference to “Dorchester County” is deleted because Dorchester County became a charter county in 2002.

Also in subsection (b)(2) of this section, the former statement that “a resolution, other than a bond resolution adopted under § 15 of Article 25B of the Code, adopted by the county commissioners of a county that has adopted home rule powers under Article XI–F of the Maryland Constitution” is deleted as unnecessary because this section only applies to commission counties.

In subsection (c)(1) of this section, the former reference to an act, an ordinance, or a resolution adopted “under the powers conferred by this section” is deleted as unnecessary in light of the applicability provision in subsection (b) of this section.

In subsection (c)(2) of this section, the former reference to a “fair” summary is deleted as surplusage.

The fourth sentence of former Art. 25, § 3(r), which defined “ordinance” and “resolution” for this section, is deleted as unnecessary because the definitions use the commonly understood meanings of the terms.

Defined term: “Commission county” § 1–101

9–106. ACTS, ORDINANCES, AND RESOLUTIONS — GENERALLY.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO COMMISSION COUNTIES.

(B) APPLICATION OF SECTION.

THIS SECTION APPLIES ONLY TO A SECTION OF THIS ARTICLE THAT SPECIFICALLY REFERENCES THIS SECTION.

(C) FILING AND RECORDING OF ACTS, ORDINANCES, AND RESOLUTIONS.

(1) A COPY OF EACH ACT, ORDINANCE, OR RESOLUTION ADOPTED BY THE COUNTY COMMISSIONERS, CERTIFIED BY THE PRESIDING OFFICER OF THE COUNTY COMMISSIONERS AND ATTESTED TO BY THE CLERK OF THE COUNTY COMMISSIONERS, SHALL BE FILED WITH THE CLERK OF THE COURT OF THE COUNTY.

(2) THE CLERK OF THE COURT SHALL RECORD, DATE, AND INDEX THE ACT, ORDINANCE, OR RESOLUTION WITHOUT CHARGE IN A VOLUME PROVIDED BY THE COUNTY COMMISSIONERS.

(D) EFFECTIVE DATE OF ACTS, ORDINANCES, AND RESOLUTIONS.

AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY THE COUNTY COMMISSIONERS MAY NOT TAKE EFFECT UNTIL:

(1) A COPY HAS BEEN FILED WITH THE CLERK OF THE COURT OF THE COUNTY; AND

(2) A FAIR SUMMARY OF THE ACT, ORDINANCE, OR RESOLUTION HAS BEEN PUBLISHED IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(E) ADMISSIBILITY OF FILED ACTS, ORDINANCES, AND RESOLUTIONS AS EVIDENCE IN LEGAL PROCEEDINGS.

AN ACT, AN ORDINANCE, OR A RESOLUTION FILED IN ACCORDANCE WITH THIS SECTION SHALL BE ADMISSIBLE AS EVIDENCE IN ANY COURT PROCEEDING ON CERTIFICATION BY THE CLERK OF THE COURT OF THE COUNTY.

REVISOR'S NOTE: Subsections (a) and (c) through (e) of this section are new language derived without substantive change from former Art. 25, § 4(a), (b), and (c).

Subsection (b) of this section is new language added to reflect that provisions of former Art. 25, § 3, to which this section applies, have been revised throughout this article. Each of those separate provisions of former Art. 25, § 3, include a cross-reference to this section to indicate that this section applies to that provision.

In subsections (c) and (d) of this section, the former references to local laws enacted "under the authority of § 3 of this article" are deleted as unnecessary in light of the applicability provision in subsection (b) of this section.

In subsection (c)(1) of this section, the reference to the “presiding officer” of the county commissioners is substituted for the former reference to the “president” of the county commissioners for clarity because some boards have a chair, not a president.

Former Art. 25, § 4(d), which related to the recording and indexing of ordinances, resolutions, and regulations in Dorchester County, is deleted as obsolete because Dorchester County became a charter county in 2002 and the duties required under this subsection do not apply to charter counties.

Defined terms: “Commission county” § 1–101
 “County” § 1–101

9–107. ADVERTISING, PRINTING, AND PUBLISHING OF ENACTMENTS AND ANNUAL STATEMENTS; RECORDING AND INDEXING OF RECORDS; AUDIT OF COUNTY BOOKS AND ACCOUNTS REQUIRED.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**
- (4) CECIL COUNTY;**
- (5) HOWARD COUNTY;**
- (6) PRINCE GEORGE’S COUNTY;**
- (7) QUEEN ANNE’S COUNTY; AND**
- (8) WORCESTER COUNTY.**

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS SUBTITLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) ADVERTISEMENT, PRINTING, AND PUBLICATION OF LAWS, ORDINANCES, RESOLUTIONS, REGULATIONS, AND ANNUAL STATEMENTS.

THE GOVERNING BODY OF A COUNTY MAY PROVIDE FOR ADVERTISING, PRINTING, AND PUBLISHING OF:

(1) LAWS, ORDINANCES, RESOLUTIONS, OR REGULATIONS ADOPTED BY THE COUNTY; AND

(2) THE ANNUAL STATEMENTS OF RECEIPTS AND EXPENDITURES OF THE COUNTY.

(D) RECORDING AND INDEXING.

THE GOVERNING BODY OF A COUNTY MAY PROVIDE FOR THE RECORDING AND INDEXING OF RECORDS IN THE OFFICE OF THE CLERK OF THE COURT, REGISTER OF WILLS, THE GOVERNING BODY, AND OTHER OFFICERS TO THE EXTENT THAT THE RECORDING AND INDEXING ARE NOT PROVIDED FOR BY GENERAL LAW.

(E) AUDIT OF COUNTY BOOKS AND ACCOUNTS REQUIRED.

THE GOVERNING BODY OF A COUNTY SHALL:

(1) APPOINT AN AUDITOR OR ACCOUNTANT WITHIN 30 DAYS AFTER THE CLOSE OF THE FISCAL YEAR TO AUDIT THE BOOKS AND ACCOUNTS OF ALL COUNTY OFFICERS COLLECTING, HOLDING, OR DISBURSING COUNTY FUNDS; AND

(2) PUBLISH OR ADVERTISE THE REPORT OF THE AUDITOR OR ACCOUNTANT IMMEDIATELY AFTER ITS COMPLETION TO THE EXTENT THAT THE GOVERNING BODY CONSIDERS PROPER.

REVISOR'S NOTE: Subsections (a), (c), (d), and (e) of this section are new language derived without substantive change from former Art. 25, § 3(j) and (m) and, as it is related to the scope of this section, (a).

In subsection (a) of this section, the reference to "Baltimore City" is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(j) applicable to commission counties, code counties, and charter counties, except for the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City in the Annotated Code.

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, § 3(r) and § 4, which apply to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (d) of this section and the introductory language of subsection (c) of this section, the references to the “governing body of a county” are added for clarity.

Defined terms: “County” § 1–101
 “Governing body” § 1–101

9–108. JURISDICTION AND SERVICE OF PROCESS ON NAVIGABLE RIVERS.

(A) JURISDICTION.

EXCEPT WHERE A DIVIDING LINE IS FIXED IN A RIVER BY LAW, THE JURISDICTION OF A COUNTY LYING ON A NAVIGABLE RIVER IN THIS STATE EXTENDS FROM THE SHORE TO THE CHANNEL OF THE RIVER DIVIDING THE COUNTY FROM ANOTHER COUNTY.

(B) SERVICE OF PROCESS.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF A VESSEL IS LOCATED ON A RIVER BETWEEN COUNTIES, PROCESS MAY BE SERVED ON BOARD THE VESSEL BY AN OFFICER OF EITHER COUNTY.

(C) MOORED VESSELS.

A VESSEL THAT IS MOORED OR FASTENED TO THE LAND ON EITHER SIDE OF A RIVER IS CONSIDERED TO BE IN THE COUNTY WHERE THE VESSEL IS FASTENED.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 75, § 81.

In subsection (b) of this section, the former references to a “ship” are deleted as included in the references to a “vessel”.

Also in subsection (b) of this section, the former reference to process being served by an officer of either county "that can first serve it" is deleted as surplusage.

Defined terms: "County" § 1-101

"State" § 1-101

9-109. JURISDICTION AND SERVICE OF PROCESS ON NAVIGABLE WATERS OTHER THAN RIVERS.

(A) APPLICATION OF SECTION.

THIS SECTION DOES NOT APPLY IF THE BOUNDARY BETWEEN COUNTIES IS A NAVIGABLE RIVER.

(B) IN GENERAL.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE JURISDICTION OF A COUNTY BOUNDED AT ANY POINT BY NAVIGABLE WATERS EXTENDS FROM THE SHORE TO THE INSIDE OF THE CHANNEL, WHICH IS CONSIDERED THE CENTER OF THE WATERS.

(2) IF THE NAVIGABLE WATERS JOIN A NEIGHBORING STATE, THE JURISDICTION OF THE COUNTY CONTINUES TO THE ULTIMATE LIMIT OF THE STATE.

(C) COUNTY MAPS.

(1) THE CENTER OF WATERS IN SUBSECTION (B) OF THIS SECTION SHALL BE AS REPRESENTED ON THE COUNTY MAPS ISSUED UNDER THE AUTHORITY OF CHAPTER 51, ACTS OF 1896 AND CHAPTER 129, ACTS OF 1898.

(2) A COUNTY MAP REFERRED TO IN PARAGRAPH (1) OF THIS SUBSECTION IS ADMISSIBLE AS EVIDENCE OF THE LOCATION OF COUNTY BOUNDARIES.

(D) CERTIFIED COPIES OF COUNTY MAPS.

(1) CERTIFIED COPIES OF COUNTY MAPS ISSUED UNDER SUBSECTION (C)(1) OF THIS SECTION SHALL BE KEPT ON FILE WITH:

(I) THE CLERK OF THE COURT FOR EACH COUNTY; AND

(II) THE GOVERNING BODY OF EACH COUNTY.

(2) CERTIFIED COPIES OF COUNTY MAPS ARE OFFICIAL AND AUTHORITATIVE.

(E) EFFECT OF SECTION.

NOTHING IN THIS SECTION CHANGES THE RIGHTS THE STATE MAY HAVE ON OR UNDER THE WATERS DESCRIBED IN THIS SECTION.

REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity. The distinction between counties divided by navigable rivers and navigable waters is set forth in *Department of Natural Resources v. France*, 277 Md. 432, 463 (1976).

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 75, §§ 82, 83, and 84.

In the introductory language of subsection (d)(1) of this section, the reference to maps being "kept on file" is substituted for the former reference to maps being "filed" to reflect the fact that many of the maps will have already been filed since this section was first enacted.

Defined terms: "County" § 1-101
 "Governing body" § 1-101
 "State" § 1-101

9-110. FREDERICK COUNTY IS REGION OF STATE.

FREDERICK COUNTY IS A REGION OF THE STATE AND SHALL BE TREATED AS A REGION BY ALL UNITS OF STATE GOVERNMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 221.

The reference to "units of State government" is substituted for the former reference to all "State departments, agencies, and instrumentalities" for brevity. See General Revisor's Note to article.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that this section no longer seems to serve a purpose and the General Assembly may wish to consider its deletion.

Defined term: "State" § 1-101

9-111. ALLEGANY COUNTY — OFFICE HOURS.

THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY MAY DIRECT THAT ANY OFFICE UNDER THE CONTROL OF THE COUNTY COMMISSIONERS BE CLOSED FOR BUSINESS ON SATURDAYS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 5A.

The former reference to the county commissioners "in every county in which this section applies" is deleted as unnecessary because this section applies only in Allegany County.

The former reference to "the office of the clerk of the county commissioners" is deleted as included in the reference to "any office under the control of the county commissioners".

The former reference to the "transaction of" business is deleted as surplusage.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that there is no requirement that an office under the control of the County Commissioners of Allegany County be open for business on Saturdays. The General Assembly may wish to consider deleting this section as unnecessary.

9-112. MERIDIAN LINE.**(A) ESTABLISHMENT.**

(1) THE GOVERNING BODY OF EACH COUNTY MAY ERECT TWO PILLARS 100 FEET APART ON THE SAME MERIDIAN LINE IN A PUBLIC SPOT ADJACENT TO THE COUNTY COURTHOUSE OF EACH COUNTY.

(2) THERE SHALL BE A DISTINCTLY VISIBLE NEEDLE POINT ON THE TOP OF ONE OF THE PILLARS AND A HAIR SIGHT ON TOP OF THE OTHER PILLAR SO THAT A STRAIGHT LINE PASSING THROUGH ITS CENTER AND THE CENTER OF THE NEEDLE POINT WOULD BE ON THE TRUE MERIDIAN LINE RUNNING NORTH AND SOUTH.

(3) THE NEEDLE POINT AND HAIR SIGHT REQUIRED UNDER THIS SUBSECTION SHALL BE PROPERLY ENCLOSED AND PROTECTED.

(B) THE MERIDIAN OF WASHINGTON, D.C.

(1) THE GOVERNING BODY OF THE COUNTY MAY:

(I) DETERMINE THE ACCURATE LATITUDE AND LONGITUDE OF THE PILLARS ERECTED UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) MARK THE LATITUDE AND LONGITUDE ON ONE OF THE PILLARS IN DEGREES, MINUTES, SECONDS, AND PARTS OF SECONDS.

(2) THE LONGITUDE SHALL BE DETERMINED FROM THE MERIDIAN OF WASHINGTON, D.C.

(C) USE.

(1) THE PILLARS AND ENCLOSURES ARE UNDER THE CUSTODY OF THE COUNTY CLERK.

(2) THE PILLARS AND ENCLOSURES SHALL BE MADE AVAILABLE TO ANY SURVEYOR OR CIVIL ENGINEER RESIDING OR ENGAGED IN SURVEYING IN THE COUNTY FOR THE PURPOSE OF:

(I) TESTING COMPASS VARIATIONS; AND

(II) VERIFYING THE MERIDIAN LINE WHEN REQUIRED BY ORDER OF THE CIRCUIT COURT FOR THE COUNTY.

(D) TESTING BY SURVEYORS; RECORDATION OF VARIANCES.

(1) IF A COUNTY HAS ERECTED PILLARS UNDER THIS SECTION, A SURVEYOR WHO SURVEYS LAND IN THE COUNTY SHALL ANNUALLY TEST THE SURVEYOR'S COMPASS AND NOTE THE VARIATION OF THE COMPASS FROM THE MERIDIAN LINE IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION.

(2) (I) THE SURVEYOR SHALL RECORD IN THE COUNTY WHERE THE SURVEYOR RESIDES THE RESULTS OF THE TEST, INCLUDING:

1. THE DATE AND TIME OF THE TEST; AND

2. AN AFFIDAVIT VERIFYING THE CORRECTNESS OF THE RESULTS.

(II) THE TEST RESULTS SHALL BE RECORDED IN A BOOK KEPT FOR THE PURPOSE OF RECORDING SUCH RESULTS.

(3) A SURVEYOR WHO VIOLATES THIS SUBSECTION IS SUBJECT TO A FINE OF \$50 AND COURT COSTS.

(4) A FINE IMPOSED UNDER THIS SUBSECTION MAY BE USED AS DIRECTED BY THE GOVERNING BODY OF THE COUNTY.

(E) FEES OF COUNTY CLERK.

(1) THE COUNTY CLERK MAY CHARGE A FEE FOR:

(I) RECORDING A CERTIFICATE OF VARIATION;

(II) RECORDING AN AFFIDAVIT OF CORRECTNESS;

(III) PROVIDING COPIES OR ABSTRACTS OF CERTIFICATES OF VARIATION OR AFFIDAVITS OF CORRECTNESS; AND

(IV) PROVIDING CERTIFICATES AND SEALS REGARDING CERTIFICATES OF VARIATION OR AFFIDAVITS OF CORRECTNESS.

(2) THE FEE COLLECTED BY THE CLERK SHALL BE THE SAME AS FEES ALLOWED BY LAW FOR SIMILAR SERVICES REGARDING MATTERS OF RECORD IN THE CLERK'S OFFICE.

(3) THE FEE SHALL BE PAID BY THE PARTY:

(I) RECORDING THE DOCUMENT; OR

(II) REQUESTING A COPY OR ABSTRACT OF RECORDED DOCUMENTS.

(F) PENALTY FOR DESTROYING PILLARS.

(1) A PERSON MAY NOT:

(I) WILLFULLY ERASE, DEFACE, DISPLACE, OR OTHERWISE HARM A PILLAR, OR ANY PART OF A PILLAR, ERECTED UNDER SUBSECTION (A)(1) OF THIS SECTION; OR

(II) DESTROY, BREAK DOWN, OR REMOVE THE ENCLOSURE, OR ANY PART OF THE ENCLOSURE, REQUIRED UNDER SUBSECTION (A)(3) OF THIS SECTION.

(2) ON CONVICTION, A PERSON WHO VIOLATES THIS SUBSECTION IS SUBJECT TO A FINE OF NOT LESS THAN \$50 AND NOT EXCEEDING \$500.

(G) EXPENSES.

THE GOVERNING BODY OF A COUNTY THAT ERECTS PILLARS UNDER THIS SECTION MAY PAY THE COSTS OF CARRYING OUT THIS SECTION IN THE SAME MANNER THAT OTHER COUNTY EXPENSES ARE PAID.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 123, 124, 125, 126, and 127.

In subsection (a)(1) of this section, the statement that a governing body “may erect two pillars” is substituted for the former statement that “[i]t shall be lawful ... if they shall deem it expedient, to cause to be erected ... two good and substantial stone pillars” for brevity.

Also in subsection (a)(1) of this section, the former reference to the pillars being 100 feet apart “the one from the other” is deleted as surplusage.

In subsection (b)(1)(i) of this section, the statement that the governing body of a county “may ... determine the accurate latitude and longitude” is substituted for the former statement that “it shall be lawful ... to cause to be determined the accurate latitude and longitude” for brevity.

In subsection (b)(1)(ii) of this section, the former reference to having marked the latitude and longitude on a pillar “distinctly and legibly” is deleted as implicit in the requirement to mark the pillars.

In the introductory language of subsection (c)(2) of this section, the reference to the pillars and enclosures being “made available” to surveyors or civil engineers is substituted for the former reference to the pillars and enclosures being “free to the access of” surveyors or civil engineers for brevity and clarity.

Also in the introductory language of subsection (c)(2) of this section, the former reference to any surveyor “of lands” is deleted as surplusage.

In subsection (c)(2)(i) of this section, the former reference to testing compass variations “for the time being” is deleted as surplusage.

In subsection (c)(2)(ii) of this section, the former reference to “caus[ing]” verification of the meridian line is deleted as surplusage.

In subsection (d)(1) of this section, the former reference to the “actual” variation of the surveyor’s compass is deleted as surplusage.

In subsection (d)(2) of this section, the reference to “record[ing]” the results of the test is substituted for the former reference to “deposit[ing] a copy” of the results for clarity.

In subsection (d)(3) of this section, the reference to a surveyor “who violates” this subsection is substituted for the former reference to a surveyor “neglecting or refusing to comply” with the provisions of this section for brevity.

Also in subsection (d)(3) of this section, the reference to a “fine of \$50 and court costs” is substituted for the former reference to a “penalty of fifty dollars, to be recovered with costs as debts of like character are recovered in the District Court sitting in the county” for brevity.

In subsection (e)(1)(ii) of this section, the former reference to affidavits of the correctness “of the same appended” is deleted as surplusage.

In the introductory language of subsection (f)(1) of this section, the former reference to “persons” is deleted in light of the reference to “person” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (f)(1)(ii) of this section, the former reference to “any lock, bolt, [or] bar” is deleted as included in the reference to “any part of the enclosure”.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that this section was initially enacted in 1870 and appears to be obsolete. The General Assembly may wish to consider its deletion.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Person” § 1–101

9–113. BALTIMORE CITY AND MONTGOMERY COUNTY — RESIDENCY REQUIREMENTS FOR CHIEF EXECUTIVE OFFICER.

(A) “CHIEF EXECUTIVE OFFICER” DEFINED.

IN THIS SECTION, “CHIEF EXECUTIVE OFFICER” MEANS:

(1) THE MAYOR OF BALTIMORE CITY; OR

(2) THE COUNTY EXECUTIVE OF MONTGOMERY COUNTY.**(B) SCOPE OF SECTION.**

THIS SECTION APPLIES ONLY TO BALTIMORE CITY AND MONTGOMERY COUNTY.

(C) CANDIDATES FOR CHIEF EXECUTIVE OFFICER.

EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A CANDIDATE FOR CHIEF EXECUTIVE OFFICER SHALL BE A RESIDENT OF THE COUNTY FOR AT LEAST 6 MONTHS BEFORE THE GENERAL ELECTION FOR CHIEF EXECUTIVE OFFICER.

(D) EXCEPTION.

IF THE CHARTER OF A COUNTY CONTAINS A DURATIONAL RESIDENCY REQUIREMENT THAT IS LONGER THAN 6 MONTHS, THE LONGER DURATIONAL RESIDENCY REQUIREMENT SHALL BE RETAINED IF THE GOVERNING BODY OF THE COUNTY REAFFIRMS THE REQUIREMENT BY ENACTMENT OF AN ORDINANCE NO LATER THAN 4 WEEKS BEFORE THE FILING DEADLINE SPECIFIED IN § 5-303(A) OF THE ELECTION LAW ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 1-108.

In this section, the references to "county" are substituted for the former references to "political subdivision" for accuracy.

Defined term: "Governing body" § 1-101

SUBTITLE 2. CHARTER COUNTIES.**9-201. GENERAL AUTHORITY.****A CHARTER COUNTY:**

- (1) SHALL HAVE PERPETUAL SUCCESSION;**
- (2) MAY SUE AND BE SUED;**
- (3) MAY ACQUIRE AND HOLD PROPERTY, EITHER ABSOLUTELY OR IN TRUST FOR A PUBLIC PURPOSE;**

(4) MAY DISPOSE OF PROPERTY;

(5) MAY ADOPT A COMMON SEAL; AND

(6) MAY ADOPT AN ORDINANCE, A RESOLUTION, OR BYLAWS TO EXERCISE ITS POWERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 1(a).

In the introductory language of this section, the reference to “[a] charter county” is substituted for the former reference to “[t]he inhabitants of any county adopting a charter or form of government under the provisions of Article XI–A of the Constitution of the State by virtue of such adoption” for brevity.

In item (3) of this section, the former reference to “purchas[ing]” property is deleted as included in the reference to “acquir[ing]” property.

Also in item (3) of this section, the former reference to “real, personal and mixed” property is deleted as included in the reference to “property”.

In item (4) of this section, the former reference to disposing of property “subject to the limitations herein provided, if not contrary to the terms of any trust” is deleted as unnecessary because the terms of a trust or more specific statutory provisions would govern the sale of the property.

In item (5) of this section, the reference to “adopt[ing]” a common seal is substituted for the former reference to “hav[ing], us[ing] and alter[ing] at pleasure” a common seal for brevity.

In item (6) of this section, the former reference to adopting an ordinance, a resolution, or bylaws “necessary or proper” to exercise power is deleted as surplusage.

Defined term: “Charter county” § 1–101

9–202. EFFECT OF ADOPTION OF CHARTER.

WHEN A COUNTY BECOMES A CHARTER COUNTY:

(1) ALL PROPERTY AND FRANCHISES BELONGING TO OR IN THE POSSESSION OF THE FORMER COUNTY COMMISSIONERS OF THE COUNTY OR ANY COUNTY AGENCIES ARE VESTED IN THE CHARTER COUNTY AS A CORPORATION;

(2) AN ACTION AGAINST THE FORMER COUNTY COMMISSIONERS OF THE COUNTY DOES NOT ABATE AND IS CONTINUED IN THE NAME OF THE CHARTER COUNTY WITH THE SAME EFFECT AS IF ORIGINALLY BROUGHT AGAINST THE CHARTER COUNTY;

(3) ALL LIABILITIES, OBLIGATIONS, CONTRACTS, CLAIMS, AND DEMANDS, ACCRUED OR TO ACCRUE, OF THE FORMER COUNTY COMMISSIONERS OF THE COUNTY ARE THE LIABILITIES, OBLIGATIONS, CONTRACTS, CLAIMS, AND DEMANDS OF THE CHARTER COUNTY; AND

(4) A CRIMINAL PROCEEDING IS NOT AFFECTED BY THE ADOPTION OF THE CHARTER AND SHALL BE PROSECUTED UNDER THE LAW IN EFFECT AT THE TIME OF THE CRIME.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 1(b).

In this section, the references to the "former" county commissioners are added for clarity.

In item (1) of this section, the former reference to property and franchises "of every kind" is deleted as redundant of the reference to "all" property and franchises.

In item (2) of this section, the former reference to an action being "begun" is deleted as included in the reference to an action being "brought".

In item (3) of this section, the former reference to "subsisting" liabilities, obligations, contracts, claims, and demands is deleted as surplusage.

Also in item (3) of this section, the former phrase "at law or in equity" is deleted to reflect the merger of law and equity effected by Md. Rule 2-301, which mandates "one form of action known as 'civil action'".

Also in item (3) of this section, the former reference to liabilities, obligations, contracts, claims, and demands accruing to the county commissioners "or in its favor" is deleted as surplusage.

Also in item (3) of this section, the former phrase "without further formality" is deleted as surplusage.

Also in item (3) of this section, the reference to "the charter county" is substituted for the former reference to "such commissioners and county

council of the county adopting a charter under Article XI–A of the Maryland Constitution” for brevity.

In item (4) of this section, the reference to a criminal “proceeding” is substituted for the former reference to a criminal “action, prosecution or indictment” for brevity.

Defined terms: “Charter county” § 1–101
 “County” § 1–101

9–203. NOTICE OF ADOPTION OR REJECTION OF CHARTER.

AFTER THE ADOPTION OR REJECTION OF CHARTER HOME RULE, A COUNTY PROMPTLY SHALL NOTIFY AND PROVIDE COPIES OF THE ADOPTED OR REJECTED CHARTER TO THE FOLLOWING:

- (1) FIVE COPIES TO THE DEPARTMENT OF LEGISLATIVE SERVICES;**
- (2) ONE COPY TO THE SECRETARY OF STATE;**
- (3) ONE COPY TO THE STATE ARCHIVES; AND**
- (4) ONE COPY TO THE MARYLAND STATE LAW LIBRARY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25A, § 3B.

The former references to the specific addresses of the Department of Legislative Services, the Secretary of State, the State Archives, and the State Law Library are deleted as surplusage and to conform to other similar provisions of this article.

In the introductory language of this section, the former reference to notifying agencies “of that change” is deleted as surplusage.

Defined term: “County” § 1–101

9–204. COUNCIL MEMBERS.

- (A) ELECTION.**

MEMBERS OF THE COUNTY COUNCIL OF A CHARTER COUNTY SHALL BE ELECTED AS PROVIDED IN ARTICLE XI–A, § 3A OF THE MARYLAND CONSTITUTION.

(B) RESIDENCE IN SPECIFIC DISTRICTS.

A COUNTY CHARTER MAY REQUIRE THAT A SPECIFIED NUMBER OF MEMBERS OF THE COUNTY COUNCIL SHALL:

- (1) RESIDE IN SPECIFIED DISTRICTS IN THE CHARTER COUNTY;**
BUT
- (2) BE ELECTED BY THE VOTERS OF THE ENTIRE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, §§ 2 and 3.

In subsection (b)(2) of this section, the former reference to members elected "on the general ticket" is deleted as unnecessary in light of the reference to the voters of the "entire county".

Also in subsection (b)(2) of this section, the former reference to "qualified" voters is deleted as surplusage.

Defined term: "Charter county" § 1-101

9-205. POWER OF REFERENDUM.**(A) RESERVATION.**

(1) THE VOTERS OF A CHARTER COUNTY MAY RESERVE IN THE CHARTER THE POWER OF REFERENDUM BY WHICH THEY MAY SUBMIT A LOCAL LAW ENACTED BY THE COUNTY COUNCIL, BY PETITION, TO THE VOTERS FOR APPROVAL OR REJECTION.

(2) THE CHARTER SHALL SPECIFY:

(I) WHAT TYPES OF LOCAL LAWS MAY BE PETITIONED TO REFERENDUM; AND

(II) WHETHER A PART OF A LOCAL LAW MAY BE PETITIONED TO REFERENDUM.

(B) IMPLEMENTATION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN IMPLEMENTING PROCEDURES THAT RELATE TO THE POWER OF REFERENDUM, THE CHARTER OR THE LOCAL LAWS SHALL PROVIDE ADEQUATE DETAILS AS TO TIME, NOTICE, AND FORM.

(2) THE INITIAL NOTICE OF A REFERENDUM VOTE SHALL BE GIVEN AT LEAST 30 DAYS BEFORE THE ELECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 8.

In subsection (a)(1) of this section, the reference to a local law enacted "by the county council" is substituted for the former references to a local law enacted "in accordance with the legislative procedure of the county council" for brevity.

Also in subsection (a)(1) of this section, the reference to the "voters" of a charter county is substituted for the former reference to the "citizens" of a charter county for accuracy because counties do not have citizens.

Also in subsection (a)(1) of this section, the former reference to "registered" voters is deleted as implicit as a requirement to vote.

Also in subsection (a)(1) of this section, the former reference to submitting a "portion of any local law" to referendum is deleted as unnecessary in light of the reference in subsection (a)(2)(ii) to the charter specifying whether part of the local law can be petitioned to referendum. Similarly, in subsection (b)(2) of this section, the former reference to "a local law, or portion of a local law" is deleted.

In the introductory language of subsection (a)(2) of this section, the former reference to the power of referendum "[i]f reserved" being "set forth in the charter of the county" is deleted in light of the reference in subsection (a)(1) of this section to the power of referendum being "reserve[d] in the charter".

In subsection (b)(2) of this section, the statement that "[t]he initial notice of a referendum shall be given at least 30 days before the election" is substituted for the former statement that "in no event may the initial notice ... be less than 30 days before the election" for clarity.

Also in subsection (b)(2) of this section, the former reference to the election "at which the law, or a portion thereof, is submitted to the voters of the county" is deleted as surplusage.

For other provisions on requirements for ballot questions, *see* Title 7 of the Election Law Article.

Defined term: "Charter county" § 1-101

9-206. ANNUAL DUTIES REGARDING LOCAL LAWS — CHARTER COUNTIES.

(A) IN GENERAL.

(1) AT THE END OF EACH CALENDAR OR FISCAL YEAR, EACH CHARTER COUNTY SHALL COMPILE A COMPLETE SET OF ALL LOCAL LAWS ENACTED DURING THAT YEAR UNDER THE EXPRESS POWERS ACT, TITLE 10 OF THIS ARTICLE.

(2) THE LAWS IN THE COMPILATION SHALL BE IN NUMERICAL ORDER, BEGINNING WITH NO. 1, AND IN A SEPARATE SERIES FOR EACH YEAR.

(B) PUBLIC INSPECTION OF COPIES OF COMPILATION.

(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, COPIES OF THE COMPILATION SHALL BE:

(I) KEPT ON PERMANENT RECORD AT THE OFFICE OF THE COUNTY COUNCIL, COUNTY EXECUTIVE, OR COUNTY MANAGER;

(II) MADE AVAILABLE FOR INSPECTION DURING REGULAR BUSINESS HOURS AT THAT OFFICE; AND

(III) PROVIDED IN PRINTED FORM WITHOUT CHARGE TO THE STATE ARCHIVES AND THE MARYLAND STATE LAW LIBRARY.

(2) ANNUALLY, EACH CHARTER COUNTY SHALL PROVIDE EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF THE COUNTY WITH:

(I) NOTICE THAT A DIGITAL COPY OF THE COMPILATION IS AVAILABLE ON THE INTERNET; OR

(II) A PRINTED COPY OF THE COMPILATION WITHOUT CHARGE.

(3) THE CHARTER COUNTY MAY MAKE OTHER COPIES OF THE COMPILATION AVAILABLE AT A REASONABLE COST TO ANY PERSON.

(C) PROVIDING COPIES OF COMPILATION TO DEPARTMENT OF LEGISLATIVE SERVICES.

ON OR BEFORE MARCH 1 OF EACH YEAR, THE CHARTER COUNTY SHALL PROVIDE WITHOUT CHARGE FOUR PRINTED COPIES OF THE COMPILATION TO THE DEPARTMENT OF LEGISLATIVE SERVICES.

(D) STATEMENT ON REFERENDUM ON PROPOSED LAW.

EACH CHARTER COUNTY SHALL PROVIDE TO THE DEPARTMENT OF LEGISLATIVE SERVICES A STATEMENT THAT INCLUDES INFORMATION ON:

(1) THE RESULTS OF ANY REFERENDUM ON A PROPOSED LOCAL LAW HELD DURING THE YEAR; AND

(2) ANY ACTUAL OR POTENTIAL PENDING REFERENDUM THAT HAD NOT BEEN HELD BY THE END OF THE YEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 7(a) through (d).

In subsection (a)(1) of this section, the former reference to the compilation being "convenient and legible" is deleted as implicit in the charter county's obligation to provide the documents in compilation form.

Also in subsection (a)(1) of this section, the former reference to local laws enacted "whether to enact, amend, or repeal a local law" is deleted as surplusage.

In subsection (c) of this section, the reference to "each" year is substituted for the former reference to "the next succeeding year" for clarity.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the reference to laws enacted under the "Express Powers Act" in subsection (a)(1) of this section and § 9-207(a) of this subtitle may be an unnecessary limitation and is not consistent with the requirement under § 9-207(c) of this subtitle that the titles of laws that amend a charter county's code be published in the Session Laws of the General Assembly, whether or not the laws were enacted under the Express Powers Act.

The Local Government Article Review Committee also notes, for consideration by the General Assembly, that it is unclear what is meant

by the reference to a “potential” pending referendum in subsection (d)(2) of this section.

Defined terms: “Charter county” § 1–101
“Person” § 1–101

9–207. ANNUAL DUTIES REGARDING LOCAL LAWS — DEPARTMENT OF LEGISLATIVE SERVICES.

(A) INQUIRY TO CHARTER COUNTIES.

(1) AT THE END OF EACH CALENDAR YEAR, THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL ASK EACH CHARTER COUNTY WHETHER THE COUNTY HAS ENACTED ANY PART OF ITS LOCAL LAWS UNDER THE EXPRESS POWERS ACT, TITLE 10 OF THIS ARTICLE, DURING THAT CALENDAR YEAR OR ITS LATEST FISCAL YEAR.

(2) THE CHARTER COUNTY PROMPTLY SHALL:

(I) ANSWER THE INQUIRY; AND

(II) VERIFY THAT COPIES OF THE REQUESTED ENACTMENTS OF LOCAL LAWS HAVE ALREADY BEEN SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES.

(B) NONCOMPLIANCE BY CHARTER COUNTIES.

(1) THE DEPARTMENT OF LEGISLATIVE SERVICES PROMPTLY SHALL CERTIFY TO THE COMPTROLLER IF A CHARTER COUNTY DOES NOT COMPLY WITH SUBSECTION (A) OF THIS SECTION OR § 9–206(C) OR (D) OF THIS SUBTITLE.

(2) IF THE DEPARTMENT OF LEGISLATIVE SERVICES CERTIFIES NONCOMPLIANCE, THE COMPTROLLER MAY DISCONTINUE ALL FUNDS, GRANTS, OR STATE AID THAT THE CHARTER COUNTY IS ENTITLED TO UNDER STATE LAW RELATING TO:

(I) THE INCOME TAX;

(II) THE TAX ON RACING;

(III) THE RECORDATION TAX;

(IV) THE ADMISSIONS AND AMUSEMENT TAX; AND

(V) LICENSE TAXES OR FEES.

(C) PRINTING AND INDEXING OF COMPILATIONS OF LOCAL LAWS.

THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL:

(1) ARRANGE IN A LOGICAL AND CONVENIENT ORDER THE TITLES OF THE LAWS OF EACH CHARTER COUNTY THAT AMENDS ITS COUNTY CODE;

(2) PRINT EACH TITLE, IDENTIFIED AS A TITLE OF THE LAWS OF A CHARTER COUNTY THAT AMENDS ITS COUNTY CODE, IN THE SESSION LAWS OF THE GENERAL ASSEMBLY FOR ITS REGULAR SESSION IN THAT YEAR; AND

(3) INDEX EACH TITLE WITH OR IN A SUPPLEMENTAL VOLUME TO THE LAWS ENACTED BY THE GENERAL ASSEMBLY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 7(e) through (g).

In subsection (a)(1) of this section, the former references to laws "amended" or "repealed" are deleted as included in the reference to laws "enacted".

In subsection (a)(2)(ii) of this section, the reference to "the requested enactments" is substituted for the former reference to "such enactments, amendments, or repeals" for brevity.

In subsection (b)(1) of this section, the reference to a county that "does not comply with subsection (a) of this section or § 9–206(c) or (d) of this subtitle" is substituted for the former reference to the county that "fails or refuses to supply printed copies of this compilation and of the results of any referenda thereon to the State Department of Legislative Services by March 1 of the next succeeding year, or fails or refuses to certify that there have been no such enactments, amendments, or repeals, or referenda, during the last calendar or fiscal year" for brevity.

In subsection (b)(2)(v) of this section, the reference to the license taxes "or fees" is added for accuracy. When Art. 25A, § 7 was enacted in 1967, licenses were governed by Art. 56 of the Code. At that time there were several instances in Art. 56 where the language suggested that certain license fees were viewed as a tax. Additionally, there is case law dating back to the late 1800s that supports the assertion that certain fees are viewed as a tax. *See, e.g., State Ins. Comm'r v. Nationwide Mut. Ins. Co.,*

241 Md. 108, 117 (1966); *Ruggles v. State*, 120 Md. 553, 563 (1913); and *Carson v. State*, 57 Md. 251, 255 (1881).

In subsection (c) of this section, the references to the “county code” are substituted for the former references to the “codes of public local laws” because each county has incorporated its code of public local laws into its county code.

Also in subsection (c) of this section, the former reference to the Department of Legislative Services “receiv[ing] the several compilations and statements delivered to it” is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to the titles of the laws being “delivered to the State printer” for inclusion in the Session Laws is deleted as obsolete because the Department of Legislative Services prints the Session Laws of the General Assembly.

Defined terms: “Charter county” § 1–101
 “State” § 1–101

SUBTITLE 3. CODE COUNTIES.

9–301. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This subsection is new language added as the standard introductory language to a definition section.

(B) CODE HOME RULE.

“CODE HOME RULE” MEANS A FORM OF COUNTY GOVERNMENT ORGANIZED UNDER ARTICLE XI–F OF THE MARYLAND CONSTITUTION.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 25B, § 1(b).

The reference to a “form of county government organized under” Article XI–F of the Maryland Constitution is substituted for the former reference to a “county under and having the authority of” Article XI–F of the Maryland Constitution for clarity.

The former reference to code home rule “status” is deleted as surplusage.

The former reference to the authority of “this article” [former Article 25B of the Code] is deleted as unnecessary because that authority would be encompassed by the authority under Article XI–F of the Maryland Constitution.

Defined term: “County” § 1–101

(C) PUBLIC LOCAL LAW.

“PUBLIC LOCAL LAW” HAS THE MEANING STATED IN ARTICLE XI–F, § 1 OF THE MARYLAND CONSTITUTION.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 25B, § 1(c).

The former references to public local law “mean[ing] a law applicable to the incorporation, organization, or government of a code county ...” and to the term not including specified types of laws are deleted as substantively identical to the definition in Article XI–F, § 1 of the Maryland Constitution.

(D) VOTER.

“VOTER” MEANS AN INDIVIDUAL WHO IS REGISTERED TO VOTE UNDER TITLE 3, SUBTITLE 1 OF THE ELECTION LAW ARTICLE.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 25B, § 1(d).

The reference to “an individual” who is registered to vote is substituted for the former reference to “a person” who is registered to vote because only human beings and not the other entities included in the definition of “person” can register to vote.

The reference to “Title 3, Subtitle 1” of the Election Law Article is substituted for the former reference to “the provisions of” the Election Law Article for clarity. Title 3, Subtitle 1 of the Election Law Article covers voter registration generally by the county boards of elections.

The former reference to a “[r]egistered” voter is deleted in light of the definition’s requirement that the voter be registered to vote.

The former reference to being registered to vote “in State and county elections” is deleted as unnecessary in light of the specific reference to Title 3, Subtitle 1 of the Election Law Article.

9-302. CLASSES OF CODE COUNTIES.

(A) IN GENERAL.

(1) THERE ARE FOUR CLASSES OF CODE COUNTIES, BASED ON THE GEOGRAPHIC REGION OF THE STATE WHERE THE COUNTY IS LOCATED.

(2) THE GEOGRAPHIC REGIONS OF THE STATE ARE:

(i) CENTRAL MARYLAND, CONSISTING OF ANNE ARUNDEL COUNTY, BALTIMORE CITY, BALTIMORE COUNTY, CARROLL COUNTY, FREDERICK COUNTY, HARFORD COUNTY, HOWARD COUNTY, MONTGOMERY COUNTY, AND PRINCE GEORGE’S COUNTY;

(ii) EASTERN SHORE, CONSISTING OF CAROLINE COUNTY, CECIL COUNTY, DORCHESTER COUNTY, KENT COUNTY, QUEEN ANNE’S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, AND WORCESTER COUNTY;

(iii) SOUTHERN MARYLAND, CONSISTING OF CALVERT COUNTY, CHARLES COUNTY, AND ST. MARY’S COUNTY; AND

(iv) WESTERN MARYLAND, CONSISTING OF ALLEGANY COUNTY, GARRETT COUNTY, AND WASHINGTON COUNTY.

(B) APPLICATION OF PUBLIC GENERAL LAWS.

UNLESS LIMITED TO ONE OR MORE CLASSES LISTED IN THIS SECTION, A PUBLIC GENERAL LAW ENACTED BY THE GENERAL ASSEMBLY THAT APPLIES TO CODE COUNTIES APPLIES TO EACH CODE COUNTY, REGARDLESS OF CLASS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25B, § 2.

In subsection (a)(1) of this section, the former reference to “[t]he General Assembly determin[ing] that” there are four classes of code counties is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to a county “that adopts home rule under Article XI–F of the Maryland Constitution” is deleted in light of the reference to “code counties”.

Defined terms: “Code county” § 1–101

“County” § 1–101

“State” § 1–101

9–303. AUTHORITY TO ADOPT HOME RULE.

THE COUNTY COMMISSIONERS OF EACH COUNTY MAY ADOPT CODE HOME RULE SUBJECT TO APPROVAL AT REFERENDUM BY THE VOTERS OF THE COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25B, § 3.

In this section and throughout this subtitle, the references to “code home rule” are substituted for the former references to “the code form of home rule” for consistency with the definition of “code home rule” in § 9–301 of this subtitle.

Defined terms: “Code home rule” § 9–301

“County” § 1–101

“Voter” § 9–301

9–304. NOTICE OF INTENT TO ADOPT HOME RULE.

(A) IN GENERAL.

IF THE COUNTY COMMISSIONERS DECIDE TO FORMALLY CONSIDER ADOPTING CODE HOME RULE, THE COUNTY COMMISSIONERS SHALL:

(1) HOLD AT LEAST TWO PUBLIC HEARINGS IN THE COUNTY ON THE PROPOSAL; AND

(2) PUBLISH NOTICE OF THE DATE, TIME, AND PLACE OF EACH PUBLIC HEARING IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY:

(I) AT LEAST THREE TIMES;

(II) AT WEEKLY INTERVALS; AND

(III) IN A PERIOD OF NOT MORE THAN 30 DAYS BEFORE THE FIRST PUBLIC HEARING.

(B) RESIDENTS AND TAXPAYERS TO BE HEARD.

AT THE HEARINGS, THE RESIDENTS AND TAXPAYERS OF THE COUNTY SHALL BE GIVEN THE OPPORTUNITY TO BE HEARD ON THE PROPOSAL TO ADOPT CODE HOME RULE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, §§ 4 and 5.

In subsection (a) of this section, the former statement that the "board shall make known this intent by publication of notice that the board is considering the adoption of the code form of home rule" is deleted as unnecessary in light of the references to "hold[ing] at least two public hearings ... on the proposal" and "publish[ing] notice of the date, time, and place of each public hearing".

In subsection (a)(1) of this section, the former reference to the hearings being authorized to be held "in the courthouse or at some other appropriate place or places" is deleted as unnecessary in light of the authorization for the hearing to be held in "the county".

In the introductory language of subsection (a)(2) of this section, the former reference to "places" is deleted in light of the reference to a "place" and Art. 1, § 8, which provides that the singular generally includes the plural.

Defined terms: "Code home rule" § 9-301
"County" § 1-101

9-305. RESOLUTION TO ADOPT HOME RULE.

(A) DECISION ON ADOPTION.

WITHIN 60 DAYS AFTER THE LAST PUBLIC HEARING, THE COUNTY COMMISSIONERS SHALL DECIDE WHETHER TO ADOPT CODE HOME RULE.

(B) REQUIREMENTS FOR RESOLUTION.

TO ADOPT CODE HOME RULE, THE COUNTY COMMISSIONERS SHALL ADOPT A RESOLUTION BY AT LEAST A TWO-THIRDS MAJORITY OF ALL THE INDIVIDUALS ELECTED TO THE BOARD OF COUNTY COMMISSIONERS.

(C) CONTENTS OF RESOLUTION.

THE RESOLUTION SHALL STATE THAT, SUBJECT TO APPROVAL AT REFERENDUM, THE COUNTY SHALL OPERATE UNDER ARTICLE XI-F OF THE MARYLAND CONSTITUTION.

(D) COPY TO COUNTY BOARD OF ELECTIONS.

THE COUNTY COMMISSIONERS SHALL SEND A CERTIFIED COPY OF THE RESOLUTION TO THE COUNTY BOARD OF ELECTIONS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 6.

In subsection (b) of this section, the former reference to a resolution "passed as in the usual course of considering resolutions" is deleted as implicit in the reference to adopting a resolution.

In subsection (d) of this section, the reference to the "county commissioners" sending the certified copy of the resolution is added for clarity.

In subsection (d) of this section and throughout this subtitle, the former references to the board "of supervisors" of elections are deleted for accuracy.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the requirement in subsection (b) of this section for a two-thirds vote of "all the individuals elected to the county commissioners" for the adoption of code home rule is unclear in the instance of a vacancy in the county commissioners. Is the intent of the section to require two-thirds of the number of total elected positions or two-thirds of the number of positions currently filled? The General Assembly may wish to clarify this provision.

Defined terms: "Code home rule" § 9-301
"County" § 1-101

9-306. REFERENDUM ON HOME RULE.

(A) IN GENERAL.

THE COUNTY BOARD OF ELECTIONS SHALL SUBMIT THE QUESTION OF CODE HOME RULE TO THE VOTERS OF THE COUNTY FOR THEIR ADOPTION OR REJECTION:

(1) AT THE NEXT REGULAR CONGRESSIONAL ELECTION; AND

(2) IN ACCORDANCE WITH THE REQUIREMENTS OF THE ELECTION LAW ARTICLE AS TO TIME, NOTICE, AND FORM.

(B) REQUIRED BALLOT LANGUAGE.

THE BALLOT SHALL CONTAIN THE WORDS “FOR ADOPTION OF CODE HOME RULE” AND “AGAINST ADOPTION OF CODE HOME RULE”.

(C) RESULTS OF REFERENDUM.

WITHIN 10 DAYS AFTER RECEIVING A CERTIFICATION OF THE VOTE ON THE REFERENDUM FROM THE COUNTY BOARD OF ELECTIONS:

(1) IF A MAJORITY OF THOSE WHO VOTED ON THE QUESTION VOTED IN FAVOR OF ADOPTION OF CODE HOME RULE:

(I) THE COUNTY COMMISSIONERS PUBLICLY SHALL SO PROCLAIM; AND

(II) ON THE 30TH DAY AFTER THE PUBLIC PROCLAMATION, THE COUNTY SHALL BECOME A CODE COUNTY; OR

(2) IF LESS THAN A MAJORITY OF THOSE WHO VOTED ON THE QUESTION VOTED IN FAVOR OF ADOPTION OF CODE HOME RULE:

(I) THE COUNTY COMMISSIONERS PUBLICLY SHALL SO PROCLAIM; AND

(II) THE PROCLAMATION SHALL STATE THAT THE PROPOSAL TO ADOPT CODE HOME RULE IS NOT APPROVED.

(D) NOTICE OF ADOPTION OR REJECTION OF CODE HOME RULE.

AFTER THE ADOPTION OR REJECTION OF CODE HOME RULE, THE COUNTY COMMISSIONERS PROMPTLY SHALL SEND NOTIFICATION AS FOLLOWS:

(1) FIVE COPIES TO THE DEPARTMENT OF LEGISLATIVE SERVICES;

(2) ONE COPY TO THE SECRETARY OF STATE;

(3) ONE COPY TO THE STATE ARCHIVES; AND

(4) ONE COPY TO THE MARYLAND STATE LAW LIBRARY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 7.

In subsection (b) of this section, the former reference to “voting machine labels” is deleted as unnecessary in light of the reference to “ballot[s]”.

In the introductory language of subsection (c) of this section, the reference to the vote “on the referendum” is added for clarity.

In the introductory language of subsection (c)(2) of this section, the reference to if “less than” a majority voted “in favor of” adoption of code home rule is substituted for the former reference to if a majority vote “against” adoption for consistency with other similar provisions of this article.

In subsection (c)(2)(ii) of this section, the reference to the “proclamation [stating] that” the proposal is not approved is added for consistency with other similar provisions of this article.

In the introductory language of subsection (d) of this section, the phrase “[a]fter the adoption or rejection of code home rule” is substituted for the former reference to “[w]henver the county commissioners proclaim the adoption or rejection of code home rule status” for brevity.

In subsection (d) of this section, the former references to the specific addresses of the Department of Legislative Services, the Secretary of State, the State Archives, and the State Law Library are deleted as unnecessary and to conform to other similar provisions of this article.

Defined terms: “Code county” § 1–101

“Code home rule” § 9–301

“County” § 1–101

“Voters” § 9–301

9–307. RETURN TO PRIOR FORM OF GOVERNMENT.

A CODE COUNTY MAY RETURN TO ITS FORM OF GOVERNMENT BEFORE THE ADOPTION OF CODE HOME RULE BY FOLLOWING THE SAME PROCEDURE REQUIRED BY THIS SUBTITLE FOR THE ADOPTION OF CODE HOME RULE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 7A.

The reference to the procedures required for the adoption of "code home rule" is substituted for the former reference to the procedure required for the adoption of "such status" for clarity.

The former phrase "[a]fter having become a code county according to the procedure required in this subtitle" is deleted as surplusage.

The former reference to a county "elect[ing]" to return to its prior form of government is deleted as surplusage.

Defined terms: "Code county" § 1-101

"Code home rule" § 9-301

9-308. POWER TO ENACT PUBLIC LOCAL LAWS.

EACH CODE COUNTY SHALL PROCEED IN ACCORDANCE WITH THIS SUBTITLE TO EXERCISE THE POWERS TO ENACT PUBLIC LOCAL LAWS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 8, as it related to the enactment of public local laws.

The former references to "amend[ing]" and "repeal[ing]" public local laws are deleted as included in the reference to "enact[ing]" public local laws.

Defined terms: "Code county" § 1-101

"Public local law" § 9-301

9-309. LEGISLATIVE DAYS.

(A) ESTABLISHMENT.

BY PUBLIC LOCAL LAW, THE COUNTY COMMISSIONERS OF A CODE COUNTY SHALL ESTABLISH A SPECIFIED NUMBER OF DAYS, NOT EXCEEDING 45 DAYS, IN EACH YEAR ON WHICH THE COUNTY COMMISSIONERS MAY MEET TO ENACT PUBLIC LOCAL LAWS.

(B) LEGISLATIVE DAYS GENERALLY.

(1) LEGISLATIVE DAYS:

(i) NEED NOT BE CONSECUTIVE; AND

(II) MAY BE DESIGNATED BY PUBLIC LOCAL LAW.

(2) IF A LEGISLATIVE DAY IS NOT SPECIFIED OR NOT DETERMINABLE BY PUBLIC LOCAL LAW, THE COUNTY COMMISSIONERS SHALL PUBLISH NOTICE OF THE LEGISLATIVE DAY IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CODE COUNTY BETWEEN 3 AND 14 DAYS BEFORE THE LEGISLATIVE DAY.

(C) FIRST LEGISLATIVE SESSION.

(1) THE FIRST LEGISLATIVE SESSION OF A CODE COUNTY SHALL:

(I) BEGIN ON THE FIRST BUSINESS DAY 60 DAYS AFTER THE EFFECTIVE DATE OF CODE HOME RULE; AND

(II) BE 15 DAYS LONG.

(2) THE 15 DAYS OF THE FIRST LEGISLATIVE SESSION DO NOT COUNT AS PART OF THE ANNUAL 45 LEGISLATIVE DAYS.

(D) OPEN TO PUBLIC.

EACH LEGISLATIVE SESSION SHALL BE OPEN TO THE PUBLIC.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, §§ 9 and 10(a).

In subsection (a) of this section, the reference to the "county commissioners" of a code county is added for accuracy.

In subsection (b)(1)(ii) of this section, the reference to the days being "designated" by public local law is substituted for the former reference to the legislative days being "allotted as the legislative body" by public local law "determines" for brevity and clarity.

In subsection (b)(2) of this section, the former reference to a legislative day being "preceded" by notice is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to publishing notice "within a period of" between 3 and 14 days before the legislative day is deleted as surplusage.

In subsection (c)(1)(i) of this section, the reference to the legislative session "begin[ning]" on the first business day is substituted for the

former reference to the legislative day “be[ing] held” on the first business day for clarity.

Also in subsection (c)(1)(i) of this section, the former reference to the first “ordinary” business day is deleted as surplusage.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the requirement in subsection (d) of this section that each legislative session is to be open to the public may create a conflict with the provisions of the State Open Meetings Act and may be unnecessary in light of § 9–101(b) of this title.

Defined terms: “Code county” § 1–101

“Code home rule” § 9–301

“Public local law” § 9–301

9–310. REQUIREMENTS FOR PUBLIC LOCAL LAWS.

(A) PASSED BY ORIGINAL BILL.

EACH PUBLIC LOCAL LAW OF A CODE COUNTY SHALL BE PASSED BY ORIGINAL BILL.

(B) ENACTING CLAUSE.

THE STYLE OF THE ENACTING CLAUSE FOR EACH BILL SHALL BE “BE IT ENACTED BY ...”.

(C) ONE SUBJECT RULE.

EACH PUBLIC LOCAL LAW ENACTED SHALL EMBRACE ONLY ONE SUBJECT, WHICH SHALL BE DESCRIBED IN THE TITLE OF THE BILL.

(D) REFERENCE TO TITLE ONLY; PROHIBITED.

A PUBLIC LOCAL LAW MAY NOT BE REPEALED OR AMENDED BY REFERENCE TO ITS TITLE ONLY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25B, § 10(b) and (c).

In subsection (a) of this section, the reference to each public local law “of a code county” is added for clarity.

In subsection (d) of this section, the former reference to a public local law being “revised” is deleted as included in the reference to a public local law being “amended”.

Also in subsection (d) of this section, the former reference to a “section” of a public local law is deleted as included in the reference to a “public local law”.

Defined terms: “Code county” § 1–101
“Public local law” § 9–301

9–311. LEGISLATIVE PROCEDURE.

(A) INTRODUCTION OF BILLS.

A COUNTY COMMISSIONER OF A CODE COUNTY MAY INTRODUCE A BILL ON ANY LEGISLATIVE DAY.

(B) PUBLIC HEARINGS ON BILLS.

(1) (I) NOT LATER THAN THE NEXT DAY AFTER THE INTRODUCTION OF A BILL, THE PRESIDING OFFICER OF THE COUNTY COMMISSIONERS SHALL SCHEDULE A PUBLIC HEARING ON THE BILL.

(II) A BILL MAY BE REJECTED AFTER ITS INTRODUCTION WITHOUT A HEARING BY A VOTE OF AT LEAST TWO–THIRDS OF THE TOTAL MEMBERSHIP OF THE COUNTY COMMISSIONERS.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PUBLIC HEARING ON A BILL SHALL BE HELD NOT LESS THAN 7 DAYS AFTER INTRODUCTION OF THE BILL.

(II) FOR AN EMERGENCY BILL, THE PUBLIC HEARING SHALL BE HELD NOT LESS THAN 3 DAYS AFTER INTRODUCTION OF THE EMERGENCY BILL.

(3) THE PUBLIC HEARING ON A BILL:

(I) NEED NOT BE HELD ON A LEGISLATIVE DAY; AND

(II) MAY BE ADJOURNED FROM TIME TO TIME.

(C) COPY OF BILL AND NOTICE OF HEARING.

(1) AFTER THE INTRODUCTION OF A BILL, A COPY OF THE BILL AND NOTICE OF THE DATE, TIME, AND PLACE OF THE HEARING SHALL BE POSTED:

(I) AS SOON AS PRACTICABLE;

(II) ON AN OFFICIAL BULLETIN BOARD IN A PUBLIC PLACE IN THE BUILDING IN WHICH THE COUNTY COMMISSIONERS USUALLY MEET; AND

(III) IN A MANNER THAT PROVIDES THE PUBLIC READY ACCESS TO THE COPY OF THE BILL AND THE NOTICE DURING REGULAR BUSINESS HOURS.

(2) ADDITIONAL COPIES OF THE BILL AND NOTICE OF THE HEARING SHALL BE MADE AVAILABLE TO THE PUBLIC.

(D) SPONSOR; INTRODUCTION DATE.

EACH COPY OF A BILL SHALL CONTAIN:

(1) THE NAME OF THE COUNTY COMMISSIONER WHO INTRODUCED THE BILL; AND

(2) THE DATE THE BILL WAS INTRODUCED.

(E) AMENDMENTS.

(1) AN AMENDMENT PROPOSED TO A BILL SHALL BE IN WRITING.

(2) A COPY OF EACH AMENDMENT SHALL BE MADE AVAILABLE FOR INSPECTION BY THE PUBLIC.

(F) PASSAGE OF BILLS.

(1) AFTER A PUBLIC HEARING, A BILL MAY BE FINALLY PASSED ON A LEGISLATIVE DAY WITH OR WITHOUT AMENDMENT.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A BILL IS AMENDED BEFORE FINAL PASSAGE, THE BILL MAY NOT BE PASSED UNTIL IT IS REPRINTED AS AMENDED.

(II) IF AN EMERGENCY BILL IS AMENDED BEFORE FINAL PASSAGE, THE EMERGENCY BILL NEED NOT BE REPRINTED AS AMENDED.

(3) EXCEPT FOR AN EMERGENCY BILL, A BILL MAY NOT BE PASSED LESS THAN 7 DAYS AFTER ITS INTRODUCTION.

(G) VOTE REQUIRED FOR PASSAGE.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, TO BECOME A PUBLIC LOCAL LAW, A BILL SHALL BE PASSED BY AN AFFIRMATIVE VOTE OF THE MAJORITY OF THE TOTAL MEMBERSHIP OF THE COUNTY COMMISSIONERS.

(2) AN EMERGENCY BILL SHALL BE PASSED:

(I) BY AN AFFIRMATIVE VOTE OF AT LEAST FOUR-FIFTHS OF THE TOTAL MEMBERSHIP; OR

(II) IF THE TOTAL MEMBERSHIP IS THREE MEMBERS, BY AN AFFIRMATIVE VOTE OF AT LEAST TWO MEMBERS.

(H) JOURNAL.

(1) THE COUNTY COMMISSIONERS SHALL KEEP A JOURNAL THAT SHALL BE OPEN TO PUBLIC INSPECTION AT ALL REASONABLE TIMES.

(2) ON FINAL PASSAGE OF A BILL, THE YEA AND NAY VOTES SHALL BE RECORDED IN THE JOURNAL.

(I) NOTICE OF PASSAGE OF BILLS.

EACH BILL THAT PASSES, OR A FAIR SUMMARY OF IT, SHALL BE PUBLISHED:

(1) IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY;

(2) AT LEAST THREE TIMES;

(3) AT WEEKLY INTERVALS; AND

(4) WITHIN THE 4-WEEK PERIOD AFTER PASSAGE OF THE BILL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, §§ 11 and 10(d) through (g).

Throughout this section, the former references to a legislative “session” day are deleted to conform to terminology used elsewhere in this subtitle. See § 9–309 of this subtitle.

Also throughout this section, the former references to “calendar” days are deleted as surplusage.

In subsection (b)(1)(i) of this section, the reference to the “presiding officer” of the county commissioners is substituted for the former reference to the “president” of the county commissioners for clarity because some boards have a chair, not a president.

In the introductory language of subsection (c)(1) of this section, the reference to the “date” of the hearing is added for clarity and consistency with other similar provisions of this article.

In subsections (c)(2) and (e)(2) of this section, the former references to “the press” are deleted as included in the references to “the public”.

In subsection (f)(2) of this section, the former references to a bill being “reproduc[ed]” are deleted as included in the references to the bill being “reprint[ed]”.

In subsection (g)(1) of this section, the reference to an “affirmative vote” is added for consistency with subsection (g)(2) of this section.

In subsection (g)(2)(ii) of this section, the reference to a vote of at least “two members” is substituted for the former reference to a vote of “two thirds” for clarity.

In subsection (h)(1) of this section, the former reference to the county commissioners “provid[ing]” for the keeping of a journal is deleted as surplusage.

Defined terms: “Code county” § 1–101

“County” § 1–101

“Public local law” § 9–301

9–312. EFFECTIVE DATES OF PUBLIC LOCAL LAWS.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PUBLIC LOCAL LAW ENACTED BY THE COUNTY COMMISSIONERS OF A CODE COUNTY TAKES EFFECT:

- (1) 45 DAYS AFTER IT IS ENACTED; OR**
- (2) AT A LATER DATE SPECIFIED IN THE PUBLIC LOCAL LAW.**

(B) EMERGENCY BILLS.

(1) A PUBLIC LOCAL LAW TAKES EFFECT ON THE DATE OF ITS PASSAGE IF IT IS PASSED AS AN EMERGENCY BILL.

- (2) AN EMERGENCY BILL MAY NOT:**
 - (I) ABOLISH OR CREATE AN OFFICE;**
 - (II) CHANGE A SALARY, TERM, OR DUTY OF AN OFFICER;**
 - (III) GRANT A FRANCHISE OR SPECIAL PRIVILEGE; OR**
 - (IV) CREATE A VESTED RIGHT OR INTEREST.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 10(h)(1).

In subsection (a) of this section, the reference to a public local law "tak[ing] effect ... at a later date specified in the public local law" is substituted for the former reference to a public local law taking effect "unless by a provision of the public local law it is to take effect at a later date" for brevity and clarity.

In subsection (b) of this section, the former reference to a bill "declared by at least a four-fifths vote of the total membership of the board of county commissioners or two thirds where total board membership is three members to be an emergency bill affecting the public health, safety, or welfare of the county" is deleted as unnecessary in light of the reference to an "emergency bill".

Defined terms: "Code county" § 1-101
 "Public local law" § 9-301

9-313. REFERENDUM ON PUBLIC LOCAL LAW.

(A) AUTHORIZED.

(1) THE VOTERS OF A CODE COUNTY MAY SUBMIT TO REFERENDUM, BY PETITION, A PUBLIC LOCAL LAW OR A PART OF A PUBLIC LOCAL LAW ENACTED UNDER THIS SUBTITLE.

(2) THE REFERENDUM SHALL BE:

(i) AT THE NEXT REGULAR CONGRESSIONAL ELECTION UNLESS THE COUNTY COMMISSIONERS, BY RESOLUTION, SCHEDULE A SPECIAL ELECTION;

(ii) IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 7 OF THE ELECTION LAW ARTICLE AS TO TIME, NOTICE, AND FORM; AND

(iii) FOR ADOPTION OR REJECTION BY A MAJORITY OF THOSE VOTING ON THE QUESTION.

(B) FILING OF REFERENDUM PETITION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A REFERENDUM PETITION SHALL:

(i) BE FILED WITH THE COUNTY BOARD OF ELECTIONS WITHIN 40 DAYS AFTER A PUBLIC LOCAL LAW IS ENACTED; AND

(ii) CONTAIN THE SIGNATURES OF AT LEAST 10% OF THE VOTERS OF THE CODE COUNTY.

(2) IF MORE THAN ONE-HALF BUT LESS THAN THE FULL NUMBER OF SIGNATURES REQUIRED TO COMPLETE A REFERENDUM PETITION AGAINST A PUBLIC LOCAL LAW ARE FILED WITHIN 40 DAYS AFTER THE PUBLIC LOCAL LAW IS ENACTED, THE TIME FOR THE PUBLIC LOCAL LAW TO TAKE EFFECT AND THE TIME FOR FILING THE REMAINDER OF SIGNATURES TO COMPLETE THE REFERENDUM PETITION IS EXTENDED FOR AN ADDITIONAL 40 DAYS.

(C) CONTENTS OF REFERENDUM PETITION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A REFERENDUM PETITION MAY CONSIST OF SEVERAL PAPERS.

(2) EACH PAPER SHALL:

(I) CONTAIN THE FULL TEXT OF THE PUBLIC LOCAL LAW OR PART OF THE PUBLIC LOCAL LAW PETITIONED TO REFERENDUM; AND

(II) HAVE ATTACHED TO IT AN AFFIDAVIT OF THE INDIVIDUAL WHO PROCURED THE SIGNATURES ON THE PETITION THAT CERTIFIES THAT TO THE BEST OF THE INDIVIDUAL'S PERSONAL KNOWLEDGE, INFORMATION, AND BELIEF:

1. EACH SIGNATURE ON THE PETITION IS GENUINE;
AND

2. THE SIGNERS ARE VOTERS IN THE CODE COUNTY.

(D) VERIFICATION OF VOTER REGISTRATION.

THE COUNTY BOARD OF ELECTIONS SHALL VERIFY THE VOTER REGISTRATION OF EACH SIGNER.

(E) EFFECTIVE DATES.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A LEGALLY SUFFICIENT REFERENDUM PETITION ON A PUBLIC LOCAL LAW IS FILED WITH THE COUNTY BOARD OF ELECTIONS, THE PUBLIC LOCAL LAW DOES NOT TAKE EFFECT UNTIL 30 DAYS AFTER ITS APPROVAL BY A MAJORITY OF THE VOTERS VOTING ON THE QUESTION.

(2) AN EMERGENCY LAW PETITIONED TO REFERENDUM:

(I) REMAINS IN EFFECT FROM ITS EFFECTIVE DATE NOTWITHSTANDING THE FILING OF THE REFERENDUM PETITION; BUT

(II) IS REPEALED 30 DAYS AFTER ITS REJECTION BY A MAJORITY OF THE VOTERS VOTING ON THE QUESTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 10(h)(2) through (5).

In subsection (a)(1) of this section, the reference to the "voters" of a code county is substituted for the former reference to the "citizens" of a code county for accuracy and consistency with subsection (b)(1) of this section.

Also in subsection (a)(1) of this section, the reference to submitting a public local law to "referendum" is substituted for the former reference to

submitting a public local law to “the registered voters of the county” for brevity and clarity.

In subsection (b)(1)(i) of this section, the reference to a “public local law” being enacted is substituted for the former reference to a “bill” being enacted for consistency with the terminology used throughout this subtitle.

In subsection (b)(2) of this section, the former phrase “with like effect” is deleted as surplusage.

In subsections (c)(1) and (e) of this section, the references to a “referendum” petition are added for consistency with subsection (b) of this section.

In subsection (c)(2)(ii) of this section, the former phrase “as set opposite their names” is deleted as surplusage.

In subsection (c)(2)(ii)1 of this section, the former reference to the signature on the petition being “bona fide” is deleted as included in the reference to the signature being “genuine”.

In subsection (c)(2)(ii)2 of this section, the former reference to a signer being a voter “of the State of Maryland” is deleted as implicit in the requirement that the signer be a voter in the code county.

In subsection (d) of this section, the reference to “each signer” is substituted for the former reference to “the petitioners” for consistency with subsection (c) of this section.

In subsection (e)(1) of this section, the reference to a “legally sufficient” referendum petition is substituted for the former reference to a petition “in compliance with all provisions of law” for brevity.

In the introductory language of (e)(2) of this section, the reference to an emergency bill “petitioned to referendum” is added for clarity.

Defined terms: “Code county” § 1–101

“Public local law” § 9–301

“Voter” § 9–301

9–314. ANNUAL DUTIES REGARDING LOCAL LAWS — CODE COUNTIES.

(A) IN GENERAL.

AT THE END OF EACH CALENDAR OR FISCAL YEAR, EACH CODE COUNTY SHALL COMPILE A COMPLETE SET OF ALL PUBLIC LOCAL LAWS ENACTED BY THE CODE COUNTY DURING THAT YEAR.

(B) PUBLIC INSPECTION OF COPIES OF COMPILATION.

(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, COPIES OF THE COMPILATION SHALL BE:

(I) KEPT ON PERMANENT RECORD AT THE OFFICE OF THE COUNTY COMMISSIONERS;

(II) MADE AVAILABLE FOR INSPECTION DURING REGULAR BUSINESS HOURS AT THE OFFICE; AND

(III) PROVIDED IN PRINTED FORM WITHOUT CHARGE TO THE STATE ARCHIVES AND THE MARYLAND STATE LAW LIBRARY.

(2) ANNUALLY, EACH CODE COUNTY SHALL PROVIDE EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF THE COUNTY WITH:

(I) NOTICE THAT A DIGITAL COPY OF THE COMPILATION IS AVAILABLE ON THE INTERNET; OR

(II) A PRINTED COPY OF THE COMPILATION WITHOUT CHARGE.

(3) THE CODE COUNTY MAY MAKE OTHER COPIES OF THE COMPILATION AVAILABLE AT A REASONABLE COST TO ANY PERSON.

(C) PROVIDING COPIES OF COMPILATION TO DEPARTMENT OF LEGISLATIVE SERVICES.

ON OR BEFORE MARCH 1 OF EACH YEAR, THE CODE COUNTY SHALL PROVIDE WITHOUT CHARGE FOUR PRINTED COPIES OF THE COMPILATION TO THE DEPARTMENT OF LEGISLATIVE SERVICES.

(D) STATEMENT ON REFERENDUM ON PROPOSED LAW.

EACH CODE COUNTY SHALL PROVIDE TO THE DEPARTMENT OF LEGISLATIVE SERVICES A STATEMENT THAT INCLUDES INFORMATION ON:

(1) THE RESULTS OF ANY REFERENDUM ON A PUBLIC LOCAL LAW HELD DURING THE PREVIOUS CALENDAR OR FISCAL YEAR; AND

(2) ANY ACTUAL OR POTENTIAL PENDING REFERENDUM THAT HAS NOT BEEN HELD BY THE END OF THE YEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 12(a) through (d).

In subsection (a) of this section, the former reference to the compilation being "convenient and legible" is deleted as implicit in the county's obligation to provide the documents in compilation form.

In subsection (c) of this section, the reference to "each" year is substituted for the reference to "the next succeeding" year for clarity.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that it is unclear what is meant by the reference to a "potential" pending referendum in subsection (d)(2) of this section.

Defined terms: "Code county" § 1-101

"County" § 1-101

"Person" § 1-101

"Public local law" § 9-301

9-315. ANNUAL DUTIES REGARDING LOCAL LAWS — DEPARTMENT OF LEGISLATIVE SERVICES.

(A) INQUIRY TO CODE COUNTIES.

(1) AT THE END OF EACH CALENDAR YEAR, THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL ASK EACH CODE COUNTY WHETHER THE COUNTY HAS ENACTED ANY PART OF ITS PUBLIC LOCAL LAWS DURING THAT CALENDAR YEAR OR ITS LATEST FISCAL YEAR.

(2) THE CODE COUNTY PROMPTLY SHALL:

(I) ANSWER THE INQUIRY; AND

(II) VERIFY THAT COPIES OF THE REQUESTED ENACTMENTS OF PUBLIC LOCAL LAWS ALREADY HAVE BEEN SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES.

(B) NONCOMPLIANCE BY CODE COUNTIES.

(1) THE DEPARTMENT OF LEGISLATIVE SERVICES PROMPTLY SHALL CERTIFY TO THE COMPTROLLER IF A CODE COUNTY DOES NOT COMPLY WITH SUBSECTION (A) OF THIS SECTION OR § 9-314(C) OR (D) OF THIS SUBTITLE.

(2) IF THE DEPARTMENT OF LEGISLATIVE SERVICES CERTIFIES NONCOMPLIANCE, THE COMPTROLLER MAY DISCONTINUE ALL FUNDS, GRANTS, OR STATE AID THAT THE CODE COUNTY IS ENTITLED TO UNDER STATE LAW RELATING TO:

- (I) THE INCOME TAX;**
- (II) THE TAX ON RACING;**
- (III) THE RECORDATION TAX;**
- (IV) THE ADMISSIONS AND AMUSEMENT TAX; AND**
- (V) LICENSE TAXES OR FEES.**

(C) PRINTING AND INDEXING OF COMPILATIONS OF PUBLIC LOCAL LAWS.

THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL:

(1) ARRANGE IN A LOGICAL AND CONVENIENT ORDER THE TITLES OF THE LAWS OF EACH CODE COUNTY THAT AMENDS ITS CODE OF PUBLIC LOCAL LAWS;

(2) PRINT EACH TITLE, IDENTIFIED AS A TITLE OF THE LAWS OF A CODE COUNTY THAT AMENDS ITS CODE OF PUBLIC LOCAL LAWS, IN THE SESSION LAWS OF THE GENERAL ASSEMBLY FOR ITS REGULAR SESSION IN THAT YEAR; AND

(3) INDEX EACH TITLE WITH OR IN A SUPPLEMENTAL VOLUME TO THE LAWS ENACTED BY THE GENERAL ASSEMBLY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 12(e) through (g).

In subsection (a)(1) of this section, the former references to public local laws “amended” or “repealed” are deleted as included in the reference to public local laws “enacted”.

In subsection (a)(2)(ii) of this section, the reference to “the requested enactments” is substituted for the former reference to “such enactments, amendments, or repeals” for brevity.

In subsection (b)(1) of this section, the reference to a county that “does not comply with subsection (a) of this section or § 9–314(c) or (d) of this subtitle” is substituted for the former reference to the county that “fails or refuses to supply printed copies of this compilation and of the results of any referenda thereon to the State Department of Legislative Services by March 1 of the next succeeding year, or fails or refuses to certify that there have been no such enactments, amendments, or repeals, or referenda, during the last calendar or fiscal year” for brevity.

In subsection (b)(2)(v) of this section, the reference to the license taxes “or fees” is added for accuracy. When Art. 25B, § 12 was enacted in 1967, licenses were governed by Article 56 of the Code. At that time there were several instances in Article 56 where the language suggested that certain license fees were viewed as a tax. Additionally, there is case law dating back to the late 1800s that supports the assertion that certain fees are viewed as a tax. *See, e.g., State Ins. Comm’r v. Nationwide Mut. Ins. Co.*, 241 Md. 108, 117 (1966); *Ruggles v. State*, 120 Md. 553, 563 (1913); and *Carson v. State*, 57 Md. 251, 255 (1881).

In subsection (c) of this section, the former reference to the Department of Legislative Services “receiv[ing] the compilations and statements delivered to it” is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to the titles of the laws being “delivered to the State printer” for inclusion in the Session Laws is deleted as obsolete because the Department of Legislative Services prints the Session Laws of the General Assembly.

Defined terms: “Code county” § 1–101

“County” § 1–101

“Public local law” § 9–301

“State” § 1–101

SUBTITLE 4. CODE COUNTIES AND COMMISSION COUNTIES.

9–401. COUNTY COMMISSIONERS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO CODE COUNTIES AND COMMISSION COUNTIES.

(B) NUMBER OF COUNTY COMMISSIONERS SET BY PUBLIC LOCAL LAW.

THE NUMBER OF COUNTY COMMISSIONERS IN EACH COUNTY SHALL BE SET BY THE PUBLIC LOCAL LAWS OF THE COUNTY.

(C) TAKING OFFICE.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS SHALL:

(I) MEET WITHIN 60 DAYS AFTER THEIR ELECTION; AND

(II) QUALIFY BY TAKING THE CONSTITUTIONAL OATH.

(2) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY SHALL TAKE OFFICE ON THE FIRST MONDAY IN DECEMBER AFTER THEIR ELECTION.

(D) MEETING REQUIREMENTS.

(1) THE COUNTY COMMISSIONERS SHALL MEET AT LEAST ONCE EACH QUARTER.

(2) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY SHALL MEET AT LEAST 48 TIMES A YEAR.

(3) THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY SHALL HOLD AT LEAST 10 OF THEIR GENERAL MEETINGS EACH YEAR IN THE EVENING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 5C, 18, and 19.

In subsection (b) of this section, the reference to the "public" local laws is substituted for the former reference to the "code of" local laws to conform to other similar provisions of the Code.

In subsection (c)(1)(i) of this section, the former reference to meeting "in their respective counties" is deleted as implicit.

In subsection (d)(1) of this section, the former reference to the county commissioners meeting “more often if the necessities of the county in their judgment require” is deleted as implicit in light of the phrase “at least”.

In subsection (d)(2) of this section, the former reference to the county commissioners meeting “in accordance with the St. Mary’s County Open Meetings Act” is deleted as unnecessary in light of the requirements of the St. Mary’s County Open Meetings Act in Title 9, Subtitle 5 of this article.

Defined terms: “Code county” § 1–101

“Commission county” § 1–101

“County” § 1–101

9–402. VACANCY IN OFFICE OF COUNTY COMMISSIONER.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO:

(1) COMMISSION COUNTIES; AND

(2) EXCEPT AS OTHERWISE PROVIDED BY LOCAL LAW, CODE COUNTIES.

(B) GOVERNOR TO FILL VACANCY.

(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF A VACANCY OCCURS IN AN OFFICE OF COUNTY COMMISSIONER, THE GOVERNOR SHALL APPOINT AN INDIVIDUAL TO FILL THE VACANCY.

(2) (i) IF A VACANCY OCCURS DURING A SESSION OF THE SENATE OF MARYLAND, THE GOVERNOR SHALL APPOINT THE INDIVIDUAL WITH THE ADVICE AND CONSENT OF THE SENATE.

(ii) IN ALLEGANY COUNTY, IF THERE IS NO RESIDENT SENATOR FROM ALLEGANY COUNTY IN THE SENATE OF MARYLAND AT THE TIME OF THE APPOINTMENT, THE GOVERNOR SHALL APPOINT THE INDIVIDUAL WITH THE ADVICE AND CONSENT OF THE HOUSE OF DELEGATES.

(iii) IF A VACANCY OCCURS DURING A RECESS OF THE SENATE OF MARYLAND, THE GOVERNOR SHALL:

1. APPOINT AN INDIVIDUAL DURING THE RECESS;
AND

2. SUBMIT TO THE SENATE THE NOMINATION OF THE INDIVIDUAL APPOINTED, OR ANOTHER INDIVIDUAL, NOT LATER THAN 30 DAYS AFTER THE NEXT MEETING OF THE GENERAL ASSEMBLY BEGINS.

(C) NOMINATION PROCESS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE CENTRAL COMMITTEE OF THE POLITICAL PARTY THAT IS AFFILIATED WITH THE VACATING COUNTY COMMISSIONER SHALL SUBMIT IN WRITING TO THE GOVERNOR THE NAME OF THE INDIVIDUAL THAT THE POLITICAL PARTY NOMINATES TO FILL THE VACANCY.

(2) THE INDIVIDUAL NOMINATED BY THE CENTRAL COMMITTEE SHALL BE OF THE SAME POLITICAL PARTY AS THE VACATING COUNTY COMMISSIONER.

(3) THE GOVERNOR SHALL NOMINATE OR APPOINT THE INDIVIDUAL WHOSE NAME IS SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 15 DAYS AFTER THE SUBMISSION.

(4) IF THERE IS NO CENTRAL COMMITTEE IN THE COUNTY IN WHICH THE VACANCY OCCURS, THE GOVERNOR SHALL APPOINT AN INDIVIDUAL TO FILL THE VACANCY WHO HAS ALL THE QUALIFICATIONS REQUIRED FOR THE OFFICE OF COUNTY COMMISSIONER IN THE PARTICULAR COUNTY.

(5) IN GARRETT COUNTY, THE NOMINEE OR APPOINTEE SHALL BE A RESIDENT OF THE SAME COMMISSIONER DISTRICT IN WHICH THE FORMER COUNTY COMMISSIONER RESIDED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 16.

In this section, the references to an "individual" are substituted for the former references to a "person" or "persons" because only a human being and not the other entities that are included in the definition of "person" can be nominated to fill a vacancy in an office of county commissioner.

In subsection (b)(1) of this section, the former reference to a vacancy occurring “by death, resignation or otherwise” is deleted as unnecessary because it encompasses all types of vacancies.

Also in subsection (b)(1) of this section, the former reference to the appointment of a “proper” individual is deleted as surplusage.

In subsection (b)(2)(iii)2 of this section, the reference to 30 days after the next meeting of the General Assembly “begin[ning]” is added for clarity.

Defined terms: “Code county” § 1–101

“Commission county” § 1–101

“County” § 1–101

9–403. COUNTY COMMISSIONERS AS CORPORATION.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO CODE COUNTIES AND COMMISSION COUNTIES.

(B) IN GENERAL.

THE COUNTY COMMISSIONERS OF EACH COUNTY ARE A CORPORATION.

REVISOR’S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section. Charter counties are excluded because the provision is a requirement imposed on county commissioners.

Subsection (b) of this section is new language derived without substantive change from the first sentence of former Art. 25, § 1–1, as it related to the county commissioners being a corporation.

In subsection (b) of this section, the former reference to the county being “declared to be” a corporation is deleted as surplusage.

Defined terms: “Code county” § 1–101

“Commission county” § 1–101

“County” § 1–101

9–404. LEGAL CLAIMS — GENERALLY.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO CODE COUNTIES AND COMMISSION COUNTIES.

(B) COUNTY AUTHORITY TO SUE.

THE COUNTY COMMISSIONERS MAY SUE AND BE SUED.

(C) LEGAL PROOF OF CLAIM REQUIRED.

THE COUNTY COMMISSIONERS MAY NOT PAY A CLAIM AGAINST THE COUNTY UNLESS:

(1) THE CLAIM IS PAYABLE BY THE COUNTY; AND

(2) THE CLAIMANT PRODUCES LEGAL PROOF OF THE CLAIM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 17, 23, and 3(k).

In subsection (b) of this section, the former reference to the county commissioners "su[ing] for any injury done to the property of the county, or to recover possession thereof, or may be sued by any claimant of such property" is deleted as included in the reference to the county commissioners "su[ing] or be[ing] sued".

In subsection (c)(2) of this section, the reference to legal "proof of the claim" is substituted for the former reference to a legal "voucher" for clarity.

Defined terms: "Code county" § 1-101

"Commission county" § 1-101

"County" § 1-101

9-405. ETHICS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO CODE COUNTIES AND COMMISSION COUNTIES.

(B) APPLICATION OF SECTION.

THIS SECTION DOES NOT APPLY TO A COUNTY THAT HAS ADOPTED LOCAL ETHICS LAWS UNDER §§ 15-804 AND 15-805 OF THE STATE GOVERNMENT

ARTICLE IF THE LOCAL ETHICS LAWS HAVE BEEN APPROVED BY THE STATE ETHICS COMMISSION.

(C) INTERESTS IN CONTRACTS PROHIBITED; CLAIMS AGAINST COUNTY PROHIBITED.

DURING A COUNTY COMMISSIONER'S TERM OF OFFICE, THE COUNTY COMMISSIONER MAY NOT:

(1) POSSESS OR ACQUIRE ANY SHARE OR INTEREST IN, OR HAVE OR PARTICIPATE IN, EITHER DIRECTLY OR INDIRECTLY, ANY BENEFIT, PROFIT, OR COMPENSATION OF ANY AGREEMENT OR CONTRACT ENTERED INTO WITH ANY PARTY BY THE COUNTY COMMISSIONERS AS COUNTY COMMISSIONERS; OR

(2) ACCEPT, POSSESS, OR ACQUIRE ANY CLAIM, OR ANY SHARE OR INTEREST IN ANY CLAIM, ON OR AGAINST THE COUNTY OF WHICH THE INDIVIDUAL IS A COMMISSIONER IF THE CLAIM HAS BEEN OR WILL BE PASSED ON AND APPROVED BY THE COUNTY COMMISSIONERS.

(D) PENALTIES.

(1) IF A COUNTY COMMISSIONER VIOLATES THE PROVISIONS OF THIS SECTION, THE COUNTY COMMISSIONER IS SUBJECT TO PROSECUTION.

(2) A COUNTY COMMISSIONER WHO IS CONVICTED UNDER THIS SECTION SHALL FORFEIT:

(I) THE OFFICE; AND

(II) THE COUNTY COMMISSIONER'S SHARE OR INTEREST IN THE AGREEMENT, CONTRACT, OR CLAIM IN WHICH THE COUNTY COMMISSIONER WAS INVOLVED.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section. Charter counties are excluded because the provision is a duty imposed on county commissioners.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 25, §§ 30, 31, and 32.

In subsection (c) of this section, the former references to "hold[ing]" and "purchas[ing]" any share or interest are deleted as included in the references to "possess[ing]" and "acquir[ing]" any share or interest.

Similarly, the former references to “receiv[ing]” and “enjoy[ing]” benefits, profits, or compensation are deleted as included in the references to “hav[ing]” and “participat[ing]” benefits, profits, or compensation.

In subsection (c)(1) of this section, the former reference to “parties” is deleted in light of the reference to “any party” and Art. 1, § 8, which provides that the singular generally includes the plural.

Also in subsection (c)(1) of this section, the former reference to the county commissioners “in their character and capacity” as county commissioners is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to approval by the county commissioners “of which he is a member” is deleted as surplusage.

In subsection (d)(1) of this section, the reference to a county commissioner being “subject to prosecution” is substituted for the former reference to a county commissioner being “liable to indictment” to conform to other similar provisions of the Code.

The Local Government Article Review Committee notes, for consideration by the General Assembly that this section may be obsolete in light of the requirements under Title 15, Subtitle 8 of the State Government Article to enact local public ethics laws.

Defined terms: “Code county” § 1–101

“Commission county” § 1–101

“County” § 1–101

9–406. PAYMENT OF PREMIUM FOR BONDS OF COUNTY OFFICIALS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO CODE COUNTIES AND COMMISSION COUNTIES.

(B) APPLICATION OF SECTION.

THIS SECTION DOES NOT APPLY TO A CLERK OF COURT OR A SHERIFF.

(C) BONDS EXECUTED AND APPROVED.

IF A COUNTY TREASURER, TAX COLLECTOR, COUNTY COMMISSIONER, OR ANY COUNTY OFFICIAL IS REQUIRED BY LAW TO GIVE A BOND:

(1) THE COUNTY OFFICIAL SHALL GIVE A BOND EXECUTED BY A SURETY COMPANY THAT IS AUTHORIZED TO DO BUSINESS IN THE STATE; AND

(2) THE BOND SHALL BE APPROVED BY THE COUNTY.

(D) PAYMENT OF PREMIUM FOR BONDS OF COUNTY OFFICIALS.

(1) THE COUNTY MAY PAY THE PREMIUM FOR A BOND GIVEN UNDER SUBSECTION (C) OF THIS SECTION, NOT TO EXCEED 0.5% PER YEAR OF THE PENALTY OF AN EXECUTED AND APPROVED BOND.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, WHEN A BOND IS EXECUTED AND APPROVED, THE COUNTY COMMISSIONERS MAY DIRECT THE PAYMENT OF THE PREMIUM OF THE BOND FROM THE GENERAL FUND OF THE COUNTY IN THE SAME MANNER AS REQUIRED TO PAY GENERAL COUNTY DEBTS.

(II) THE PAYMENT OF THE PREMIUM ON THE BOND GIVEN BY A REGISTER OF WILLS OR STATE'S ATTORNEY SHALL BE CHARGED AS AN EXPENSE OF THAT OFFICER.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section. Charter counties are excluded because the provision is a duty imposed on county commissioners.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 25, § 33.

In the introductory language of subsection (c) of this section, the reference to any "county official" is substituted for the former reference to any "officer ... coming within the common meaning of a county official" for brevity.

In subsection (c)(1) of this section, the reference to a surety company that is authorized "to do business in the State" is substituted for the former reference to a surety company that is authorized "by the laws of the State of Maryland to execute such bonds" for brevity.

Defined terms: "Code county" § 1-101

"Commission county" § 1-101

"County" § 1-101

"State" § 1-101

"Tax collector" § 1-101

SUBTITLE 5. ST. MARY'S COUNTY OPEN MEETINGS ACT.

9-501. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 24, § 4-202(a).

No changes are made.

(B) OFFICIAL ACTION.

"OFFICIAL ACTION" MEANS A PHASE OF THE PROCESS IN WHICH A PUBLIC AGENCY IN ST. MARY'S COUNTY MAKES A DECISION OR RECOMMENDATION, INCLUDING RECEIPT OF INFORMATION AND DELIBERATION.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 24, § 4-202(c).

The reference to a public agency "in St. Mary's County" is added for clarity.

(C) PUBLIC AGENCY.

(1) "PUBLIC AGENCY" MEANS:

(I) A GOVERNMENTAL UNIT OF ST. MARY'S COUNTY, INCLUDING AN ADVISORY OR QUASI-JUDICIAL AGENCY, THAT IS:

- 1. SUPPORTED IN ANY PART BY PUBLIC MONEY; OR**
- 2. AUTHORIZED TO SPEND PUBLIC MONEY; AND**

(II) THE ST. MARY'S COUNTY BOARD OF EDUCATION.

(2) "PUBLIC AGENCY" INCLUDES A SUBCOMMITTEE OR OTHER SUBORDINATE UNIT OF A GOVERNMENTAL UNIT LISTED IN PARAGRAPH (1) OF THIS SUBSECTION.

(3) "PUBLIC AGENCY" DOES NOT INCLUDE:

- (I) A GRAND JURY;
- (II) A PETIT JURY;
- (III) A LAW ENFORCEMENT AGENCY; OR
- (IV) THE JUDICIAL BRANCH.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 24, §§ 4–209 and 4–202(d).

In paragraph (1) of this subsection, the reference to a “governmental unit” is substituted for the former reference to an “agency, assembly, authority, board, bureau, commission, committee, counsel, or department” for brevity and consistency with terminology used throughout this article.

(D) PUBLIC AGENCY MEETING.

“PUBLIC AGENCY MEETING” MEANS THE CONVENING OF A QUORUM OF THE CONSTITUENT MEMBERSHIP OF A PUBLIC AGENCY TO DELIBERATE OR ACT ON A MATTER UNDER THE SUPERVISION, CONTROL, JURISDICTION, OR ADVISORY POWER OF THE PUBLIC AGENCY.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 24, § 4–202(b).

Defined terms: “Public agency” § 9–501
 “Quorum” § 9–501

(E) QUORUM.

“QUORUM”, UNLESS OTHERWISE DEFINED BY APPLICABLE LAW, MEANS A SIMPLE MAJORITY OF THE CONSTITUENT MEMBERSHIP OF A PUBLIC AGENCY.

REVISOR'S NOTE: This subsection formerly was Art. 24, § 4–202(f).

The only changes are in style.

Defined term: “Public agency” § 9–501

(F) STAFF MEETING.

“STAFF MEETING” MEANS A MEETING OF THREE OR MORE STAFF MEMBERS OF ONE OR MORE PUBLIC AGENCIES.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 24, § 4–202(g).

The reference to “three or more staff members of one or more public agencies” is substituted for the former reference to “three or more staff or a combination of three or more staff members of a public agency” for brevity.

The former reference to “a combination of three or more staff members” is deleted as surplusage.

Defined term: “Public agency” § 9–501

REVISOR’S NOTE TO SECTION:

Former Art. 24, § 4–202(e), which defined “public business” to mean all matters within the jurisdiction of a public agency which are before an agency for official action or which reasonably, foreseeably may come before that agency in the future, is deleted because the term is no longer used in this subtitle.

9–502. PUBLIC POLICY.

IT IS THE POLICY OF ST. MARY’S COUNTY THAT:

(1) PUBLIC OFFICIALS SHALL ENGAGE IN OFFICIAL ACTION IN AN OPEN AND PUBLIC MANNER SO THAT VOTERS ARE ADVISED OF THE PERFORMANCE OF PUBLIC OFFICIALS AND OF DECISIONS MADE IN FORMING PUBLIC POLICY;

(2) PUBLIC AGENCIES EXIST TO AID IN CONDUCTING THE PEOPLE’S BUSINESS;

(3) THE PEOPLE OF THE COUNTY, IN DELEGATING AUTHORITY, DO NOT YIELD THEIR SOVEREIGNTY OR GIVE PUBLIC AGENCIES THE RIGHT TO DECIDE WHAT IS GOOD FOR THE PEOPLE TO KNOW AND WHAT IS NOT GOOD FOR THEM TO KNOW; AND

(4) THE RIGHT OF THE PEOPLE TO REMAIN INFORMED IS PROTECTED SO THAT THEY MAY RETAIN CONTROL OVER THE INSTRUMENTS THEY CREATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 4–201.

In this section, the former statement that “[p]ublic agencies shall deliberate matters and take action on them, openly” is deleted as included in the reference to public officials “engag[ing] in official action in an open and public manner”.

In item (1) of this section, the reference to “engag[ing] in official action” is substituted for the former reference to “conduct[ing] the entire process of public business” for clarity and brevity.

Also in item (1) of this section, the reference to decisions “made in forming” public policy is substituted for the former reference to decisions “that are reached in public activity and in making” public policy for brevity.

Defined terms: “Official action” § 9–501
 “Public agency” § 9–501

9–503. CONFLICT WITH ANOTHER STATUTE, ORDINANCE, REGULATION, OR RULE.

THIS SUBTITLE PREVAILS IF IT CONFLICTS WITH ANOTHER STATUTE, ORDINANCE, REGULATION, OR RULE, UNLESS THE OTHER STATUTE, ORDINANCE, REGULATION, OR RULE IS MORE STRINGENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 4–214.

9–504. OPEN MEETINGS OF PUBLIC AGENCY.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN § 9–512 OF THIS SUBTITLE, A PUBLIC AGENCY MEETING AT WHICH OFFICIAL ACTION IS TAKEN SHALL BE OPEN TO THE PUBLIC.

(B) MEETINGS TO PURCHASE OR DISPOSE OF REAL PROPERTY.

A FINAL DECISION WHETHER TO PURCHASE OR DISPOSE OF REAL PROPERTY SHALL BE AT A PUBLIC AGENCY MEETING OPEN TO THE PUBLIC.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 4-203(a) and the first sentence of 4-210(e).

In subsection (a) of this section, the former reference to "public business" is deleted as implicit in the reference to a "public agency meeting".

In subsection (b) of this section, the reference to a "final" decision is added for clarity in light of § 9-512(a) of this subtitle which allows preliminary discussions concerning the purchase or disposition of real property to be conducted in a closed session.

Defined terms: "Official action" § 9-501
"Public agency meeting" § 9-501

9-505. NOTICE.

(A) APPLICATION OF SECTION.

THIS SECTION DOES NOT APPLY TO A STAFF MEETING.

(B) IN GENERAL.

A PUBLIC AGENCY SHALL PROVIDE WRITTEN PUBLIC NOTICE OF THE SCHEDULE OF ITS REGULAR PUBLIC AGENCY MEETINGS, INCLUDING THEIR DATES, TIMES, AND PLACES:

(1) AT THE BEGINNING OF EACH CALENDAR OR FISCAL YEAR; OR

(2) AT THE TIME THE PUBLIC AGENCY BEGINS TO FUNCTION.

(C) SUPPLEMENTAL NOTICE.

(1) EXCEPT AS PROVIDED IN § 9-506 OR § 9-507 OF THIS SUBTITLE, A PUBLIC AGENCY SHALL PROVIDE SUPPLEMENTAL WRITTEN PUBLIC NOTICE OF ANY SPECIAL OR RESCHEDULED PUBLIC AGENCY MEETING AT LEAST 48 HOURS BEFORE THE MEETING.

(2) THE NOTICE SHALL INCLUDE THE AGENDA, DATE, TIME, AND PLACE OF THE PUBLIC AGENCY MEETING.

(D) METHODS OF PROVIDING NOTICE.

A PUBLIC AGENCY SHALL PROVIDE WRITTEN PUBLIC NOTICE BY:

(1) POSTING A COPY OF THE NOTICE PROMINENTLY AT THE PRINCIPAL OFFICE OF THE PUBLIC AGENCY OR AT THE BUILDING IN WHICH THE PUBLIC AGENCY MEETING IS TO BE HELD; AND

(2) SENDING A COPY OF THE NOTICE TO ANY PERSON WHO REQUESTS TO BE NOTIFIED OF THE PUBLIC AGENCY MEETINGS.

(E) NOTICE OF PURCHASE OR DISPOSAL OF REAL PROPERTY.

A PUBLIC AGENCY SHALL GIVE NOTICE OF INTENT TO PURCHASE OR DISPOSE OF REAL PROPERTY AT LEAST 15 DAYS BEFORE A VOTING SESSION ON THE ACTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 4-204(a), (b), (c), and (e) and the second sentence of 4-210(e).

In subsection (c)(1) of this section, the reference to "§ 9-506" of this subtitle is added for clarity.

In the introductory language of subsection (d) of this section, the former reference to providing public notice "as a minimum" is deleted as surplusage.

Defined terms: "Person" § 1-101
 "Public agency" § 9-501
 "Public agency meeting" § 9-501
 "Staff meeting" § 9-501

9-506. RECONVENED PUBLIC AGENCY MEETINGS.

A PUBLIC AGENCY MEETING MAY BE ADJOURNED AND RECONVENED AT ANOTHER TIME WITHOUT ADDITIONAL PUBLIC NOTICE IF:

(1) NOTICE OF THE TIME AND PLACE OF THE RECONVENED MEETING IS PROVIDED BEFORE ADJOURNMENT;

(2) THE AGENDA FOR THE RECONVENED MEETING IS PUBLISHED IN ADVANCE; AND

(3) THE AGENDA FOR THE ORIGINAL MEETING IS AVAILABLE TO OBSERVERS AT THE BEGINNING OF THE ORIGINAL MEETING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 4–205.

In item (3) of this section, the reference to the agenda “for the original meeting” is added for clarity.

Defined term: “Public agency meeting” § 9–501

9–507. EMERGENCY PUBLIC AGENCY MEETINGS.

(A) APPLICATION OF SECTION.

THIS SECTION DOES NOT APPLY TO A STAFF MEETING.

(B) IN GENERAL.

A PUBLIC AGENCY MAY SCHEDULE AN EMERGENCY PUBLIC AGENCY MEETING TO DISCUSS UNFORESEEN EMERGENCY CONDITIONS.

(C) REASONABLE EFFORT REQUIRED TO PROVIDE NOTICE.

A PUBLIC AGENCY SHALL MAKE A REASONABLE EFFORT TO PROVIDE NOTICE OF THE DATE, TIME, AND PLACE OF AN EMERGENCY PUBLIC AGENCY MEETING BY TELEPHONE TO THE NEWS MEDIA IMMEDIATELY AFTER PARTICIPANTS HAVE BEEN NOTIFIED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 4–204(d) and (e).

Defined terms: “Public agency” § 9–501

“Public agency meeting” § 9–501

“Staff meeting” § 9–501

9–508. MEETING MINUTES.

(A) APPLICATION OF SECTION.

THIS SECTION DOES NOT APPLY TO:

(1) A STAFF MEETING; OR

(2) A WORKING SESSION IF A FINAL DECISION IS NOT MADE.

(B) REQUIRED FOR PUBLIC MEETINGS.

A PUBLIC AGENCY SHALL TAKE AND, IN A TIMELY MANNER, RECORD MINUTES OF EACH PUBLIC AGENCY MEETING OPEN TO THE PUBLIC.

(C) OPEN FOR INSPECTION AND COPYING.

MINUTES OF A PUBLIC AGENCY MEETING ARE A PUBLIC RECORD OPEN FOR INSPECTION AND COPYING BY ANY PERSON.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 4-207.

In subsection (b) of this section, the reference to a public agency meeting "open to the" public is added for clarity.

Defined terms: "Person" § 1-101
 "Public agency" § 9-501
 "Public agency meeting" § 9-501
 "Staff meeting" § 9-501

9-509. BROADCASTING AND RECORDING OF MEETING.

(A) IN GENERAL.

A PUBLIC AGENCY THAT CONDUCTS A MEETING THAT IS OPEN TO THE PUBLIC SHALL ALLOW RECORDED OR LIVE RADIO AND TELEVISION BROADCASTING AND THE USE OF RECORDING DEVICES.

(B) RULES AND REGULATIONS.

A PUBLIC AGENCY MAY ADOPT RULES AND REGULATIONS REGARDING THE RECORDING AND BROADCASTING OF PUBLIC AGENCY MEETINGS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 4-208.

In subsection (b) of this section, the former reference to "reasonable" rules and regulations is deleted as implicit in the authorization to adopt rules and regulations.

Defined terms: "Public agency" § 9-501
 "Public agency meeting" § 9-501

9-510. STAFF MEETINGS.

EXCEPT AS PROVIDED IN § 9-512 OF THIS SUBTITLE, A STAFF MEETING SHALL BE OPEN TO THE PUBLIC.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 4-203(b).

The phrase "[e]xcept as provided in § 9-512 of this subtitle" is added to clarify that a staff meeting may be conducted in a closed session under certain circumstances as provided in § 9-512 of this subtitle.

Defined term: "Staff meeting" § 9-501

9-511. MEETING LOCATION.

A PUBLIC AGENCY MEETING THAT IS REQUIRED TO BE OPEN TO THE PUBLIC UNDER THIS SUBTITLE SHALL BE CONDUCTED IN A LOCATION WITH REASONABLE FACILITIES FOR PUBLIC OBSERVATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 4-206.

Defined term: "Public agency meeting" § 9-501

9-512. CLOSED SESSIONS.

(A) AUTHORIZED.

A PUBLIC AGENCY MEETING OR A STAFF MEETING MAY BE CONDUCTED IN A CLOSED SESSION ONLY:

(1) TO CONSIDER OR DISCUSS THE ASSIGNMENT, PROMOTION, RESIGNATION, SALARY, DEMOTION, DISMISSAL, REPRIMAND, OR APPOINTMENT OF A MEMBER OF A PUBLIC AGENCY OR EMPLOYEE, UNLESS THE INDIVIDUAL, AS A MATTER OF PUBLIC RECORD, MAKES A WRITTEN REQUEST FOR AN OPEN SESSION;

(2) TO DISCUSS STRATEGY IN COLLECTIVE BARGAINING OR LITIGATION;

(3) TO ENGAGE IN COLLECTIVE BARGAINING;

(4) TO DISCUSS THE DISTRIBUTION OF POLICE FORCES TO COPE WITH PUBLIC SAFETY EMERGENCIES;

(5) TO DISCUSS COST ESTIMATES FOR CAPITAL PROJECTS TO BE SUBSEQUENTLY PLACED THROUGH THE BIDDING PROCESS;

(6) TO HOLD PRELIMINARY DISCUSSIONS CONCERNING THE PURCHASE OR DISPOSITION OF REAL PROPERTY;

(7) WHEN STATE LAW OR FEDERAL REGULATION PROHIBITS A MEETING OPEN TO THE PUBLIC;

(8) TO MEET A CONDITION FOR ANONYMITY OF A DONOR CONTAINED IN A GIFT OR BEQUEST TO THE PUBLIC AGENCY;

(9) WHEN SECRECY IS NECESSARY TO PREVENT THE PREMATURE DISCLOSURE OF THE FORMAT OR CONTENT OF EXAMINATIONS OR THE DISCLOSURE OF RESULTS OF EXAMINATIONS AS RELATED TO INDIVIDUAL STUDENTS; OR

(10) IF THE MEETING IS CONDUCTED BY THE COUNTY BOARD OF EDUCATION OR ITS STAFF TO:

(I) CONSIDER THE DISCIPLINE OF A STUDENT, UNLESS THE PARENT, GUARDIAN, OR STUDENT REQUESTS AN OPEN SESSION OF THE COUNTY BOARD OF EDUCATION; OR

(II) DISCUSS SPECIFIC STUDENTS, FAMILIES, OR PERSONNEL AND THE DISCLOSURE OF THE DISCUSSIONS COULD PROVE DETRIMENTAL OR HARMFUL TO THOSE INDIVIDUALS.

(B) NOTICE; RESTRICTIONS.

(1) A CLOSED SESSION SHALL BE ANNOUNCED IN ADVANCE AT A MEETING THAT IS OPEN TO THE PUBLIC.

(2) AN ANNOUNCEMENT OF A CLOSED SESSION SHALL INCLUDE THE NATURE OF THE BUSINESS OF THE CLOSED SESSION.

(3) THE CLOSED SESSION SHALL BE LIMITED TO THE MATTERS DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

(C) MINUTES.

THE MINUTES OF THE NEXT OPEN SESSION SHALL INCLUDE THE JUSTIFICATION FOR HOLDING THE CLOSED SESSION, THE NAMES OF THOSE IN ATTENDANCE, AND THE TIMES THE MEETING BEGINS AND ENDS.

(D) FINAL ACTION PROHIBITED.

AN ORDINANCE, RESOLUTION, RULE, REGULATION, OR DECISION MAY NOT BE FINALLY ADOPTED AT A CLOSED SESSION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 4–210(a) through (d).

In this section, the references to a “closed” session are substituted for the former references to an “executive” session for consistency with the terminology used in the State Open Meetings Act.

In subsection (c) of this section, the reference to the minutes “of the next open session” is added for clarity and consistency with § 10–509(c)(2) of the State Government Article.

Also in subsection (c) of this section, the former reference to “the reason for the session” is deleted as included in the reference to the “justification for holding the closed session”.

Also in subsection (c) of this section, the former phrase “but need not be limited to that, at the discretion of the body holding the meeting” is deleted as unnecessary in light of Art. 1, § 30, which provides that the term “include” is used by way of illustration and not by way of limitation.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the General Assembly may wish to alter subsection (a)(1) of this section to conform to the State Open Meetings Act, which allows a closed session for any personnel matter relating to a specific individual. Additionally, the General Assembly may wish to alter subsection (a)(9) of this section to conform to the State Open Meetings Act, which allows a closed session to “prepare, administer, or grade a scholastic, licensing, or qualifying examination”.

The Local Government Article Review Committee also notes, for consideration by the General Assembly, that it is unclear whether subsection (d) of this section applies to staff meetings.

Defined terms: “Public agency” § 9–501
 “Public agency meeting” § 9–501
 “Staff meeting” § 9–501
 “State” § 1–101

9-513. RULES AND REGULATIONS.

A PUBLIC AGENCY MAY ADOPT RULES AND REGULATIONS TO MAINTAIN ORDER AT ITS PUBLIC AGENCY MEETINGS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 4-215.

The phrase “[a] public agency may adopt” is substituted for the former phrase “[t]his subtitle does not prevent a public agency from adopting” to state expressly that which was only implied in the former law, that a public agency may adopt rules and regulations.

The former reference to “reasonable” rules and regulations is deleted as implicit in the authorization to adopt rules and regulations.

Defined terms: “Public agency” § 9-501
“Public agency meeting” § 9-501

9-514. JUDICIAL REVIEW.**(A) AUTHORIZED.**

(1) A PERSON DENIED A RIGHT CONFERRED BY THIS SUBTITLE MAY FILE A COMPLAINT FOR MANDAMUS, INJUNCTION, OR OTHER APPROPRIATE REMEDY IN CIRCUIT COURT.

(2) A PLAINTIFF NEED NOT ALLEGE OR PROVE AN IRREPARABLE INJURY OR AN INJURY DIFFERENT FROM THE PUBLIC AT LARGE.

(B) FILING DEADLINE.

A COMPLAINT UNDER THIS SECTION SHALL BE FILED WITHIN 1 YEAR AFTER THE DATE OF THE ALLEGED VIOLATION.

(C) HEARING DEADLINE.

THE COURT SHALL CONDUCT A HEARING WITHIN 7 DAYS AFTER A COMPLAINT IS FILED.

(D) NATURE OF VIOLATION.

A VIOLATION OF THIS SUBTITLE IS DEEMED AN INJURY TO THE PUBLIC AT LARGE.

(E) RELIEF.

(1) THE COURT SHALL ISSUE AN ORDER THAT:

(I) GRANTS OR DENIES ALL OR PART OF THE RELIEF SOUGHT;

(II) AWARDS APPROPRIATE ATTORNEY'S FEES OR COSTS; AND

(III) DETERMINES THE EFFECT OF THE ACTION ALLEGED TO BE IN VIOLATION OF THIS SUBTITLE.

(2) THE COURT MAY VOID AN ACTION TAKEN AT A PUBLIC AGENCY MEETING IN VIOLATION OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 4-213 and 4-212(a).

In subsection (a)(1) of this section, the reference to "fil[ing] a complaint" is substituted for the former reference to "commenc[ing] a civil action by petitioning" for brevity. Correspondingly, in subsection (b) of this section, the reference to a "complaint" is substituted for the former reference to an "action".

Also in subsection (a)(1) of this section, the reference to filing a complaint "in circuit court" is substituted for the former reference to filing "in any court of competent jurisdiction" and the former statement "[t]he circuit courts of this State have jurisdiction over any civil action brought to enforce the provisions of this subtitle" for brevity.

In subsection (b) of this section, the former reference to "[t]he provisions of this subtitle apply[ing] to conduct and actions occurring after July 1, 1976" is deleted as obsolete.

In subsection (d) of this section, the reference to a violation being "deemed" an injury to the public at large is added for clarity.

In subsection (e)(2) of this section, the former reference to an action being "null" is deleted as included in the reference to an action being "void".

Defined terms: "Person" § 1-101

“Public agency meeting” § 9–501

9–515. PENALTY.

(A) KNOWING AND WILLFUL VIOLATIONS.

(1) A PERSON WHO KNOWINGLY VIOLATES THIS SUBTITLE MORE THAN TWICE IS GUILTY OF A MISDEMEANOR.

(2) A PERSON WHO WILLFULLY VIOLATES THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(B) PRESUMPTION THAT VIOLATION IS NOT WILLFUL.

IF A CIVIL ORDER FINDING THE DEFENDANT IN VIOLATION OF THIS SUBTITLE IS NOT ENTERED AT LEAST ONCE BEFORE THE OCCURRENCE OF AN ALLEGED MISDEMEANOR, A VIOLATION OF THIS SUBTITLE IS PRESUMED NOT TO BE WILLFUL.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 4–211 and 4–212(b).

The Local Government Article Review Committee notes, for consideration by the General Assembly, that it is not clear how paragraphs (1) and (2) of subsection (a) of this section are supposed to be read together – whether a violation “knowing[ly]” is different from a violation “willful[ly]”, and whether the penalties for a violation “knowing[ly]” are the same as those for a violation “willful[ly]”. The General Assembly may wish to clarify this provision.

The Local Government Article Review Committee also notes, for consideration by the General Assembly, that in subsection (b) of this section, it is not clear what the consequences would be if a violation of this subtitle is not presumed to be willful.

Defined term: “Person” § 1–101

9–516. SHORT TITLE.

THIS SUBTITLE MAY BE CITED AS THE “ST. MARY’S COUNTY OPEN MEETINGS ACT”.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 4–216.

TITLE 10. EXPRESS POWERS ACT.

SUBTITLE 1. GENERAL PROVISIONS.

10–101. SCOPE OF TITLE.

THIS TITLE DOES NOT APPLY TO BALTIMORE CITY.

REVISOR'S NOTE: This section is new language added to clarify that this title, which revises the Express Powers Act under former Art. 25A, § 5, does not apply to Baltimore City.

10–102. GRANT OF EXPRESS POWERS.

(A) CHARTER COUNTIES.

IN ADDITION TO OTHER POWERS GRANTED TO CHARTER COUNTIES, EACH CHARTER COUNTY MAY EXERCISE BY LEGISLATIVE ENACTMENT THE EXPRESS POWERS PROVIDED IN SUBTITLES 2 AND 3 OF THIS TITLE.

(B) CODE COUNTIES.

IN ADDITION TO OTHER POWERS GRANTED TO CODE COUNTIES, EACH CODE COUNTY MAY EXERCISE BY LEGISLATIVE ENACTMENT THE EXPRESS POWERS PROVIDED IN SUBTITLE 3 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13 and Art. 25A, § 4(a) and the introductory clause of § 5.

In subsections (a) and (b) of this section, the phrase “by legislative enactment” is added to clarify that the express powers provided in Subtitles 2 and 3 are a grant of legislative authority.

In subsection (a) of this section, the reference to “each charter county” is substituted for the former reference to “any county among the geographical subdivisions of this State, as that term is defined in § 4 of Article XI–A of the Constitution of the State, [having] adopted for itself a charter or form of government under the provisions of said Article XI–A of the Constitution” for brevity.

Also in subsection (a) of this section, the reference to the “express powers provided in Subtitles 2 and 3 of this title” is substituted for the former references to the “following express powers” and the “following enumerated express powers” for clarity.

Also in subsection (a) of this section, the reference to “other powers granted to charter counties” is substituted for the former reference to “powers codified in Article 25 of the Code, title County Commissioners” to reflect the recodification of those provisions in this article.

In subsection (b) of this section, the reference to “each” code county is substituted for the former reference to the requirement that “no county adopting code home rule status shall be excepted” for brevity.

Also in subsection (b) of this section, the reference to “the express powers provided in Subtitle 3 of this title” is substituted for the former reference to “those powers enumerated ... in § 5 of Article 25A, except for subsections (A), (P) and (S) of § 5 of Article 25A, of the Annotated Code of Maryland, 1957 Edition as amended” for clarity and brevity. Subtitle 2 of this title revises Art. 25A, § 5(A), (P), and (S), and Subtitle 3 of this title revises the remainder of Art. 25A, § 5.

Also in subsection (b) of this section, the reference to other powers “granted to code counties under this article” is substituted for the former reference to powers “enumerated in Article 25” and “powers any county may now have under any public general or local law applicable to the county” for brevity.

Defined terms: “Charter county” § 1–101
 “Code county” § 1–101

SUBTITLE 2. EXPRESS POWERS OF CHARTER COUNTIES.

10–201. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES ONLY TO CHARTER COUNTIES.

REVISOR’S NOTE: This section is new language added to clarify the scope of this subtitle.

Defined term: “Charter county” § 1–101

10–202. LOCAL LAWS.

(A) ENACTMENT.

A COUNTY MAY ENACT LOCAL LAWS AND MAY REPEAL OR AMEND ANY LOCAL LAW ENACTED BY THE GENERAL ASSEMBLY ON ANY MATTER COVERED BY THE EXPRESS POWERS IN THIS TITLE.

(B) ENFORCEMENT OF ORDINANCES, RESOLUTIONS, BYLAWS, AND REGULATIONS.

A COUNTY MAY PROVIDE FOR THE ENFORCEMENT OF AN ORDINANCE, A RESOLUTION, A BYLAW, OR A REGULATION ADOPTED UNDER THIS TITLE:

(1) BY CIVIL FINES NOT EXCEEDING \$1,000; OR

(2) BY CRIMINAL FINES AND PENALTIES NOT EXCEEDING \$1,000 AND IMPRISONMENT NOT EXCEEDING 6 MONTHS.

(C) ENFORCEMENT OF FAIR HOUSING LAWS.

A COUNTY MAY PROVIDE FOR THE ENFORCEMENT OF LOCAL FAIR HOUSING LAWS BY FINES OR PENALTIES THAT DO NOT EXCEED THE FINES OR PENALTIES PROVIDED IN THE FEDERAL FAIR HOUSING ACT AMENDMENTS OF 1988 FOR ENFORCEMENT OF SIMILAR FEDERAL FAIR HOUSING LAWS.

(D) ENFORCEMENT OF DISCRIMINATION LAWS.

A COUNTY MAY PROVIDE FOR THE ENFORCEMENT OF LOCAL EMPLOYMENT DISCRIMINATION LAWS OR PUBLIC ACCOMMODATIONS DISCRIMINATION LAWS BY CIVIL FINES NOT EXCEEDING \$5,000 FOR ANY OFFENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(A).

In subsection (a) of this section, the former reference to local laws "for the county" and "of the county" are deleted as surplusage.

Also in subsection (a) of this section, the reference to "this title" is substituted for the former reference to "this article" because all of the express powers provided in former Article 25A are set forth in this title.

In subsection (b) of this section, the reference to "civil" fines is added for accuracy. Former Art. 25A, § 5(A)(4) was added by Chapter 278 of the Acts of the General Assembly of 1995. Legislative history indicates that the \$5,000 cap on fines was intended as an exception to the general \$1,000

limit on fines, providing support for the interpretation that the \$1,000 limit on fines and penalties found in this subsection was intended to apply to civil as well as criminal fines. Additionally, the case of *Beretta v. Santos*, 122 Md. App. 168 (1998) and the Opinion of the Attorney General, 87 Op. Att’y Gen. 55 (2002), both support the interpretation that the \$1,000 limit applies to civil fines.

In subsection (b) of this section, the former reference to fines, penalties, and imprisonment “enforceable according to law as may be prescribed” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “civil” fines is added for clarity to distinguish between the authority of a county to provide for the enforcement of ordinances, resolutions, bylaws, and regulations by civil fines and by criminal fines and imprisonment.

In subsection (b)(2) of this section, the reference to “criminal” fines and penalties is added for clarity to distinguish between the authority of a county to provide for the enforcement of ordinances, resolutions, bylaws, and regulations by criminal fines, penalties, and imprisonment and by civil fines and penalties.

10-203. BONDS AND OTHER EVIDENCES OF INDEBTEDNESS.

(A) IN GENERAL.

(1) SUBJECT TO ANY LIMIT IMPOSED BY A COUNTY CHARTER AND THIS SUBSECTION, A COUNTY MAY PROVIDE FOR THE BORROWING OF MONEY ON THE FAITH AND CREDIT OF THE COUNTY AND FOR THE ISSUANCE OF BONDS OR OTHER EVIDENCES OF INDEBTEDNESS IN ACCORDANCE WITH LOCAL LAW.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE AGGREGATE AMOUNT OF BONDS AND OTHER EVIDENCES OF INDEBTEDNESS OUTSTANDING AT ANY ONE TIME MAY NOT EXCEED THE SUM OF 6% OF THE ASSESSABLE BASIS OF ALL REAL PROPERTY IN THE COUNTY PLUS 15% OF THE COUNTY’S ASSESSABLE BASIS OF PERSONAL PROPERTY AND OPERATING REAL PROPERTY AS DESCRIBED IN § 8-109(C) OF THE TAX – PROPERTY ARTICLE.

(II) THE FOLLOWING EVIDENCES OF INDEBTEDNESS MAY NOT BE CONSIDERED AS BONDS OR EVIDENCES OF INDEBTEDNESS IN APPLYING THE LIMITS IN THIS SUBSECTION:

1. TAX ANTICIPATION NOTES OR OTHER EVIDENCES OF INDEBTEDNESS HAVING A MATURITY NOT IN EXCESS OF 12 MONTHS;

2. BONDS OR OTHER EVIDENCES OF INDEBTEDNESS ISSUED OR GUARANTEED BY THE COUNTY PAYABLE PRIMARILY OR EXCLUSIVELY FROM TAXES LEVIED IN OR ON, OR OTHER REVENUES OF, SPECIAL TAXING DISTRICTS; AND

3. BONDS OR OTHER EVIDENCES OF INDEBTEDNESS ISSUED FOR SELF-LIQUIDATING AND OTHER PROJECTS PAYABLE PRIMARILY OR EXCLUSIVELY FROM THE PROCEEDS OF ASSESSMENTS OR CHARGES FOR SPECIAL BENEFITS OR SERVICES.

(3) (I) IF A PETITION FOR SUBMISSION TO REFERENDUM IS FILED IN ACCORDANCE WITH THE COUNTY CHARTER AND LOCAL LAWS OF A COUNTY, A LOCAL LAW AUTHORIZING THE BORROWING OF MONEY OR ISSUANCE OF BONDS OR OTHER EVIDENCES OF INDEBTEDNESS SHALL BE SUBMITTED TO THE VOTERS OF THE COUNTY FOR APPROVAL OR REJECTION.

(II) IF THE COUNTY CHARTER DOES NOT CONTAIN A PROVISION FOR SUBMISSION TO REFERENDUM, A LOCAL LAW THAT AUTHORIZES THE BORROWING OF MONEY OR ISSUANCE OF BONDS OR OTHER EVIDENCES OF INDEBTEDNESS SHALL BE SUBMITTED TO THE VOTERS OF THE COUNTY FOR APPROVAL OR REJECTION IF A PETITION FOR SUBMISSION TO REFERENDUM THAT BEARS THE SIGNATURES OF AT LEAST 10% OF THE REGISTERED VOTERS OF THE COUNTY IS FILED WITH THE COUNTY BOARD OF ELECTIONS WITHIN 75 DAYS AFTER THE LOCAL LAW IS ENACTED.

(B) SELF-FUNDED SYSTEM, PROJECT, OR UNDERTAKING.

(1) A COUNTY MAY PROVIDE FOR THE ISSUANCE OF BONDS OR OTHER EVIDENCES OF INDEBTEDNESS PAYABLE AS TO PRINCIPAL AND INTEREST AND PREMIUM, IF ANY, SOLELY FROM THE MONEY RECEIVED FROM OR IN CONNECTION WITH ANY SYSTEM, PROJECT, OR UNDERTAKING, ALL OR PART OF WHICH IS FINANCED FROM THE PROCEEDS OF THE BONDS OR OTHER EVIDENCES OF INDEBTEDNESS.

(2) BONDS OR OTHER EVIDENCES OF INDEBTEDNESS ISSUED UNDER THIS SUBSECTION:

(I) ARE NOT AN INDEBTEDNESS OF THE COUNTY OR A PLEDGE OF ITS FAITH AND CREDIT OR TAXING POWER;

(II) MAY BE SOLD AT A PRIVATE, NEGOTIATED SALE; AND

(III) ARE NOT SUBJECT TO THE LIMITATIONS OF:

- 1. SUBSECTION (A) OF THIS SECTION;**
- 2. §§ 19–205 AND 19–206 OF THIS ARTICLE; OR**
- 3. THE COUNTY CHARTER.**

(3) THIS SUBSECTION DOES NOT LIMIT THE POWER OF A COUNTY TO ISSUE REVENUE BONDS IN ACCORDANCE WITH ANY OTHER APPLICABLE LAW.

(C) TAX EXEMPTION.

THE BONDS, NOTES, AND ANY OTHER EVIDENCES OF INDEBTEDNESS ISSUED UNDER THIS SECTION, THEIR TRANSFER, THE INTEREST PAYABLE ON THEM, AND ANY INCOME DERIVED FROM THEM, INCLUDING ANY PROFIT REALIZED IN THEIR SALE OR EXCHANGE, SHALL BE EXEMPT FROM TAXATION OF ANY KIND BY THE STATE, ANY POLITICAL SUBDIVISION, OR ANY OTHER PUBLIC ENTITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(P).

In subsection (a) of this section, the former references to “registered” voters are deleted as surplusage, except when used to modify voters in connection with the percentage of signatures needed for a petition.

In subsection (a)(1) of this section, the phrase “in accordance with local law” is substituted for the former phrase “in such sums, for such purposes, on such terms and payable at such times, and from such taxes or other sources as may have been or may be provided by or pursuant to local law,” for brevity.

In the introductory language of subsection (a)(2)(ii) of this section, the reference to evidences of indebtedness “not be[ing] considered” is substituted for the former reference to evidences of indebtedness “not be[ing] subject to or included” for brevity.

In subsection (a)(2)(ii)2 of this section, the former reference to special taxing districts “heretofore or hereafter established by law” is deleted as surplusage.

Also in subsection (a)(2)(ii)2 of this section, the former reference to special taxing “areas” is deleted as included in the reference to special taxing “districts”.

In subsection (a)(3)(ii) of this section, the phrase “county board of elections” is substituted for the former phrase “board of supervisors of elections of the county” for consistency with the terminology used throughout the Code.

In subsections (b) and (c) of this section, the phrase “other evidences of indebtedness” is substituted for the former phrases “obligations” and “evidences of obligation”, respectively, for consistency with the terminology used elsewhere in this section.

In subsection (c) of this section, the former reference to being exempt “at all times” is deleted as surplusage.

Also in subsection (c) of this section, the former term “municipal corporations” is deleted as unnecessary in light of the term “political subdivision”.

10–204. ORDINANCES TO FACILITATE CHARTER AMENDMENTS.

A COUNTY MAY PASS ANY ORDINANCE THAT FACILITATES THE AMENDMENT OF THE COUNTY CHARTER BY REFERENDUM OF THE VOTERS OF THE COUNTY IN ACCORDANCE WITH ARTICLE XI–A, § 5 OF THE MARYLAND CONSTITUTION.

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 25A, § 5(S).

The reference to Article XI–A “, § 5” of the Maryland Constitution is added for clarity.

The phrase “by referendum of the voters” is substituted for the former phrase “by vote of the electors” to conform with the terminology used throughout this title.

10–205. COUNTY COUNCIL — VACANCY.

A COUNTY MAY PROVIDE FOR THE CONDUCT OF A SPECIAL ELECTION TO FILL A VACANCY IN THE COUNTY COUNCIL.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(Q)(2).

The former reference to a vacancy “that occurs upon the death or resignation of a member of the county council or on forfeiture of office by a member of the county council” is deleted as unnecessary because the deleted language lists all of the ways a vacancy in office could occur and, thus, there is no apparent intent to limit the option for a special election based on the type of vacancy.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that former Art. 25A, § 5(Q)(2), is revised to apply only to charter counties. In *Prince George’s County v. Bd. of Sup’rs of Elections of Prince George’s County*, 337 Md 496, 654 A.2d 1303 (1995), the Court held that a charter county was not authorized to fill an interim vacancy on the county council by special election. In response, the General Assembly passed a constitutional amendment amending Art. XI–A, Section 3 and Art. XVII, Section 2 of the Maryland Constitution addressing the ability to fill vacancies in charter counties and amended Art. 25A, § 5(Q) to address the filling of vacancies in charter counties. Given this legislative history, the committee concluded that these provisions were intended to apply only to charter counties. As to the filling of vacancies in code counties, *see* § 9–402 of this article.

10–206. ADDITIONAL LEGISLATIVE POWERS.

(A) IN GENERAL.

A COUNTY COUNCIL MAY PASS ANY ORDINANCE, RESOLUTION, OR BYLAW NOT INCONSISTENT WITH STATE LAW THAT:

(1) MAY AID IN EXECUTING AND ENFORCING ANY POWER IN THIS TITLE; OR

(2) MAY AID IN MAINTAINING THE PEACE, GOOD GOVERNMENT, HEALTH, AND WELFARE OF THE COUNTY.

(B) LIMITS ON EXERCISE OF POWERS.

A COUNTY MAY EXERCISE THE POWERS PROVIDED UNDER THIS TITLE ONLY TO THE EXTENT THAT THE POWERS ARE NOT PREEMPTED BY OR IN CONFLICT WITH PUBLIC GENERAL LAW.

(C) LIMIT ON POWERS TO REGULATE ALCOHOLIC BEVERAGES.

A COUNTY MAY NOT PASS ANY LAW UNDER THIS TITLE REGARDING THE LICENSING, REGULATING, PROHIBITING, OR SUBMITTING TO REFERENDUM THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES.

REVISOR'S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 25A, § 5(S).

In the introductory language of subsection (a) of this section, the former reference to "the provisions of this article" is deleted as included in the reference to "State law".

In subsection (a)(1) of this section, the reference to enactments "that ... may aid" in executing and enforcing is substituted for the former reference to enactments "as may be proper" in executing and enforcing for clarity. Similarly, in subsection (a)(2) of this section, the reference to enactments "that ... may aid" in maintaining is substituted for the former reference to enactments "as may be deemed expedient" in maintaining.

In subsection (b) of this section, the reference to powers that "are not preempted by or in conflict with" public general law is substituted for the former reference to powers that "are not provided" by public general law for clarity.

In subsection (c) of this section, the term "alcoholic beverages" is substituted for the former phrase "malt or spirituous liquors" for consistency with terminology used throughout the Code.

Also in subsection (c) of this section, the reference to "pass[ing] any law under this title" is substituted for the former reference to the "power to legislate" for clarity.

Defined term: "State" § 1-101

SUBTITLE 3. EXPRESS POWERS OF CHARTER COUNTIES AND CODE COUNTIES.

10-301. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES ONLY TO CHARTER COUNTIES AND CODE COUNTIES.

REVISOR'S NOTE: This section is new language added to clarify the scope of this subtitle.

Defined terms: "Charter county" § 1-101
 "Code county" § 1-101

10-302. COUNTY LEGISLATIVE BODY — COMPENSATION.**(A) COMPENSATION COMMISSION.**

BY ORDINANCE, A COUNTY MAY ESTABLISH A COMMISSION TO RECOMMEND COMPENSATION AND ALLOWANCES FOR MEMBERS OF THE COUNTY LEGISLATIVE BODY.

(B) RECOMMENDATIONS.

(1) WITHIN 15 DAYS AFTER THE BEGINNING OF THE FOURTH YEAR OF THE TERM, A COMMISSION ESTABLISHED UNDER THIS SECTION, BY RESOLUTION, SHALL SUBMIT TO THE COUNTY LEGISLATIVE BODY ITS RECOMMENDATION FOR THE COMPENSATION AND ALLOWANCES FOR MEMBERS OF THE COUNTY LEGISLATIVE BODY.

(2) SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE COMMISSION MAY RECOMMEND AN INCREASE OR DECREASE IN THE COMPENSATION AND ALLOWANCES FOR MEMBERS OF THE COUNTY LEGISLATIVE BODY.

(C) LEGISLATIVE ACTION.

ON RECEIVING THE RESOLUTION, THE COUNTY LEGISLATIVE BODY MAY REDUCE OR REJECT THE COMMISSION'S RECOMMENDATION, BUT MAY NOT INCREASE ANY ITEM.

(D) CHANGES IN SALARY.

ANY CHANGE IN THE COMPENSATION AND ALLOWANCES OF MEMBERS OF THE COUNTY LEGISLATIVE BODY SHALL BE ENACTED BY ORDINANCE BEFORE THE ELECTION FOR THE MEMBERS OF THE NEXT SUCCEEDING COUNTY LEGISLATIVE BODY AND TAKE EFFECT ONLY FOR THE MEMBERS OF THE NEXT SUCCEEDING COUNTY LEGISLATIVE BODY.

(E) MINIMUM FOR COMPENSATION AND ALLOWANCES.

THE COMPENSATION OR ALLOWANCES FOR MEMBERS OF THE COUNTY LEGISLATIVE BODY OF A CHARTER COUNTY MAY NOT BE LESS THAN PROVIDED IN THE COUNTY CHARTER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(AA).

In subsection (a) of this section and throughout this subtitle, the references to “county legislative body” are substituted for the former references to “county council” for accuracy because this subtitle applies to both charter counties, which are governed by a county council, and code counties, which are governed by county commissioners.

In subsection (a) of this section, the reference to a commission “to recommend” compensation and allowances is substituted for the former reference to a commission “empowered to set” compensation and allowances for consistency within this section.

In subsection (b)(1) of this section, the former reference to the commission “set[ting]” the compensation and allowances is deleted as inconsistent with the rest of this section, which requires the commission to submit “its recommendation” for the compensation and allowances.

Also in subsection (b)(1) of this section, the former reference to the term “of each council” is deleted as surplusage.

In subsection (b)(2) of this section, the introductory clause “[s]ubject to subsection (e) of this section” is added for clarity.

Also in subsection (b)(2) of this section, the reference to the “allowances” for members is added for consistency within this section.

In subsection (d) of this section, the reference to “[a]ny change in the compensation ... be[ing] enacted by ordinance” is substituted for the former reference to “[t]he ordinance making any change in the salary ... be[ing] ordained” for clarity.

Also in subsection (d) of this section, the reference to the “compensation and allowances of” members is substituted for the former reference to the “salary paid to” members for consistency within this section.

10-303. COUNTY OFFICERS, OFFICIALS, AND EMPLOYEES.

(A) COUNTY EXECUTIVE AUTHORITY.

IF A COUNTY EXECUTIVE IS AUTHORIZED, THE COUNTY MAY SET THE QUALIFICATIONS, TERM OF OFFICE, AND COMPENSATION FOR THE COUNTY EXECUTIVE.

(B) COUNTY OFFICERS — APPOINTMENT AND REMOVAL.

A COUNTY MAY PROVIDE FOR THE APPOINTMENT AND REMOVAL OF ALL COUNTY OFFICERS EXCEPT THOSE WHOSE APPOINTMENT OR ELECTION IS PROVIDED FOR BY THE MARYLAND CONSTITUTION OR PUBLIC GENERAL LAW.

(C) COUNTY OFFICERS — CONFLICTS OF INTEREST.

A COUNTY LEGISLATIVE BODY MAY ENACT LOCAL LAWS TO:

(1) PREVENT CONFLICTS BETWEEN THE PRIVATE INTERESTS AND PUBLIC DUTIES OF COUNTY OFFICERS AND MEMBERS OF THE COUNTY LEGISLATIVE BODY;

(2) GOVERN THE CONDUCT AND ACTIONS OF ALL COUNTY OFFICERS AND MEMBERS OF THE COUNTY LEGISLATIVE BODY IN THE PERFORMANCE OF THEIR PUBLIC DUTIES; AND

(3) PROVIDE FOR PENALTIES, INCLUDING REMOVAL FROM OFFICE, FOR A VIOLATION OF THE LOCAL LAWS OR ANY REGULATIONS ADOPTED UNDER THE LOCAL LAWS.

(D) COUNTY OFFICIALS AND EMPLOYEES — MERIT SYSTEM.

A COUNTY MAY PROVIDE FOR A MERIT SYSTEM GOVERNING THE APPOINTMENT OF COUNTY OFFICIALS AND EMPLOYEES NOT ELECTED OR APPOINTED UNDER THE MARYLAND CONSTITUTION OR PUBLIC GENERAL LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(Q)(1).

In subsection (c)(3) of this section, the reference to “the local laws or any regulations adopted under the local laws” is substituted for the former reference to “such laws or regulations adopted thereunder” for clarity.

In subsection (d) of this section, the reference to a merit system “governing” appointments is substituted for the former reference to a merit system “in connection with” appointments for clarity.

10-304. COUNTY INSTITUTIONS.

(A) HOSPITALS AND HOMELESS SHELTERS.

A COUNTY MAY ESTABLISH, MAINTAIN, AND CONTROL HOSPITALS, HOMELESS SHELTERS, AND OTHER SIMILAR INSTITUTIONS IN THE COUNTY.

(B) COURTHOUSES.

A COUNTY MAY ESTABLISH AND MAINTAIN COURTHOUSES.

(C) LOCAL CORRECTIONAL OR DETENTION FACILITIES AND JUVENILE FACILITIES.

A COUNTY MAY:

(1) ESTABLISH AND MAINTAIN LOCAL CORRECTIONAL OR DETENTION FACILITIES AND JUVENILE FACILITIES;

(2) REGULATE ALL INDIVIDUALS CONFINED IN THE FACILITIES;
AND

(3) MAKE APPROPRIATE PROVISIONS FOR FEMALES AND JUVENILES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(C).

In subsection (a) of this section, the reference to "homeless shelters" is substituted for the former reference to "almshouses" to conform to modern terminology.

Also in subsection (a) of this section, the former reference to "erect[ing]" an institution is deleted as included in the reference to "establish[ing]" an institution.

Also in subsection (a) of this section, the former reference to "mak[ing] all regulations for the government and conduct of the same" is deleted as included in the reference to "maintain[ing]" and "control[ling]" an institution.

Also in subsection (a) of this section, the former references to "pesthouses" is deleted as included in the reference to "hospitals" because a pesthouse is defined as a shelter or hospital for persons infected with a pestilential or contagious disease and the reference is obsolete as these persons currently would be treated in a hospital.

In subsection (b) of this section, the reference to "erect[ing]" courthouses is deleted as included in the reference to "establish[ing]" courthouses.

In subsection (c)(1) of this section, the reference to "local correctional or detention facilities and juvenile facilities" is substituted for the former

reference to “county jails, county houses of correction or detention and reformatories” to conform to modern terminology.

In subsection (c)(2) of this section, the reference to “individuals” is substituted for the former reference to “persons” because only a human being and not the other entities included in the definition of “person” can be confined in a facility.

Also in subsection (c)(2) of this section, the reference to the “facilities” is substituted for the former reference to “county jails, and county houses of correction or detention and reformatories” for brevity.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that in subsection (c) of this section, the reference to “juvenile facilities” is substituted for the former reference to “reformatories”. Reformatories for youth were created in the mid 1800s, but minors were tried, convicted, and punished like adults. In 1916, legislation was enacted authorizing county circuit courts to designate a judge to handle cases with delinquent children and prohibited the confinement of a child under 14 years of age in a jail or police station with other prisoners. In 1918, the Express Powers Act was enacted referencing reformatories. Since that time there have been a number of reforms to the juvenile justice system and there is no currently recognized term for a juvenile facility established by a county. The General Assembly may wish to amend this section to reflect the current juvenile justice system.

10-305. COUNTY BOARD OF APPEALS.

(A) ESTABLISHED.

A COUNTY MAY ENACT LOCAL LAWS TO PROVIDE FOR:

(1) THE ESTABLISHMENT OF A COUNTY BOARD OF APPEALS, WHOSE MEMBERS SHALL BE APPOINTED BY THE COUNTY LEGISLATIVE BODY;

(2) THE NUMBER, QUALIFICATIONS, TERMS, AND COMPENSATION OF THE MEMBERS OF THE COUNTY BOARD OF APPEALS;

(3) THE ADOPTION BY THE COUNTY BOARD OF APPEALS OF RULES OF PRACTICE THAT GOVERN ITS PROCEEDINGS; AND

(4) A DECISION BY THE COUNTY BOARD OF APPEALS ON PETITION OF ANY INTERESTED PERSON, AFTER NOTICE AND OPPORTUNITY FOR HEARING, ON THE BASIS OF A RECORD BEFORE THE BOARD.

(B) JURISDICTION.

THE COUNTY BOARD OF APPEALS MAY HAVE ORIGINAL JURISDICTION OR JURISDICTION TO REVIEW THE ACTION OF AN ADMINISTRATIVE OFFICER OR UNIT OF COUNTY GOVERNMENT OVER MATTERS ARISING UNDER ANY LAW, ORDINANCE, OR REGULATION OF THE COUNTY COUNCIL THAT CONCERNS:

(1) AN APPLICATION FOR A ZONING VARIATION OR EXCEPTION OR AMENDMENT OF A ZONING MAP;

(2) THE ISSUANCE, RENEWAL, DENIAL, REVOCATION, SUSPENSION, ANNULMENT, OR MODIFICATION OF ANY LICENSE, PERMIT, APPROVAL, EXEMPTION, WAIVER, CERTIFICATE, REGISTRATION, OR OTHER FORM OF PERMISSION OR OF ANY ADJUDICATORY ORDER; OR

(3) THE ASSESSMENT OF ANY SPECIAL BENEFIT TAX.

(C) DECISION.

WHEN ISSUING A DECISION, THE COUNTY BOARD OF APPEALS SHALL FILE AN OPINION THAT SHALL INCLUDE A STATEMENT OF THE FACTS FOUND AND THE GROUNDS FOR THE DECISION.

(D) JUDICIAL REVIEW.

(1) ANY PERSON AGGRIEVED BY THE DECISION AND A PARTY TO THE PROCEEDING BEFORE THE COUNTY BOARD OF APPEALS MAY SEEK REVIEW BY THE CIRCUIT COURT FOR THE COUNTY.

(2) THE CIRCUIT COURT MAY:

(I) AFFIRM THE DECISION; OR

(II) IF THE DECISION IS NOT IN ACCORDANCE WITH LAW:

1. MODIFY THE DECISION WITH OR WITHOUT REMANDING THE CASE FOR REHEARING; OR

2. REVERSE THE DECISION WITH OR WITHOUT REMANDING THE CASE FOR REHEARING.

(3) ANY PARTY TO THE PROCEEDING IN THE CIRCUIT COURT AGGRIEVED BY THE DECISION OF THE CIRCUIT COURT MAY APPEAL TO THE

COURT OF SPECIAL APPEALS IN THE SAME MANNER PROVIDED FOR CIVIL CASES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(U).

In the introductory language of subsection (b) of this section, the former reference to any law, ordinance, or regulation “subject to amendment or repeal by, the county council, as shall be specified from time to time by such local laws enacted under this subsection” is deleted as unnecessary in light of Art. 1, § 21, which states that when a provision of law refers to any portion of the Code or to any other law, the reference applies to any subsequent amendment to that portion of the Code or other law unless expressly provided otherwise.

In subsection (b)(1) of this section, the former reference to a zoning “ordinance” map is deleted for accuracy and consistency with terminology used in the Land Use Article.

In subsection (d) of this section, the former references to the decision “of the board” are deleted as surplusage.

Also in subsection (d) of this section, the former reference to an appeal “from the decision” is deleted as surplusage.

Also in subsection (d) of this section, the former reference to remanding the case “as justice may require” is deleted as implicit in the authority to remand.

10-306. ELECTION DISTRICTS AND PRECINCTS.

A COUNTY MAY CREATE AND REVISE ELECTION DISTRICTS AND PRECINCTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(H).

The reference to “revis[ing]” election districts is substituted for the former reference to “rearrang[ing]” districts for accuracy.

The Local Government Article Review Committee notes for consideration by the General Assembly, that the meaning of former Art. 25A, § 5(H) is unclear. The subsection was enacted when the Express Powers Act was first enacted in 1918. In 56 Op. Att’y. Gen. 175 (1971), the Attorney General said that the power to determine the boundaries of election precincts “rests with the Board of Supervisors of Elections of Howard

County rather than with the County Council of Howard County” in light of Art. 33, § 2–12(a) (revised at § 2–202(b)(6) of the Election Law Article) which gives county boards of elections the authority to subdivide or change the boundaries of precincts. In *Harford Co. v. Board of Supervisors of Elections of Harford Co.*, 272 Md. 33 (1974), the Court of Appeals held that the voters of Harford County could create councilmanic districts in their charter. In a footnote, the court said that “election districts and precincts might be rearranged without alteration of Councilmanic districts”. It is not clear whether the county boards of elections have the authority to change only the boundaries of the precincts and charter and code counties retain the authority to change the boundaries of election districts. The General Assembly may wish to clarify the intent of this section.

10–307. RECORDING AND INDEXING OF LEGAL AND LEGISLATIVE RECORDS.

UNLESS OTHERWISE GOVERNED BY OTHER PUBLIC GENERAL LAW, A COUNTY MAY PROVIDE FOR THE RECORDING AND INDEXING OF RECORDS OF:

- (1) THE CLERK OF THE COURT;**
- (2) THE REGISTER OF WILLS; AND**
- (3) THE COUNTY COMMISSIONERS OR THE COUNTY COUNCIL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(I).

In the introductory language of this section, the phrase “[u]nless otherwise governed by other public general law” is substituted for the former phrase “to the extent that such matters are not provided for by general law” for brevity.

Also in the introductory language of this section, the former reference to “keeping indexed” all records is deleted as included in the references to “indexing” the records.

Defined term: “County” § 1–101

10–308. ADVERTISING AND PRINTING OF LEGISLATIVE AND FINANCIAL RECORDS.

A COUNTY MAY PROVIDE FOR ADVERTISING, PRINTING, AND PUBLISHING OF COUNTY DOCUMENTS, INCLUDING:

(1) ORDINANCES, BYLAWS, AND RESOLUTIONS; AND**(2) ANNUAL STATEMENTS OF EXPENSES OF THE COUNTY GOVERNMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(D).

In the introductory language of this section, the reference to county "documents" is added for clarity.

In item (1) of this section, the former reference to ordinances, bylaws, and resolutions "adopted by the county" is deleted as surplusage.

10-309. AUDITS; CLAIMS AGAINST COUNTY.**(A) AUDITS.****A COUNTY MAY PROVIDE FOR:****(1) THE AUDITING OF COUNTY ACCOUNTS; AND****(2) ASSISTING THE LEGISLATIVE AUDITOR OR OTHER STATE OFFICER AUTHORIZED TO AUDIT THE COUNTY ACCOUNTS.****(B) CLAIMS AGAINST COUNTY.****A COUNTY MAY PROVIDE FOR PROOF OF CLAIMS AGAINST THE COUNTY BEFORE THEIR PAYMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(E).

In the introductory language of subsection (a) of this section, the reference to a county "provid[ing] for" the auditing and assisting is added for clarity.

In subsection (a)(1) of this section, the reference to auditing "of county accounts" is substituted for the former reference to audit[ing] "the accounts of all county officers" for clarity.

In subsection (a)(2) of this section, the reference to a State officer "authorized to audit the county accounts" is substituted for the former reference to a State officer "clothed with authority in the performance of this duty" for clarity.

Defined term: "State" § 1-101

10-310. PROCUREMENT.

(A) COMPETITIVE BIDDING.

FOR ANY COUNTY WORK, A COUNTY MAY PROVIDE FOR COMPETITIVE BIDDING AND THE MAKING AND AWARDING OF CONTRACTS AND MAY REQUIRE BONDS.

(B) PURCHASES OF MATERIALS, SUPPLIES, AND EQUIPMENT.

A COUNTY MAY PROVIDE FOR THE PURCHASE OF MATERIALS, SUPPLIES, AND EQUIPMENT THROUGH THE DEPARTMENT OF GENERAL SERVICES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(F).

In subsection (a) of this section, the former reference to requiring bonds "whenever proper" is deleted as surplusage.

In subsection (b) of this section, the former reference to the "Purchasing Bureau" is deleted as obsolete.

Also in subsection (b) of this section, the former reference to the purchase through the Department of General Services "whenever desirable" is deleted as surplusage.

10-311. PROTECTION OF COUNTY CREDIT.

A COUNTY MAY PREVENT THE CREDIT OF THE COUNTY IN ANY MANNER FROM BEING GIVEN OR LOANED TO OR IN AID OF ANY PERSON.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(R).

The reference to any "person" is substituted for the former reference to any "individual, association or corporation" because the word "person" includes individuals and those entities.

Defined term: "Person" § 1-101

10-312. COUNTY PROPERTY; HOUSING PROJECTS; FRANCHISE; REQUIRED NOTICE.

(A) COUNTY PROPERTY — PROTECTION.

A COUNTY MAY PROVIDE FOR THE PROTECTION OF COUNTY PROPERTY.

(B) COUNTY PROPERTY — ACQUISITION AND DISPOSAL.

A COUNTY MAY PROVIDE FOR:

(1) THE ACQUISITION BY PURCHASE, LEASE, CONDEMNATION, OR OTHERWISE OF PROPERTY REQUIRED FOR PUBLIC PURPOSES IN THE COUNTY; AND

(2) THE DISPOSAL OF ANY REAL OR LEASEHOLD COUNTY PROPERTY, IF THE COUNTY PROPERTY IS NO LONGER NEEDED FOR PUBLIC USE.

(C) COUNTY PROPERTY — LEASING.

A COUNTY MAY LEASE AS LESSOR ANY COUNTY PROPERTY TO FURTHER THE PUBLIC PURPOSES OF THE COUNTY, ON ANY TERMS AND COMPENSATION THAT THE COUNTY CONSIDERS PROPER.

(D) HOUSING PROJECTS.

A COUNTY MAY PROVIDE FOR THE FINANCING OF ANY HOUSING OR HOUSING PROJECT WHOLLY OR PARTLY, INCLUDING THE PLACEMENT OF A DEED OF TRUST, MORTGAGE, OR OTHER DEBT INSTRUMENT ON THE PROPERTY TO ENSURE REPAYMENT OF FUNDS USED TO PURCHASE, CONSTRUCT, REHABILITATE, OR OTHERWISE DEVELOP THE HOUSING PROJECT.

(E) FRANCHISES.

(1) A COUNTY MAY GRANT ANY FRANCHISE OR RIGHT TO USE A FRANCHISE, INCLUDING ANY RIGHT OR FRANCHISE IN RELATION TO ANY HIGHWAY, STREET, ROAD, LANE, ALLEY, OR BRIDGE.

(2) A COUNTY MAY GRANT A FRANCHISE FOR A CABLE TELEVISION SYSTEM AS PROVIDED IN § 1-707 OF THIS ARTICLE.

(3) FOR ANY FRANCHISE GRANTED UNDER THIS SUBSECTION, A COUNTY MAY:

(1) IMPOSE FRANCHISE FEES; AND

(II) ESTABLISH RATES, RULES, AND REGULATIONS.**(F) REQUIRED NOTICE.**

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BEFORE THE COUNTY MAKES ANY DISPOSITION, GRANT, OR LEASE OF COUNTY PROPERTY, THE COUNTY SHALL PUBLISH NOTICE OF THE DISPOSITION, GRANT, OR LEASE ONCE A WEEK FOR 3 SUCCESSIVE WEEKS IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY AND SHALL INCLUDE THE TERMS AND THE COMPENSATION TO BE RECEIVED AND GIVE OPPORTUNITY FOR OBJECTIONS.

(2) A COUNTY MAY GRANT AN EASEMENT FOR A PUBLIC UTILITY WITHOUT GIVING NOTICE UNDER THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(B).

In subsection (c) of this section, the former reference to authority to lease "to the State or any political subdivision or other agency thereof, or to any county agency, or to any person" is deleted as unnecessary because it includes all entities to which property could be leased.

In subsection (d) of this section, the reference to a "debt" instrument is added for clarity.

In subsection (e)(2) of this section, the reference to a franchise for a cable television system "as provided in § 1-707 of this article" is substituted for the former reference to a franchise for a cable television system "that utilizes any public right-of-way, highway, street, road, lane, alley, or bridge" to provide a cross-reference to the grant of authority to all counties and municipalities and to avoid redundancy.

Also in subsection (e)(2) of this section, the former reference to "exclusive or nonexclusive" franchises is deleted as inconsistent with federal law. The Cable Television Consumer Protection and Competition Act of 1992 prohibits the granting of an "exclusive" franchise. *See* 47 U.S.C. § 541(a)(1). Similarly, in subsection (e)(2) of this section, the former reference to "one or more" franchises is deleted to avoid the implication that an exclusive franchise might be allowed.

Also in subsection (e)(2) of this section, the former reference to a "community antenna system" is deleted as included in the general reference to a "cable television system".

In subsection (f)(1) of this section, the reference to “publish[ing]” notice is substituted for the former reference to “be[ing] advertised” for consistency with the terminology used throughout this article.

Also in subsection (f)(1) of this section, the former reference to a newspaper of general circulation “published” in the county is deleted for consistency with the terminology used throughout this article.

10-313. TAXES.

(A) CLASSES AND SUBCLASSES OF PROPERTY; IMPOSITION OF TAX; SINKING FUND.

(1) A COUNTY MAY DIRECT THE CLASS OR SUBCLASS OF PROPERTY THAT IS SUBJECT TO THE COUNTY PROPERTY TAX.

(2) A COUNTY MAY IMPOSE A TAX ON THE VALUE OF PROPERTY OF ANY SUM THAT MAY BE NECESSARY:

(I) TO PAY THE PRINCIPAL AND INTEREST OF ANY LOAN OBTAINED BY THE COUNTY ACCORDING TO LAW;

(II) TO PROVIDE FOR THE SINKING FUND AUTHORIZED UNDER PARAGRAPH (3) OF THIS SUBSECTION; AND

(III) FOR THE SUPPORT AND MAINTENANCE OF THE COUNTY GOVERNMENT.

(3) A COUNTY MAY CREATE A SINKING FUND TO MEET THE LIABILITIES INCURRED BY THE COUNTY.

(B) COLLECTION OF TAXES.

A COUNTY MAY PROVIDE FOR:

(1) THE PROMPT COLLECTION OF ALL TAXES DUE THE COUNTY;
AND

(2) THE SALE OF PROPERTY FOR THE PAYMENT OF UNPAID TAXES.

(C) ERRORS IN ASSESSMENTS.

A COUNTY MAY:

(1) CORRECT ERRORS IN THE ASSESSMENT OF PROPERTY;

(2) PROVIDE FOR THE REDUCTION OR ABATEMENT OF ASSESSMENTS IMPROPERLY MADE; AND

(3) PROVIDE FOR THE REIMBURSEMENT OF OVERPAYMENTS MADE BECAUSE OF AN ASSESSMENT ERROR.

(D) TAX FOR COUNTY SERVICES.

(1) A COUNTY MAY IMPOSE A TAX FOR THE ORGANIZATION, OPERATION, AND MAINTENANCE OF:

(I) LIBRARIES;

(II) FIRE AND AMBULANCE SERVICES; AND

(III) OTHER MUNICIPAL SERVICES.

(2) A COUNTY MAY AUTHORIZE THE PURCHASE, SALE, CONSTRUCTION, MAINTENANCE, AND OPERATION OF ALL PROPERTY NECESSARY OR INCIDENTAL TO THE SERVICES LISTED IN PARAGRAPH (1) OF THIS SUBSECTION.

(E) TAX FOR COUNTY EMPLOYEE BENEFITS.

A COUNTY MAY IMPOSE A TAX TO PAY FOR ADDITIONAL RETIREMENT OR DISABILITY BENEFITS TO ANY FORMER COUNTY EMPLOYEE WHO IS ENTITLED TO RECEIVE ADDITIONAL BENEFITS.

REVISOR'S NOTE: This section is new language derived without substantive change from the first, second, third, and fifth sentences of former Art. 25A, § 5(O) and, as it related to imposing taxes for services, the fourth sentence.

In subsection (a)(1) of this section, the reference to "property" is substituted for the former reference to "improvements on land and personal property" for brevity.

Also in subsection (a)(1) of this section, the reference to property "that is subject to the county property tax" is substituted for the former reference to property "which shall be made subject to the county tax levy" for consistency with the terminology used throughout this article.

In the introductory language of subsection (a)(2) of this section, the reference to the “impos[ing] a tax on the value of property” is substituted for the former reference to the “provid[ing] for the levy thereupon and upon the value of land” for clarity and consistency with the terminology used throughout this article.

Also in the introductory language of subsection (a)(2) of this section, the former reference to “Article 15 of the Declaration of Rights of the Constitution of Maryland as amended,” is deleted as unnecessary because all statutes are required to comply with the Constitution.

In subsection (a)(2)(i) of this section, the reference to any loan “obtained by the county” is substituted for the former reference to any loan “which may heretofore have been obtained, or which may hereafter be obtained by such county” for brevity.

Also in subsection (a)(2)(i) of this section, the former reference to the “discharge” of principal and interest is deleted as included in the reference to “pay[ing]” the principal and interest.

In subsection (b)(2) of this section, the reference to “property” is substituted for the former reference to “real estate, as well as leasehold and personal property” for brevity.

Also in subsection (b)(2) of this section, the reference to payment of “unpaid taxes” is substituted for the former reference to payment of “the same” for clarity.

In subsection (c)(3) of this section, the reference to the reimbursement of “overpayments made because of an assessment” error is substituted for the former reference to the reimbursement of “moneys paid in consequence of such” errors for clarity.

In the introductory language of subsections (d)(1) and (e) of this section, the references to “impos[ing] a tax” are substituted for the former references to “levy[ing] and collect[ing] taxes” for consistency with the terminology used throughout this article.

In subsection (d)(2) of this section, the reference to “property” is substituted for the former reference to “real and personal property” for brevity.

Also in subsection (d)(2) of this section, the reference to “services listed in paragraph (1) of this subsection” is substituted for the former reference to “such services” for clarity.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the provisions of former Art. 25A, § 5(O) potentially conflict with provisions of the Tax – Property Article and the role of the State Department of Assessments and Taxation.

10–314. SPECIAL TAXING DISTRICTS.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A COUNTY MAY ESTABLISH, MODIFY, OR ABOLISH SPECIAL TAXING DISTRICTS FOR ANY PURPOSE LISTED IN THIS TITLE.

(B) EXISTING SPECIAL TAXING DISTRICTS.

THIS SECTION DOES NOT AUTHORIZE THE MODIFICATION OR ABOLITION OF AN EXISTING SPECIAL TAXING DISTRICT THAT:

(1) PERFORMS MUNICIPAL SERVICES, OTHER THAN FURNISHING FIRE PROTECTION OR LIBRARY SERVICE; AND

(2) IS GOVERNED OR ADMINISTERED BY A COMMITTEE OR A COMMISSION ELECTED OR APPOINTED INDEPENDENTLY OF THE COUNTY LEGISLATIVE BODY.

REVISOR'S NOTE: This section is new language derived without substantive change from the fourth sentence of former Art. 25A, § 5(O), as it related to special taxing districts.

Throughout this section, the references to special taxing “districts” are substituted for the former references to special taxing “areas” for consistency with the terminology used throughout this article.

In subsection (a) of this section, the former reference to “amend[ing]” a special taxing district is deleted as included in the reference to “modify[ing]” special taxing districts.

In subsection (b) of this section, the former reference to a “citizen’s” committee or commission is deleted as surplusage.

10–315. COMMERCIAL DISTRICT MANAGEMENT AUTHORITY.

(A) “AUTHORITY” DEFINED.

IN THIS SECTION, "AUTHORITY" MEANS A COMMERCIAL DISTRICT MANAGEMENT AUTHORITY.

(B) ESTABLISHMENT.

A COUNTY MAY ESTABLISH AN AUTHORITY FOR ANY COMMERCIAL DISTRICT IN THE COUNTY.

(C) COMPOSITION; PURPOSES.

FOR EACH AUTHORITY ESTABLISHED, A COUNTY:

(1) SHALL SPECIFY THE MEMBERSHIP, ORGANIZATION, JURISDICTION, AND GEOGRAPHICAL LIMITS OF THE AUTHORITY;

(2) SHALL SPECIFY THE PURPOSES OF THE AUTHORITY, INCLUDING:

(I) PROMOTION;

(II) MARKETING; OR

(III) THE PROVISION OF SECURITY, MAINTENANCE, OR AMENITIES IN THE DISTRICT;

(3) MAY SPECIFY WHICH PROVISIONS OF THE COUNTY CHARTER OR LOCAL LAW RELATING TO PERSONNEL, PROCUREMENT, OR SIMILAR OPERATIONAL MATTERS APPLY TO THE AUTHORITY, EXCEPT THAT MINORITY BUSINESS ENTERPRISE PROCUREMENT AND EQUAL EMPLOYMENT OPPORTUNITY LAWS MAY NOT BE WAIVED;

(4) MAY APPROVE THE ANNUAL BUDGET OF THE AUTHORITY IF THE COUNTY GOVERNING BODY IMPOSES AN AD VALOREM TAX TO SUPPORT THE AUTHORITY; AND

(5) MAY PROVIDE ANY FINANCING THAT IT CONSIDERS APPROPRIATE FOR THE AUTHORITY THROUGH FEES THAT MAY BE CHARGED TO, OR TAXES THAT MAY BE IMPOSED AGAINST, BUSINESSES SUBJECT TO THE AUTHORITY'S JURISDICTION.

(D) PROHIBITED ACTIVITIES.

AN AUTHORITY MAY NOT:

(1) EXERCISE THE POWER OF EMINENT DOMAIN;

(2) PURCHASE, SELL, CONSTRUCT, OR LEASE AS A LESSOR OFFICE OR RETAIL SPACE; OR

(3) EXCEPT AS OTHERWISE AUTHORIZED BY LAW, ENGAGE IN COMPETITION WITH THE PRIVATE SECTOR.

(E) FEES AND TAXES.

ANY FEE OR TAX IMPOSED UNDER THIS SECTION SHALL BE USED ONLY FOR THE PURPOSES STATED IN THIS SECTION AND MAY NOT REVERT TO THE GENERAL FUND OF THE COUNTY.

(F) AUTHORITY AS A SPECIAL TAXING DISTRICT.

A COUNTY MAY ESTABLISH AN AUTHORITY IN ACCORDANCE WITH THIS SECTION AS A SPECIAL TAXING DISTRICT.

REVISOR'S NOTE: Subsection (a) of this section is new language added to avoid the repetition of the complete reference to a commercial district management authority.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 25A, § 5(FF).

In subsection (b) of this section, the former phrase “[i]n accordance with the provisions of this subsection” is deleted as surplusage.

In subsection (c)(3) of this section, the former reference to matters that “do not apply” to the authority is deleted as implicit in the reference to matters that “apply” to the authority.

In subsection (d)(2) of this section, the reference to “leas[ing] as a lessor” is substituted for the former reference to “as a landlord, leas[ing]” for clarity.

Defined term: “Governing body” § 1–101

10–316. COMMERCIAL OR INDUSTRIAL REDEVELOPMENT PROJECTS.

SECTION 18–301 OF THIS ARTICLE APPLIES TO THE USE OF FEDERAL OR STATE FINANCIAL ASSISTANCE FOR COMMERCIAL OR INDUSTRIAL REDEVELOPMENT PROJECTS.

REVISOR'S NOTE: This section is new language added to provide a convenient cross-reference to § 18-301 of this article.

Defined term: "State" § 1-101

10-317. ROAD, WASTE DISPOSAL, SOIL EROSION, AND BUILDING LAWS.

(A) IN GENERAL.

AFTER REASONABLE NOTICE AND A PUBLIC HEARING, A COUNTY MAY ENACT LOCAL LAWS TO PROTECT AND PROMOTE PUBLIC SAFETY, HEALTH, MORALS, COMFORT, AND WELFARE, RELATING TO:

(1) THE LOCATION, CONSTRUCTION, REPAIR, AND USE OF STREETS AND HIGHWAYS;

(2) THE DISPOSAL OF WASTES;

(3) THE CONTROL OF SOIL EROSION AND THE PRESERVATION OF THE NATURAL TOPOGRAPHY; OR

(4) THE ERECTION, CONSTRUCTION, REPAIR, AND USE OF BUILDINGS AND OTHER STRUCTURES.

(B) ENFORCEMENT.

A COUNTY MAY ENACT LOCAL LAWS TO PROVIDE FOR APPROPRIATE ADMINISTRATIVE AND JUDICIAL PROCEEDINGS, REMEDIES, AND SANCTIONS TO ADMINISTER AND ENFORCE LOCAL LAWS ENACTED UNDER SUBSECTION (A) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(T).

In the introductory language of subsection (a) of this section, the former reference to "enabling the county council to adopt from time to time, ... and with or without modifications, ordinances and amendments thereof" is deleted as surplusage.

In subsection (a)(3) of this section, the former reference to natural topography "in newly developed and other areas" is deleted as surplusage.

Also in subsection (a)(3) of this section, the former reference to the “problems of” soil erosion is deleted as surplusage.

In subsection (b) of this section, the reference to “local laws enacted under subsection (a) of this section” is substituted for the former reference to “such ordinances and amendments” for consistency within the section.

10-318. FENCES.

A COUNTY MAY:

(1) REGULATE THE CONSTRUCTION AND MAINTENANCE OF FENCES;

(2) PROVIDE FOR A PROCEDURE TO ENFORCE THE RIGHTS OF PARTIES WITH REFERENCE TO A FENCE; AND

(3) PROVIDE FOR A LIEN FOR REPAIRS TO A FENCE MADE BY AN OWNER WHO IS NOT IN DEFAULT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(N).

In item (1) of this section, the reference to “maintenance of” fences is substituted for the former reference to “keeping secure” for clarity.

In items (2) and (3) of this section, the references to “a fence” are added for clarity.

10-319. HIGHWAYS, BRIDGES, AND STREETS.

(A) IN GENERAL.

A COUNTY MAY PROVIDE FOR:

(1) BUILDING, MAINTAINING, AND REPAIRING ANY STREET, ROAD, LANE, ALLEY, FOOTWAY, BRIDGE, CULVERT, HIGHWAY, OR PUBLIC PLACE THAT IS CONDEMNED, CEDED, OPENED, WIDENED, EXTENDED, OR STRAIGHTENED AS PUBLIC PROPERTY; AND

(2) THE ASSESSMENT OF THE COSTS OF ANY WORK DONE IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION ON THE ASSESSABLE BASIS OF THE COUNTY.

(B) FOOTWAYS.**A COUNTY MAY PROVIDE:**

(1) THAT THE OWNER OR POSSESSOR OF ANY LOT SHALL GRADE, REGRADE, PAVE, REPAVE, OR REPAIR THE FOOTWAYS IN FRONT OF THE LOT; AND

(2) FOR THE ENFORCEMENT OF ITEM (1) OF THIS SUBSECTION BY FINE OR PENALTY.

(C) OPENING STREETS.**A COUNTY MAY REGULATE THE OPENING OF STREET SURFACES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(K).

In subsection (a)(1) of this section, the reference to “building, maintaining, and repairing” is substituted for the former reference to “grading, shelling, gravelling, paving and curbing, or for the regrading, reshelling, regravelling, repaving, recurbing and repairing” for brevity.

Also in subsection (a)(1) of this section, the former reference to a street, road, lane, alley, footway, bridge, culvert, highway, or public place “within said county, or any part thereof, now or hereafter” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to work “done in accordance with item (1) of this subsection” is substituted for the former reference to “any such work” for clarity.

In the introductory language of subsection (b)(1) of this section, the reference to “provid[ing]” is added for clarity.

In subsection (b)(2) of this section, the reference to providing “for the enforcement of item (1) of this subsection” by fine or penalty is substituted for the former reference to “compel[ling]” by fine or penalty for clarity.

10-320. PUBLIC DRAINAGE IMPROVEMENT PROJECTS.**(A) IN GENERAL.****A COUNTY MAY PROVIDE FOR THE DRAINING OF SWAMPS AND LOWLANDS.**

(B) REDETERMINATION OF PRIOR PROJECTS.

(1) AT THE REQUEST OF THE BOARD OF MANAGERS OF A DRAINAGE ASSOCIATION, THE COUNTY LEGISLATIVE BODY SHALL APPOINT A BOARD OF VIEWERS TO DETERMINE IF THE ORIGINAL DETERMINATION AS TO WHICH LANDS HAVE BENEFITED FROM THE DRAINAGE IMPROVEMENT PROJECT HAS CHANGED.

(2) THE BOARD OF VIEWERS SHALL HAVE THE SAME QUALIFICATIONS, RIGHTS, POWERS, PRIVILEGES, AND DUTIES AS THE ORIGINAL BOARD OF VIEWERS.

(3) THE BOARD OF VIEWERS SHALL REPORT ITS FINDINGS TO THE COUNTY LEGISLATIVE BODY.

(4) THE REPORT SHALL BE CONSIDERED IN THE SAME MANNER AS THE ORIGINAL REPORT, INCLUDING THE SAME RIGHT TO A PUBLIC HEARING AND THE RIGHT TO JUDICIAL REVIEW.

(5) ANY REVISION IN THE ORIGINAL DETERMINATION AS TO WHICH LANDS BENEFIT FROM THE IMPROVEMENTS SHALL BECOME THE BASIS FOR ALL FUTURE ASSESSMENTS FOR PAYING FOR THE IMPROVEMENTS, INCLUDING RELATED EXPENSES SUCH AS DAMAGES AND THE MAINTENANCE OF THE IMPROVEMENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(G).

In subsection (a) of this section, the former phrase "as far as necessary" is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase "[w]ith regard to a redetermination as to which lands continue to benefit from a prior drainage improvement project" is deleted as surplusage.

10-321. STORM DRAINAGE DISTRICTS.

A COUNTY MAY ENACT LOCAL LAWS THAT PROVIDE FOR:

- (1) THE CREATION OF A STORM DRAINAGE DISTRICT;**
- (2) THE IMPOSITION OF TAXES IN THE STORM DRAINAGE DISTRICT;**

(3) THE FINANCING, CONSTRUCTION, AND MAINTENANCE OF STORM DRAINAGE PROJECTS; AND

(4) THE REGULATION OF STORM DRAINAGE FACILITIES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(W).

In subsection (a)(1) of this section, the former reference to "districts" is deleted in light of the reference to a "district" and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (a)(2) of this section, the reference to the "imposition" of taxes is substituted for the former reference to the "levying" of taxes for consistency with the terminology used throughout this article.

10-322. FEDERALLY ASSISTED WATERSHED PROJECTS.

A COUNTY HAS THE SAME POWERS ENUMERATED IN TITLE 12, SUBTITLE 7 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(Z).

10-323. PARKS AND RECREATION PROGRAMS.

(A) IN GENERAL.

A COUNTY MAY ENACT LOCAL LAWS PROVIDING FOR THE DEVELOPMENT AND ADMINISTRATION OF A RECREATIONAL PROGRAM INCLUDING:

(1) THE CONSTRUCTION, EQUIPMENT, AND USE OF PARKS, COMMUNITY CENTERS, AND RECREATIONAL BUILDINGS AND FACILITIES;

(2) THE ACQUISITION OF SITES FOR PARKS, COMMUNITY CENTERS, AND RECREATIONAL BUILDINGS AND FACILITIES;

(3) FINANCIAL SUPPORT FOR ARTISTIC, MUSICAL, AND CULTURAL PUBLIC AND PRIVATE NONPROFIT ORGANIZATIONS AND ACTIVITIES; AND

(4) THE FURNISHING OF RECREATIONAL AND OTHER MUNICIPAL SERVICES IN CONNECTION WITH PARKS, COMMUNITY CENTERS, AND RECREATIONAL BUILDINGS AND FACILITIES.

(B) OTHER AUTHORITY.

A COUNTY MAY EXERCISE THE AUTHORITY GRANTED UNDER TITLE 1, SUBTITLE 6 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(V).

In the introductory language of subsection (a) of this section, the former reference to a "comprehensive" program is deleted as surplusage.

In subsection (a)(2) and (4) of this section, the references to "parks, community centers, and recreational buildings and facilities" are substituted for the former references to "therefor" and "therewith", respectively, for clarity.

In subsection (b) of this section, the former reference to exercising the "power" is deleted as included in the reference to exercising the "authority".

10-324. ZONING AND PLANNING.

(A) IN GENERAL.

(1) A COUNTY MAY ENACT LOCAL LAWS RELATING TO ZONING AND PLANNING TO PROTECT AND PROMOTE PUBLIC SAFETY, HEALTH, MORALS, AND WELFARE, INCLUDING:

(I) EXCEPT AS PROVIDED IN § 10-305 OF THIS SUBTITLE, PROVIDING FOR THE RIGHT TO SEEK REVIEW IN THE CIRCUIT COURT OF ANY MATTER ARISING UNDER ANY LOCAL PLANNING OR ZONING LAW; AND

(II) ESTABLISHING A PROGRAM FOR THE TRANSFER OF DEVELOPMENT RIGHTS.

(2) A COUNTY MAY PROVIDE THAT A VIOLATION OF A ZONING LAW OR REGULATION ENACTED UNDER THIS SECTION IS A CIVIL ZONING VIOLATION, ENFORCEABLE AS PROVIDED UNDER TITLE 11, SUBTITLE 2 OF THE LAND USE ARTICLE.

(3) ANY DECISION OF THE CIRCUIT COURT UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION MAY BE APPEALED TO THE COURT OF SPECIAL APPEALS.

(B) POLICY.

(1) IT IS THE POLICY OF THE STATE THAT THE ORDERLY DEVELOPMENT AND USE OF LAND AND STRUCTURES REQUIRES COMPREHENSIVE REGULATION THROUGH IMPLEMENTATION OF PLANNING AND ZONING CONTROLS.

(2) IT IS THE POLICY OF THE STATE THAT PLANNING AND ZONING CONTROLS SHALL BE IMPLEMENTED BY LOCAL GOVERNMENT.

(3) TO ACHIEVE THE PUBLIC PURPOSES OF THIS REGULATORY SCHEME, THE GENERAL ASSEMBLY RECOGNIZES THAT LOCAL GOVERNMENT ACTION WILL DISPLACE OR LIMIT ECONOMIC COMPETITION BY OWNERS AND USERS OF PROPERTY.

(4) IT IS THE POLICY OF THE STATE THAT COMPETITION AND ENTERPRISE SHALL BE SO DISPLACED OR LIMITED FOR THE ATTAINMENT OF THE PURPOSES OF THE STATE POLICY FOR IMPLEMENTING PLANNING AND ZONING CONTROLS AS PROVIDED BY PUBLIC LOCAL LAW AND PUBLIC GENERAL LAW.

(C) CONSTRUCTION.

SUBSECTION (B) OF THIS SECTION DOES NOT:

(1) GRANT TO THE COUNTY POWERS IN ANY SUBSTANTIVE AREA NOT OTHERWISE GRANTED TO THE COUNTY BY OTHER PUBLIC GENERAL LAW OR PUBLIC LOCAL LAW;

(2) RESTRICT THE COUNTY FROM EXERCISING ANY POWER GRANTED TO THE COUNTY BY OTHER PUBLIC GENERAL LAW, PUBLIC LOCAL LAW, OR OTHERWISE;

(3) AUTHORIZE THE COUNTY OR ITS OFFICERS TO ENGAGE IN ANY ACTIVITY THAT IS BEYOND THEIR POWER UNDER OTHER PUBLIC GENERAL LAW, PUBLIC LOCAL LAW, OR OTHERWISE; OR

(4) PREEMPT OR SUPERSEDE THE REGULATORY AUTHORITY OF ANY UNIT OF STATE GOVERNMENT UNDER ANY PUBLIC GENERAL LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(X).

In subsection (a)(1)(i) of this section, the reference to the right “to seek review” is substituted for the former reference to the right “of appeal” for accuracy.

In subsection (a)(2) of this section, the former reference to providing “by ordinance” is deleted as surplusage.

In subsection (b)(4) of this section, the phrase “as provided by” public local law and public general law is substituted for the former phrase “as set forth in this article and elsewhere in the public local and public general law” for brevity.

Also in subsection (b)(4) of this section, the former reference to the policy of the “General Assembly” is deleted as included in the reference to the policy of the “State”.

In subsection (c)(4) of this section, the term “unit of State government” is substituted for the former term “State department or agency” for consistency with the terminology used throughout the revised articles of the Code. *See* General Revisor’s Note to article.

Defined term: “State” § 1–101

10–325. HISTORIC LANDMARK ZONING AND PRESERVATION.

(A) IN GENERAL.

(1) A COUNTY MAY ENACT LAWS FOR HISTORIC AND LANDMARK ZONING AND PRESERVATION:

(I) GENERALLY;

(II) IN ACCORDANCE WITH TITLE 8 OF THE LAND USE ARTICLE; OR

(III) TO BE ADMINISTERED GENERALLY BY A HISTORIC DISTRICT COMMISSION.

(2) A LAW ENACTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY PROVIDE FOR APPEALS OR JUDICIAL REVIEW.

(B) AUTHORITY IN ADDITION TO OTHER POWERS.

THE AUTHORITY CONFERRED UNDER THIS SECTION IS IN ADDITION TO ANY CHARTER PROVISION OR LOCAL LAW THAT PROVIDES FOR PLANNING AND ZONING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(BB).

In subsection (a)(2) of this section, the reference to “judicial review” is added because the reference to “appeals” was overly limiting and to clarify that the section refers to administrative as well as judicial appeals.

In subsection (b) of this section, the former reference to any “existing” charter provisions is deleted as surplusage.

10-326. CONDITIONS FOR ACCEPTANCE OF RESIDENTIAL DEVELOPMENT.

A COUNTY MAY ENACT LOCAL LAWS THAT REQUIRE A DEVELOPER OF LAND FOR RESIDENTIAL USE TO COMPLY WITH PERTINENT UNDERGROUND ELECTRIC AND TELEPHONE RESIDENTIAL SERVICE REGULATIONS ADOPTED BY THE PUBLIC SERVICE COMMISSION, INCLUDING THOSE PERTAINING TO DEPOSITS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(EE).

The reference to local laws that “require a developer of land for residential use to comply” with Public Service Commission regulations is substituted for the former reference to local laws “conditioning the acceptance of any development of land for residential purposes approved by appropriate local authorities upon a demonstration, acceptable to local authorities, of compliance” with Public Service Commission regulations for brevity.

10-327. COUNTY BOARD OF HEALTH.

A COUNTY MAY ESTABLISH A COUNTY BOARD OF HEALTH TO ACT INSTEAD OF THE COUNTY LEGISLATIVE BODY AS THE COUNTY BOARD OF HEALTH UNDER TITLE 3, SUBTITLE 2 OF THE HEALTH – GENERAL ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(Y).

The former reference to “organiz[ing]” a county board of health is deleted as included in the reference to “establish[ing]” a county board of health.

10-328. NUISANCES AND HEALTH.

(A) IN GENERAL.

A COUNTY MAY PROVIDE FOR THE PREVENTION, ABATEMENT, AND REMOVAL OF NUISANCES.

(B) CONTAGIOUS DISEASES.

A COUNTY MAY PROVIDE FOR THE PREVENTION OF CONTAGIOUS DISEASES IN THE COUNTY.

(C) REGULATION OF OFFENSIVE TRADES.

A COUNTY MAY REGULATE ANY PLACE WHERE OFFENSIVE TRADES ARE CONDUCTED OR THAT MAY INVOLVE OR GIVE RISE TO UNSANITARY CONDITIONS OR CONDITIONS DETRIMENTAL TO HEALTH.

(D) CONSTRUCTION.

THIS TITLE DOES NOT AFFECT:

(1) ANY POWER OR DUTY OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE SECRETARY OF THE ENVIRONMENT; OR

(2) ANY PUBLIC GENERAL LAW RELATING TO HEALTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(J).

In subsection (a) of this section, the reference to "provid[ing] for the prevention, abatement, and removal of nuisances" is added to clarify that these actions would be taken through legislative measures. Similarly, in subsection (b) of this section, the reference to "provid[ing] for" the prevention of the introduction of contagious diseases is added.

In subsection (c) of this section, the former reference to the places "of manufacturing soap and candles and fertilizers, slaughterhouses, packinghouses, canneries, factories, workshops, mines, manufacturing plants" is deleted as included in the reference to any place "where offensive trades are conducted or that may involve or give rise to unsanitary conditions or conditions detrimental to health".

In subsection (d) of this section, the former reference to a public general law "of the State" is deleted as surplusage.

Defined term: “State” § 1–101

10–329. ANIMALS.

A COUNTY MAY REGULATE THE CONDITIONS UNDER WHICH DOGS AND LIVESTOCK MAY BE AT LARGE OR PASS OVER PUBLIC WAYS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(L).

The former reference to “cows, sheep, pigs, [or] cattle” is deleted as included in the reference to “livestock”.

The reference to “public ways” is substituted for the former reference to “streets, roads, alleys, lanes, bridges, highways and public places” for brevity.

10–330. FISH AND GAME LAWS.

A COUNTY MAY ENACT LOCAL FISH AND GAME LAWS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25A, § 5(M).

GENERAL REVISOR’S NOTE TO TITLE

Former Art. 25A, § 6, which states that a judicial declaration of the invalidity or unconstitutionality of a clause or power in the article is severable from the article, is deleted as unnecessary in light of Art. 1, § 23 of the Code.

TITLE 11. POWERS OF CODE COUNTIES.

SUBTITLE 1. GENERAL POWERS.

11–101. “PUBLIC LOCAL LAW” DEFINED.

IN THIS TITLE, “PUBLIC LOCAL LAW” HAS THE MEANING STATED IN ARTICLE XI–F, § 1 OF THE MARYLAND CONSTITUTION.

REVISOR’S NOTE: This section is new language added to clarify the meaning of the term “public local law” as it applies to a code county.

11–102. SCOPE OF TITLE.

THIS TITLE APPLIES ONLY TO CODE COUNTIES.

REVISOR'S NOTE: This section is new language added to clarify the scope of this title.

Defined term: "Code county" § 1-101

11-103. LIMIT ON RATE OF PROPERTY TAX OR MAXIMUM INDEBTEDNESS — LEGISLATIVE INTENT.

IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE AUTHORITY EXERCISED UNDER ARTICLE XI-F, § 8, OF THE MARYLAND CONSTITUTION, TO LIMIT THE RATE OF PROPERTY TAX THAT A CODE COUNTY MAY IMPOSE OR REGULATE THE MAXIMUM AMOUNT OF INDEBTEDNESS THAT A CODE COUNTY MAY INCUR, BE EXERCISED ONLY WHEN THERE IS THE POSSIBILITY THAT THE CODE COUNTY IS IMPOSING AN EXCESSIVE RATE OF PROPERTY TAXATION OR IS INCURRING INDEBTEDNESS IN AN EXCESSIVE AMOUNT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 22.

The reference to "the authority exercised under Article XI-F, § 8, of the Maryland Constitution" is substituted for the former reference to "this authority" for clarity.

The former reference to the General Assembly having "exclusive power, by local law," is deleted as redundant of Article XI-F, § 8, of the Maryland Constitution, which provides in part that "the General Assembly has exclusive power to enact, amend, or repeal any local law for a code county which (1) authorizes or places a maximum limit upon the rate of property taxes which may be imposed by the code county; or (2) authorizes or regulates the maximum amount of indebtedness which may be incurred by the code county".

Defined term: "Code county" § 1-101

GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 25B, § 13, which specified that a code county "may exercise those powers enumerated in Article 25 and in § 5 of Article 25A, except for subsections (A), (P) and (S) of § 5 of Article 25A, of the Annotated Code of Maryland, 1957 Edition as amended", provided that "no county adopting code home rule status shall be excepted", and provided that "[t]hese powers are in addition to any powers any county may now have under any public general or local law applicable to the county", is deleted as unnecessary in light of the

organization of this revision that makes the powers enumerated in former Art. 25 and Art. 25A, § 5, except for subsections (A), (P), and (S), expressly applicable to code counties, in each instance, without exception. These powers, therefore, are in addition to any other powers that a code county has under any public general law or local law applicable to the county.

SUBTITLE 2. CIVIL INFRACTIONS.

11-201. AUTHORITY OF COUNTY COMMISSIONERS.

(A) MUNICIPAL INFRACTION.

UNLESS A LAW, A RESOLUTION, OR AN ORDINANCE CLASSIFIES A VIOLATION AS A CRIMINAL OFFENSE, THE COUNTY COMMISSIONERS MAY PROVIDE, BY LAW, THAT A VIOLATION OF AN ORDINANCE, A RESOLUTION, OR A PUBLIC LOCAL LAW IS A CIVIL INFRACTION.

(B) CIVIL OFFENSE.

A CIVIL INFRACTION IS A CIVIL OFFENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C(b) and (a)(2)(ii).

In subsection (a) of this section, the reference to the county commissioners providing “by law” that a violation of an ordinance, a resolution, or a public local law is a civil infraction is added for clarity.

Also in subsection (a) of this section, the reference to “a criminal offense” is substituted for the former reference to “a felony or a misdemeanor” for brevity as the term “criminal offense” encompasses both felonies and misdemeanors.

Also in subsection (a) of this section, the reference to the “county commissioners” is substituted for the former reference to the “legislative body of a code county” for consistency with other similar provisions of this article.

Also in subsection (a) of this section, the former reference to a violation being “declared to be” a criminal offense is deleted as surplusage.

Defined term: “Public local law” § 11-101

11-202. CITATIONS.

(A) AUTHORITY TO SERVE.

ANY OFFICIAL AUTHORIZED BY THE COUNTY COMMISSIONERS TO SERVE A CITATION MAY SERVE A CITATION ON A PERSON WHO THE OFFICIAL BELIEVES IS COMMITTING A CIVIL INFRACTION.

(B) RETENTION OF COPY OF CITATION.

THE ISSUING AUTHORITY SHALL RETAIN A COPY OF THE CITATION.

(C) CONTENTS.

THE CITATION SHALL CONTAIN:

(1) A CERTIFICATION BY THE OFFICIAL WHO ISSUED THE CITATION ATTESTING TO THE TRUTH OF THE MATTER SET FORTH IN THE CITATION;

(2) THE NAME AND ADDRESS OF THE DEFENDANT;

(3) THE NATURE OF THE CIVIL INFRACTION;

(4) THE LOCATION AND TIME THAT THE CIVIL INFRACTION OCCURRED;

(5) THE AMOUNT OF THE FINE ASSESSED;

(6) THE MANNER, LOCATION, AND TIME IN WHICH THE FINE MAY BE PAID TO THE COUNTY; AND

(7) NOTICE OF THE DEFENDANT'S RIGHT TO ELECT TO STAND TRIAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C(c).

In subsection (a) of this section, the reference to an official authorized "to serve a citation" is added for clarity.

Also in subsection (a) of this section, the reference to "serv[ing]" a citation is substituted for the former reference to "deliver[ing]" a citation for consistency with other similar provisions of the Code.

Also in subsection (a) of this section, the reference to the “county commissioners” is substituted for the former reference to the “legislative body of a code county” for consistency with other similar provisions of this article.

Also in subsection (a) of this section, the reference to an official “believ[ing]” a person is committing an infraction is substituted for the former reference to “determin[ing]” a person is committing an infraction for consistency within § 6–103 of this article.

In subsection (c)(7) of this section, the reference to “notice of” the defendant’s right to stand trial is added for clarity.

Also in subsection (c)(7) of this section, the former reference to standing trial “for the infraction” is deleted as surplusage.

Defined term: “Person” § 1–101

11–203. PENALTY.

A COUNTY MAY IMPOSE:

(1) FOR THE FIRST COMMISSION OF A CIVIL INFRACTION, A FINE NOT EXCEEDING \$500; AND

(2) FOR A SECOND OR SUBSEQUENT COMMISSION, A FINE NOT EXCEEDING \$1,000 FOR EACH COMMISSION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C(d)(2) and the first sentence of (1).

In item (2) of this section, the reference to a “second or subsequent commission” is substituted for the former reference to a “repeat offense” for consistency with other penalty provisions of the Code.

Also in item (2) of this section, the former reference to assessing a fine “against the defendant” is deleted as surplusage.

11–204. ELECTION BY PERSON RECEIVING CITATION.

A DEFENDANT WHO RECEIVES A CITATION UNDER THIS SUBTITLE MAY:

(1) PAY THE FINE TO THE COUNTY WITHIN 20 DAYS AFTER THE DAY ON WHICH THE CITATION IS RECEIVED; OR

(2) ELECT TO STAND TRIAL FOR THE CIVIL INFRACTION AS PROVIDED IN § 11-205 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 25B, § 13C(d)(1) and the first sentence of (e)(1), as it related to a defendant's right to elect to stand trial.

In the introductory language of this section, the reference to a defendant "who receives a citation under this subtitle" is added for clarity.

In item (1) of this section, the former reference to 20 "calendar" days is deleted as implicit.

In item (2) of this section, the reference to standing trial "as provided in § 11-205 of this subtitle" is added for clarity.

Also in item (2) of this section, the reference to the "civil infraction" is substituted for the former reference to the "offense" to conform with the terminology used throughout this subtitle.

11-205. TRIAL.

(A) ELECTION TO STAND TRIAL.

(1) TO ELECT TO STAND TRIAL FOR A CIVIL INFRACTION, THE DEFENDANT SHALL PROVIDE NOTICE OF INTENTION TO STAND TRIAL TO THE COUNTY AT LEAST 5 DAYS BEFORE THE PAYMENT DATE SPECIFIED IN THE CITATION.

(2) AFTER RECEIVING THE NOTICE OF INTENTION TO STAND TRIAL, THE COUNTY SHALL FORWARD A COPY OF THE CITATION TO THE DISTRICT COURT HAVING VENUE.

(3) AFTER RECEIVING THE CITATION, THE DISTRICT COURT SHALL:

(I) SCHEDULE THE CASE FOR TRIAL; AND

(II) NOTIFY THE DEFENDANT OF THE TRIAL DATE.

(B) FAILURE TO FILE NOTICE.

(1) THE COUNTY SHALL SEND A FORMAL NOTICE OF THE CIVIL INFRACTION TO THE DEFENDANT’S LAST KNOWN ADDRESS IF A DEFENDANT:

(I) DOES NOT FILE A NOTICE OF INTENTION TO STAND TRIAL FOR THE CIVIL INFRACTION WITHIN THE TIME REQUIRED UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) DOES NOT PAY THE FINE FOR THE CIVIL INFRACTION BY THE PAYMENT DATE SPECIFIED IN THE CITATION.

(2) IF THE CITATION HAS NOT BEEN SATISFIED WITHIN 15 DAYS AFTER THE DATE OF THE NOTICE, THE COUNTY SHALL ASSESS AN ADDITIONAL FINE NOT EXCEEDING TWICE THE ORIGINAL FINE.

(3) IF THE CITATION HAS NOT BEEN SATISFIED WITHIN 35 DAYS AFTER THE DATE OF THE NOTICE, THE COUNTY MAY REQUEST ADJUDICATION OF THE CASE IN THE DISTRICT COURT.

(4) AFTER RECEIVING A REQUEST FROM THE COUNTY, THE DISTRICT COURT SHALL PROMPTLY:

(I) SCHEDULE THE CASE FOR TRIAL; AND

(II) SUMMON THE DEFENDANT TO APPEAR.

(5) A DEFENDANT’S FAILURE TO RESPOND TO A SUMMONS ISSUED UNDER PARAGRAPH (4) OF THIS SUBSECTION IS CONTEMPT OF COURT.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C(f) and (e)(1), (2), and (3).

Throughout this section, the references to the “civil infraction” are substituted for the former references to the “offense” to conform with the terminology used throughout this subtitle.

In subsection (b)(3) of this section, the reference to the citation not being satisfied within 35 days after “the date of the notice” is added for clarity and consistency within this subsection.

11-206. PROSECUTION OF CIVIL INFRACTIONS BY STATE’S ATTORNEY.

(A) PROCEDURE.

(1) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, THE STATE'S ATTORNEY FOR A COUNTY SHALL PROSECUTE A CIVIL INFRACTION IN THE SAME MANNER AS A PROSECUTION OF A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

(2) THE STATE'S ATTORNEY MAY ENTER A NOLLE PROSEQUI OR PLACE THE CASE ON THE STET DOCKET IN THE SAME MANNER AS PROVIDED BY LAW FOR A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

(B) DESIGNATION OF COUNTY ATTORNEY.

(1) SUBJECT TO THE APPROVAL OF THE COUNTY COMMISSIONERS, THE STATE'S ATTORNEY MAY DESIGNATE IN WRITING THE COUNTY ATTORNEY OR AN ASSISTANT COUNTY ATTORNEY TO PROSECUTE CIVIL INFRACTIONS.

(2) THE COUNTY ATTORNEY OR ASSISTANT COUNTY ATTORNEY DESIGNATED UNDER THIS SUBSECTION MAY EXERCISE THE POWERS OF THE STATE'S ATTORNEY IN CONNECTION WITH A CIVIL INFRACTION.

(C) ALLEGANY COUNTY.

THE STATE'S ATTORNEY FOR ALLEGANY COUNTY IS NOT REQUIRED TO BE PRESENT AT A TRIAL FOR A VIOLATION OF A CIVIL INFRACTION UNDER §§ 13-503 THROUGH 13-506 OF THIS ARTICLE IF THE OFFICIAL WHO ISSUED THE CITATION FOR THE CIVIL INFRACTION IS PRESENT AT THE TRIAL ON BEHALF OF THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C(o).

In subsection (a)(2) of this section, the former reference to the manner provided by "rule" is deleted as implicit in the reference to the manner provided by "law".

In subsection (b)(1) of this section, the former reference to the county attorney or assistant county attorney "exercis[ing] the power" to prosecute civil infractions is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to exercising the "authority" of the State's Attorney is deleted as included in the reference to exercising the "powers" of the State's Attorney.

Also in subsection (b)(2) of this section, the reference to exercising powers “in connection with” a civil infraction is substituted for the former reference to “with respect to the prosecution of” a civil infraction for brevity.

Defined term: “State” § 1–101

11–207. PROCEEDINGS.

(A) IN GENERAL.

IN A CIVIL INFRACTION PROCEEDING:

(1) THE COURT SHALL CONFIRM THAT THE DEFENDANT HAS RECEIVED A COPY OF AND UNDERSTANDS THE CHARGES;

(2) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY;

(3) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS PROVIDED BY LAW FOR THE TRIAL OF A CRIMINAL CASE;

(4) THE DEFENDANT MAY:

(I) CROSS–EXAMINE WITNESSES;

(II) PRODUCE EVIDENCE OR WITNESSES ON THE DEFENDANT’S BEHALF;

(III) TESTIFY; AND

(IV) BE REPRESENTED BY COUNSEL OF THE DEFENDANT’S OWN CHOICE AND AT THE DEFENDANT’S EXPENSE; AND

(5) THE BURDEN OF PROOF IS THE SAME AS REQUIRED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

(B) VERDICT.

THE COURT MAY:

(1) ENTER A VERDICT OF GUILTY OR NOT GUILTY; OR

(2) BEFORE ENTERING A VERDICT, PLACE THE DEFENDANT ON PROBATION IN THE SAME MANNER AS ALLOWED IN THE TRIAL OF A CRIMINAL CASE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C(h) through (k).

In subsection (a)(1) of this section, the former reference to the charges "against the defendant" is deleted as surplusage.

In subsection (a)(3) of this section, the former reference to evidentiary standards provided by "rule" is deleted as included in the reference to evidentiary standards provided by "law".

In subsection (a)(4)(i) of this section, the former reference to a witness "who appears against the defendant" is deleted as unnecessary because cross-examination is only used for opposing witnesses.

In subsection (a)(4)(iii) of this section, the former reference to the defendant testifying "in the defendant's behalf" is deleted as surplusage.

In subsection (b)(1) of this section, the former references to being guilty or not guilty "of a civil infraction" are deleted as surplusage.

In subsection (b)(2) of this section, the reference to "entering a verdict" is substituted for the former reference to "rendering judgment" for consistency with other similar provisions of the Code.

Also in subsection (b)(2) of this section, the former reference to placing the defendant on probation "to the same extent as is permitted by law" in the trial of a criminal case is deleted as included in the reference to placing a defendant on probation "in the same manner as allowed" in the trial of a criminal case.

11-208. COURT COSTS; FINES.

(A) IMPOSITION.

A DEFENDANT WHO IS FOUND TO HAVE COMMITTED A CIVIL INFRACTION SHALL PAY:

- (1) THE FINE IMPOSED UNDER § 11-203 OF THIS SUBTITLE; AND**
- (2) COURT COSTS OF \$5.**

(B) CRIMINAL INJURIES COMPENSATION FUND.**A DEFENDANT IS NOT LIABLE FOR PAYMENT OF COSTS IMPOSED UNDER § 7-409 OF THE COURTS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C(l).

In the introductory language of subsection (a) of this section, the former reference to the defendant being found to have committed a civil infraction "by the District Court" is deleted as surplusage.

In subsection (b) of this section, the reference to "§ 7-409 of the Courts Article" is substituted for the former erroneous reference to "the Criminal Injuries Compensation Act". There is no Criminal Injuries Compensation Act; however, there is a Criminal Injuries Compensation Fund. Money in the Criminal Injuries Compensation Fund comes from court costs collected under § 7-409 of the Courts Article on certain criminal cases.

11-209. PAYMENT OF FINE; DISTRIBUTION.**(A) SUSPENSION OR DEFERRAL.**

IF A DEFENDANT IS FOUND GUILTY OF A CIVIL INFRACTION AND A FINE IS IMPOSED, THE COURT MAY DIRECT THAT THE PAYMENT OF THE FINE BE SUSPENDED OR DEFERRED UNDER CONDITIONS THAT THE COURT SETS.

(B) WILLFUL FAILURE TO PAY.

A COURT MAY TREAT A DEFENDANT'S WILLFUL FAILURE TO PAY A FINE IMPOSED UNDER THIS SUBTITLE AS A CRIMINAL CONTEMPT OF COURT.

(C) REMITTANCE OF FINES.

THE DISTRICT COURT SHALL REMIT TO THE COUNTY ANY FINE, PENALTY, OR FORFEITURE THE COURT COLLECTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C(m) and (e)(4).

In subsection (a) of this section, the former reference to a fine being imposed "by the court" is deleted as surplusage.

In subsection (b) of this section, the reference to “a defendant’s willful failure to pay a fine imposed under this subtitle” is substituted for the former reference to “[w]hen a defendant has been found guilty of a civil infraction and willfully fails to pay the fine imposed by the court” for brevity and consistency with other similar provisions of the Code.

11-210. MOTION FOR NEW TRIAL OR REVISION OF JUDGMENT.

(A) RIGHT TO FILE.

A DEFENDANT WHO IS FOUND GUILTY OF A CIVIL INFRACTION MAY FILE A MOTION FOR A NEW TRIAL OR A MOTION FOR A REVISION OF JUDGMENT AS PROVIDED BY LAW FOR A CRIMINAL CASE.

(B) PROCEDURE.

(1) A MOTION FILED UNDER THIS SECTION SHALL BE FILED IN THE SAME MANNER AS A MOTION FILED IN A CRIMINAL CASE.

(2) IN RULING ON A MOTION FILED UNDER THIS SECTION, THE COURT HAS THE SAME AUTHORITY THAT THE COURT HAS IN A CRIMINAL CASE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C(n).

In subsection (a) of this section, the former reference to motions provided by “rule” is deleted as included in the reference to motions provided by “law”.

11-211. ADJUDICATION NOT CRIMINAL CONVICTION.

ADJUDICATION OF A CIVIL INFRACTION IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C(g).

The former reference to an adjudication of a civil infraction not “impos[ing] any of the civil disabilities imposed by a criminal conviction” is deleted as included in the reference to an adjudication of a civil infraction not being “a criminal conviction for any purpose”.

GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 25B, § 13C(a)(1), (2)(i), and (3) which defined the terms “civil infraction” and “defendant”, are deleted as unnecessary because both terms are used as their commonly understood meaning.

SUBTITLE 3. JUVENILE CURFEW.

11-301. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This subsection formerly was Art. 25B, § 13C-1(a)(1).

The only change is in style.

(B) CURFEW HOURS.

“CURFEW HOURS” MEANS THE HOURS BETWEEN MIDNIGHT AND 5:00 A.M.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 25B, § 13C-1(a)(2).

(C) ESTABLISHMENT.

“ESTABLISHMENT” MEANS A PRIVATELY OWNED PLACE OF BUSINESS OPERATED FOR PROFIT TO WHICH THE PUBLIC IS INVITED.

REVISOR’S NOTE: This subsection formerly was Art. 25B, § 13C-1(a)(4).

The only change is in style.

(D) GUARDIAN.

“GUARDIAN” MEANS A PERSON WHO IS APPOINTED BY A COURT AS A GUARDIAN.

REVISOR’S NOTE: This subsection formerly was Art. 25B, § 13C-1(a)(5).

The former reference to a guardian “of a minor” is deleted as unnecessary because this subtitle only applies to a curfew imposed on minors.

No other changes are made.

Defined term: "Person" § 1-101

(E) PUBLIC PLACE.

(1) "PUBLIC PLACE" MEANS A PLACE TO WHICH THE GENERAL PUBLIC HAS ACCESS FOR A LAWFUL PURPOSE.

(2) "PUBLIC PLACE" INCLUDES:

(I) A PUBLIC STREET, A SIDEWALK, AN ALLEY, A HIGHWAY, AND A RIGHT-OF-WAY OF A PUBLIC STREET OR HIGHWAY; AND

(II) THE COMMON AREAS OF A TRANSPORT FACILITY, A SCHOOL, A HOSPITAL, AN APARTMENT BUILDING, AN OFFICE BUILDING, A SHOPPING CENTER, A PARK, A PLAYGROUND, A PARKING LOT, A THEATER, A RESTAURANT, A BOWLING ALLEY, A TAVERN, A CAFE, AN ARCADE, AND A SHOP.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 25B, § 13C-1(a)(6).

In paragraph (1) of this subsection, the former reference to a place to which the public has the "right to resort" is deleted as included in the reference to a place where the public has "access".

Also in paragraph (1) of this subsection, the former reference to the right to have access to a place for "business [or] entertainment" is deleted as included in the right to have access for "a lawful purpose".

(F) REMAIN.

"REMAIN" MEANS TO:

(1) LINGER UNNECESSARILY IN A PUBLIC PLACE; OR

(2) FAIL TO LEAVE THE PREMISES OF AN ESTABLISHMENT OR A PUBLIC PLACE WHEN ASKED BY A LAW ENFORCEMENT OFFICER OR AN EMPLOYEE OF THE ESTABLISHMENT OR PUBLIC PLACE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 25B, § 13C-1(a)(7).

In item (1) of this subsection, the former reference to “stay[ing]” unnecessarily in a public place is deleted as included in the reference to “linger[ing]” unnecessarily in a public place.

In item (2) this subsection, the former references to a “local” law enforcement officer are deleted for accuracy because there is no reason that this subtitle could not be enforced by a State law enforcement officer with authority to act within the county and for consistency within this section.

Defined terms: “Establishment” § 11–301
 “Public place” § 11–301

11–302. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES IN CODE COUNTIES IN THE EASTERN SHORE CLASS AS ESTABLISHED UNDER § 9–302 OF THIS ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C–1(b).

Defined term: “Code county” § 1–101

11–303. ADOPTION OF ORDINANCE IMPOSING JUVENILE CURFEW.

AFTER MAKING INDEPENDENT FACTUAL FINDINGS DEMONSTRATING A LOCAL NEED FOR A CURFEW, THE COUNTY COMMISSIONERS MAY ADOPT A JUVENILE CURFEW ORDINANCE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C–1(c).

The former reference to the county commissioners adopting an ordinance “in their respective jurisdictions” is deleted as implicit in the authority to adopt ordinances.

The former reference to the ordinance being “adopted by a municipal corporation in the county” is deleted as unnecessary in light of the authority of municipalities to adopt a curfew under their police powers.

11–304. REQUIREMENTS.

SUBJECT TO § 11–305 OF THIS SUBTITLE, A JUVENILE CURFEW ORDINANCE SHALL STATE THAT:

(1) A MINOR MAY NOT REMAIN IN A PUBLIC PLACE OR ON THE PREMISES OF AN ESTABLISHMENT DURING CURFEW HOURS;

(2) A PARENT OR GUARDIAN OF A MINOR MAY NOT KNOWINGLY ALLOW THE MINOR TO REMAIN IN A PUBLIC PLACE OR ON THE PREMISES OF AN ESTABLISHMENT DURING CURFEW HOURS; AND

(3) THE OWNER, OPERATOR, OR EMPLOYEE OF AN ESTABLISHMENT MAY NOT KNOWINGLY ALLOW A MINOR TO REMAIN ON THE PREMISES OF THE ESTABLISHMENT DURING CURFEW HOURS.

REVISOR'S NOTE: This section formerly was Art. 25B, § 13C-1(d).

The phrase "[s]ubject to § 11-305 of this subtitle" is added for clarity because § 11-305 establishes the applicability of a curfew ordinance.

The former references to remaining in a public place or establishment "within the local jurisdiction" are deleted as unnecessary because the curfew would only apply in the local jurisdiction that enacts it, and, therefore only actions in that jurisdiction would be relevant.

No other changes are made.

Defined terms: "Curfew hours" § 11-301

"Establishment" § 11-301

"Guardian" § 11-301

"Public place" § 11-301

"Remain" § 11-301

11-305. APPLICABILITY OF CURFEW ORDINANCE.

A JUVENILE CURFEW ORDINANCE ADOPTED UNDER THIS SUBTITLE DOES NOT APPLY TO A MINOR WHO IS:

(1) ACCOMPANIED BY THE MINOR'S PARENT OR GUARDIAN;

(2) PERFORMING AN ERRAND AT THE DIRECTION OF THE MINOR'S PARENT OR GUARDIAN, WITHOUT A DETOUR OR STOP, UNTIL 12:30 A.M.;

(3) ACCOMPANIED BY AN ADULT AUTHORIZED BY THE MINOR'S PARENT OR GUARDIAN TO HAVE TEMPORARY CARE OR CUSTODY OF THE MINOR FOR A DESIGNATED PERIOD OF TIME WITHIN A SPECIFIED AREA;

(4) WITH CONSENT OF THE MINOR'S PARENT OR GUARDIAN, INVOLVED IN INTERSTATE TRAVEL;

(5) ENGAGED IN LEGAL EMPLOYMENT ACTIVITY OR IS GOING TO OR RETURNING HOME FROM A LEGAL EMPLOYMENT ACTIVITY;

(6) INVOLVED IN A SUDDEN OR UNEXPECTED HAPPENING OR AN UNFORESEEN COMBINATION OF CIRCUMSTANCES THAT CALLS FOR IMMEDIATE ACTION TO PROTECT HEALTH, SAFETY, WELFARE, OR PROPERTY FROM ACTUAL OR THREATENED HARM OR AN UNLAWFUL ACT;

(7) ON THE PROPERTY WHERE THE MINOR RESIDES OR ON THE SIDEWALK ABUTTING THE MINOR'S RESIDENCE OR ABUTTING THE RESIDENCE OF A NEXT-DOOR NEIGHBOR IF AN ADULT RESIDENT OF THAT PROPERTY HAS GIVEN PERMISSION FOR THE MINOR'S PRESENCE;

(8) ATTENDING OR RETURNING DIRECTLY HOME FROM:

(I) A SCHOOL, RELIGIOUS, OR RECREATIONAL ACTIVITY SUPERVISED BY ADULTS AND SPONSORED BY THE LOCAL JURISDICTION, A CIVIC ORGANIZATION, OR A VOLUNTEER ASSOCIATION THAT TAKES RESPONSIBILITY FOR THE MINOR; OR

(II) A PLACE OF PUBLIC ENTERTAINMENT, INCLUDING A MOVIE, PLAY, OR SPORTING EVENT;

(9) EXERCISING FIRST AMENDMENT RIGHTS UNDER THE UNITED STATES CONSTITUTION IF THE MINOR HAS FIRST SUBMITTED TO THE CHIEF OF THE LOCAL LAW ENFORCEMENT AGENCY A WRITTEN COMMUNICATION THAT:

(I) IS SIGNED BY THE MINOR AND COUNTERSIGNED, IF PRACTICABLE, BY THE PARENT OR GUARDIAN OF THE MINOR;

(II) INCLUDES THE PARENT'S OR GUARDIAN'S HOME ADDRESS AND TELEPHONE NUMBER; AND

(III) SPECIFIES WHEN, WHERE, AND IN WHAT MANNER THE MINOR WILL BE IN A PUBLIC PLACE DURING CURFEW HOURS; OR

(10) REMAINING IN A PUBLIC PLACE IN A CASE OF REASONABLE NECESSITY IF THE MINOR'S PARENT OR GUARDIAN HAS COMMUNICATED TO THE CHIEF OF THE LOCAL LAW ENFORCEMENT AGENCY FACTS:

(I) ESTABLISHING THE REASONABLE NECESSITY; AND

(II) DESIGNATING:

1. THE SPECIFIC PUBLIC PLACE AND THE POINTS OF ORIGIN AND DESTINATION FOR THE MINOR'S TRAVEL; AND

2. THE TIMES THE MINOR WILL BE IN THE PUBLIC PLACE OR TRAVELING TO OR FROM THE PUBLIC PLACE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C-1(e) and (a)(3).

In item (4) of this section, the former reference to interstate travel "through the local jurisdiction or beginning or ending in the local jurisdiction" is deleted as unnecessary because the curfew would only apply in the local jurisdiction that enacts it, and, therefore only actions in that jurisdiction would be relevant.

In item (6) of this section, the former reference to property "of an individual" is deleted as surplusage.

In item (8) of this section, the reference to a "volunteer" association is substituted for the former reference to a "voluntary" association for clarity.

Defined terms: "Curfew hours" § 11-301

"Guardian" § 11-301

"Public place" § 11-301

"Remain" § 11-301

11-306. VIOLATION OF JUVENILE CURFEW ORDINANCE.

(A) ACTIONS BY LAW ENFORCEMENT OFFICER.

(1) IF A LAW ENFORCEMENT OFFICER REASONABLY BELIEVES THAT A MINOR IS IN A PUBLIC PLACE OR ON THE PREMISES OF AN ESTABLISHMENT IN VIOLATION OF A JUVENILE CURFEW ORDINANCE, THE OFFICER SHALL:

(I) NOTIFY THE MINOR THAT THE MINOR IS IN VIOLATION OF THE JUVENILE CURFEW ORDINANCE;

(II) REQUIRE THE MINOR TO TELL THE OFFICER THE MINOR'S NAME, ADDRESS, TELEPHONE NUMBER, AND WHERE TO CONTACT THE MINOR'S PARENT OR GUARDIAN;

(III) ISSUE THE MINOR A WRITTEN WARNING THAT THE MINOR IS IN VIOLATION OF THE JUVENILE CURFEW ORDINANCE; AND

(IV) ORDER THE MINOR TO PROMPTLY GO HOME.

(2) THE LAW ENFORCEMENT OFFICER MAY TAKE THE MINOR:

(I) TO THE MINOR'S HOME, IF APPROPRIATE; OR

(II) INTO CUSTODY AND TRANSPORT THE MINOR TO A LOCAL LAW ENFORCEMENT STATION OR DESIGNATED CURFEW CENTER WHEN:

1. THE MINOR HAS RECEIVED ONE PREVIOUS WRITTEN WARNING FOR A VIOLATION OF A JUVENILE CURFEW ORDINANCE;

2. THE LAW ENFORCEMENT OFFICER HAS REASONABLE GROUNDS TO BELIEVE THAT THE MINOR HAS COMMITTED A DELINQUENT ACT, AS DEFINED IN § 3-8A-01 OF THE COURTS ARTICLE; OR

3. TAKING THE MINOR INTO CUSTODY IS AUTHORIZED UNDER § 3-8A-14 OF THE COURTS ARTICLE.

(3) A LAW ENFORCEMENT OFFICER MAY ISSUE A CIVIL CITATION FOR A VIOLATION OF A JUVENILE CURFEW ORDINANCE TO:

(I) A MINOR;

(II) A PARENT OR GUARDIAN OF A MINOR; OR

(III) AN OWNER, OPERATOR, OR EMPLOYEE OF AN ESTABLISHMENT.

(B) WRITTEN NOTICE TO PARENT OR GUARDIAN.

THE LAW ENFORCEMENT AGENCY SHALL SEND WRITTEN NOTICE OF THE VIOLATION OF THE JUVENILE CURFEW ORDINANCE TO THE MINOR'S PARENT OR GUARDIAN.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C–1(f), (g), and (j)(1).

In subsection (a)(2) of this section, the former references to a “local” law enforcement officer are deleted for accuracy because there is no reason that this subtitle could not be enforced by a State law enforcement officer with authority to act within the county and for consistency within this section.

In the introductory language of subsection (a)(2) of this section, the reference to a law enforcement “officer” is substituted for the former reference to a law enforcement “agency” for clarity and consistency throughout this subtitle.

In subsection (a)(2)(ii)2 of this section, the reference to a delinquent act “as defined in § 3–8A–01 of the Courts Article” is added for clarity.

In subsection (b) of this section, the former reference to the “chief of the local” law enforcement agency is deleted because it is overly limiting as to who can send the notice.

Defined terms: “Establishment” § 11–301

“Guardian” § 11–301

“Public place” § 11–301

11–307. FINE.

A CIVIL CITATION FOR A VIOLATION OF A JUVENILE CURFEW ORDINANCE SHALL INCLUDE A FINE:

(1) FOR A FIRST OFFENSE, NOT EXCEEDING \$500; OR

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, NOT EXCEEDING \$1,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C–1(j)(2).

In the introductory language to this section, the reference to a civil citation “for a violation of a juvenile curfew ordinance” is added for clarity.

11–308. CUSTODY.

(A) TAKING MINOR INTO CUSTODY.

WHEN A MINOR IS TAKEN INTO CUSTODY FOR A VIOLATION OF A JUVENILE CURFEW ORDINANCE, THE LAW ENFORCEMENT OFFICER SHALL:

(1) IMMEDIATELY NOTIFY THE PARENT OR GUARDIAN OF THE MINOR TO COME TAKE CUSTODY OF THE MINOR; AND

(2) DETERMINE WHETHER, CONSISTENT WITH CONSTITUTIONAL SAFEGUARDS, THE MINOR OR THE PARENT OR GUARDIAN, OR BOTH, ARE IN VIOLATION OF THE JUVENILE CURFEW ORDINANCE.

(B) RELEASE FROM CUSTODY.

(1) IF THE PARENT OR GUARDIAN ARRIVES TO TAKE CUSTODY OF THE MINOR AND THE APPROPRIATE INFORMATION IS RECORDED, THE MINOR SHALL BE RELEASED TO THE CUSTODY OF THE PARENT OR GUARDIAN.

(2) IF THE PARENT OR GUARDIAN CANNOT BE LOCATED OR FAILS TO TAKE CUSTODY OF THE MINOR, THE MINOR SHALL BE RELEASED TO:

(I) THE LOCAL DEPARTMENT OF SOCIAL SERVICES;

(II) THE DEPARTMENT OF JUVENILE SERVICES; OR

(III) ANOTHER ADULT WHO WILL, ON BEHALF OF THE PARENT OR GUARDIAN, ASSUME THE RESPONSIBILITY OF CARING FOR THE MINOR PENDING THE AVAILABILITY OR ARRIVAL OF THE PARENT OR GUARDIAN.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13C-1(h) and (i).

In the introductory language of subsection (a) of this section, the former reference to a "local" law enforcement officer is deleted for accuracy because there is no reason that this subtitle could not be enforced by a State law enforcement officer with authority to act within the county and for consistency within this section.

In subsection (a)(1) of this section, the former reference to a parent or guardian coming to "the local law enforcement station" to take custody of the minor is deleted as surplusage.

In the introductory language of subsection (b)(1) of this section, the reference to a parent or guardian arriving "to take custody of the minor" is substituted for the former reference to the parent or guardian arriving

“at the local law enforcement station as a result of ... this section” for brevity.

Defined term: “Guardian” § 11–301

SUBTITLE 4. WATER AND SEWERAGE SERVICES.

11–401. WATER AND SEWERAGE SERVICES — IN GENERAL.

(A) “DEPARTMENT” DEFINED.

IN THIS SECTION, “DEPARTMENT” MEANS A DEPARTMENT OF PUBLIC FACILITIES AND SERVICES.

(B) CONSTRUCTION OF SECTION.

THE POWERS GRANTED UNDER THIS SECTION MAY BE EXERCISED NOTWITHSTANDING ANY OTHER LAW IN EFFECT WHEN THE COUNTY COMMISSIONERS EXERCISE A POWER GRANTED UNDER THIS SECTION.

(C) ESTABLISHMENT OF DEPARTMENT.

THE COUNTY COMMISSIONERS, BY PUBLIC LOCAL LAW, MAY:

(1) ESTABLISH A DEPARTMENT OF PUBLIC FACILITIES AND SERVICES; AND

(2) PROVIDE FOR THE ORGANIZATION AND FUNCTIONS OF THE DEPARTMENT.

(D) DUTIES OF DEPARTMENT.

THE COUNTY COMMISSIONERS MAY ASSIGN TO A DEPARTMENT:

(1) RESPONSIBILITY FOR CONSTRUCTION, MAINTENANCE, REPAIR, SERVICE, AND MANAGEMENT OF:

(I) PUBLIC WORKS, PUBLIC BUILDINGS, PUBLICLY OWNED WATER AND SEWERAGE FACILITIES AND PROJECTS, AND CAPITAL PROJECTS;

(II) WATER SUPPLY FACILITIES AND PROJECTS;

(III) WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL FACILITIES AND PROJECTS;

(IV) SOLID WASTE COLLECTION, RECYCLING, AND DISPOSAL FACILITIES AND PROJECTS;

(V) STORM DRAINAGE, EROSION, AND SEDIMENT CONTROL FACILITIES AND PROJECTS;

(VI) LIGHTING FOR ROADS, HIGHWAYS, ALLEYS, AND OTHER PUBLIC PLACES; OR

(VII) MOSQUITO CONTROL FACILITIES AND PROGRAMS; AND

(2) ANY OTHER FUNCTION OR DUTY THAT IS NOT INCONSISTENT WITH THIS SECTION.

(E) ABOLITION OF PRIOR WATER OR SEWER AUTHORITY OR SANITARY DISTRICT OR COMMISSION.

(1) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, IF THE COUNTY COMMISSIONERS ASSIGN TO A DEPARTMENT THE RESPONSIBILITY FOR WATER AND SEWERAGE FUNCTIONS, THE COUNTY COMMISSIONERS SHALL ABOLISH BY PUBLIC LOCAL LAW:

(I) ANY WATER OR SEWER AUTHORITY ESTABLISHED FOR THE COUNTY UNDER TITLE 9, SUBTITLE 9 OF THE ENVIRONMENT ARTICLE; AND

(II) ANY SANITARY DISTRICT OR COMMISSION ESTABLISHED FOR THE COUNTY UNDER TITLE 9, SUBTITLE 6 OF THE ENVIRONMENT ARTICLE.

(2) BEFORE ABOLISHING A WATER OR SEWER AUTHORITY OR SANITARY DISTRICT OR COMMISSION, THE COUNTY COMMISSIONERS MAY REQUEST THAT THE ENTITY PROVIDE TO THE COUNTY APPROPRIATE INFORMATION TO ASSIST THE COUNTY COMMISSIONERS IN COMPLYING WITH PARAGRAPH (3) OF THIS SUBSECTION.

(3) THE PUBLIC LOCAL LAW SHALL PROVIDE:

(I) FOR THE RETIRING, REFUNDING, REFINANCING, TRANSFER, OR ASSUMPTION OF ANY APPLICABLE OUTSTANDING BONDS OF THE ABOLISHED ENTITY;

(II) FOR THE ASSUMPTION OF ALL EXISTING ASSETS AND LIABILITIES OF THE ABOLISHED ENTITY BY THE COUNTY, SUBJECT TO AN AUDIT OF THE ASSETS AND LIABILITIES BY A CERTIFIED PUBLIC ACCOUNTANT;

(III) FOR THE TRANSFER OF ALL REAL AND PERSONAL PROPERTY OF THE ABOLISHED ENTITY TO THE COUNTY;

(IV) FOR THE TRANSFER OF RESPONSIBILITY AND ADMINISTRATION OF ANY LEGALLY ENFORCEABLE AGREEMENT BETWEEN THE ABOLISHED ENTITY AND ANOTHER PARTY TO THE COUNTY;

(V) FOR THE CONTINUED EFFECT OF ORDERS, RULES, AND REGULATIONS OF THE ABOLISHED ENTITY, UNTIL REVOKED OR MODIFIED BY THE COUNTY COMMISSIONERS;

(VI) THAT ANY REVENUES OF AN ABOLISHED ENTITY REMAIN DEDICATED FOR THE PURPOSE COLLECTED AND ARE NOT TRANSFERRED INTO THE COUNTY'S GENERAL FUND; AND

(VII) THAT ALL MATTERS PENDING BEFORE THE ABOLISHED ENTITY MAY CONTINUE AND SHALL BE COMPLETED BY THE DEPARTMENT.

(4) ANY EMPLOYEE OF A WATER OR SEWER AUTHORITY OR OF A SANITARY DISTRICT OR COMMISSION EMPLOYED ON THE DATE THAT THE AUTHORITY, DISTRICT, OR COMMISSION IS ABOLISHED WHO TRANSFERS TO THE DEPARTMENT OR TO A MUNICIPALITY OR LOCAL COMMUNITY UNDER § 11-402 OF THIS SUBTITLE SHALL TRANSFER WITHOUT ANY LOSS OF SALARY, RETIREMENT BENEFITS, INSURANCE BENEFITS, LEAVE TIME, SENIORITY LEVEL, OR OTHER EMPLOYEE BENEFITS.

(F) AUTHORITY OF COUNTY COMMISSIONERS.

(1) IF THE COUNTY COMMISSIONERS ABOLISH A WATER OR SEWER AUTHORITY OR SANITARY DISTRICT OR COMMISSION, THE COUNTY COMMISSIONERS SHALL EXERCISE THE POWERS OF A WATER OR SEWER AUTHORITY OR SANITARY DISTRICT OR COMMISSION.

(2) THE COUNTY COMMISSIONERS MAY:

(I) ADOPT REGULATIONS FOR WATER AND SEWERAGE MANAGEMENT;

(II) ACQUIRE, CONSTRUCT, OPERATE, OR MAINTAIN WATER AND SEWERAGE SYSTEMS AS THE COUNTY COMMISSIONERS CONSIDER TO BE IN THE PUBLIC INTEREST AND NECESSARY TO PROTECT THE GENERAL HEALTH AND WELFARE; AND

(III) SET RATES, FEES, AND ASSESSMENTS FOR WATER AND SEWERAGE SERVICES AND BENEFITS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13E.

In subsection (e)(4) of this section, the references to a "district" are added for consistency within this section.

Defined terms: "Municipality" § 1-101
 "Public local law" § 11-101

11-402. WATER AND SEWERAGE SERVICES — AGREEMENTS WITH LOCAL COMMUNITIES.

(A) "LOCAL COMMUNITY" DEFINED.

(1) IN THIS SECTION, "LOCAL COMMUNITY" MEANS AN INCORPORATED OR UNINCORPORATED COMMUNITY, OTHER THAN A MUNICIPALITY, WITH A GOVERNING BOARD THAT IS ELECTED BY THE PROPERTY OWNERS OR RESIDENTS OF THE COMMUNITY.

(2) "LOCAL COMMUNITY" INCLUDES A COMMUNITY ASSOCIATION OR SIMILAR ASSOCIATION OR A SPECIAL TAXING DISTRICT IF THE ASSOCIATION OR DISTRICT HAS A GOVERNING BOARD ELECTED BY THE PROPERTY OWNERS OR RESIDENTS OF THE COMMUNITY.

(B) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY IF A COUNTY ESTABLISHES A DEPARTMENT OF PUBLIC FACILITIES AND SERVICES AND ASSUMES THE RESPONSIBILITIES OF A SANITARY DISTRICT OR COMMISSION OR A WATER OR SEWER AUTHORITY UNDER § 11-401 OF THIS SUBTITLE.

(C) AGREEMENTS AUTHORIZED.

SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, THE COUNTY COMMISSIONERS MAY ENTER INTO AN AGREEMENT WITH THE GOVERNING BODY OF A MUNICIPALITY OR A GOVERNING BOARD OF A LOCAL COMMUNITY THAT TRANSFERS RESPONSIBILITY FOR WATER OR SEWERAGE SERVICES TO THE MUNICIPALITY OR LOCAL COMMUNITY.

(D) REQUIREMENTS OF AGREEMENTS.

AN AGREEMENT MADE UNDER THIS SECTION SHALL BE IN WRITING AND SHALL REQUIRE THAT:

(1) THE MUNICIPALITY OR LOCAL COMMUNITY CONTINUES TO SERVE ANY AREA, WITHIN OR OUTSIDE ITS BOUNDARIES, THAT IS SERVED BY THE FACILITIES TRANSFERRED WHEN THE TRANSFER OCCURS;

(2) ANY INCREASE IN FEES OR TAXES FOR WATER OR SEWERAGE SERVICES FOLLOWING THE TRANSFER BE APPLIED UNIFORMLY WITHIN AND OUTSIDE THE BOUNDARIES OF THE MUNICIPALITY OR LOCAL COMMUNITY;

(3) THE MUNICIPALITY OR LOCAL COMMUNITY, IN ACCORDANCE WITH THE AGREEMENT, ASSUMES LEGAL RESPONSIBILITY FOR THE PAYMENT OF PRINCIPAL OF AND INTEREST ON ANY APPLICABLE OUTSTANDING BONDS ISSUED BY THE COUNTY OR BY A WATER OR SEWER AUTHORITY OR A SANITARY DISTRICT OR COMMISSION WITH RESPECT TO FACILITIES BEING TRANSFERRED TO THE MUNICIPALITY OR LOCAL COMMUNITY;

(4) THE DISPOSAL OF SEWAGE SLUDGE BY THE MUNICIPALITY OR LOCAL COMMUNITY BE CONDUCTED IN ACCORDANCE WITH COUNTY REGULATIONS;

(5) THE MUNICIPALITY OR LOCAL COMMUNITY HONORS, IN ACCORDANCE WITH THE AGREEMENT, ANY OBLIGATION THAT EXISTS WHEN THE TRANSFER OCCURS, FOR THE TREATMENT AT A TREATMENT FACILITY OF LEACHATE GENERATED AT A LANDFILL IN THE COUNTY;

(6) THE MUNICIPALITY OR LOCAL COMMUNITY COMPLIES WITH THE TERMS OF ANY GRANT OR REQUIREMENT INVOLVING A FEDERAL OR STATE AGENCY CONCERNING FACILITIES OR OPERATIONS TRANSFERRED TO THE MUNICIPALITY UNDER THE AGREEMENT; AND

(7) ANY REVENUES FROM AN ENTITY ABOLISHED UNDER § 11-401 OF THIS SUBTITLE AND TRANSFERRED UNDER THE AGREEMENT REMAIN

DEDICATED FOR THE PURPOSE COLLECTED AND ARE NOT TRANSFERRED INTO THE MUNICIPALITY’S OR LOCAL COMMUNITY’S GENERAL FUND.

(E) OBLIGATIONS.

AN AGREEMENT MADE UNDER THIS SECTION SHALL SPECIFY:

(1) THE OBLIGATION OF THE PARTIES TO COOPERATE IN THE OPERATION OF ANY LABORATORY, THE SHARING OF EQUIPMENT, AND OTHER RELATED MATTERS IN WHICH THE COUNTY AND MUNICIPALITY OR LOCAL COMMUNITY MIGHT MUTUALLY BENEFIT;

(2) THE OBLIGATION OF THE PARTIES TO SATISFY ANY VESTED RETIREMENT RIGHTS OF EMPLOYEES WHO TRANSFER FROM THE COUNTY TO THE MUNICIPALITY OR LOCAL COMMUNITY UNDER THE AGREEMENT;

(3) THE OBLIGATION OF THE PARTIES TO ASSURE THE MAINTENANCE OF SALARY LEVELS, RETIREMENT BENEFITS, INSURANCE BENEFITS, VACATION BENEFITS, LEAVE TIME, SENIORITY LEVELS, AND OTHER EMPLOYEE BENEFITS, WHICH ARE IN EFFECT FOR COUNTY EMPLOYEES WHO TRANSFER TO THE MUNICIPALITY OR LOCAL COMMUNITY UNDER THE AGREEMENT; AND

(4) ANY OTHER MATTER RELATING TO WATER OR SEWERAGE SERVICES ON WHICH THE COUNTY AND MUNICIPALITY OR LOCAL COMMUNITY AGREE THAT ARE CONSISTENT WITH THIS SECTION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13E–1.

In subsection (a) of this section, the former references to “governing body” are deleted as included in the references to “governing board” and to avoid an inaccurate use of the defined term “governing body”.

In subsection (c) of this section, the reference to a “governing board” of a local community is added for consistency within this section.

Defined terms: “Governing body” § 1–101

“Municipality” § 1–101

“State” § 1–101

TITLE 12. OTHER POWERS OF COUNTIES — GENERALLY.

SUBTITLE 1. COUNTY OFFICERS AND EMPLOYEES.

12-101. APPOINTMENT AND REMOVAL.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**
- (4) CECIL COUNTY;**
- (5) HOWARD COUNTY;**
- (6) PRINCE GEORGE'S COUNTY;**
- (7) QUEEN ANNE'S COUNTY; AND**
- (8) WORCESTER COUNTY.**

(B) AUTHORITY.

THE GOVERNING BODY OF A COUNTY MAY PROVIDE FOR THE APPOINTMENT AND REMOVAL OF ANY COUNTY OFFICER OR EMPLOYEE WHOSE APPOINTMENT OR ELECTION IS NOT PROVIDED FOR BY THE MARYLAND CONSTITUTION OR PUBLIC GENERAL LAW OR PUBLIC LOCAL LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 3(d)(1) and, as it related to the scope of this section, (a).

In subsection (a)(2) of this section, the reference to "Baltimore City" is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(g) applicable to commission counties, code counties, and charter counties, except for the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City in the Annotated Code.

Defined term: "Governing body" § 1-101

12-102. COMPENSATION OF APPOINTED OFFICERS AND EMPLOYEES.**(A) SCOPE OF SECTION.**

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**
- (4) CECIL COUNTY;**
- (5) HOWARD COUNTY;**
- (6) PRINCE GEORGE'S COUNTY;**
- (7) QUEEN ANNE'S COUNTY; AND**
- (8) WORCESTER COUNTY.**

(B) AUTHORITY.

SUBJECT TO ANY RESTRICTION IMPOSED BY A PUBLIC GENERAL LAW OR PUBLIC LOCAL LAW, THE GOVERNING BODY OF A COUNTY MAY DETERMINE THE COMPENSATION OF APPOINTED OFFICERS AND EMPLOYEES OF THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 3(e) and, as it related to the scope of this section, (a).

In subsection (a)(2) of this section, the reference to "Baltimore City" is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(g) applicable to commission counties, code counties, and charter counties, except for the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City in the Annotated Code.

In subsection (b) of this section, the former reference to any "provision" imposed by law is deleted as included in the reference to any "restriction" imposed by law.

Also in subsection (b) of this section, the former reference to fixing the “salary” of officers and employees is deleted as included in the reference to fixing “compensation”.

Also in subsection (b) of this section, the former reference to the salary or compensation “incurred in the performance of their official duties” is deleted as surplusage.

Defined term: “Governing body” § 1–101

12–103. MERIT SYSTEM.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**
- (4) CECIL COUNTY;**
- (5) HOWARD COUNTY;**
- (6) PRINCE GEORGE’S COUNTY; AND**
- (7) WORCESTER COUNTY.**

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) AUTHORITY.

THE GOVERNING BODY OF A COUNTY MAY ESTABLISH A MERIT SYSTEM IN CONNECTION WITH THE APPOINTMENT OF COUNTY OFFICIALS AND EMPLOYEES NOT ELECTED OR APPOINTED UNDER THE MARYLAND CONSTITUTION OR PUBLIC GENERAL LAW OF THE STATE.

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from the first and second sentences and the first clause of the third sentence of former Art. 25, § 3(f) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, § 3(r) and § 4, which apply to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a)(2) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(g) applicable to commission counties, code counties, and charter counties, except for the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City in the Annotated Code.

The third sentence of former Art. 25, § 3(f), as it applied to a merit system for the employees of the Dorchester County liquor control board, has been deleted as obsolete as a result of Chapter 366 of 1996, which repealed the Dorchester County liquor control board.

The third sentence of former Art. 25, § 3(f), as it applied to a merit system for the employees of the Dorchester County Sheriff's Office, is transferred to § 2–309(k)(4) of the Courts Article.

The third sentence of former Art. 25, § 3(f), as it applied to a merit system for the employees of the Dorchester County Sanitary District, is revised in § 12–104 of this subtitle.

The fourth sentence of former Art. 25, § 3(f), which applied to a merit system for the employees of the Queen Anne's County Sheriff's department, is transferred to § 2–309(s)(3) of the Courts Article.

The fifth sentence of former Art. 25, § 3(f), which applied to a merit system for the employees of the Somerset County Sheriff's department, is transferred to § 2–309(u)(4) of the Courts Article.

Defined terms: “Commission county” § 1–101

“Governing body” § 1–101

“State” § 1–101

12–104. MERIT SYSTEM — DORCHESTER COUNTY.

IN DORCHESTER COUNTY, THE GOVERNING BODY MAY INCLUDE IN THE MERIT SYSTEM OF THE COUNTY THE EMPLOYEES OF THE DORCHESTER COUNTY SANITARY DISTRICT.

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 25, § 3(f), as it related to the authority to include employees of the Dorchester County Sanitary District in a county merit system.

Defined term: "Governing body" § 1-101

12-105. MERIT SYSTEM — GARRETT COUNTY.

(A) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9-105 AND 9-106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED UNDER THIS SECTION.

(B) IN GENERAL.

THE COUNTY COMMISSIONERS OF GARRETT COUNTY SHALL HAVE A MERIT SYSTEM FOR ALL COUNTY EMPLOYEES IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE MERIT SYSTEM COMMISSION AND GOVERNMENTAL STUDY COMMISSION OF GARRETT COUNTY.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify that the provisions of §§ 9-105 and 9-106 of this article, former Art. 25, § 3(r) and § 4, which apply to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted under this section.

Subsection (b) of this section is new language derived without substantive change from the sixth sentence of former Art. 25, § 3(f).

In subsection (b) of this section, the reference to the county commissioners "hav[ing]" a merit system is substituted for the former reference to "institut[ing]" a merit system because the merit system was required to be established by January 1, 1972.

Also in subsection (b) of this section, the former reference to the "final reports" of the Merit System Commission and Governmental Study Commission of Garrett County is deleted as included in the reference to the "recommendations" of the commissions.

Also in subsection (b) of this section, the former phrase “the system to be effective as of January 1, 1972” is deleted as obsolete.

12-106. OFFICES AND DEPARTMENTS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**
- (4) CECIL COUNTY;**
- (5) HOWARD COUNTY;**
- (6) PRINCE GEORGE’S COUNTY;**
- (7) QUEEN ANNE’S COUNTY; AND**
- (8) WORCESTER COUNTY.**

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9-105 AND 9-106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) AUTHORITY.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE GOVERNING BODY OF A COUNTY MAY:

(I) CREATE, CHANGE, OR ABOLISH AN OFFICE OR A DEPARTMENT; AND

(II) ASSIGN ADDITIONAL FUNCTIONS TO AN OFFICE OR A DEPARTMENT.

(2) THE GOVERNING BODY OF A COUNTY MAY NOT CREATE, CHANGE, OR ABOLISH AN OFFICE OR A DEPARTMENT OR TRANSFER A FUNCTION OF AN OFFICE OR DEPARTMENT ESTABLISHED BY THE MARYLAND CONSTITUTION, PUBLIC GENERAL LAW, OR PUBLIC LOCAL LAW.

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(z) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, § 3(r) and § 4, which apply to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a)(2) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(g) applicable to commission counties, code counties, and charter counties, except for the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City in the Annotated Code.

In subsection (c) of this section, the former reference to a public general law or public local law “of the county” is deleted as inaccurate since a county would not enact a public general law or public local law.

In subsection (c)(1) of this section, the introductory language, “[e]xcept as provided in paragraph (2) of this subsection”, is added to reflect the limitation on the power to create, change, or abolish offices and departments and assign additional functions to offices and departments.

In subsection (c)(2) of this section, the former reference to “discontinu[ing]” an office or department is deleted for consistency.

Defined terms: “Commission county” § 1–101
 “Governing body” § 1–101

12–107. PUBLIC ETHICS LAWS AND REGULATIONS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT BALTIMORE CITY.

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) AUTHORITY.

THE GOVERNING BODY OF A COUNTY MAY ENACT A LAW OR REGULATION:

(1) DESIGNED TO PREVENT CONFLICTS BETWEEN THE PRIVATE INTERESTS AND PUBLIC DUTIES OF COUNTY OFFICERS OR EMPLOYEES, INCLUDING THE GOVERNING BODY; AND

(2) TO GOVERN THE CONDUCT AND ACTIONS OF COUNTY OFFICERS AND EMPLOYEES, INCLUDING THE GOVERNING BODY, IN PERFORMING THEIR PUBLIC DUTIES.

(D) PENALTIES.

THE GOVERNING BODY OF A COUNTY MAY ENACT A LAW OR REGULATION TO PROVIDE FOR A PENALTY, INCLUDING A FINE, A FORFEITURE, AN IMPRISONMENT, OR A REMOVAL FROM OFFICE FOR VIOLATION OF ANY LAW OR REGULATION ENACTED UNDER SUBSECTION (C) OF THIS SECTION.

REVISOR'S NOTE: Subsections (a), (c), and (d) of this section are new language derived without substantive change from former Art. 25, § 3(mm) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, § 3(r) and § 4, which apply to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(g) applicable to commission counties, code counties, and charter counties, except for the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City in the Annotated Code.

Defined terms: “Commission county” § 1–101
 “Governing body” § 1–101

12-108. APPOINTMENT TO BOARDS AND COMMISSIONS IN CHARLES COUNTY.

(A) TERM LIMITS.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL APPOINTED TO A BOARD OR COMMISSION BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL TERMS.

(B) EXCEPTION.

SUBSECTION (A) OF THIS SECTION DOES NOT APPLY IF THE COUNTY COMMISSIONERS OF CHARLES COUNTY DETERMINE THAT THERE IS NOT A QUALIFIED INDIVIDUAL TO REPLACE AN INCUMBENT WHO HAS SERVED TWO CONSECUTIVE FULL TERMS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 3(d)(2).

In subsection (a) of this section, the phrase “[e]xcept as provided in subsection (b) of this section” is added for clarity.

In subsection (b) of this section, the reference to an incumbent who “has served two consecutive full terms” is substituted for the former reference to any incumbent who “is disqualified under this paragraph” for clarity.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that in 1987, Chapter 358 added Art. 25, § 3(d)(2) placing term limits on individuals appointed to boards and commissions in Charles County. Charles County adopted code home rule in 2002. Since the Express Powers Act in Art. 25A, § 5(Q) gives Charles County the authority to “provide for the appointment and removal of all county officers except those whose appointment or election is provided for by the Constitution or public general law”, the term limit restriction may be obsolete unless Art. 25, § 3(d)(2) is considered a public general law.

SUBTITLE 2. PENSIONS; GROUP INSURANCE.

12-201. SCOPE OF SUBTITLE; GENERAL POWERS.

(A) SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;
- (2) BALTIMORE CITY;
- (3) BALTIMORE COUNTY;
- (4) HOWARD COUNTY;
- (5) PRINCE GEORGE'S COUNTY;
- (6) QUEEN ANNE'S COUNTY; AND
- (7) WORCHESTER COUNTY.

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) POWERS.

THE GOVERNING BODY OF A COUNTY MAY:

- (1) ESTABLISH A PENSION PLAN OR GROUP INSURANCE PROGRAM FOR THE BENEFIT OF ITS OFFICERS AND EMPLOYEES; AND
- (2) ESTABLISH CLASSIFICATIONS AND ELIGIBILITY CRITERIA FOR EACH PENSION PLAN OR GROUP INSURANCE PROGRAM.

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from the first sentence of former Art. 25, § 3(g) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, § 3(r) and § 4, which apply to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a)(2) of this section, the reference to "Baltimore City" is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(g) applicable to commission

counties, code counties, and charter counties, except for the counties specifically excluded under Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City in the Annotated Code.

In the introductory language of subsection (c) of this section, the reference to the “governing body of a county” is added for clarity.

In subsection (c) of this section, the reference to a “pension plan” is substituted for the former reference to a “general system of pensions and retirement” for brevity.

In subsection (c)(1) of this section, the former reference to “maintain[ing]” a plan or program is deleted as included in the reference to “establish[ing]” a plan or program.

Also in subsection (c)(1) of this section, the former reference to the “advantage” of officers and employees is deleted as included in the reference to the “benefit” of officers and employees.

In subsection (c)(2) of this section, the reference to “eligibility criteria” is substituted for the former reference to “terms of admissions” for clarity.

Also in subsection (c)(2) of this section, the former reference to “necessary” classifications is deleted as surplusage.

The second sentence of former Art. 25, § 3(g), which provided that Art. 25, § 3(g) applied to “Kent County and Dorchester County and the County Commissioners shall have the powers provided herein”, is deleted as unnecessary in light of the scope of this section which does not exclude Kent County and Dorchester County from the application of its provisions.

Defined terms: “Commission county” § 1–101
 “Governing body” § 1–101

12–202. CALVERT COUNTY SHERIFF’S PENSION PLAN.

(A) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED UNDER THIS SECTION.

(B) AUTHORIZED.

THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY ESTABLISH A SEPARATE FULLY FUNDED PENSION PLAN FOR THE CALVERT COUNTY SHERIFF'S DEPARTMENT.

(C) MEMBERSHIP.

(1) A PENSION PLAN ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION MAY PROVIDE FOR PARTICIPATION BY:

(I) CALVERT COUNTY DEPUTY SHERIFFS WHO ARE ACTIVELY ENGAGED IN LAW ENFORCEMENT;

(II) CALVERT COUNTY CORRECTIONAL OFFICERS ASSIGNED TO THE COUNTY DETENTION CENTER; AND

(III) THE CALVERT COUNTY DETENTION CENTER ADMINISTRATOR.

(2) A PENSION PLAN ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION MAY NOT BE APPLIED TO AN INDIVIDUAL WHOSE TERM OF OFFICE ENDED BEFORE JANUARY 1, 1971, IF THAT INDIVIDUAL IS ELIGIBLE TO RECEIVE PENSION BENEFITS UNDER § 2-309(F)(4) OF THE COURTS ARTICLE.

(D) PROVISIONS OF PLAN.

A PENSION PLAN ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE PROVISIONS FOR:

(1) RETIREMENT AGE ELIGIBILITY;

(2) RETIREMENT BASED ON YEARS OF ACTIVE SERVICE, REGARDLESS OF AGE;

(3) EARLY RETIREMENT ELIGIBILITY;

(4) DISABILITY RETIREMENT;

(5) DEATH BENEFITS FOR A SPOUSE OR CHILDREN;

(6) COST-OF-LIVING ADJUSTMENTS; AND

(7) CASH REFUND OF CONTRIBUTIONS FOR PARTICIPANTS TERMINATING EMPLOYMENT.

(E) LIMITATIONS ON BENEFITS.

AN INDIVIDUAL WHO PARTICIPATES IN A PENSION PLAN ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION IS NOT ELIGIBLE TO RECEIVE PENSION BENEFITS UNDER § 2-309(F)(4) OF THE COURTS ARTICLE.

(F) EFFECTIVE DATE.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS OF CALVERT COUNTY SHALL DETERMINE THE EFFECTIVE DATE FOR ANY PENSION PLAN ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

(2) THE EFFECTIVE DATE SHALL CONFORM TO THE PROVISIONS OF TITLE 31, SUBTITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify that the provisions of §§ 9-105 and 9-106 of this article, former Art. 25, § 3(r) and § 4, which apply to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted under this section.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 25, § 3(pp).

In the introductory language of subsections (c)(1) and (d) and in subsections (c)(2), (e), and (f)(1) of this section, the references to the plan established "under subsection (b) of this section" are added for clarity.

In subsections (c)(2) and (e) of this section, the references to an "individual" are substituted for the former references to a "person" because only a human being and not the other entities included in the defined term "person" can participate in a pension plan.

In subsection (c)(2) of this section, the reference to pension "benefits" is added for clarity.

In subsection (f)(2) of this section, the former reference to provisions "that concern the withdrawal by a county, municipal corporation, or other political subdivision of the State from the Employees' Retirement System of the State of Maryland and the Employees' Pension System of the State

of Maryland and the transfer to a local retirement or pension system” is deleted as implicit in the reference to “Title 31, Subtitle 3 of the State Personnel and Pensions Article”.

12-203. CHARLES COUNTY PENSION PLANS.

(A) RETIREMENT FUNDS BEFORE PENSION PLAN.

THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY PROVIDE RETIREMENT FUNDS FOR EMPLOYEES WHO REACH RETIREMENT AGE BEFORE THE ESTABLISHMENT OF A PENSION PLAN UNDER § 12-201 OF THIS SUBTITLE.

(B) SWORN EMPLOYEES OF SHERIFF’S DEPARTMENT HIRED ON OR BEFORE JUNE 30, 1986.

(1) THE COUNTY COMMISSIONERS OF CHARLES COUNTY SHALL ESTABLISH A SEPARATE PENSION PLAN FOR SWORN EMPLOYEES OF THE CHARLES COUNTY SHERIFF’S DEPARTMENT WHO:

(I) ARE ACTIVELY ENGAGED IN LAW ENFORCEMENT; AND

(II) WERE WORKING IN LAW ENFORCEMENT WITHIN THE DEPARTMENT ON OR BEFORE JUNE 30, 1986.

(2) (I) A MEMBER MAY RETIRE IF THE MEMBER HAS AT LEAST 30 YEARS OF ACTIVE SERVICE REGARDLESS OF AGE.

(II) ON RETIREMENT UNDER THIS PARAGRAPH, A MEMBER IS ENTITLED TO RECEIVE A RETIREMENT ALLOWANCE EQUAL TO 80% OF THE MEMBER’S AVERAGE BASE SALARY FOR THE 3 HIGHEST YEARS PRECEDING RETIREMENT.

(3) (I) A MEMBER MAY RETIRE WITH AN EARLY RETIREMENT ALLOWANCE IF THE MEMBER HAS AT LEAST 20 YEARS BUT LESS THAN 30 YEARS OF ACTIVE SERVICE.

(II) ON RETIREMENT UNDER THIS PARAGRAPH, A MEMBER IS ENTITLED TO RECEIVE A RETIREMENT ALLOWANCE UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION, REDUCED BY 2% FOR EACH YEAR THAT THE MEMBER’S EARLY RETIREMENT DATE PRECEDES THE DATE THE MEMBER WOULD HAVE HAD 30 YEARS OF ACTIVE SERVICE.

(4) THE CONTRIBUTION RATE OF A MEMBER MAY NOT EXCEED 8% OF THE MEMBER'S BASE SALARY.

(5) THE PENSION PLAN SHALL INCLUDE DISABILITY PROVISIONS AND DEATH BENEFITS FOR THE SPOUSE OF A MEMBER, MINOR CHILDREN OF A MEMBER, OR BOTH.

(6) THE PENSION PLAN SHALL PROVIDE FOR COST-OF-LIVING ADJUSTMENTS AND A CASH REFUND OF MEMBER CONTRIBUTIONS, PLUS INTEREST, FOR A MEMBER WHO TERMINATES EMPLOYMENT WITH THE CHARLES COUNTY SHERIFF'S DEPARTMENT BEFORE RETIREMENT.

(7) THE PENSION PLAN SHALL PROVIDE FOR A CREDIT OF 2% FOR EACH YEAR OF ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES, FOR UP TO 3 YEARS, TO BE ADDED TO THE MEMBER'S RETIREMENT AFTER REACHING MINIMUM RETIREMENT.

(8) FOR EACH MEMBER, THE PROVISIONS OF THE PENSION PLAN SHALL APPLY RETROACTIVELY TO THE MEMBER'S ORIGINAL DATE OF EMPLOYMENT.

(9) THE PENSION PLAN IS EFFECTIVE ON OR AFTER JULY 1, 1995.

(C) SWORN EMPLOYEES OF SHERIFF'S DEPARTMENT HIRED ON OR AFTER JULY 1, 1986.

(1) THE COUNTY COMMISSIONERS OF CHARLES COUNTY SHALL ESTABLISH A SEPARATE PENSION PLAN FOR SWORN EMPLOYEES OF THE CHARLES COUNTY SHERIFF'S DEPARTMENT WHO:

(I) ARE ACTIVELY ENGAGED IN LAW ENFORCEMENT; AND

(II) WERE HIRED BY THE SHERIFF'S DEPARTMENT ON OR AFTER JULY 1, 1986.

(2) (I) A MEMBER MAY RETIRE IF THE MEMBER HAS AT LEAST 30 YEARS OF ACTIVE SERVICE REGARDLESS OF AGE.

(II) ON RETIREMENT UNDER THIS PARAGRAPH, A MEMBER IS ENTITLED TO RECEIVE A RETIREMENT ALLOWANCE EQUAL TO 80% OF THE MEMBER'S AVERAGE BASE SALARY FOR THE 3 HIGHEST YEARS PRECEDING RETIREMENT.

(3) (I) A MEMBER MAY RETIRE WITH AN EARLY RETIREMENT ALLOWANCE IF THE MEMBER HAS AT LEAST 25 YEARS BUT LESS THAN 30 YEARS OF ACTIVE SERVICE.

(II) ON RETIREMENT UNDER THIS PARAGRAPH, A MEMBER IS ENTITLED TO RECEIVE A RETIREMENT ALLOWANCE UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION, REDUCED BY 2% FOR EACH YEAR THAT THE MEMBER'S EARLY RETIREMENT DATE PRECEDES THE DATE THE MEMBER WOULD HAVE HAD 30 YEARS OF ACTIVE SERVICE.

(4) THE PENSION PLAN SHALL INCLUDE PROVISIONS FOR EARLY RETIREMENT AFTER 20 YEARS OF SERVICE THAT:

(I) ACTUARIALLY REDUCE THE RETIREMENT ALLOWANCE DEPENDING ON THE MEMBER'S AGE AT THE TIME OF RETIREMENT AND FOR EACH YEAR LESS THAN 25 YEARS OF SERVICE; AND

(II) ARE APPROVED BY THE COUNTY COMMISSIONERS.

(5) THE CONTRIBUTION RATE OF A MEMBER MAY NOT EXCEED 8% OF THE MEMBER'S BASE SALARY.

(6) THE PENSION PLAN SHALL INCLUDE DISABILITY PROVISIONS AND DEATH BENEFITS FOR THE SPOUSE OF A MEMBER, MINOR CHILDREN OF A MEMBER, OR BOTH.

(7) THE PENSION PLAN SHALL PROVIDE FOR COST-OF-LIVING ADJUSTMENTS AND A CASH REFUND OF MEMBER CONTRIBUTIONS, PLUS INTEREST, FOR A MEMBER WHO TERMINATES EMPLOYMENT WITH THE CHARLES COUNTY SHERIFF'S DEPARTMENT BEFORE RETIREMENT.

(8) THE PENSION PLAN SHALL PROVIDE FOR A CREDIT OF 2% FOR EACH YEAR OF ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES, FOR UP TO 3 YEARS, TO BE ADDED TO THE MEMBER'S RETIREMENT AFTER REACHING MINIMUM RETIREMENT.

(9) THE PROVISIONS OF THE PENSION PLAN MAY INCLUDE ANY MEMBER WHO WAS WORKING IN LAW ENFORCEMENT ON JULY 1, 1986, AND SHALL APPLY RETROACTIVELY TO THE DATE OF THAT EMPLOYMENT.

(10) THE PENSION PLAN IS EFFECTIVE ON OR AFTER JULY 1, 1995.

(D) SHERIFF.

THE PENSION PLAN ESTABLISHED UNDER SUBSECTION (B) OR (C) OF THIS SECTION MAY INCLUDE THE CHARLES COUNTY SHERIFF.

(E) CORRECTIONAL OFFICERS.

(1) THE COUNTY COMMISSIONERS OF CHARLES COUNTY SHALL ESTABLISH A SEPARATE PENSION PLAN FOR EMPLOYEES OF THE CHARLES COUNTY SHERIFF'S DEPARTMENT WHO ARE CLASSIFIED AS CORRECTIONAL OFFICERS.

(2) (I) A MEMBER MAY RETIRE IF THE MEMBER HAS AT LEAST 25 YEARS OF ACTIVE SERVICE REGARDLESS OF AGE.

(II) ON RETIREMENT UNDER THIS PARAGRAPH, A MEMBER IS ENTITLED TO RECEIVE A RETIREMENT ALLOWANCE EQUAL TO 2.25% OF THE MEMBER'S AVERAGE BASE SALARY FOR THE 3 HIGHEST YEARS PRECEDING RETIREMENT MULTIPLIED BY EACH YEAR OF THE MEMBER'S YEARS OF CREDITED SERVICE.

(III) A MEMBER'S RETIREMENT ALLOWANCE PROVIDED UNDER THIS PARAGRAPH MAY NOT EXCEED 75% OF THE MEMBER'S AVERAGE BASE SALARY FOR THE 3 HIGHEST YEARS PRECEDING RETIREMENT.

(3) (I) A MEMBER MAY RETIRE WITH AN EARLY RETIREMENT ALLOWANCE IF THE MEMBER HAS AT LEAST 20 YEARS BUT LESS THAN 25 YEARS OF ACTIVE SERVICE.

(II) THE PENSION PLAN SHALL INCLUDE PROVISIONS FOR EARLY RETIREMENT AFTER 20 YEARS OF ACTIVE SERVICE THAT:

1. ACTUARIALLY REDUCE THE RETIREMENT ALLOWANCE DEPENDING ON THE MEMBER'S AGE AT THE TIME OF RETIREMENT AND FOR EACH YEAR LESS THAN 25 YEARS OF SERVICE; AND

2. ARE APPROVED BY THE COUNTY COMMISSIONERS.

(4) THE CONTRIBUTION RATE OF A MEMBER MAY NOT EXCEED 7% OF THE MEMBER'S BASE SALARY.

(5) THE PENSION PLAN SHALL INCLUDE DISABILITY PROVISIONS AND DEATH BENEFITS FOR THE SPOUSE OF A MEMBER, MINOR CHILDREN OF A MEMBER, OR BOTH.

(6) THE PENSION PLAN SHALL PROVIDE FOR COST-OF-LIVING ADJUSTMENTS AND A CASH REFUND OF MEMBER CONTRIBUTIONS FOR A MEMBER WHO TERMINATES EMPLOYMENT WITH THE CHARLES COUNTY SHERIFF'S DEPARTMENT BEFORE RETIREMENT.

(7) THE PENSION PLAN SHALL PROVIDE FOR A CREDIT FOR EACH YEAR OF ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES, FOR UP TO 3 YEARS, TO BE ADDED TO THE MEMBER'S RETIREMENT AFTER REACHING MINIMUM RETIREMENT.

(8) THE PROVISIONS OF THE PENSION PLAN MAY INCLUDE ANY MEMBER WHO WAS WORKING AS A CHARLES COUNTY CORRECTIONAL OFFICER ON JULY 1, 1995, AND SHALL APPLY RETROACTIVELY TO THE DATE OF THAT EMPLOYMENT.

(9) THE PENSION PLAN IS EFFECTIVE ON OR AFTER JULY 1, 1995.

(F) COMMUNICATIONS EMPLOYEES.

(1) THE COUNTY COMMISSIONERS OF CHARLES COUNTY SHALL ESTABLISH A SEPARATE PENSION PLAN FOR EMPLOYEES OF CHARLES COUNTY WHO ARE CLASSIFIED AS COMMUNICATIONS EMPLOYEES.

(2) (I) A MEMBER MAY RETIRE IF THE MEMBER HAS AT LEAST 25 YEARS OF ACTIVE SERVICE REGARDLESS OF AGE.

(II) ON RETIREMENT UNDER THIS PARAGRAPH, A MEMBER IS ENTITLED TO RECEIVE A RETIREMENT ALLOWANCE EQUAL TO 2% OF THE MEMBER'S AVERAGE BASE SALARY FOR THE 3 HIGHEST YEARS PRECEDING RETIREMENT MULTIPLIED BY EACH YEAR OF THE MEMBER'S YEARS OF CREDITED SERVICE.

(III) A MEMBER'S RETIREMENT ALLOWANCE PROVIDED UNDER THIS PARAGRAPH MAY NOT EXCEED 75% OF THE MEMBER'S AVERAGE BASE SALARY FOR THE 3 HIGHEST YEARS PRECEDING RETIREMENT.

(3) (I) A MEMBER MAY RETIRE WITH AN EARLY RETIREMENT ALLOWANCE IF THE MEMBER HAS AT LEAST 20 YEARS BUT LESS THAN 25 YEARS OF ACTIVE SERVICE.

(II) THE PENSION PLAN SHALL INCLUDE PROVISIONS FOR EARLY RETIREMENT AFTER 20 YEARS OF ACTIVE SERVICE THAT:

1. ACTUARIALLY REDUCE THE RETIREMENT ALLOWANCE DEPENDING ON THE MEMBER'S AGE AT THE TIME OF RETIREMENT AND FOR EACH YEAR LESS THAN 25 YEARS OF SERVICE; AND

2. ARE APPROVED BY THE COUNTY COMMISSIONERS.

(4) THE CONTRIBUTION RATE OF A MEMBER MAY NOT EXCEED 7% OF THE MEMBER'S BASE SALARY.

(5) THE PENSION PLAN SHALL INCLUDE DISABILITY PROVISIONS AND DEATH BENEFITS FOR THE SPOUSE OF A MEMBER, MINOR CHILDREN OF A MEMBER, OR BOTH.

(6) THE PENSION PLAN SHALL PROVIDE FOR COST-OF-LIVING ADJUSTMENTS AND A CASH REFUND OF MEMBER CONTRIBUTIONS FOR A MEMBER WHO TERMINATES EMPLOYMENT AS A COMMUNICATIONS EMPLOYEE FOR CHARLES COUNTY BEFORE RETIREMENT.

(7) THE PENSION PLAN SHALL PROVIDE FOR A CREDIT FOR EACH YEAR OF ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES, FOR UP TO 3 YEARS, TO BE ADDED TO THE MEMBER'S RETIREMENT AFTER REACHING MINIMUM RETIREMENT.

(8) THE PROVISIONS OF THE PENSION PLAN MAY INCLUDE ANY MEMBER WHO WAS WORKING AS A COMMUNICATIONS EMPLOYEE FOR CHARLES COUNTY ON JULY 1, 1995, AND SHALL APPLY RETROACTIVELY TO THE DATE OF THAT EMPLOYMENT.

(9) THE PENSION PLAN IS EFFECTIVE ON OR AFTER JULY 1, 1995.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 3(g-1) and, as it related to Charles County, the third sentence of (g).

In this section, the references to a “member” are substituted for the former references to an “employee” for consistency with the State Personnel and Pensions Article.

In subsection (a) of this section, the reference to a plan “under § 12–201 of this subtitle” is added for clarity.

Also in subsection (a) of this section, the reference to a “pension plan” is substituted for the former reference to a “retirement system” for consistency with other similar provisions of this section.

In subsection (b)(1) of this section, the former reference to officers “who are currently employed by the Charles County Sheriff’s department” is deleted as implicit in the reference to “sworn employees of the Charles County Sheriff’s department who ... are actively engaged in law enforcement”.

In subsections (b)(2)(i), (b)(3)(i), (c)(2)(i), (c)(3)(i), (e)(2)(i), (e)(3)(i), (f)(2)(i), and (f)(3)(i) of this section, the phrase “[a] member may retire” is substituted for the former phrase “[t]he pension plan shall provide eligibility for retirement” for clarity.

In subsections (b)(2)(ii), (c)(2)(ii), (e)(2)(ii), (e)(2)(iii), (f)(2)(ii), and (f)(2)(iii) of this section, the references to the member’s “average base salary for the 3 highest years preceding retirement” are substituted for the former references to the member’s “final average earnings (base salary) for the three highest years preceding retirement” for brevity and accuracy.

In subsections (b)(2)(ii), (c)(2)(ii), (e)(2)(ii), and (f)(2)(ii) of this section, the phrase “[o]n retirement under this paragraph, a member is entitled to receive a retirement allowance equal to” is substituted for the former phrase “[r]etirement income shall be” for clarity.

In subsection (b)(3) of this section, the former reference to “a minimum of 20 years and 60 percent of the annual earnings” is deleted as implicit in the references that the member shall have “at least 20 years but less than 30 years of active service” and that the member’s early retirement allowance shall be reduced “by 2% for each year that the member’s early retirement date precedes the date the member would have had 30 years of active service”.

In subsections (b)(3)(i), (c)(3)(i), (e)(3)(i), and (f)(3)(i) of this section, the references to “retir[ing] with an early retirement allowance” are substituted for the former references to “early retirement” for clarity.

In subsection (b)(3)(i) of this section, the reference to a member having at least 20 years “but less than 30 years” of active service is added for clarity.

In subsections (b)(3)(ii) and (c)(3)(ii) of this section, the phrase “[o]n retirement under this paragraph, a member is entitled to receive a retirement allowance under paragraph (2)(ii) of this subsection,” is added for clarity.

Also in subsections (b)(3)(ii) and (c)(3)(ii) of this section, the references to “the member’s early retirement date preced[ing] the date the member would have had” 30 years of active service are added for clarity.

In subsections (b)(4), (c)(5), (e)(4), and (f)(4) of this section, the references to “[t]he contribution rate of a member” are substituted for the former references to “[a]n employee’s contribution” for clarity.

In subsection (b)(4) of this section, the reference to the member’s “base salary” is substituted for the former reference to the member’s “wages not in excess of the amount of wages (base salary)” for consistency within this section.

In subsection (b)(5) of this section, the reference to the “spouse of a member, minor children of a member, or both” is substituted for the former reference to the “spouse and/or minor children” for clarity. Similarly, in subsections (c)(6), (e)(5), and (f)(5) of this section, the references to the “spouse of a member, minor children of a member, or both” is substituted for the former references to the “spouse and minor children”.

In subsections (b)(6), (c)(7), (e)(6), and (f)(6) of this section, the references to refunds of “member” contributions are added for clarity.

Also in subsections (b)(6), (c)(7), (e)(6), and (f)(6) of this section, the references to a “member who” terminates employment “... before retirement” are substituted for the former references to “persons terminating employment” for clarity.

In subsection (c)(3) of this section, the former reference to “a minimum of 25 years and 70 percent of the annual earnings” is deleted as implicit in the references that the member shall have “at least 25 years but less than 30 years of active service” and that the member’s early retirement allowance shall be reduced “by 2% for each year that the member’s early retirement date precedes the date the member would have had 30 years of active service”.

In subsection (c)(3)(i) of this section, the reference to a member having at least 25 years “but less than 30 years” of active service is added for clarity.

In subsections (c)(4), (e)(3), and (f)(3) of this section, the former references to early retirement provisions being approved by the county commissioners “before the provision may be implemented” are deleted as surplusage.

In subsection (c)(4) of this section, the former statement that “[t]his provision for early retirement shall contain charges for retiring early” is deleted as surplusage.

In subsections (c)(4)(ii), (e)(3)(ii)1, and (f)(3)(ii)1 of this section, the references to the member’s age “at the time of retirement” are added for clarity.

In subsections (c)(5), (e)(4), and (f)(4) of this section, the references to the member’s “base salary” are substituted for the former references to the member’s “wages (base salary)” for consistency within this section.

In subsections (c)(9), (e)(8), and (f)(8) of this section, the references to a “member” are substituted for the former references to “any living person” for consistency within this section.

In subsections (e)(3)(i) and (f)(3)(i) of this section, the references to a member having at least 20 years “but less than 25 years” of active service are added for clarity.

12-204. DORCHESTER COUNTY PENSION PLAN AND GROUP INSURANCE.

THE GOVERNING BODY OF DORCHESTER COUNTY MAY INCLUDE THE EMPLOYEES OF THE DORCHESTER COUNTY LIQUOR CONTROL BOARD AND THE DORCHESTER COUNTY SHERIFF’S DEPARTMENT IN ANY PENSION PLAN OR GROUP INSURANCE PROGRAM ESTABLISHED BY THE GOVERNING BODY.

REVISOR’S NOTE: This section is new language derived without substantive change from the fourth sentence of former Art. 25, § 3(g).

The reference to any “pension plan” is substituted for the former reference to any “pensions, retirement ... program” for consistency within this subtitle.

The former reference to a plan or program “maintained” by the governing body is deleted as included in the reference to a plan or program “established” by the governing body.

Defined term: “Governing body” § 1–101

12–205. GARRETT COUNTY PENSION PLAN; GROUP HEALTH AND HOSPITAL INSURANCE.

(A) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED UNDER THIS SECTION.

(B) ACTIVE EMPLOYEES.

THE COUNTY COMMISSIONERS OF GARRETT COUNTY MAY PROVIDE A PENSION PLAN AND GROUP HEALTH AND HOSPITAL INSURANCE BENEFITS FOR COUNTY OFFICERS AND EMPLOYEES.

(C) RETIREES.

THE COUNTY COMMISSIONERS OF GARRETT COUNTY MAY PROVIDE GROUP HEALTH AND HOSPITAL INSURANCE BENEFITS FOR RETIRED COUNTY OFFICERS AND EMPLOYEES.

REVISOR’S NOTE: Subsection (a) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, § 3(r) and § 4, which apply to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted under this section.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(g–3).

In subsection (b) of this section, the reference to a “pension plan” is substituted for the former reference to a “pension and retirement benefit plan” for consistency with the State Personnel and Pensions Article.

12–206. KENT COUNTY RETIREMENT FUNDS, PENSION PLAN, AND GROUP INSURANCE.

(A) RETIREMENT FUNDS BEFORE PENSION PLAN.

THE COUNTY COMMISSIONERS OF KENT COUNTY MAY PROVIDE RETIREMENT FUNDS FOR EMPLOYEES WHO REACH RETIREMENT AGE BEFORE THE ESTABLISHMENT OF A PENSION PLAN UNDER § 12-201 OF THIS SUBTITLE.

(B) PENSION PLAN AND GROUP INSURANCE FOR SHERIFF'S DEPARTMENT.

THE COUNTY COMMISSIONERS OF KENT COUNTY MAY INCLUDE ANY OFFICIAL OR EMPLOYEE OF THE KENT COUNTY SHERIFF'S DEPARTMENT IN A PENSION PLAN OR GROUP INSURANCE PROGRAM ESTABLISHED BY THE COUNTY COMMISSIONERS.

REVISOR'S NOTE: This section is new language derived without substantive change from the fifth sentence of former Art. 25, § 3(g) and, as it related to Kent County, the third sentence.

In subsection (a) of this section, the reference to a plan "under § 12-201 of this subtitle" is added for clarity.

In subsection (b) of this section, the reference to any "pension plan" is substituted for the former reference to any "pension, retirement ... program" for consistency within this subtitle.

Also in subsection (b) of this section, the former reference to any plan or program "maintained" by the county commissioners is deleted as included in the reference to the plan or program "established" by the county commissioners.

12-207. ST. MARY'S COUNTY PENSION PLAN.

(A) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9-105 AND 9-106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED UNDER THIS SECTION.

(B) AUTHORITY.

THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY ADOPT A SEPARATE PENSION PLAN OR MAY AMEND AN EXISTING PENSION PLAN FOR:

(1) THE SHERIFF;

(2) DEPUTY SHERIFFS; OR

(3) CORRECTIONAL OFFICERS.

(C) PROVISIONS GOVERNING PENSION PLANS.

BY RESOLUTION, THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY:

(1) ADOPT THE PROVISIONS OF ANY PENSION PLAN ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION; OR

(2) AMEND THE PROVISIONS OF ANY EXISTING PENSION PLAN.

(D) FUNDING.

THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY SHALL PROVIDE FOR THE FUNDING REQUIRED TO IMPLEMENT AND SUPPORT ANY ACTION TAKEN UNDER THIS SECTION.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, § 3(r) and § 4, which apply to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted under this section.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 25, § 3(g–2).

In subsections (b) and (c)(2) of this section, the references to “amend[ing]” an existing plan are substituted for the former references to “supplement[ing]” an existing plan for consistency with other similar provisions of the Code.

In subsection (b) of this section, the former reference to “any one or more of the following classes of employees” is deleted as surplusage.

In subsection (b)(3) of this section, the reference to correctional “officers” is substituted for the former reference to correctional “guards” to reflect the current title of the position.

In subsection (c)(1) of this section, the reference to “adopt[ing]” provisions is substituted for the former reference to “provid[ing] for” provisions for consistency with other similar provisions of the Code.

12-208. ADDITIONAL PENSION BENEFITS FOR TEACHERS.

(A) IN GENERAL.

(1) (I) THIS SUBSECTION DOES NOT APPLY TO BALTIMORE CITY.

(II) THIS SUBSECTION APPLIES TO ANY SCHOOL TEACHER WHO IS:

1. A RETIREE OF THE TEACHERS' RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM AS PROVIDED FOR UNDER TITLE 22 OR TITLE 23 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND

2. RECEIVING A RETIREMENT ALLOWANCE LESS THAN \$125 PER MONTH.

(2) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL MAY PAY A RETIREE DESCRIBED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION WHO RETIRED AS AN EMPLOYEE OF THE COUNTY PUBLIC SCHOOL SYSTEM THE LESSER OF:

(I) \$50 PER MONTH; OR

(II) \$125 PER MONTH LESS THE RETIREMENT ALLOWANCE THE RETIREE IS CURRENTLY RECEIVING.

(3) TO RECEIVE AN ADDITIONAL MONTHLY ALLOWANCE DESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE RETIREE SHALL SUBMIT AN APPLICATION TO THE COUNTY COMMISSIONER OR COUNTY COUNCIL.

(4) ANY COUNTY COMMISSIONERS OR COUNTY COUNCIL THAT PROVIDES A MONTHLY ALLOWANCE UNDER PARAGRAPH (2) OF THIS SUBSECTION ANNUALLY SHALL IMPOSE A TAX IN AN AMOUNT SUFFICIENT TO PAY FOR THE ADDITIONAL BENEFIT.

(B) BALTIMORE COUNTY.

(1) THIS SUBSECTION APPLIES TO ANY BALTIMORE COUNTY SCHOOL TEACHER WHO IS:

(I) A RETIREE OF THE TEACHERS' RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM AS PROVIDED FOR UNDER TITLE 22 OR TITLE 23 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND

(II) RECEIVING A RETIREMENT ALLOWANCE LESS THAN \$125 PER MONTH.

(2) (I) THE COUNTY COUNCIL OF BALTIMORE COUNTY MAY PAY ADDITIONAL BENEFITS TO AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(II) THE AMOUNT OF THE ADDITIONAL BENEFIT SHALL BE AS PROVIDED IN SUBSECTION (A)(2) OF THIS SECTION.

(3) TO RECEIVE AN ADDITIONAL MONTHLY ALLOWANCE DESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE RETIREE SHALL SUBMIT AN APPLICATION TO THE COUNTY COUNCIL.

(C) FREDERICK COUNTY.

(1) IN ADDITION TO ANY BENEFIT PAID IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY PAY AN ADDITIONAL \$8 PER MONTH TO ANY RETIREE DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION.

(2) THE COUNTY COMMISSIONERS SHALL IMPOSE A TAX IN AN AMOUNT SUFFICIENT TO PAY FOR THE ADDITIONAL BENEFIT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

REVISOR'S NOTE: Subsection (a)(1)(i) of this section is new language added to clarify that subsection (a) of this section does not apply to Baltimore City, because former Art. 25, § 12(a) applied only to "county commissioners or county council of the several counties" and not to Baltimore City.

Subsections (a)(1)(ii) and (2) through (4) and (b) and (c) of this section are new language derived without substantive change from former Art. 25, §§ 12 and 13.

In subsection (a)(1) of this section, the former reference to "where such benefits in the aggregate" are less than \$125 is deleted as surplusage.

In subsection (a)(1)(ii)1 of this section, the reference to the subsection applying to any "retiree of the Teachers' Retirement System or the Teachers' Pension System as provided for under Title 22 or Title 23 of the

State Personnel and Pensions Article ... receiving a retirement allowance” is substituted for the former reference to “any school teacher of their county who is retired and who is receiving any retirement benefits under the provisions of other laws” for clarity because any retired county school teacher must be retired from the Teachers’ Retirement System or Teachers’ Pension System. No county has ever had their own pension plan for teachers. Similarly, in subsection (b)(1)(ii) of this section, the reference to “a retiree of the Teachers’ Retirement System or the Teachers’ Pension System as provided for under Title 22 or Title 23 of the State Personnel and Pensions Article” is substituted for the former reference to “any applicant who ... a school teacher of the county who was retired and who was receiving any retirement benefits under the provisions of other laws”.

In subsection (a)(2) of this section, the reference to paying to any “retiree described under paragraph (1)(ii) of this subsection who retired as an employee of the county public school system the lesser of: (i) \$50 per month; or (ii) \$125 per month less the retirement allowance the retiree is currently receiving” is substituted for the former reference to “[p]rovided that the sum granted ... shall be such that when added to whatever any such person is receiving as retirement pay under other laws, the total shall not exceed one hundred and twenty-five dollars per month” for clarity.

Also in subsection (a)(2) of this section, the former reference to paying “an additional sum not exceeding” \$50 is deleted as surplusage.

In subsections (a)(3) and (b)(3) of this section, the references to “receiv[ing] an additional monthly allowance described under paragraph (2) of this subsection” requiring an application are substituted for the former references to “upon application” and “any applicant” for clarity.

In subsections (a)(4) and (c)(2) of this section, the references to “impos[ing] a tax” are substituted for the former reference to a “levy” for consistency with other similar provisions of the Code.

In subsection (a)(4) of this section, the reference to “provid[ing] a monthly allowance under paragraph (2) of this subsection” is added for clarity.

In subsection (b)(1)(ii) of this section, the reference to an individual “receiving a retirement allowance” less than \$125 per month is substituted for the former reference to “where the benefits in the aggregate were” less than \$125 per month for clarity and consistency with other similar provisions of the Code.

In subsection (b)(2)(i) of this section, the former reference to paying benefits “for the period, or any part of such period” is deleted as surplusage.

In subsection (b)(2)(ii) of this section, the reference to the amount of the “additional benefit” is substituted for the former reference to the amount of the “payment or payments” for clarity.

In subsection (c)(2) of this section, the reference to “impos[ing] a tax in an amount sufficient” to pay is substituted for the former reference to “levy[ing] such additional sum as may be required” to pay for clarity.

Also in subsection (c)(2) of this section, the reference to paying “the additional benefit described in paragraph (1) of this subsection” is substituted for the former reference to paying “such amount to each of said teachers” for clarity.

The third sentence of former Art. 25, § 12(b), which provided that the section is not to be construed to change or amend § 20–93 of the Code of Public Local Laws of Baltimore County, is deleted as obsolete because § 20–93 of the Code of Public Local Laws of Baltimore County has been repealed.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the monetary amounts specified in this section are so low as to render them obsolete. Former Art. 25, § 12 was enacted in 1949 and former Art. 25, § 13 was enacted in 1951.

Defined term: “County” § 1–101

GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 25, § 3(g–4), which specified that county commissioners “may enter into joint pooling agreements with public entities, as defined in § 19–602 of the Insurance Article, for the purpose of purchasing casualty, property, or health insurance or, in accordance with other provisions of law, self-insuring casualty, property, or health risks” is deleted as redundant of § 19–602 of the Insurance Article. Section 19–602 of the Insurance Article applies to political subdivisions of the State.

SUBTITLE 3. CONTRACTS AND COMPETITIVE BIDDING.

12–301. IN GENERAL.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO COMMISSION COUNTIES.

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED UNDER THIS SECTION.

(C) IN GENERAL.

THE COUNTY COMMISSIONERS SHALL:

(1) ESTABLISH A COMPETITIVE BIDDING PROCESS FOR AWARDING CONTRACTS FOR SERVICES OR THE PURCHASE OF SUPPLIES IF THE CONTRACT EXCEEDS \$15,000;

(2) REQUIRE A BOND IN CONNECTION WITH A CONTRACT, REGARDLESS OF THE AMOUNT; AND

(3) IF NO BIDS ARE SUBMITTED IN RESPONSE TO A REQUEST FOR BIDS, OBTAIN THE SERVICES OR SUPPLIES IN A MANNER THAT THE COUNTY COMMISSIONERS CONSIDER APPROPRIATE.

(D) SPECIAL PROVISIONS — FREDERICK COUNTY.

(1) (I) IN FREDERICK COUNTY, SUBSECTION (C) OF THIS SECTION APPLIES ONLY TO A CONTRACT FOR SERVICES OR THE PURCHASE OF SUPPLIES IF THE CONTRACT EXCEEDS \$30,000.

(II) IN FREDERICK COUNTY, SUBSECTION (C) OF THIS SECTION DOES NOT APPLY TO A CONTRACT SOLELY FOR ARCHITECTURAL, ENGINEERING, OR CONSULTING SERVICES.

(2) THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY AWARD A CONTRACT FOR ARCHITECTURAL, ENGINEERING, OR CONSULTING SERVICES WITH A VALUE THAT EXCEEDS \$30,000:

(I) ON A COMPETITIVE BASIS THAT CONSISTS OF COMPETITIVE SEALED BIDS OR COMPETITIVE NEGOTIATION THAT INCLUDES THE SUBMISSION OF WRITTEN TECHNICAL AND PRICE PROPOSALS FROM TWO OR MORE OFFERORS AND A WRITTEN EVALUATION OF THE PROPOSALS IN ACCORDANCE WITH EVALUATION CRITERIA; OR

(II) BASED ON AN EVALUATION OF THE TECHNICAL PROPOSALS AND QUALIFICATIONS OF AT LEAST TWO PERSONS, WITH THE CONTRACT SET AT A RATE OF COMPENSATION THAT IS FAIR, COMPETITIVE, AND REASONABLE.

(E) SPECIAL PROVISIONS — SOMERSET COUNTY.

IN SOMERSET COUNTY, SUBSECTION (C) OF THIS SECTION DOES NOT APPLY TO A CONTRACT SOLELY FOR DESIGN OR CONSULTATION SERVICES.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section.

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted under this section.

Subsections (c) through (e) of this section are new language derived without substantive change from former Art. 25, § 3(l)(1), (3), and the first sentence of (2).

In subsection (c)(1) of this section, the reference to the purchase of supplies “if the contract” exceeds \$15,000 is added for clarity.

Also in subsection (c)(1) of this section, the reference to requiring a county to “establish a competitive bidding process” is substituted for the former reference to requiring a county to “provide for competitive bidding” for clarity.

Also in subsection (c)(1) of this section, the reference to “contracts for services” is substituted for the former reference to bidding “for any county work” for clarity and consistency.

Also in subsection (c)(1) of this section, the former reference to “making” contracts is deleted as included in the reference to “awarding” contracts.

Also in subsection (c)(1) of this section, the former reference to “materials” is deleted as included in the reference to “supplies”.

In subsection (c)(2) of this section, the former reference to requiring bonds “whenever the county commissioners consider it proper to require a bond” is deleted as implicit in the county authority to require bonds.

In subsection (c)(3) of this section, the reference authorizing a county to “obtain the services or supplies” is substituted for the former reference authorizing a county to “place the order” for clarity.

In subsection (d)(1)(i) of this section, the reference to “subsection (c) of this section appl[ying] only to a contract for services or the purchase of supplies when the contract exceeds \$30,000” is substituted for the language in former Art. 25, § 3(l)(1)(ii) for brevity because most of the language would have been redundant of subsection (d) of this section.

In the introductory language of subsection (d)(2) of this section, the reference to “consulting” services is added for consistency with subsection (d)(1)(ii) of this section.

In subsection (d)(2)(i) of this section, the reference to proposals from “offerors” is substituted for the former reference to proposals from “sources” for clarity and consistency with the State Finance and Procurement Article.

The second sentence of former Art. 25, § 3(l)(2), which made that subsection applicable to contracting for other county work, is deleted as implicit in the general rule authorizing local procurement process in subsection (c) of this section.

Former Art. 25, § 3(l)(4), which stated that former Art. 25, § 3(l)(1)(i) did not apply in Charles County, is deleted because this section only applies to commission counties, so it no longer applies to Charles County.

Defined terms: “Commission county” § 1–101
 “Person” § 1–101

12–302. PROCUREMENT CONTRACTS IN GARRETT COUNTY.

(A) “GOVERNMENT ORGANIZATION” DEFINED.

IN THIS SECTION, “GOVERNMENT ORGANIZATION” INCLUDES:

- (1) A COUNTY;**
- (2) A BOARD OF EDUCATION;**
- (3) A MUNICIPALITY; OR**
- (4) A GOVERNMENT COOPERATIVE PURCHASING ORGANIZATION.**

(B) IN GENERAL.

THE COUNTY COMMISSIONERS OF GARRETT COUNTY MAY PURCHASE GOODS AND SERVICES THROUGH A CONTRACT ENTERED INTO BY A VENDOR AND A GOVERNMENT ORGANIZATION THAT DOES NOT PARTICIPATE IN A COOPERATIVE PURCHASING AGREEMENT IN WHICH GARRETT COUNTY IS A MEMBER.

REVISOR'S NOTE: This section formerly was Art. 25, § 3(rr).

The only changes are in style.

Defined terms: "County" § 1-101

"Municipality" § 1-101

12-303. REQUIREMENTS FOR CONTRACTS FOR SERVICES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO COMMISSION COUNTIES.

(B) WRITTEN CONTRACT AND PERFORMANCE BOND REQUIRED.

WHEN AWARDING A CONTRACT FOR SERVICES, THE COUNTY COMMISSIONERS OF A COUNTY SHALL:

(1) ENTER INTO A WRITTEN CONTRACT; AND

(2) REQUIRE THE CONTRACTOR TO PROVIDE A PERFORMANCE BOND FOR SECURITY IN ACCORDANCE WITH THE TERMS AND SPECIFICATIONS OF THE CONTRACT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 29.

In the introductory language of subsection (b) of this section, the reference to a contract "for services" is substituted for the former reference to a contract "for work to be done" for clarity.

Also in the introductory language of subsection (b) of this section, the former reference to "agreeing ... for the doing thereof" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to a “performance bond for security” is substituted for the former reference to “full and ample security by bond for the true and proper performance of said work” for clarity and brevity.

Also in subsection (b)(2) of this section, the reference to the “contractor” is substituted for the former reference to the “party or parties with whom said agreement or contract is made” for brevity.

Also in subsection (b)(2) of this section, the former reference to “demand[ing]” a performance bond is deleted as implicit in the reference to “requir[ing]” a performance bond.

Also in subsection (b)(2) of this section, the former reference to the “agreement” is deleted as included in the reference to a “contract”.

Defined term: “Commission county” § 1–101

SUBTITLE 4. PROPERTY ACQUISITION AND TRANSFER.

12–401. IN GENERAL.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES, EXCEPT BALTIMORE CITY.

(B) AUTHORITY.

EXCEPT AS PROVIDED IN §§ 12–404, 12–405, 12–406, 12–408, 12–409, 12–410, AND 12–411 OF THIS SUBTITLE, THE GOVERNING BODY OF A COUNTY MAY:

(1) ACQUIRE, BY LEASE, PURCHASE, GIFT, DEVISE, BEQUEST, CONDEMNATION, OR ANY OTHER METHOD, AN INTEREST IN ANY PROPERTY THAT IS NEEDED FOR A PUBLIC PURPOSE;

(2) CONSTRUCT BUILDINGS ON THE PROPERTY FOR THE BENEFIT OF THE COUNTY;

(3) SELL SURPLUS PROPERTY AT PUBLIC SALE, AFTER ADVERTISING THE SALE FOR AT LEAST 20 DAYS; OR

(4) (I) PROVIDE WHOLLY OR PARTLY FOR THE FINANCING OF HOUSING OR A HOUSING PROJECT; AND

(II) PLACE A DEED OF TRUST, MORTGAGE, OR OTHER INSTRUMENT ON THE FINANCED PROPERTY TO ENSURE REPAYMENT OF MONEY USED TO PURCHASE, CONSTRUCT, REHABILITATE, OR DEVELOP THE HOUSING OR HOUSING PROJECT.

REVISOR'S NOTE: Subsection (a) of this section is new language added to reflect the scope of this section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in Article 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsection (b) of this section is new language derived without substantive change from former Art. 25, §§ 9(a) and (b), 11A(a) and (b)(1), and, as it generally related to property acquisition, the first sentence of 8(a) and, except as it related to the authority to acquire an option in real property, 9B(a)(1).

In subsection (b) of this section, the former reference to “[t]he provisions of this subsection prevail[ing] over those of subsection (a) of this section to the extent of any inconsistency” is deleted as included in the phrase “[e]xcept as provided in §§ 12–404, 12–405, 12–406, 12–408, 12–409, 12–410, and 12–411 of this subtitle”.

Also in subsection (b) of this section, the former reference to the authority of Dorchester County to “execute and acknowledge any and all deeds and other instruments necessary to effect and complete the lease, purchase, or sale of real or leasehold property” is deleted as implicit in the grant of authority to transfer property.

Also in subsection (b) of this section, the former references to the authority being “in addition to, but not in substitution of, the powers which may have been or may hereafter be granted” or, alternatively, “in addition to but not in substitution for the powers which may have been or may hereafter be granted” are deleted as surplusage.

In subsection (b)(3) of this section and throughout this subtitle, the references to “surplus” property are substituted for the former references to property “no longer needed for public use” for brevity.

In subsection (b)(4) of this section, the former reference to “[t]he authority provided for in this subparagraph ... not limit[ing] the existing powers of a county or county commissioners” is deleted as surplusage.

In subsection (b)(4)(ii) of this section, the reference to “financed” property is added for clarity.

Defined term: "Governing body" § 1-101

12-402. SPECIAL PROVISIONS — CALVERT COUNTY.

(A) OPTIONS ON REAL PROPERTY — REQUIRED ADVERTISING.

(1) THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY ACQUIRE AN OPTION ON REAL PROPERTY THAT IS NEEDED FOR A PUBLIC PURPOSE.

(2) FOR AT LEAST 3 SUCCESSIVE WEEKS IMMEDIATELY AFTER ACQUIRING AN OPTION TO LEASE OR PURCHASE REAL PROPERTY, THE COUNTY COMMISSIONERS SHALL PUBLISH NOTICE OF THE OPTION IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(3) THE NOTICE SHALL INCLUDE:

(I) THE NAME OF THE OPTIONEE;

(II) THE PURPOSE FOR SECURING THE OPTION; AND

(III) THE PRICE AND TERMS OF THE OPTION.

(B) MULTIYEAR INSTALLMENT CONTRACT TO ACQUIRE PERSONAL PROPERTY — REQUIRED CONDITIONS.

(1) THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY:

(I) PURCHASE OR LEASE PERSONAL PROPERTY UNDER A MULTIYEAR CONTRACT THAT REQUIRES THE COUNTY COMMISSIONERS TO MAKE INSTALLMENT OR RENTAL PAYMENTS DURING 2 OR MORE FISCAL YEARS;

(II) PAY INTEREST AS PART OF ANY INSTALLMENT OR RENTAL PAYMENTS IN ACCORDANCE WITH THE TERMS OF THE CONTRACT; AND

(III) PLEDGE AND ASSIGN THE PERSONAL PROPERTY PURCHASED OR LEASED TO SECURE THE OBLIGATION.

(2) (I) THE COUNTY COMMISSIONERS MAY ENTER INTO A CONTRACT UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF:

1. THE COUNTY COMMISSIONERS HAVE APPROPRIATED MONEY SUFFICIENT TO PAY THE AMOUNT DUE UNDER THE CONTRACT DURING THE FIRST FISCAL YEAR IN WHICH THE CONTRACT IS EFFECTIVE;

2. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE CONTRACT AUTHORIZES THE COUNTY COMMISSIONERS TO TERMINATE THE CONTRACT IF MONEY SUFFICIENT TO PAY THE AMOUNT DUE UNDER THE CONTRACT FOR ANY FISCAL YEAR IS NOT APPROPRIATED;

3. THE CONTRACT PROVIDES THAT, EXCEPT IF THE COUNTY COMMISSIONERS DEFAULT IN PAYMENT UNDER THE CONTRACT, AN OBLIGATION FOR PAYMENT UNDER THE CONTRACT IS LIMITED TO MONEY APPROPRIATED FOR CONTRACT PAYMENT FOR THAT FISCAL YEAR; AND

4. THE CONTRACT PROVIDES THAT, IF THE COUNTY COMMISSIONERS DEFAULT IN PAYMENT UNDER THE CONTRACT, THE OBLIGATION FOR PAYMENT IS LIMITED TO:

A. MONEY APPROPRIATED FOR CONTRACT PAYMENTS FOR THAT FISCAL YEAR;

B. ANY MONEY REALIZED FROM THE PERSONAL PROPERTY PURCHASED OR LEASED UNDER THE CONTRACT; AND

C. ANY OTHER MONEY LEGALLY AVAILABLE FOR CONTRACT PAYMENT.

(II) THE CONTRACT MAY PROVIDE THAT A CONTRACT TERMINATION IS INEFFECTIVE IF THE COUNTY COMMISSIONERS PURCHASE OR LEASE PERSONAL PROPERTY SIMILAR OR FUNCTIONALLY RELATED TO THE PROPERTY PURCHASED OR LEASED UNDER THE CONTRACT WITHIN A SPECIFIED PERIOD OF TIME.

(C) TRANSFER OF SURPLUS PROPERTY.

(1) THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY LEASE OR SELL SURPLUS COUNTY REAL PROPERTY.

(2) (I) IF THE COUNTY COMMISSIONERS DECIDE TO SELL REAL PROPERTY WHERE A FACILITY FOR WHICH THE COUNTY COMMISSIONERS APPROPRIATED AT LEAST \$1,000 IN ANY YEAR IS LOCATED, THE COUNTY COMMISSIONERS SHALL SELL THE PROPERTY BY SEALED BIDS.

(II) THE COUNTY COMMISSIONERS SHALL ADVERTISE AN INVITATION FOR BIDS FOR AT LEAST 3 SUCCESSIVE WEEKS IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(III) THE ADVERTISEMENT SHALL:

- 1. ACCURATELY DESCRIBE THE PROPERTY;**
- 2. STATE THE TIME AND PLACE FOR THE OPENING OF THE BIDS; AND**
- 3. STATE THAT THE COUNTY COMMISSIONERS RESERVE THE RIGHT TO REJECT A BID.**

(IV) THE COUNTY COMMISSIONERS SHALL OPEN ALL BIDS PUBLICLY AT THE TIME STATED IN THE ADVERTISEMENT.

(V) THE COUNTY COMMISSIONERS SHALL SELL THE PROPERTY TO THE HIGHEST BIDDER, UNLESS THE COUNTY COMMISSIONERS DETERMINE THAT THE COUNTY WOULD BE BETTER SERVED BY SELLING THE PROPERTY TO ANOTHER BIDDER.

(VI) IF THE COUNTY COMMISSIONERS REJECT ALL BIDS OR IF NO BIDS ARE SUBMITTED, THE COUNTY COMMISSIONERS MAY DISPOSE OF THE PROPERTY IN A MANNER THAT THE COUNTY COMMISSIONERS DETERMINE TO BE APPROPRIATE.

(D) TRANSFER TO THE CALVERT COUNTY HISTORICAL SOCIETY.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY TRANSFER, CONVEY, OR LEASE ANY INTEREST IN THE REAL PROPERTY KNOWN AS THE SOLOMONS ELEMENTARY SCHOOL PROPERTY TO THE CALVERT COUNTY HISTORICAL SOCIETY, INC., FOR USE AS A PUBLIC MARITIME MUSEUM WITHOUT COMPLYING WITH THE REQUIREMENTS OF THIS SECTION.

(2) A TRANSFER OF REAL PROPERTY TO THE CALVERT COUNTY HISTORICAL SOCIETY, INC. UNDER THIS SUBSECTION IS SUBJECT TO SUBSECTION (E)(2) AND (3) OF THIS SECTION.

(3) IF THE SOLOMONS ELEMENTARY SCHOOL PROPERTY CEASES TO BE USED AS A MUSEUM OPEN TO THE PUBLIC, THE PROPERTY IMMEDIATELY SHALL REVERT TO THE COUNTY.

(E) TRANSFER TO A GOVERNMENTAL OR PRIVATE NONPROFIT ENTITY.

(1) (I) BY RESOLUTION, THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY TRANSFER AN INTEREST IN REAL PROPERTY TO THE FEDERAL GOVERNMENT, THE STATE, A POLITICAL SUBDIVISION, OR A PUBLIC INSTRUMENTALITY WITHOUT CONSIDERATION IF THE PROPERTY WILL BE USED FOR A PUBLIC PURPOSE.

(II) A TRANSFER INSTRUMENT EXECUTED UNDER THIS PARAGRAPH SHALL INCLUDE A PROVISION THAT THE PROPERTY SHALL REVERT TO THE COUNTY IF THE PROPERTY CEASES TO BE USED FOR A PUBLIC PURPOSE, UNLESS THE COUNTY COMMISSIONERS EXPRESSLY WAIVE RECEIPT OF THE REVERSIONARY INTEREST AT THE TIME THE TRANSFEREE CEASES TO USE THE PROPERTY FOR A PUBLIC PURPOSE.

(2) BY RESOLUTION, THE COUNTY COMMISSIONERS MAY DONATE AN INTEREST IN SURPLUS REAL PROPERTY TO A PRIVATE, NONPROFIT CORPORATION FOR EDUCATIONAL, HUMAN SERVICES, HOUSING, CULTURAL, RECREATIONAL, OR COMMUNITY USES.

(3) BEFORE TRANSFERRING OR DONATING PROPERTY UNDER THIS SUBSECTION, THE COUNTY COMMISSIONERS SHALL:

(I) HOLD A PUBLIC HEARING AT LEAST 10 DAYS BEFORE TAKING ACTION ON THE PROPOSED RESOLUTION;

(II) PUBLISH NOTICE OF THE HEARING AND A SYNOPSIS OF THE PROPOSED RESOLUTION ONCE EACH WEEK FOR 2 SUCCESSIVE WEEKS BEFORE THE HEARING IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY; AND

(III) HAVE AN APPRAISAL MADE OF THE PROPERTY FOR DISCUSSION AT THE HEARING.

(F) FINANCING FOR HOUSING.

(1) THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY:

(I) PROVIDE WHOLLY OR PARTLY FOR THE FINANCING OF THE PURCHASE, CONSTRUCTION, REHABILITATION, OR DEVELOPMENT OF HOUSING OR A HOUSING PROJECT; AND

(II) RECORD A DEED OF TRUST, MORTGAGE, OR OTHER INSTRUMENT ON THE PROPERTY WHERE THE HOUSING OR HOUSING PROJECT IS LOCATED TO ENSURE REPAYMENT OF MONEY PROVIDED UNDER THIS PARAGRAPH.

(2) THE COUNTY COMMISSIONERS SHALL:

(I) ADOPT A RESOLUTION EACH TIME MONEY IS PROVIDED UNDER THIS SUBSECTION;

(II) HOLD A PUBLIC HEARING AT LEAST 10 DAYS BEFORE TAKING ACTION ON A PROPOSED RESOLUTION; AND

(III) PUBLISH NOTICE OF THE HEARING AND A SYNOPSIS OF THE PROPOSED RESOLUTION ONCE EACH WEEK FOR 2 SUCCESSIVE WEEKS BEFORE THE HEARING IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 9B(b) through (e) and (a)(2), (3), and, as it related to authority to acquire an option in real property, (1), 9D(a)(1), (b), and (c), and 11A(e).

In subsection (a)(2) of this section, the reference to publishing notice "of the option" is added for clarity.

Also in subsection (a)(2) of this section and throughout this subtitle, the former references to a newspaper of general circulation "published" in the county are deleted for consistency with other provisions of the Code.

Also in subsection (a)(2) of this section and throughout this subtitle, the former references to "leasehold" property are deleted as included in the references to "real" property.

Also in subsection (a)(2) of this section, the reference to "acquiring an option to lease or purchase real property" is substituted for the former reference to "the execution of any option to lease or purchase any real or leasehold property" for brevity.

In the introductory language of subsection (b)(1) of this section and throughout this subtitle, the former references to the county commissioners acting “in the exercise of their borrowing powers” is deleted as surplusage.

In subsection (b)(1)(i) of this section and throughout this subtitle, the former references to purchasing or leasing property “necessary or desirable for the operation of their respective county” are deleted as implicit in the general requirements in § 12–401 of this subtitle that property be acquired for a public purpose.

In subsection (b)(1)(iii) of this section and throughout this subtitle, the former references to property purchased or leased “pursuant to any contract” are deleted as surplusage.

In subsection (b)(2) of this section and throughout this subtitle, the former references to money appropriated “for this purpose” are deleted as surplusage.

In the introductory language of subsection (b)(2)(i) and throughout this subtitle, the references to the authority to “enter into a contract under [paragraph (1)] of this subsection” are substituted for the former references to the authority to take the “action specified in subsection (b) of this section ... if the following conditions are met” for clarity.

In subsection (b)(2)(i)1 of this section and throughout this subtitle, the former references to money that “[is] or will be available ... and can be used” are deleted as included in the references to “appropriated” money.

In subsection (c)(1) of this section and throughout this subtitle, the former references to selling property “when in their discretion” it is no longer needed are deleted as surplusage.

In subsection (c)(2)(iii)3 of this section, the former reference to “any and all” bids is deleted as surplusage.

In subsection (c)(2)(v) of this section, the former reference to better serving the “interests of” the county is deleted as surplusage.

In subsection (d)(1) of this section, the reference to “any interest in the real property” is substituted for the former reference to “the land and improvement ... or any part thereof” for clarity and consistency within this subtitle.

In subsection (d)(2) of this section, the reference to a “transfer of real property to the Calvert County Historical Society, Inc. under this

subsection [being] subject to subsection (e)(2) and (3) of this section” is added to clarify that the exemption under subsection (d)(1) of this section does not apply to the requirements under subsection (e)(2) and (3) of this section.

In subsection (e) of this section, the references to “transfer[ring]” real property are substituted for the former references to “convey[ing]” real property for consistency within this subtitle.

In subsection (e)(1)(i) of this section, the reference to the County Commissioners of Calvert County transferring real property to a government entity “[b]y resolution” is added to state expressly what was only implied by the former law.

In subsection (e)(2) of this section, the former reference to donating real property for “use in matters involving” specific needs is deleted as surplusage.

Also in subsection (e)(2) of this section, the former reference to transferring property “held by the county” is deleted as surplusage.

In subsection (f)(1)(i) of this section, the former reference to constructing a housing project “in Calvert County” is deleted as implicit in the county’s ability to act within its own jurisdiction.

Defined term: “State” § 1–101

12–403. SPECIAL PROVISIONS — CAROLINE COUNTY.

(A) MULTIYEAR INSTALLMENT CONTRACT TO ACQUIRE PERSONAL PROPERTY — AUTHORIZED.

THE COUNTY COMMISSIONERS OF CAROLINE COUNTY MAY:

(1) PURCHASE OR LEASE PERSONAL PROPERTY UNDER A MULTIYEAR CONTRACT THAT REQUIRES THE COUNTY COMMISSIONERS TO MAKE INSTALLMENT OR RENTAL PAYMENTS DURING 2 OR MORE FISCAL YEARS;

(2) PAY INTEREST AS PART OF ANY INSTALLMENT OR RENTAL PAYMENTS IN ACCORDANCE WITH THE TERMS OF THE CONTRACT; AND

(3) PLEDGE AND ASSIGN THE PERSONAL PROPERTY PURCHASED OR LEASED TO SECURE THE OBLIGATION.

(B) MULTIYEAR INSTALLMENT CONTRACT TO ACQUIRE PERSONAL PROPERTY — REQUIRED CONDITIONS.

(1) THE COUNTY COMMISSIONERS OF CAROLINE COUNTY MAY ENTER INTO A CONTRACT UNDER SUBSECTION (A) OF THIS SECTION ONLY IF:

(I) THE COUNTY COMMISSIONERS HAVE APPROPRIATED MONEY SUFFICIENT TO PAY THE AMOUNT DUE UNDER THE CONTRACT DURING THE FIRST FISCAL YEAR IN WHICH THE CONTRACT IS EFFECTIVE;

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE CONTRACT AUTHORIZES THE COUNTY COMMISSIONERS TO TERMINATE THE CONTRACT IF MONEY SUFFICIENT TO PAY THE AMOUNT DUE UNDER THE CONTRACT FOR ANY FISCAL YEAR IS NOT APPROPRIATED;

(III) THE CONTRACT PROVIDES THAT, EXCEPT IF THE COUNTY COMMISSIONERS DEFAULT IN PAYMENT UNDER THE CONTRACT, AN OBLIGATION FOR PAYMENT UNDER THE CONTRACT IS LIMITED TO MONEY APPROPRIATED FOR CONTRACT PAYMENT FOR THAT FISCAL YEAR; AND

(IV) THE CONTRACT PROVIDES THAT, IF THE COUNTY COMMISSIONERS DEFAULT IN PAYMENT UNDER THE CONTRACT, THE OBLIGATION FOR PAYMENT IS LIMITED TO:

1. MONEY APPROPRIATED FOR CONTRACT PAYMENTS FOR THAT FISCAL YEAR;

2. ANY MONEY REALIZED FROM THE PERSONAL PROPERTY PURCHASED OR LEASED UNDER THE CONTRACT; AND

3. ANY OTHER MONEY LEGALLY AVAILABLE FOR CONTRACT PAYMENT.

(2) THE CONTRACT MAY PROVIDE THAT A CONTRACT TERMINATION IS INEFFECTIVE IF THE COUNTY COMMISSIONERS PURCHASE OR LEASE PERSONAL PROPERTY SIMILAR OR FUNCTIONALLY RELATED TO THE PROPERTY PURCHASED OR LEASED UNDER THE CONTRACT WITHIN A SPECIFIED PERIOD OF TIME.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 9D(a)(2), (b), and (c).

12-404. SPECIAL PROVISIONS — CARROLL COUNTY.

(A) ACQUISITION OF REAL PROPERTY.

EXCEPT FOR THE PROCUREMENT OF AN OPTION TO PURCHASE REAL PROPERTY, THE COUNTY COMMISSIONERS OF CARROLL COUNTY OR A PUBLIC AGENCY OF THE COUNTY MAY NOT TAKE FINAL ACTION TO PURCHASE REAL PROPERTY UNLESS:

(1) THE ACTION IS TAKEN AT A PUBLIC MEETING; AND

(2) IF THE CONSIDERATION FOR THE PROPERTY IS \$7,000 OR MORE, THE COUNTY COMMISSIONERS OR PUBLIC AGENCY HAVE GIVEN PUBLIC NOTICE OF THE INTENT TO PURCHASE THE REAL PROPERTY AT LEAST 15 CALENDAR DAYS BEFORE THE MEETING.

(B) TRANSFER OF SURPLUS REAL PROPERTY.

(1) THE COUNTY COMMISSIONERS OF CARROLL COUNTY MAY:

(I) TRANSFER WITHOUT PUBLIC SALE AN INTEREST IN SURPLUS COUNTY REAL PROPERTY TO ANOTHER GOVERNMENT UNIT IN THE COUNTY UNDER TERMS AND CONDITIONS AND FOR CONSIDERATION, IF ANY, AS DETERMINED BY THE COUNTY COMMISSIONERS; AND

(II) EXECUTE AND ACKNOWLEDGE ANY INSTRUMENTS NECESSARY TO TRANSFER THE PROPERTY.

(2) THE COUNTY COMMISSIONERS SHALL OBTAIN THREE INDEPENDENT APPRAISALS BEFORE SELLING SURPLUS SCHOOL BOARD REAL PROPERTY UNDER THIS SUBSECTION.

(C) SALE OF PROPERTY; REJECTION OF BIDS.

(1) IF THE COUNTY COMMISSIONERS OF CARROLL COUNTY DETERMINE AT A PUBLIC SALE OF SURPLUS COUNTY PROPERTY THAT THE HIGHEST BID IS NOT REASONABLE, THE COUNTY COMMISSIONERS MAY REJECT ALL BIDS ON THE PROPERTY.

(2) IF THE COUNTY COMMISSIONERS REJECT ALL BIDS UNDER THIS SUBSECTION, THE COUNTY COMMISSIONERS:

(I) SHALL RECORD THE HIGHEST BID IN THE MINUTES; AND

(II) MAY PRIVATELY NEGOTIATE AND SELL THE SURPLUS PROPERTY FOR A HIGHER PRICE IF:

1. THE SETTLEMENT OF THE PROPERTY SALE IS WITHIN 1 YEAR AFTER THE DATE OF THE INITIAL PUBLIC SALE; AND

2. THE COUNTY COMMISSIONERS ANNOUNCE THE PRIVATELY NEGOTIATED AGREEMENT AT THE FIRST MEETING AFTER REACHING THE AGREEMENT.

(3) THE COUNTY COMMISSIONERS SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

(D) DISPOSAL OF SURPLUS PERSONAL PROPERTY.

THE COUNTY COMMISSIONERS OF CARROLL COUNTY MAY DISPOSE OF SURPLUS COUNTY PERSONAL PROPERTY WITH A VALUE OF LESS THAN \$250 BY:

(1) PUBLIC AUCTION;

(2) PUBLIC SALE THAT IS ADVERTISED BY PUBLIC NOTICE IN A MEDIA THAT IS ACCESSIBLE TO THE GENERAL PUBLIC;

(3) TRANSFER TO A UNIT OF A COUNTY, A MUNICIPALITY, OR THE STATE;

(4) TRANSFER TO A PRIVATE NONPROFIT CORPORATION THAT IS TAX EXEMPT UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE AND AUTHORIZED TO RECEIVE APPROPRIATIONS FROM THE COUNTY;

(5) DEPOSIT AT THE SWAP SHOP AT THE NORTHERN LANDFILL;
OR

(6) DISPOSAL IN A SOLID WASTE DISPOSAL FACILITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 5D and 11A(g), (c)(1)(i), (2), (3), and (4), and (b)(2)(i)1 and, except as it related to Charles County, (ii).

In the introductory language of subsection (a) of this section, the former reference to the "attempted procurement" of an option to purchase real property is deleted in light of the references in this section to a final action.

In subsection (a)(2) of this section, the reference to consideration “for the property” is added for clarity.

Also in subsection (a)(2) of this section, the former reference to “reasonable” public notice is deleted as surplusage.

In subsection (b) of this section and throughout this subtitle, the former references to “[a]ny proceedings for acquisition by condemnation shall be taken in accordance with Title 12 of the Real Property Article” are deleted as unnecessary and potentially misleading. This provision only addresses the disposition of surplus property.

Also in subsection (b) of this section and throughout this subtitle, the former references to the “sale” or “conveyance” of property and to “[s]ell[ing]” and “convey[ing]” property are deleted as included in the references to “transfer[ring]” property.

In subsection (b)(1)(i) of this section and throughout this subtitle, the former references to “negotiat[ing]” for the sale of property are deleted as surplusage.

Also in subsection (b)(1)(i) of this section and throughout this subtitle, the former references to any “municipality” are deleted as included in the reference to any “government unit”.

Also in subsection (b)(1)(i) of this section and throughout this subtitle, the former references to authorizing the sale of surplus property without “advertising the property for sale” are deleted as included in the reference to authorizing the sale of property without “public sale”.

In subsection (b)(1)(ii) of this section and throughout this subtitle, the former references to “deeds” are deleted as included in the references to “instruments”.

Also in subsection (b)(1)(ii) of this section and throughout this subtitle, the former references to “complet[ing]” the transfer of property are deleted as surplusage.

In subsection (c)(1) of this section and throughout this subtitle, the references to a bid price that “is not reasonable” are substituted for the former references to a bid that “fails to yield a reasonable price for that property” for clarity and brevity.

Also in subsection (c)(1) of this section and throughout this subtitle, the former references to “real or personal” property are deleted as surplusage.

In the introductory language of subsection (d) of this section, the former references to “supplies” and “equipment” are deleted as included in the reference to “personal property”.

Also in the introductory language of subsection (d) of this section, the former phrase “[n]otwithstanding subsection (a) of this section” is deleted in light of the exception to this section in § 12–401 of this subtitle.

In subsection (d)(2) of this section, the former reference to a “press release” is deleted as included in the reference to a “public notice”.

Defined terms: “County” § 1–101

“Municipality” § 1–101

“State” § 1–101

12–405. SPECIAL PROVISIONS — CECIL COUNTY.

(A) ACQUISITION OF REAL PROPERTY — OPTION REQUIRED.

(1) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW, WHEN NEGOTIATING TO PURCHASE REAL PROPERTY, THE GOVERNING BODY OF CECIL COUNTY, A UNIT OF THE COUNTY, OR THE CECIL COUNTY BOARD OF EDUCATION FIRST SHALL ACQUIRE AN OPTION ON THE PROPERTY.

(2) AN OPTION ACQUIRED UNDER THIS SUBSECTION SHALL BE:

(I) ACQUIRED FOR CONSIDERATION NOT EXCEEDING \$100;

AND

(II) FOR THE PURCHASE OF PROPERTY AT A FIXED PRICE WITHIN AN AGREED PERIOD OF TIME NOT EXCEEDING 6 MONTHS.

(3) AN OPTION MAY NOT BE DISCLOSED TO THE PUBLIC UNTIL THE OPTION IS SIGNED BY BOTH PARTIES.

(4) AFTER AN OPTION HAS BEEN SIGNED BY BOTH PARTIES, THE GOVERNING BODY, UNIT OF THE COUNTY, OR COUNTY BOARD OF EDUCATION SHALL PUBLISH NOTICE OF THE OPTION ONCE EACH WEEK FOR 2 SUCCESSIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(5) (I) A NOTICE PUBLISHED UNDER THIS SUBSECTION SHALL SPECIFY:

1. THE NAME OF THE OPTIONER AND OPTIONEE;
2. THE LENGTH OF THE OPTION;
3. THE PROPOSED PURCHASE PRICE FOR THE PROPERTY; AND
4. THE DATE, TIME, AND PLACE FOR THE PUBLIC HEARING ON THE OPTION.

(II) THE GOVERNING BODY, UNIT OF THE COUNTY, OR COUNTY BOARD OF EDUCATION SHALL SET A DATE FOR THE HEARING THAT IS BETWEEN 7 AND 30 DAYS, INCLUSIVE, AFTER THE DATE ON WHICH THE FINAL NOTICE IS PUBLISHED.

(6) THE GOVERNING BODY, UNIT OF THE COUNTY, OR COUNTY BOARD OF EDUCATION SHALL ALLOW ANY PERSON TO TESTIFY AT A PUBLIC HEARING ON AN OPTION.

(7) AFTER THE PUBLIC HEARING, THE GOVERNING BODY, UNIT OF THE COUNTY, OR COUNTY BOARD OF EDUCATION:

(I) SHALL EXERCISE THE OPTION AS SOON AS LEGALLY ALLOWED, IF THE GOVERNING BODY, UNIT OF THE COUNTY, OR COUNTY BOARD OF EDUCATION DETERMINES THAT THE OPTION IS NECESSARY OR DESIRABLE; OR

(II) MAY NOT EXERCISE THE OPTION, IF THE GOVERNING BODY, UNIT OF THE COUNTY, OR COUNTY BOARD OF EDUCATION DETERMINES THAT THE OPTION IS NOT NECESSARY OR DESIRABLE.

(B) TRANSFER OF REAL PROPERTY.

(1) THE GOVERNING BODY OF CECIL COUNTY MAY:

(I) SELL BY PUBLIC OR PRIVATE SALE OR LEASE SURPLUS COUNTY REAL PROPERTY; AND

(II) EXECUTE AND ACKNOWLEDGE ANY INSTRUMENT NECESSARY TO TRANSFER THE PROPERTY.

(2) BEFORE THE GOVERNING BODY MAY CONTRACT TO TRANSFER AN INTEREST IN COUNTY REAL PROPERTY, THE GOVERNING BODY SHALL:

(I) HOLD A PUBLIC HEARING BETWEEN THE HOURS OF 6 P.M. AND 10 P.M.; AND

(II) ADVERTISE THE PUBLIC HEARING AT LEAST 2 WEEKS BEFORE THE DAY OF THE HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 8(b) and, except as it related to acquiring property and constructing buildings on the property, (a).

In subsection (a)(1) of this section, the reference to an option "on the property" is added for clarity.

In subsection (a)(4) of this section, the former reference to "caus[ing] a notice of the signing of" the option is deleted as surplusage.

In subsection (a)(5)(i)3 of this section, the reference to the purchase price "for the property" is added for clarity.

In subsection (a)(5)(i)4 of this section, the reference to the "date" of a public hearing is added for clarity.

In subsection (a)(5)(ii) of this section, the reference to "after the date on which the final notice is published" is substituted for the former reference to the "last publication" for clarity.

In subsection (a)(6) of this section, the former reference to testifying "[a]t the time fixed by the notice" is deleted as implicit in the requirement to allow a person to testify at a public hearing.

Also in subsection (a)(6) of this section, the former reference to allowing a person to testify "on either side of the question" is deleted as implicit in the requirement to allow "any" person to testify.

In subsection (b) of this section, the former references to authorizing the "lease, purchase or sale" of real property and authorizing the county commissioners or unit of the county to "sell" real property are deleted as included in the references to "transfer" real property.

Defined terms: "Governing body" § 1-101

"Person" § 1-101

“State” § 1-101

12-406. SPECIAL PROVISIONS — CHARLES COUNTY.

(A) MULTIYEAR INSTALLMENT CONTRACT TO ACQUIRE PERSONAL PROPERTY — REQUIRED CONDITIONS.

(1) THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY:

(I) PURCHASE OR LEASE PERSONAL PROPERTY UNDER A MULTIYEAR CONTRACT THAT REQUIRES THE COUNTY COMMISSIONERS TO MAKE INSTALLMENT OR RENTAL PAYMENTS DURING 2 OR MORE FISCAL YEARS;

(II) PAY INTEREST AS PART OF ANY INSTALLMENT OR RENTAL PAYMENTS IN ACCORDANCE WITH THE TERMS OF THE CONTRACT; AND

(III) PLEDGE AND ASSIGN THE PERSONAL PROPERTY PURCHASED OR LEASED TO SECURE THE OBLIGATION.

(2) (I) THE COUNTY COMMISSIONERS MAY ENTER INTO A CONTRACT DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF:

1. THE COUNTY COMMISSIONERS HAVE APPROPRIATED MONEY SUFFICIENT TO PAY THE AMOUNT DUE UNDER THE CONTRACT DURING THE FIRST FISCAL YEAR IN WHICH THE CONTRACT IS EFFECTIVE;

2. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE CONTRACT AUTHORIZES THE COUNTY COMMISSIONERS TO TERMINATE THE CONTRACT IF MONEY SUFFICIENT TO PAY THE AMOUNT DUE UNDER THE CONTRACT FOR ANY FISCAL YEAR IS NOT APPROPRIATED;

3. THE CONTRACT PROVIDES THAT, EXCEPT IF THE COUNTY COMMISSIONERS DEFAULT IN PAYMENT UNDER THE CONTRACT, AN OBLIGATION FOR PAYMENT UNDER THE CONTRACT IS LIMITED TO MONEY APPROPRIATED FOR CONTRACT PAYMENT FOR THAT FISCAL YEAR; AND

4. THE CONTRACT PROVIDES THAT, IF THE COUNTY COMMISSIONERS DEFAULT IN PAYMENT UNDER THE CONTRACT, THE OBLIGATION FOR PAYMENT IS LIMITED TO:

A. MONEY APPROPRIATED FOR CONTRACT PAYMENTS FOR THAT FISCAL YEAR;

B. ANY MONEY REALIZED FROM THE PERSONAL PROPERTY PURCHASED OR LEASED UNDER THE CONTRACT; AND

C. ANY OTHER MONEY LEGALLY AVAILABLE FOR CONTRACT PAYMENT.

(II) THE CONTRACT MAY PROVIDE THAT A CONTRACT TERMINATION IS INEFFECTIVE IF THE COUNTY COMMISSIONERS PURCHASE OR LEASE PERSONAL PROPERTY SIMILAR OR FUNCTIONALLY RELATED TO THE PROPERTY PURCHASED OR LEASED UNDER THE CONTRACT WITHIN A SPECIFIED PERIOD OF TIME.

(B) TRANSFER OF SURPLUS PROPERTY — GENERALLY.

(1) (I) THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY:

1. TRANSFER WITHOUT PUBLIC SALE AN INTEREST IN SURPLUS COUNTY PROPERTY TO ANOTHER GOVERNMENT UNIT IN THE COUNTY UNDER TERMS AND CONDITIONS AND FOR CONSIDERATION, IF ANY, AS DETERMINED BY THE COUNTY COMMISSIONERS; AND

2. EXECUTE AND ACKNOWLEDGE ANY INSTRUMENTS NECESSARY TO TRANSFER THE PROPERTY.

(II) THE COUNTY COMMISSIONERS SHALL OBTAIN THREE INDEPENDENT APPRAISALS BEFORE SELLING SURPLUS SCHOOL BOARD REAL PROPERTY UNDER THIS PARAGRAPH.

(2) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION, THE COUNTY COMMISSIONERS MAY TRANSFER BY PUBLIC OR PRIVATE SALE, ANY INTEREST IN SURPLUS REAL PROPERTY UNDER TERMS DETERMINED BY THE COUNTY COMMISSIONERS IF THE TRANSFER OF THE PROPERTY WOULD CONTRIBUTE TO ECONOMIC DEVELOPMENT IN THE COUNTY.

(C) TRANSFER OF PROPERTY — COMMUNITY NEEDS.

(1) TO ESTABLISH AFFORDABLE HOUSING FOR FAMILIES OF LIMITED INCOME AS DEFINED IN § 4-901 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE OR TO ADDRESS EDUCATION, HUMAN SERVICES, HOUSING, CULTURAL, RECREATIONAL, OR COMMUNITY NEEDS, THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY:

(I) BY RESOLUTION, TRANSFER SURPLUS REAL PROPERTY IN THE COUNTY TO A PRIVATE NONPROFIT CORPORATION IN THE COUNTY OR TO THE HOUSING COMMISSION OF CHARLES COUNTY, WITH OR WITHOUT CONSIDERATION; OR

(II) SELL OR, IF THE STATE DOES NOT HAVE A FINANCIAL INTEREST IN THE PROPERTY, DONATE SURPLUS SCHOOL PROPERTY THAT IS TRANSFERRED TO THE COUNTY BY THE SCHOOL BOARD, TO A GOVERNMENT UNIT OR A PRIVATE NONPROFIT CORPORATION.

(2) BEFORE TRANSFERRING SURPLUS PROPERTY UNDER THIS SUBSECTION, THE COUNTY COMMISSIONERS SHALL:

(I) HOLD A PUBLIC HEARING;

(II) AT THE HEARING, SOLICIT AND ACCEPT COMMENTS CONCERNING THE TRANSFER; AND

(III) AT THE HEARING, CONSIDER ISSUES RELATED TO THE TRANSFER THAT INCLUDE:

1. COMPATIBILITY OF THE PROPOSED USE WITH THE NEIGHBORHOOD;

2. FINANCIAL ISSUES, INCLUDING THE ABILITY OF THE PROPOSED TRANSFEREE TO CONSTRUCT, RENOVATE, MAINTAIN, AND OPERATE A FACILITY ON THE PROPERTY;

3. THE HISTORICAL SIGNIFICANCE OF THE PROPERTY; AND

4. UNIQUE CHARACTERISTICS OF ANY STRUCTURE ON THE PROPERTY.

(3) THE NOTICE OF THE PUBLIC HEARING SHALL:

(I) BE PUBLISHED AT LEAST ONCE EACH WEEK FOR 2 SUCCESSIVE WEEKS, WITH THE LAST NOTICE ADVERTISED AT LEAST 7 DAYS BEFORE THE DATE OF THE HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY; AND

(II) INCLUDE AN APPRAISAL OF THE PROPERTY OBTAINED BY THE COUNTY COMMISSIONERS.

(4) THE COUNTY COMMISSIONERS SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

(D) ACQUISITION AND TRANSFER OF PROPERTY FOR COUNTY ROADS.

(1) THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY:

(I) ACQUIRE BY PURCHASE, LEASE, CONDEMNATION, GIFT, OR DEVISE REAL PROPERTY, OR ANY INTEREST IN PROPERTY, TO ESTABLISH COUNTY ROADS;

(II) RETURN REAL PROPERTY TO THE ORIGINAL OWNER OF THE PROPERTY OR THE OWNER'S SUCCESSOR IN INTEREST WHEN THE PROPERTY IS NO LONGER NEEDED FOR ROAD PURPOSES;

(III) SELL AT A PUBLIC OR PRIVATE SALE ANY PROPERTY ESTABLISHED AS A COUNTY ROAD WHEN THE PROPERTY IS NO LONGER NEEDED FOR ROAD PURPOSES; AND

(IV) EXCHANGE REAL PROPERTY ESTABLISHED AS A COUNTY ROAD WHEN THE PROPERTY IS NO LONGER NEEDED FOR ROAD PURPOSES FOR OTHER REAL PROPERTY NEEDED TO ESTABLISH COUNTY ROADS.

(2) THE COUNTY COMMISSIONERS SHALL ADVERTISE THE SALE OR EXCHANGE OF PROPERTY UNDER THIS SECTION AT LEAST 20 DAYS BEFORE THE DATE OF THE SALE OR EXCHANGE.

(E) SALE OF PROPERTY; REJECTION OF BIDS.

(1) IF THE COUNTY COMMISSIONERS OF CHARLES COUNTY DETERMINE AT A PUBLIC SALE OF SURPLUS COUNTY PROPERTY THAT THE HIGHEST BID IS NOT REASONABLE, THE COUNTY COMMISSIONERS MAY REJECT ALL BIDS ON THE PROPERTY.

(2) IF THE COUNTY COMMISSIONERS REJECT ALL BIDS UNDER THIS SUBSECTION, THE COUNTY COMMISSIONERS:

(I) SHALL RECORD THE HIGHEST BID IN THE MINUTES; AND

(II) MAY PRIVATELY NEGOTIATE AND SELL THE SURPLUS PROPERTY FOR A HIGHER PRICE IF:

1. THE SETTLEMENT OF THE PROPERTY SALE IS WITHIN 1 YEAR FROM THE DAY OF THE INITIAL PUBLIC SALE; AND

2. THE COUNTY COMMISSIONERS ANNOUNCE THE PRIVATELY NEGOTIATED AGREEMENT AT THE FIRST MEETING AFTER REACHING THE AGREEMENT.

(3) THE COUNTY COMMISSIONERS SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 5E, 9A, 9D(a)(3), (b), and (c), and 11A(b)(2)(i)2 and (ii) and (4), (c)(1)(ii), (2), (3), and (4), and (f).

In the introductory language of subsection (b)(1)(i) of this section, the former phrase “[e]xcept for the disposition of surplus property in Charles County as provided under paragraph (4) of this subsection” is deleted as surplusage.

In subsection (b)(1)(i)1 of this section, the former references to “real”, “leasehold”, and “personal” property are deleted as surplusage.

In the introductory language of subsection (c)(1) of this section, the references authorizing Charles County to transfer real property “[t]o establish” affordable housing or “to address” specific needs are substituted for, respectively, the former references authorizing Charles County to transfer real property “for use in the production of” affordable housing or “for use in connection with matters involving” specific needs for clarity and brevity.

In subsection (c)(1)(ii) of this section, the reference to county authority to “sell” surplus school property is substituted for the former reference to county authority to “negotiate ... for the sale of” surplus school property for clarity and brevity.

In subsection (c)(2)(ii) of this section, the reference to the “transfer” of property is substituted for the former reference to the “sale or donation” of property for brevity.

In subsection (c)(2)(iii)2 of this section, the reference to the proposed “transferee” is substituted for the former reference to the proposed “user” for clarity and consistency with other similar provisions of this subtitle.

In the introductory language of subsection (d)(1) of this section, the former phrase “in addition to, but not in substitution of, the powers which may have been or may hereafter be granted them” is deleted as surplusage.

Defined term: “State” § 1-101

12-407. SPECIAL PROVISIONS — DORCHESTER COUNTY.

(A) MULTIYEAR INSTALLMENT CONTRACT TO ACQUIRE PERSONAL PROPERTY — REQUIRED CONDITIONS.

(1) THE GOVERNING BODY OF DORCHESTER COUNTY MAY:

(I) PURCHASE OR LEASE PERSONAL PROPERTY UNDER A MULTIYEAR CONTRACT THAT REQUIRES THE GOVERNING BODY TO MAKE INSTALLMENT OR RENTAL PAYMENTS DURING 2 OR MORE FISCAL YEARS;

(II) PAY INTEREST AS PART OF ANY INSTALLMENT OR RENTAL PAYMENTS IN ACCORDANCE WITH THE TERMS OF THE CONTRACT; AND

(III) PLEDGE AND ASSIGN THE PERSONAL PROPERTY PURCHASED OR LEASED TO SECURE THE OBLIGATION.

(2) (I) THE GOVERNING BODY MAY ENTER INTO A CONTRACT UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF:

1. THE GOVERNING BODY HAS APPROPRIATED MONEY SUFFICIENT TO PAY THE AMOUNT DUE UNDER THE CONTRACT DURING THE FIRST FISCAL YEAR IN WHICH THE CONTRACT IS EFFECTIVE;

2. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE CONTRACT AUTHORIZES THE GOVERNING BODY TO TERMINATE THE CONTRACT IF MONEY SUFFICIENT TO PAY THE AMOUNT DUE UNDER THE CONTRACT FOR ANY FISCAL YEAR IS NOT APPROPRIATED;

3. THE CONTRACT PROVIDES THAT, EXCEPT IF THE GOVERNING BODY DEFAULTS IN PAYMENT UNDER THE CONTRACT, AN OBLIGATION FOR PAYMENT UNDER THE CONTRACT IS LIMITED TO MONEY APPROPRIATED FOR CONTRACT PAYMENT FOR THAT FISCAL YEAR; AND

4. THE CONTRACT PROVIDES THAT, IF THE GOVERNING BODY DEFAULTS IN PAYMENT UNDER THE CONTRACT, THE OBLIGATION FOR PAYMENT IS LIMITED TO:

A. MONEY APPROPRIATED FOR CONTRACT PAYMENTS FOR THAT FISCAL YEAR;

B. ANY MONEY REALIZED FROM THE PERSONAL PROPERTY PURCHASED OR LEASED UNDER THE CONTRACT; AND

C. ANY OTHER MONEY LEGALLY AVAILABLE FOR CONTRACT PAYMENT.

(II) THE CONTRACT MAY PROVIDE THAT A CONTRACT TERMINATION IS INEFFECTIVE IF THE GOVERNING BODY PURCHASES OR LEASES PERSONAL PROPERTY SIMILAR OR FUNCTIONALLY RELATED TO THE PROPERTY PURCHASED OR LEASED UNDER THE CONTRACT WITHIN A SPECIFIED PERIOD OF TIME.

(B) TRANSFER OF SURPLUS PROPERTY — GENERALLY.

(1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE GOVERNING BODY OF DORCHESTER COUNTY MAY:

(I) TRANSFER WITHOUT PUBLIC SALE ANY INTEREST IN SURPLUS COUNTY REAL PROPERTY TO ANOTHER GOVERNMENT UNIT IN THE COUNTY UNDER TERMS AND CONDITIONS AND FOR CONSIDERATION, IF ANY, AS DETERMINED BY THE GOVERNING BODY; AND

(II) EXECUTE AND ACKNOWLEDGE ANY INSTRUMENTS NECESSARY TO TRANSFER THE PROPERTY.

(2) THE GOVERNING BODY MAY:

(I) LEASE SURPLUS REAL PROPERTY TO A NONPROFIT ORGANIZATION ON TERMS AND CONDITIONS AS DETERMINED BY THE GOVERNING BODY; AND

(II) EXECUTE AND ACKNOWLEDGE ANY INSTRUMENTS NECESSARY TO LEASE THE PROPERTY.

(C) TRANSFER OF SURPLUS PROPERTY — VOLUNTEER FIRE COMPANIES.

THE GOVERNING BODY OF DORCHESTER COUNTY MAY:

(1) TRANSFER WITHOUT PUBLIC SALE SURPLUS COUNTY REAL PROPERTY, OR ANY REVERSIONARY INTEREST IN THAT PROPERTY, TO ANY VOLUNTEER FIRE COMPANY LOCATED IN THE COUNTY FOR USE IN PROVIDING FIRE, EMERGENCY, AND SUPPORTING SERVICES OR FACILITIES, ON TERMS AND CONDITIONS AND FOR CONSIDERATION, IF ANY, AS DETERMINED BY THE GOVERNING BODY; AND

(2) EXECUTE AND ACKNOWLEDGE ANY INSTRUMENTS NECESSARY TO TRANSFER THE PROPERTY.

(D) TRANSFER OF RIPARIAN RIGHTS.

(1) WHEN SELLING OR LEASING RIPARIAN RIGHTS ADJACENT TO COUNTY REAL PROPERTY LOCATED IN THE CITY OF CAMBRIDGE, THE GOVERNING BODY OF DORCHESTER COUNTY SHALL:

(I) SOLICIT SEALED BIDS OR PROPOSALS BY PUBLIC ADVERTISEMENT IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY;

(II) OPEN THE SEALED BIDS OR PROPOSALS IN PUBLIC;

(III) REJECT ANY UNRESPONSIVE OR UNACCEPTABLE BID OR PROPOSAL; AND

(IV) SELECT THE BIDDER OR OFFEROR WHO PROPOSES TERMS MOST FAVORABLE TO THE COUNTY.

(2) THE GOVERNING BODY MAY TAKE ANY ACTION NECESSARY TO IMPLEMENT A COMPETITIVE BIDDING PROCESS UNDER THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 9(a) and (c) through (e) and 9D(a)(4), (b), and (c).

In subsection (d)(2) of this section, the reference authorizing Dorchester County to "implement" a competitive bidding process is substituted for the former reference authorizing the county to "effectuate and complete" this process for clarity, brevity, and consistency within this subtitle.

Also in subsection (d)(2) of this section, the former reference to “all” actions necessary is deleted as included in the reference to “any” actions.

Former Art. 25, § 9(f), which authorized the governing body of Dorchester County to sell certain property to the Dorchester County Family YMCA, Inc., is deleted as obsolete because the governing body of Dorchester County donated the property identified in the subsection to the Dorchester County Family YMCA, Inc., in 1998.

Defined term: “Governing body” § 1–101

12–408. SPECIAL PROVISIONS — FREDERICK COUNTY.

(A) MULTIYEAR INSTALLMENT CONTRACT TO PURCHASE OR LEASE PERSONAL PROPERTY — REQUIRED CONDITIONS.

(1) THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY:

(I) PURCHASE OR LEASE PERSONAL PROPERTY UNDER A MULTIYEAR CONTRACT THAT REQUIRES THE COUNTY COMMISSIONERS TO MAKE INSTALLMENT OR RENTAL PAYMENTS DURING 2 OR MORE FISCAL YEARS;

(II) PAY INTEREST AS PART OF ANY INSTALLMENT OR RENTAL PAYMENTS IN ACCORDANCE WITH THE TERMS OF THE CONTRACT; AND

(III) PLEDGE AND ASSIGN THE PERSONAL PROPERTY PURCHASED OR LEASED TO SECURE THE OBLIGATION.

(2) (I) THE COUNTY COMMISSIONERS MAY ENTER INTO A CONTRACT UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF:

1. THE COUNTY COMMISSIONERS HAVE APPROPRIATED MONEY SUFFICIENT TO PAY THE AMOUNT DUE UNDER THE CONTRACT DURING THE FIRST FISCAL YEAR IN WHICH THE CONTRACT IS EFFECTIVE;

2. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE CONTRACT AUTHORIZES THE COUNTY COMMISSIONERS TO TERMINATE THE CONTRACT IF MONEY SUFFICIENT TO PAY THE AMOUNT DUE UNDER THE CONTRACT FOR ANY FISCAL YEAR IS NOT APPROPRIATED;

3. THE CONTRACT PROVIDES THAT, EXCEPT IF THE COUNTY COMMISSIONERS DEFAULT IN PAYMENT UNDER THE CONTRACT, AN OBLIGATION FOR PAYMENT UNDER THE CONTRACT IS LIMITED TO MONEY APPROPRIATED FOR CONTRACT PAYMENT FOR THAT FISCAL YEAR; AND

4. THE CONTRACT PROVIDES THAT, IF THE COUNTY COMMISSIONERS DEFAULT IN PAYMENT UNDER THE CONTRACT, THE OBLIGATION FOR PAYMENT IS LIMITED TO:

A. MONEY APPROPRIATED FOR CONTRACT PAYMENTS FOR THAT FISCAL YEAR;

B. ANY MONEY REALIZED FROM THE PERSONAL PROPERTY PURCHASED OR LEASED UNDER THE CONTRACT; AND

C. ANY OTHER MONEY LEGALLY AVAILABLE FOR CONTRACT PAYMENT.

(II) THE CONTRACT MAY PROVIDE THAT A CONTRACT TERMINATION IS INEFFECTIVE IF THE COUNTY COMMISSIONERS PURCHASE OR LEASE PERSONAL PROPERTY SIMILAR OR FUNCTIONALLY RELATED TO THE PROPERTY PURCHASED OR LEASED UNDER THE CONTRACT WITHIN A SPECIFIED PERIOD OF TIME.

(B) TRANSFER OF SURPLUS SCHOOL BOARD REAL PROPERTY.

THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY SELL TO A GOVERNMENT UNIT LOCATED IN THE COUNTY OR TO THE FREDERICK MEMORIAL HOSPITAL, INC., SURPLUS SCHOOL BOARD REAL PROPERTY:

(1) WITHOUT ADVERTISING THE PROPERTY FOR SALE; AND

(2) AFTER OBTAINING THREE INDEPENDENT APPRAISALS.

(C) SALE OF COUNTY REAL PROPERTY.

THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY SELL SURPLUS COUNTY REAL PROPERTY AT A PUBLIC OR PRIVATE SALE IF, SUBJECT TO COUNTY PROCEDURES, THE COUNTY COMMISSIONERS HOLD A HEARING ON THE SALE AND PROVIDE ADEQUATE NOTICE OF THE HEARING.

(D) AUTHORITY TO SELL LAND DONATED TO COUNTY.

(1) THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY:

(I) ACCEPT A DONATION OF REAL PROPERTY THAT IS NOT NEEDED FOR A PUBLIC PURPOSE; AND

(II) SELL THE PROPERTY BY PUBLIC OR PRIVATE SALE FOR CONSIDERATION THAT THE COUNTY COMMISSIONERS DETERMINE TO BE ADEQUATE.

(2) THE COUNTY COMMISSIONERS SHALL USE ALL PROCEEDS FROM THE SALE OF REAL PROPERTY UNDER THIS SUBSECTION IN ACCORDANCE WITH THE COUNTY BUDGET OR A RESOLUTION ADOPTED BY THE COUNTY COMMISSIONERS.

(3) A SALES AGREEMENT ENTERED INTO UNDER THIS SUBSECTION IS NOT EFFECTIVE UNTIL:

(I) A COPY OF THE AGREEMENT IS FILED WITH THE CLERK OF THE COURT; AND

(II) A SUMMARY OF THE AGREEMENT IS PUBLISHED IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(E) ABANDONED RIGHTS-OF-WAY.

THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY SELL AN ABANDONED RIGHT-OF-WAY IN THE COUNTY BY PUBLIC OR PRIVATE SALE, AFTER ADVERTISING THE PROPERTY FOR SALE FOR AT LEAST 20 DAYS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 9D(a)(6), (b), and (c) and 11A(b)(2)(i)3 and (3) and, except as it related to Charles County, (2)(ii), and, except as it related to St. Mary's County, (3-1).

In the introductory language of subsection (b) of this section and throughout this subtitle, the references to county authority to "sell" surplus school board property are substituted for the former references to county authority to "negotiate ... for the sale of" surplus school board property for clarity and brevity.

Also in the introductory language of subsection (b) of this section, the former reference to the county authority to sell to Frederick Memorial Hospital, Inc. "in the same manner in which the Board of County Commissioners may negotiate with any governmental body or agency

located within the county” is deleted as unnecessary in light of the incorporation of the authority to sell surplus school board property to the Frederick Memorial Hospital, Inc. into the same provision authorizing the sale of surplus school board real property to a government unit located in the county.

In subsection (c) of this section, the reference to “county” real property is substituted for the former reference to real property “owned by the Board of County Commissioners” for brevity.

Also in subsection (c) of this section, the former phrase “in addition to the authority granted in this section” is deleted as surplusage.

In subsection (d) of this section, the reference to a “donation” of real property is substituted for the former reference to “gifts” of real property for consistency within this subtitle.

Also in subsection (d) of this section, the references to “real property” are substituted for the former references to “land” for consistency within this subtitle.

12-409. SPECIAL PROVISIONS — GARRETT COUNTY.

(A) MULTIYEAR INSTALLMENT CONTRACT TO ACQUIRE PERSONAL PROPERTY — REQUIRED CONDITIONS.

(1) THE COUNTY COMMISSIONERS OF GARRETT COUNTY MAY:

(I) PURCHASE OR LEASE PERSONAL PROPERTY UNDER A MULTIYEAR CONTRACT THAT REQUIRES THE COUNTY COMMISSIONERS TO MAKE INSTALLMENT OR RENTAL PAYMENTS DURING 2 OR MORE FISCAL YEARS;

(II) PAY INTEREST AS PART OF ANY INSTALLMENT OR RENTAL PAYMENTS IN ACCORDANCE WITH THE TERMS OF THE CONTRACT; AND

(III) PLEDGE AND ASSIGN THE PERSONAL PROPERTY PURCHASED OR LEASED TO SECURE THE OBLIGATION.

(2) (I) THE COUNTY COMMISSIONERS MAY ENTER INTO A CONTRACT UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF:

1. THE COUNTY COMMISSIONERS HAVE APPROPRIATED MONEY SUFFICIENT TO PAY THE AMOUNT DUE UNDER THE

CONTRACT DURING THE FIRST FISCAL YEAR IN WHICH THE CONTRACT IS EFFECTIVE;

2. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE CONTRACT AUTHORIZES THE COUNTY COMMISSIONERS TO TERMINATE THE CONTRACT IF MONEY SUFFICIENT TO PAY THE AMOUNT DUE UNDER THE CONTRACT FOR ANY FISCAL YEAR IS NOT APPROPRIATED;

3. THE CONTRACT PROVIDES THAT, EXCEPT IF THE COUNTY COMMISSIONERS DEFAULT IN PAYMENT UNDER THE CONTRACT, AN OBLIGATION FOR PAYMENT UNDER THE CONTRACT IS LIMITED TO MONEY APPROPRIATED FOR CONTRACT PAYMENT FOR THAT FISCAL YEAR; AND

4. THE CONTRACT PROVIDES THAT, IF THE COUNTY COMMISSIONERS DEFAULT IN PAYMENT UNDER THE CONTRACT, THE OBLIGATION FOR PAYMENT IS LIMITED TO:

A. MONEY APPROPRIATED FOR CONTRACT PAYMENTS FOR THAT FISCAL YEAR;

B. ANY MONEY REALIZED FROM THE PERSONAL PROPERTY PURCHASED OR LEASED UNDER THE CONTRACT; AND

C. ANY OTHER MONEY LEGALLY AVAILABLE FOR CONTRACT PAYMENT.

(II) THE CONTRACT MAY PROVIDE THAT A CONTRACT TERMINATION IS INEFFECTIVE IF THE COUNTY COMMISSIONERS PURCHASE OR LEASE PERSONAL PROPERTY SIMILAR OR FUNCTIONALLY RELATED TO THE PROPERTY PURCHASED OR LEASED UNDER THE CONTRACT WITHIN A SPECIFIED PERIOD OF TIME.

(B) DISPOSAL OF SURPLUS PERSONAL PROPERTY.

THE COUNTY COMMISSIONERS OF GARRETT COUNTY MAY DISPOSE OF SURPLUS COUNTY PERSONAL PROPERTY BY:

(1) PUBLIC AUCTION;

(2) PUBLIC SALE;

(3) A TRADE-IN FOR NEW OR USED EQUIPMENT;

(4) RECYCLING; OR

(5) DISPOSAL IN THE GARRETT COUNTY LANDFILL.

(C) TRANSFER OF SURPLUS REAL PROPERTY.

(1) IN GARRETT COUNTY, IF A PUBLIC SALE OF SURPLUS REAL PROPERTY DOES NOT YIELD A BID FOR THE PROPERTY, THE COUNTY COMMISSIONERS OF GARRETT COUNTY:

(I) SHALL RECORD IN THEIR MINUTES THAT NO BIDS WERE MADE;

(II) MAY SELL THE SURPLUS PROPERTY BY PRIVATE SALE FOR A REASONABLE PRICE; AND

(III) SHALL ANNOUNCE THE SALE AGREEMENT AT THE FIRST MEETING AFTER MAKING THE AGREEMENT.

(2) THE COUNTY COMMISSIONERS SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 25, §§ 9D(a)(5), (b), and (c) and 11A(h) and (i).

In subsections (b) and (c) of this section, the former phrases "[n]otwithstanding subsection (a) of this section" are deleted in light of the exception to § 12-409 of this subtitle in § 12-401(b) of this subtitle.

In subsection (b) of this section, the former references to "supplies" and "equipment" are deleted as included in the reference to "personal property".

In subsection (c)(1)(ii) of this section, the former reference authorizing Garrett County to "negotiate" the sale of surplus property is deleted as implicit in the authorization for Garrett County to "sell" surplus property.

12-410. SPECIAL PROVISIONS — ST. MARY'S COUNTY.

(A) TRANSFER OF SURPLUS SCHOOL BOARD REAL PROPERTY.

THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY SELL TO A GOVERNMENT UNIT LOCATED IN THE COUNTY SURPLUS SCHOOL BOARD REAL PROPERTY:

- (1) WITHOUT ADVERTISING THE PROPERTY FOR SALE; AND**
- (2) AFTER OBTAINING THREE INDEPENDENT APPRAISALS.**

(B) SALE OF COUNTY PROPERTY.

THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY SELL SURPLUS COUNTY REAL PROPERTY AT A PUBLIC OR PRIVATE SALE IF, SUBJECT TO COUNTY PROCEDURES, THE COUNTY COMMISSIONERS HOLD A HEARING ON THE SALE AND PROVIDE ADEQUATE NOTICE OF THE HEARING.

(C) TRANSFER TO NONPROFIT CORPORATION OR COUNTY HOUSING AUTHORITY.

(1) BY RESOLUTION, THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY TRANSFER SURPLUS REAL PROPERTY IN THE COUNTY TO A PRIVATE NONPROFIT CORPORATION IN THE COUNTY OR TO THE HOUSING AUTHORITY OF ST. MARY'S COUNTY WITH OR WITHOUT CONSIDERATION, IF THE COUNTY COMMISSIONERS:

(I) HOLD A PUBLIC HEARING;

(II) AT THE HEARING, SOLICIT AND ACCEPT COMMENTS CONCERNING THE TRANSFER; AND

(III) AT THE HEARING, CONSIDER ISSUES RELATED TO THE TRANSFER THAT INCLUDE:

1. COMPATIBILITY OF THE PROPOSED USE WITH THE NEIGHBORHOOD;

2. FINANCIAL ISSUES, INCLUDING THE ABILITY OF THE PROPOSED TRANSFEREE TO CONSTRUCT, RENOVATE, MAINTAIN, AND OPERATE A FACILITY ON THE PROPERTY;

3. THE HISTORICAL SIGNIFICANCE OF THE PROPERTY; AND

4. UNIQUE CHARACTERISTICS OF ANY STRUCTURE ON THE PROPERTY.

(2) THE NOTICE OF THE PUBLIC HEARING SHALL:

(I) BE PUBLISHED AT LEAST ONCE EACH WEEK FOR 2 SUCCESSIVE WEEKS, WITH THE LAST NOTICE ADVERTISED AT LEAST 7 DAYS BEFORE THE DATE OF THE HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY; AND

(II) INCLUDE AN APPRAISAL OF THE PROPERTY OBTAINED BY THE COUNTY COMMISSIONERS.

(3) THE COUNTY COMMISSIONERS SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 11A(b)(2)(i)5 and (6) and, as they related to St. Mary's County, (b)(2)(ii) and (3-1).

In subsection (b) of this section, the reference to "county" real property is substituted for the former reference to real property "owned by the Board of County Commissioners" for brevity.

Also in subsection (b) of this section, the former phrase "in addition to the authority granted in this section" is deleted as surplusage.

In subsection (c)(1)(iii)2 of this section, the reference to the proposed "transferee" is substituted for the former reference to the proposed "user" for clarity.

12-411. SPECIAL PROVISIONS — SOMERSET COUNTY.

(A) LEASE PURCHASE AGREEMENTS.

(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COUNTY COMMISSIONERS OF SOMERSET COUNTY MAY ENTER INTO A LEASE PURCHASE AGREEMENT AND RELATED FINANCING AGREEMENTS TO OBTAIN PROPERTY FOR A PUBLIC PURPOSE IN THE COUNTY.

(2) THE COUNTY COMMISSIONERS SHALL SOLICIT BIDS IN AT LEAST TWO NEWSPAPERS OF GENERAL CIRCULATION IN THE COUNTY BEFORE ENTERING INTO A LEASE PURCHASE AGREEMENT.

(3) IF THE COUNTY COMMISSIONERS ENTER INTO A MULTIYEAR LEASE PURCHASE AGREEMENT OR RELATED FINANCING AGREEMENT, THE AGREEMENT SHALL BE SUBJECT TO CANCELLATION BY THE COUNTY COMMISSIONERS AT THE END OF A FISCAL YEAR IF SUFFICIENT MONEY IS NOT APPROPRIATED TO FUND THE AGREEMENT IN THE SUBSEQUENT FISCAL YEAR.

(B) SALE OF SURPLUS PROPERTY.

(1) THE COUNTY COMMISSIONERS OF SOMERSET COUNTY MAY SELL ANY INTEREST IN COUNTY SURPLUS PROPERTY BY SOLICITING AND ACCEPTING SEALED BIDS.

(2) THE COUNTY COMMISSIONERS SHALL PUBLISH AN INVITATION FOR BIDS AT LEAST TWICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY BETWEEN 10 AND 90 DAYS, INCLUSIVE, BEFORE THE DATE SET FOR OPENING BIDS.

(3) THE COUNTY COMMISSIONERS:

(I) SHALL OPEN THE BIDS IN PUBLIC; AND

(II) MAY ACT ON THE BIDS ONLY DURING A PUBLIC SESSION OF THE COUNTY COMMISSIONERS.

(4) THE COUNTY COMMISSIONERS MAY REJECT ALL BIDS ON THE PROPERTY IF THE COUNTY COMMISSIONERS DETERMINE THAT THE HIGHEST BID DOES NOT YIELD A REASONABLE PRICE.

(5) IF THE COUNTY COMMISSIONERS REJECT ALL BIDS, THE COUNTY COMMISSIONERS:

(I) SHALL RECORD THE HIGHEST BID IN THE MINUTES OF THE PUBLIC SESSION; AND

(II) MAY SELL THE PROPERTY:

1. BY REPUBLISHING AN INVITATION FOR SEALED BIDS;

2. BY PUBLIC AUCTION; OR

3. IF THE PROPERTY IS SURPLUS SCHOOL PROPERTY, IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(6) THE COUNTY COMMISSIONERS SHALL ADOPT AN ORDINANCE OR RESOLUTION TO GOVERN THE SALE OF PROPERTY UNDER THIS SUBSECTION.

(C) TRANSFER OF SURPLUS SCHOOL BOARD REAL PROPERTY.

THE COUNTY COMMISSIONERS OF SOMERSET COUNTY MAY SELL TO A GOVERNMENT UNIT LOCATED IN THE COUNTY SURPLUS SCHOOL BOARD REAL PROPERTY:

(1) WITHOUT ADVERTISING THE PROPERTY FOR SALE; AND

(2) AFTER OBTAINING THREE INDEPENDENT APPRAISALS.

(D) SALE OF SPECIFIC PROPERTIES.

(1) THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY TO A SALE OF PROPERTY UNDER THIS SUBSECTION.

(2) THE COUNTY COMMISSIONERS OF SOMERSET COUNTY MAY SELL THE APPROXIMATELY 4.02 ACRES OF PROPERTY AT COUNTY TAX MAP 103, GRID 8, PARCEL 1467 (KNOWN AS WHITTINGTON ELEMENTARY SCHOOL) TO SHORE UP INC., UNDER TERMS CONSIDERED APPROPRIATE BY THE COUNTY COMMISSIONERS.

(3) THE COUNTY COMMISSIONERS MAY SELL THE FOLLOWING PROPERTY TO THE CITY OF CRISFIELD UNDER TERMS CONSIDERED APPROPRIATE BY THE COUNTY COMMISSIONERS:

(I) 7 NORTH FIRST STREET, TAX MAP 101, GRID 22, PARCEL 757 (.073 ACRES);

(II) 320-322 LOCUST STREET, TAX MAP 101, GRID 21, PARCEL 810 (.158 ACRES);

(III) 304 TYLER STREET, TAX MAP 102, GRID 11, PARCEL 616 (.146 ACRES); AND

(IV) 15 WEST MAIN STREET, TAX MAP 103, GRID 1, PARCEL 1373 (.386 ACRES).

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 3(l-1) and 11A(b)(2)(i)4, (5), (d)(2), and, except as it related to Charles County, (b)(2)(ii).

In subsection (a)(1) of this section, the former phrase “[n]otwithstanding any other provision of law and subject to paragraphs (2) and (3) of this subsection” is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to “personal or real” property is deleted as surplusage.

In subsection (a)(3) of this section, the reference to the subsequent “fiscal” year is added for clarity.

In subsection (b)(1) of this section, the former requirement to solicit sealed bids “by advertisement” in newspapers is deleted as implicit in the requirement to solicit bids in newspapers.

In subsection (b)(2) of this section, the reference to an “invitation” for bids is substituted for the former reference to an “advertisement” for bids for clarity and consistency with Title 13 of the State Finance and Procurement Article. Similarly, in subsection (b)(5) of this section, the reference to the county commissioners “republishing an invitation” for bids is substituted for the former reference to the county commissioners “readvertising” the bids.

Former Art. 25, § 11A(d)(1), which authorized the County Commissioners of Somerset County to sell certain property known as the old Somerset County Jail, is deleted as obsolete. The property referenced was sold by the County Commissioners of Somerset County in 1987 to the Town of Princess Anne.

12-412. SPECIAL PROVISIONS — WASHINGTON COUNTY.

(A) ACQUISITION OF RAILROAD PROPERTY.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY ACQUIRE PROPERTY OR ANY INTEREST IN PROPERTY BY PURCHASE, GIFT, OR CONDEMNATION TO ACQUIRE, CONSTRUCT, OR MAINTAIN A RAILROAD LINE, IF THE COUNTY COMMISSIONERS:

(1) DETERMINE, BY RESOLUTION, THAT THE RAILROAD LINE WILL HELP PRESERVE AND ATTRACT INDUSTRY AND PROMOTE ECONOMIC GROWTH IN THE COUNTY; AND

(2) SOLICIT BIDS AND HOLD A PUBLIC HEARING IN THE SAME MANNER AS REQUIRED FOR OTHER PUBLIC PROPERTY IN THE COUNTY.

(B) JOINT VENTURE WITH STATE.

(1) IF THE STATE BUILDS OR ACQUIRES A RAILROAD LINE IN WASHINGTON COUNTY, THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY CONTRIBUTE A REASONABLE AMOUNT TOWARD THE COST OF THE RAILROAD LINE FROM THE GENERAL FUNDS OF THE COUNTY.

(2) BEFORE THE COUNTY COMMISSIONERS SPEND MONEY UNDER THIS SUBSECTION, THE COUNTY COMMISSIONERS SHALL COMPLY WITH THE REQUIREMENTS FOR ACQUISITION OF PROPERTY FOR A RAILROAD UNDER SUBSECTION (A) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 236C.

In the introductory language of subsection (a) of this section, the former phrase “[b]efore any railroad line is acquired or constructed and before any real, personal, or leasehold property interest is acquired for the purposes of the railroad line” is deleted as surplusage.

In subsection (a)(1) of this section, the reference to determining “by resolution,” is substituted for the former reference to the county commissioners determining “as evidenced by its resolution duly passed” for brevity.

In subsection (a)(2) of this section, the reference to “solicit[ing] bids” is substituted for the former reference to “[a]dvertis[ing]” for consistency within this subtitle.

Also in subsection (a)(2) of this section, the former reference to the manner required “to advertise and hold a public hearing on the purchase” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “a reasonable amount toward the cost of the railroad line” is substituted for the former reference to “such portion of the whole cost of such line as it may determine to be reasonable and proper” for clarity and brevity.

Also in subsection (b)(1) of this section, the former reference to the State “through any of its departments or agencies” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “[b]efore the county commissioners spend money under this subsection” is substituted for the former phrase “[b]efore any general funds of the county are expended for any of such purposes” for clarity and brevity.

Also in subsection (b)(2) of this section, the reference to “comply[ing] with the requirements for acquisition of property for a railroad under subsection (a) of this section” is substituted for the former reference to “adopt[ing] the resolution and hold[ing] the public hearing as provided in subsection (b)(2) of this section” for clarity.

Defined term: “State” § 1–101

SUBTITLE 5. PUBLIC ROADS.

PART I. PUBLIC ROADS GENERALLY.

12–501. “ROAD” DEFINED.

IN THIS PART, “ROAD” INCLUDES A STREET, AN AVENUE, AN ALLEY, A LANE, OR ANY OTHER PUBLIC WAY.

REVISOR’S NOTE: This section is new language added to avoid the repetition of the phrase “road, street, alley, lane, or other public way”.

12–502. CONTROL OVER ROADS IN UNINCORPORATED AREAS.

THE PROVISIONS IN THIS SUBTITLE THAT RELATE TO PUBLIC ROADS APPLY TO ROADS IN UNINCORPORATED TOWNS AND VILLAGES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 15.

The former reference to “roads” is deleted in light of the reference to “road” and Art. 1, § 8, which provides that the singular includes the plural.

Defined term: “Road” § 12–501

12–503. POWERS OF COUNTIES OVER COUNTY ROADS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES, EXCEPT BALTIMORE CITY.

(B) IN GENERAL.

THE GOVERNING BODY OF A COUNTY HAS CONTROL OVER COUNTY ROADS.

(C) APPOINTMENT OF CIVIL ENGINEERS AND ROAD SUPERVISORS.

THE GOVERNING BODY OF A COUNTY MAY APPOINT:

(1) ROAD SUPERVISORS; AND

(2) CIVIL ENGINEERS TO OVERSEE THE GRADING, CONSTRUCTION, AND REPAIR OF COUNTY ROADS.

(D) CIVIL ENGINEERS.

A CIVIL ENGINEER APPOINTED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION SHALL:

(1) HOLD OFFICE FOR A TERM, WITH A SALARY, UNDER A BOND, AND SUBJECT TO REGULATIONS OF THE GOVERNING BODY CALCULATED TO SECURE COMPETENT OFFICERS AND A FAITHFUL DISCHARGE OF DUTY; AND

(2) DIRECT AND MANAGE THE GRADING, CONSTRUCTION, AND REPAIR OF COUNTY ROADS.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in Art. 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 25, § 1-1, as it related to the county commissioners' control over county roads and the appointment of road supervisors and civil engineers.

In subsection (b) of this section, the former reference to the governing body of the county having "charge of" county roads is deleted as implicit in the reference to the governing body having "control over" county roads.

In subsection (c) of this section, the former phrase "[w]henver in their opinion the public interests require or when the public interests will be

advanced,” is deleted as implicit in the authority of the governing body of the county.

In subsection (c)(2) of this section, the reference to “county roads” is substituted for the former reference to “public roads” for consistency with subsection (b) of this section.

Also in subsection (c)(2) of this section, the reference to “appoint[ing] ... civil engineers to oversee the grading, construction, and repair” is substituted for the former reference to “commit[ting] the whole matter of grading and constructing ... and the repairs ... to the charge of ... civil engineers” for clarity.

Also in subsection (c)(2) of this section, the former reference to “competent and scientifically educated” civil engineers is deleted as implicit in the reference to “civil engineers”.

In the introductory language of subsection (d) of this section, the reference to a civil engineer “appointed in accordance with subsection (c) of this section” is added for clarity.

In subsection (d)(2) of this section, the reference to “grading, construction, and repair of county roads” is substituted for the former reference to “all such public works under the immediate control of the county commissioner” for clarity and brevity.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the authority under this section to appoint civil engineers may no longer be necessary given the general authority of counties to appoint officers. The General Assembly may want to repeal the duplicative authority in this section.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Road” § 12–501

12–504. CONTROL OF ROADS, PARKING, AND SIDEWALKS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES, EXCEPT BALTIMORE CITY.

(B) APPLICABILITY OF SECTION.

THIS SECTION DOES NOT APPLY TO A PUBLIC ROAD IN A MUNICIPALITY.

(C) CONTROL OF ROADS.

THE GOVERNING BODY OF A COUNTY:

(1) MAY OPEN, ALTER, OR CLOSE A COUNTY ROAD;

(2) HAS CONTROL OVER AND MAY ADOPT RULES AND REGULATIONS FOR WORK ON COUNTY ROADS; AND

(3) MAY PAY THE COST OF WORK ON COUNTY ROADS.

(D) PARKING AND SIDEWALKS.

(1) THE GOVERNING BODY OF A COUNTY MAY REGULATE, BY RESOLUTION:

(I) VEHICLE PARKING ON COUNTY ROADS; AND

(II) THE CONSTRUCTION, MAINTENANCE, REPAIR, AND CLEANING OF SIDEWALKS.

(2) A COUNTY SHALL PROVIDE FOR PUBLIC NOTICE OF THE REGULATIONS ON VEHICLE PARKING.

(E) PENALTY.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO VIOLATES A RESOLUTION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.

(2) IN CALVERT COUNTY, A PERSON WHO VIOLATES A RESOLUTION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in Art. 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 25, § 25(a) and § 2(b) and, as it related to control of roads, parking, and sidewalks, (a).

In subsection (c)(1) of this section, the reference to a “county road” is substituted for the former reference to any “public road or roads in their respective counties” for consistency and brevity.

In subsection (c)(2) of this section, the reference to “work on county roads” is substituted for the former reference to “repairing, cleaning, mending and perfecting the same” for brevity.

In subsection (c)(3) of this section, the reference to “work on county roads” is substituted for the former reference to “the same” for clarity and consistency.

Also in subsection (c)(3) of this section, the former phrase “as they may deem necessary” is deleted as surplusage.

In subsection (d)(1)(i) of this section, the reference to “county roads” is substituted for the former reference to “public highways” for consistency within this section.

In subsection (d)(2) of this section, the reference to a requirement to “provide for public notice of the regulations on vehicle parking” is substituted for the former reference to the requirement that “appropriate notice thereof [be] given to the public by posting or otherwise” for brevity.

In subsection (e) of this section, the references to a “resolution” are substituted for the former references to a “regulation” for consistency with subsection (d) of this section.

Also in subsection (e) of this section, the former references to fines being imposed “for any such violation” are deleted as surplusage.

Former Art. 25, § 2(a), as it related to the construction or establishment of trailer camps, is revised in § 13–202 of this article.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Municipality” § 1–101

“Person” § 1–101

“Road” § 12–501

12–505. HIGHWAY FUND EXPENDITURES FOR PROJECTS IN MUNICIPALITIES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT BALTIMORE CITY.

(B) IN GENERAL.

AFTER ADOPTING A RESOLUTION STATING THAT A COUNTY RESPONSIBILITY OR PURPOSE WILL BE SERVED, A GOVERNING BODY OF A COUNTY MAY PAY, FROM ANY HIGHWAY FUNDS UNDER ITS CONTROL, FOR A HIGHWAY PROJECT IN A MUNICIPALITY.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in Art. 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsection (b) of this section is new language derived without substantive change from former Art. 25, § 2A.

In subsection (b) of this section, the former reference to funds under the "jurisdiction" of the governing body of a county is deleted as included in the reference to funds under the "control" of the governing body.

Also in subsection (b) of this section, the former reference to "pay[ing] all or a portion of the cost of highway projects" is deleted as included in the reference to "pay[ing]" for highway projects.

Also in subsection (b) of this section, the former reference to highway projects "including repairing or replacing bridges and the approach roads thereto when such bridges and approaches are located wholly or partially within an incorporated town or municipality within such county" is deleted as implicit in the reference to a "highway project".

Defined terms: "County" § 1-101

"Governing body" § 1-101

"Municipality" § 1-101

12-506. GRADING, PAVING, CURBING, AND REPAIRING ROADS AND SIDEWALKS.**(A) SCOPE OF SECTION.**

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

(1) ANNE ARUNDEL COUNTY;

- (2) BALTIMORE CITY;
- (3) BALTIMORE COUNTY;
- (4) CECIL COUNTY;
- (5) CHARLES COUNTY;
- (6) HOWARD COUNTY;
- (7) PRINCE GEORGE'S COUNTY;
- (8) QUEEN ANNE'S COUNTY; AND
- (9) WORCESTER COUNTY.

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) GENERAL POWERS.

THE GOVERNING BODY OF A COUNTY MAY:

- (1) PROVIDE FOR BUILDING, MAINTAINING, OR REPAIRING ANY ROAD OR SIDEWALK CONDEMNED, CEDED, OPENED, WIDENED, EXTENDED, OR STRAIGHTENED AS PUBLIC PROPERTY;
- (2) PAY FOR THE COST TO BUILD, MAINTAIN, OR REPAIR A ROAD OR SIDEWALK BY IMPOSING A TAX ON THE ASSESSABLE BASE OF THE COUNTY OR FROM THE COUNTY'S SHARE OF THE STATE MOTOR FUEL TAX;
- (3) ESTABLISH THE OFFICE OF COUNTY ROADS ENGINEER; AND
- (4) ESTABLISH THE POWERS AND DUTIES OF THE COUNTY ROADS ENGINEER.

(D) SOMERSET COUNTY.

THE COUNTY COMMISSIONERS OF SOMERSET COUNTY MAY MAINTAIN, REPAIR, OR RECONSTRUCT ANY PRIVATE ROAD THAT HAS BEEN USED BY THE PUBLIC FOR AT LEAST 20 YEARS.

REVISOR'S NOTE: Subsections (a), (c), and (d) of this section are new language derived without substantive change from former Art. 25, § 3(o)(1), (2), and (3) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which apply to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a)(2) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(o) applicable to commission counties, code counties, and charter counties, except for the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City in the Annotated Code.

In subsection (c) of this section, the reference to “building, maintaining, or repairing” any road or sidewalk is substituted for the former reference to “grading, paving, regrading, repaving, curbing, recurbing, or repairing” a road or sidewalk for brevity. Similarly, in subsection (d) of this section, the references to “maintain[ing], repair[ing], or reconstruct[ing]” a private road is substituted for the former reference to “grad[ing], pav[ing], regrad[ing], repav[ing], curb[ing], recurb[ing], repair[ing], or reconstruct[ing]” roads and sidewalks.

In subsection (c)(1) of this section, the former reference to roads or sidewalks “now or hereafter” condemned, etc. is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “pay[ing] for the cost of building, maintaining, or repairing a road or sidewalk by imposing a tax” is substituted for the former reference to “levying for the cost thereof ... or providing for the payment of the cost thereof” for consistency with other terminology in this article.

Defined terms: “Commission county” § 1–101

“Governing body” § 1–101

“Road” § 12–501

“State” § 1–101

12–507. DIRECTIONAL SIGNS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES.

(B) REQUIRED.

(1) THE GOVERNING BODY OF A COUNTY SHALL ERECT AND MAINTAIN A SIGN AT EACH INTERSECTION OF A COUNTY ROAD WITH A STATE ROAD OR STATE-AID ROAD THAT SHALL:

(i) CONTAIN, IN LETTERS AT LEAST 3 INCHES IN HEIGHT, THE NAME OF THE PRINCIPAL PLACE OR PLACES TO WHICH THE COUNTY ROAD LEADS AND THE DISTANCE TO THE PLACE OR PLACES FROM THE INTERSECTION OF THE COUNTY ROAD AND THE STATE ROAD OR STATE-AID ROAD; AND

(ii) BE SECURELY FASTENED ON A SUBSTANTIAL POST FIRMLY PLACED IN THE GROUND.

(2) IN A COUNTY WHERE THE JURISDICTION OVER THE COUNTY ROADS IS VESTED BY LAW IN A BOARD OR OTHER OFFICIAL, THE DUTIES OF THIS SECTION SHALL BE THE DUTIES OF THE BOARD OR OTHER OFFICIAL.

(C) PENALTIES.

A PERSON WHO DEFACES, DAMAGES, OR DESTROYS A SIGN ERECTED OR MAINTAINED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 10 DAYS AND NOT EXCEEDING 30 DAYS OR A FINE FOR EACH OFFENSE NOT EXCEEDING \$50 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 153 and 154.

In subsections (b) and (c) of this section, the former references to a "fingerboard" are deleted as included in the references to a "sign".

In subsection (b) of this section, the former references to a sign being "substantially made" and letters being "legibly painted" are deleted as surplusage.

In the introductory language of subsection (b)(1) of this section, the former reference to "thereafter" maintaining signs is deleted as surplusage.

In subsection (c) of this section, the reference to an individual being “guilty of a misdemeanor” is added to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared to be a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 146 Md. 342, 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*, 123 Md. 373, 378 (1914).

Also in subsection (c) of this section, the reference to “imprisonment” is substituted for the former reference to “confinement in the county jail” to conform to other similar provisions of the Code.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Person” § 1–101

“Road” § 12–501

12–508. FIRE HYDRANTS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES, EXCEPT BALTIMORE CITY.

(B) APPLICABILITY OF SECTION.

THIS SECTION DOES NOT APPLY TO FIRE HYDRANTS IN A MUNICIPALITY.

(C) IN GENERAL.

THE GOVERNING BODY OF A COUNTY MAY, BY RESOLUTION, REGULATE THE LOCATION AND CONSTRUCTION OF FIRE HYDRANTS.

(D) PENALTY.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO VIOLATES A RESOLUTION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.

(2) IN CALVERT COUNTY, A PERSON WHO VIOLATES A RESOLUTION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in Art. 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 25, § 2, as it related to the regulation of fire hydrants.

In subsection (d) of this section, the former references to fines being imposed "for any such violation" are deleted as surplusage.

Also in subsection (d) of this section, the references to a "resolution" are substituted for the former references to a "regulation" for consistency with subsection (c) of this section.

Defined terms: "County" § 1-101

"Governing body" § 1-101

"Municipality" § 1-101

"Person" § 1-101

12-509. RESERVED.

12-510. RESERVED.

PART II. PROCEDURES FOR OPENING, ALTERING, OR CLOSING ROADS.

12-511. SCOPE OF PART.

THIS PART APPLIES TO ALL COUNTIES, EXCEPT BALTIMORE CITY AND QUEEN ANNE'S COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 135(a).

12-512. OPENING, ALTERING, OR CLOSING ROADS BY PETITION.

(A) PETITIONS.

A RESIDENT OF THE COUNTY MAY REQUEST, BY PETITION, THAT THE GOVERNING BODY OF A COUNTY OPEN, ALTER, OR CLOSE A ROAD.

(B) NOTICE.

A RESIDENT WHO INTENDS TO SUBMIT A PETITION UNDER THIS SECTION SHALL GIVE AT LEAST 30 DAYS' NOTICE BY PUBLICATION ONCE A WEEK FOR 3 SUCCESSIVE WEEKS IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(C) COUNTER PETITIONS.

(1) IN RESPONSE TO A PETITION FILED UNDER THIS SECTION, A RESIDENT MAY SUBMIT A COUNTER PETITION TO THE GOVERNING BODY OF THE COUNTY.

(2) THE GOVERNING BODY SHALL CONSIDER THE COUNTER PETITION, AND ANY OTHER TESTIMONY PRESENTED, WHEN DECIDING WHETHER TO APPROVE THE PETITION TO OPEN, ALTER, OR CLOSE A ROAD.

(D) INDEPENDENT AUTHORITY.

THE GOVERNING BODY OF A COUNTY MAY OPEN, ALTER, OR CLOSE ANY COUNTY ROAD UNDER THIS SUBTITLE ON ITS OWN INITIATIVE IF:

(1) AT LEAST 30 DAYS' NOTICE IS GIVEN BY PUBLICATION ONCE A WEEK FOR 3 SUCCESSIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY; AND

(2) A HEARING IS HELD TO CONSIDER ANY OBJECTION OR COUNTER PETITION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 136, 137, and 135(b).

In subsection (b) of this section, the reference to a "resident" is substituted for the former reference to "any citizen of any county" for consistency with other similar provisions of the Code.

Also in subsection (b) of this section, the reference to publication being "once a week for 3 successive weeks" is substituted for the former reference to publication being "three separate insertions at weekly intervals" for consistency with other similar provisions of the Code.

Also in subsection (b) of this section, the reference to a newspaper "of general circulation" in the county is substituted for the former reference to a newspaper "published" in the county for consistency with other terminology in this article.

Also in subsection (b) of this section, the former phrase “and if no newspaper be published in the county he shall give public notice of such intention by setting up a notice at the courthouse door, and at three public places in the election district in which it is proposed to open, close or alter the road, for at least thirty days” is deleted as unnecessary in light of the requirement to give “notice by publication once a week for 3 successive weeks in at least one newspaper of general circulation in the county” and because all counties have at least one newspaper of general circulation.

In subsection (c)(2) of this section, the reference to “deciding whether to approve the petition to open, alter, or close a road” is substituted for the former requirement that the county commissioners “determine the case as in their opinion shall seem right and proper” for clarity.

Also in subsection (c)(2) of this section, the former phrase “and when they are” is deleted as surplusage.

Also in subsection (c)(2) of this section, the former reference to considering “the reasons contained in” the counter petition is deleted as surplusage.

In the introductory language of subsection (d) of this section, the reference to opening, altering, or closing any county road “under this subtitle” is added for clarity.

Also in the introductory language of subsection (d) of this section, the former reference to the authority of the county commissioners being “[i]n addition to, but not in substitution of, their present power and authority to open, alter or close county roads” is deleted as surplusage.

In subsection (d)(1) of this section, the reference to giving “at least 30 days’ notice ... by publication once a week for 3 successive weeks in a newspaper of general circulation in the county” is substituted for the former reference to giving the “notice provided for in this section” for clarity.

Defined term: “Governing body” § 1–101

12–513. RIGHTS–OF–WAY.

(A) IN GENERAL.

THE GOVERNING BODY OF A COUNTY MAY CONTRACT WITH A PROPERTY OWNER FOR A RIGHT–OF–WAY OVER LAND THAT IS NECESSARY FOR:

- (1) THE OPENING OR ALTERING OF A ROAD;
- (2) A PUBLIC WHARF;
- (3) DRAINS FOR COUNTY ROADS; OR
- (4) OTHER PUBLIC USES.

(B) REQUIREMENTS FOR CONTRACTING FOR PROPERTY.

WHEN THE GOVERNING BODY OF A COUNTY CONTRACTS FOR A RIGHT-OF-WAY FOR A ROAD UNDER SUBSECTION (A) OF THIS SECTION, THE GOVERNING BODY SHALL:

- (1) HAVE A LICENSED SURVEYOR MAKE A PLAT OF THE ROAD;
- (2) RECORD THE PLAT IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE DEED CONVEYING THE PROPERTY IS REQUIRED TO BE RECORDED; AND
- (3) INCORPORATE THE PLAT INTO THE DEED CONVEYING THE PROPERTY.

REVISOR'S NOTE: This section is new language derived without substantive change from the first three clauses of former Art. 25, § 138.

In the introductory language of subsection (a) of this section, the former phrase “[w]henver the county commissioners decide that it is expedient that a road be opened as provided in § 135 et seq. of this article” is deleted as implicit in a county’s authority to contract under this section.

Also in the introductory language of subsection (a) of this section, the former phrase “if the owner is competent to contract” is deleted as implicit in the authority to contract.

Also in the introductory language of subsection (a) of this section, the former reference to land “through which the road is intended to run” is deleted as implicit in the authority to open a road.

In subsection (a)(1) of this section, the reference to the “opening or altering” of a road is added for clarity and consistency with terminology used in this subtitle.

In the introductory language of subsection (b) of this section, the reference to “the governing body of a county contract[ing] for a

right-of-way for a road under subsection (a) of this section” is substituted for the former reference to “in case the county commissioners shall so contract” for clarity.

In subsection (b) of this section, the former references to “deeds” are deleted in light of the references to “deed” and Art. 1, § 8, which provides that the singular includes the plural.

Also in subsection (b) of this section, the former reference to “the lands so conveyed shall be and become thenceforth the property of the county, in the same manner and to the same extent as other county roads, and no further, subject to the public rights-of-way over the same” and “which land shall be the property of the county, subject to said use or uses” are deleted as implicit in the authority to contract for the right-of-way for a road.

In subsection (b)(1) of this section, the reference to a “licensed” surveyor is substituted for the former reference to a “competent” surveyor to conform to more modern terminology.

In subsection (b)(2) of this section, the former reference to “fil[ing]” the plat is deleted as included in the reference to “record[ing]” the plat.

In subsection (b)(3) of this section, the reference to the deed “conveying the property” is added for clarity.

Also in subsection (b)(3) of this section, the reference to “incorporat[ing] the plat into the deed” is substituted for the former references to the plat being “referred to in” and a “part of” the deed for brevity.

Defined term: “Governing body” § 1-101

12-514. EXAMINERS.

(A) APPOINTMENT.

IF THE GOVERNING BODY OF A COUNTY DECIDES TO OPEN, ALTER, OR CLOSE A ROAD, THE GOVERNING BODY MAY APPOINT THREE EXAMINERS TO VIEW THE PROPERTY THROUGH WHICH THE ROAD IS INTENDED TO RUN.

(B) REQUIREMENTS.

(1) AN EXAMINER:

(i) SHALL OWN REAL PROPERTY IN THE COUNTY; BUT

(II) MAY NOT HAVE AN INTEREST IN ANY PROPERTY THROUGH WHICH THE ROAD IS PROPOSED TO BE OPENED, ALTERED, OR CLOSED.

(2) (I) AN EXAMINER SHALL TAKE AN OATH TO FAITHFULLY AND IMPARTIALLY EXECUTE THE COMMISSION OF EXAMINER.

(II) THE OATH SHALL BE ENDORSED ON THE COMMISSION, WHICH SHALL BE RETURNED TO THE EXAMINER.

(C) EXAMINERS INDEPENDENT OF COUNTY CONTRACTING AUTHORITY.

THE APPOINTMENT OF EXAMINERS DOES NOT PRECLUDE THE GOVERNING BODY OF THE COUNTY FROM CONTRACTING WITH A PROPERTY OWNER AS PROVIDED IN § 12-513 OF THIS SUBTITLE.

(D) EXAMINATION OF PREMISES.

(1) THE EXAMINERS SHALL GIVE 30 DAYS' NOTICE OF THEIR INTENT TO EXAMINE THE PROPERTY BY PUBLICATION ONCE A WEEK FOR 3 SUCCESSIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(2) AFTER EXPIRATION OF THE 30 DAYS' PERIOD, AT LEAST TWO OF THE EXAMINERS SHALL EXAMINE THE PROPERTY AND DETERMINE WHETHER THE PUBLIC CONVENIENCE REQUIRES THAT THE ROAD BE OPENED, ALTERED, OR CLOSED.

(E) LOCATION OF ROAD BY EXAMINERS.

IF A PETITION IS SUBMITTED TO OPEN OR ALTER A ROAD, THE EXAMINERS SHALL LOCATE THE ROAD SO THAT THE PUBLIC CONVENIENCE IS BEST PROMOTED.

(F) REPORT OF EXAMINERS.

THE EXAMINERS SHALL SUBMIT TO THE GOVERNING BODY OF THE COUNTY:

(1) A PLAT SHOWING:

(I) THE PROPOSED NEW OR ALTERED ROAD; AND

(II) FOR A PETITION TO ALTER OR CLOSE A ROAD, THE OLD ROAD; AND

(2) A REPORT DETAILING:

(I) THE EXAMINERS' PROCEEDINGS;

(II) THE FINDINGS OF THE EXAMINERS REGARDING THE PROPOSAL TO OPEN, ALTER, OR CLOSE A ROAD;

(III) IF THE EXAMINERS RECOMMEND NOT OPENING, ALTERING, OR CLOSING THE ROAD, THE REASONS FOR THE RECOMMENDATION; AND

(IV) A DETERMINATION OF THE COST OF ANY DAMAGES UNDER § 12-515 OF THIS SUBTITLE.

(G) COMPENSATION.

(1) EACH EXAMINER IS ENTITLED TO COMPENSATION NOT TO EXCEED \$2 PER DAY, AS DETERMINED BY THE GOVERNING BODY OF THE COUNTY, FOR THE EXAMINER'S SERVICES.

(2) THE GOVERNING BODY SHALL DETERMINE WHETHER THE COMPENSATION OF THE EXAMINERS AND ALL COSTS ARISING FROM THE SURVEY, ATTENDANCE OF WITNESSES, OR OTHER EXPENSES SHALL BE:

(I) PAID BY THE PETITIONER;

(II) PAID BY THE COUNTY; OR

(III) APPORTIONED BETWEEN THE PETITIONER AND THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 140 through 143 and § 151, the fourth and fifth clauses of § 138, and, as it related to the examiners submitting a valuation of damages to the county commissioners, § 146.

In subsection (a) of this section, the reference to the property "through which the road is intended to run" is added for clarity.

Also in subsection (a) of this section, the former phrase “whenever the county commissioners shall deem it expedient” is deleted as unnecessary in light of the phrase “the governing body may”.

In subsection (b)(1)(i) of this section, the reference to an examiner “own[ing] real property in the county” is substituted for the former reference to being “freeholders in the county” for clarity.

In subsection (b)(1)(ii) of this section, the former reference to the examiner “holding” property is deleted as included in the reference to the examiner “hav[ing] an interest in” property.

In subsection (b)(2)(i) of this section, the reference to the examiner’s oath to act faithfully and “impartially” is substituted for the former reference to acting “without favor, affection or partiality” for brevity.

Also in subsection (b)(2)(i) of this section, the reference to the “commission of examiner” is substituted for the former reference to the “trust reposed in them by the commission to them issued” for brevity.

Also in subsection (b)(2)(i) of this section, the former reference to the examiners taking an oath “before they proceed to act as such” is deleted as surplusage.

In subsection (b)(2)(ii) of this section, the reference to the oath being returned “to the examiner” is substituted for the former reference to it being returned “therewith” for clarity.

In subsection (c) of this section, the former phrase “at any time thereafter” is deleted as surplusage.

In subsection (d)(1) of this section, the reference to notice “of their intent to examine the property by publication once a week for 3 successive weeks in a newspaper of general circulation in the county” is substituted for the former reference to notice “in the manner hereinbefore prescribed” for clarity.

In subsection (d)(2) of this section, the reference to “at least two of the examiners” examining the property is substituted for the former reference to “[t]hey, or a majority of them” for clarity.

Also in subsection (d)(2) of this section, the former reference to the examiners “meet[ing] on the premises and proceed[ing]” is deleted as surplusage. Similarly, the former phrase “as the case may be” is deleted.

In subsection (e) of this section, the reference to a “petition” to open or alter a road is substituted for the former reference to the “application” to open or alter a road for consistency with other provisions of this subtitle.

Also in subsection (e) of this section, the former reference to the road being located “in such manner as will, in their judgment” promote the public convenience is deleted as surplusage.

In the introductory language of subsection (f) of this section, the reference to the examiners “submit[ting]” a plat and report to the governing body is substituted for the former reference to the examiners “return[ing] the same ... under their hands” to the governing body for clarity.

In subsection (f)(1)(ii) of this section, the reference to a “petition” is substituted for the former reference to an “application” for consistency with other provisions of this subtitle.

In subsection (f)(2)(ii) of this section, the reference to “findings of the examiners regarding the proposal to open, alter, or close a road” is substituted for the former reference to a report “with the reasons on which their opinions are founded” for clarity and consistency with other provisions of this subtitle.

In subsection (f)(2)(iv) of this section, the reference to the report including a “determination of the cost of any damages under § 12–515 of this subtitle” is substituted for the former reference to the examiners “mak[ing] such ascertainment a part of their return to the county commissioners,” for clarity.

In subsection (g)(1) of this section, the former reference to the examiners “attendance” is deleted as surplusage.

In subsection (g)(2) of this section, the former phrase “as heretofore directed” is deleted as surplusage.

In subsection (g)(2)(ii) of this section, the reference to expenses “paid” by the county is substituted for the former reference to expenses “levied, collected and paid” by the county for brevity.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the maximum compensation of \$2 for an examiner under subsection (g) of this section may be obsolete. The General Assembly may wish to amend or repeal that limit on the examiner’s compensation.

Defined term: “Governing body” § 1–101

12-515. DAMAGES.

(A) DETERMINATION OF COST.

TAKING INTO ACCOUNT THE ADVANTAGES AND DISADVANTAGES OF OPENING OR ALTERING A ROAD, AT LEAST TWO OF THE EXAMINERS SHALL DETERMINE THE COST OF DAMAGES THAT MAY BE SUSTAINED BY A PERSON THROUGH WHOSE PROPERTY AN OPENED OR ALTERED ROAD MAY PASS.

(B) RATIFICATION, REJECTION, OR ALTERATION BY COUNTY COMMISSIONERS.

THE GOVERNING BODY OF THE COUNTY MAY RATIFY, REJECT, OR ALTER THE DETERMINATION OF THE COST OF DAMAGES UNDER SUBSECTION (A) OF THIS SECTION.

(C) PAYMENT.

(1) THE GOVERNING BODY OF THE COUNTY SHALL DETERMINE WHETHER THE DAMAGES SHALL BE:

(I) PAID BY THE PETITIONER;

(II) PAID BY THE COUNTY; OR

(III) APPORTIONED BETWEEN THE PETITIONER AND THE COUNTY.

(2) BEFORE THE ROAD MAY BE OPENED, ANY DAMAGES OWED SHALL BE PAID TO THE RESPECTIVE PROPERTY OWNER, OR TO THE RESPECTIVE PROPERTY OWNER'S GUARDIAN, AGENT, OR ATTORNEY.

(3) IF A PROPERTY OWNER DIES AFTER THE EXAMINERS HAVE DETERMINED THE COST OF DAMAGES, THE DAMAGES SHALL BE PAID TO THE PROPERTY OWNER'S PERSONAL REPRESENTATIVE.

(D) LIABILITY.

(1) SUBJECT TO A DETERMINATION UNDER SUBSECTION (C)(1) OF THIS SECTION, SIGNING A PETITION FOR OPENING, ALTERING, OR CLOSING OF A ROAD DOES NOT MAKE THE PETITIONER LIABLE FOR THE PAYMENT OF ANY

PART OF THE DAMAGES DETERMINED BY THE GOVERNING BODY OF THE COUNTY.

(2) THE GOVERNING BODY MAY HOLD A PETITIONER LIABLE FOR THE COSTS INCURRED BY A PERSON DEFENDING AGAINST THE PETITION IF THE CASE IS DECIDED IN FAVOR OF THE PERSON DEFENDING AGAINST THE PETITION.

(3) IF THE GOVERNING BODY DOES NOT ORDER THE OPENING, ALTERING, OR CLOSING OF A ROAD AS REQUESTED IN A PETITION, THE PETITIONER SHALL BE LIABLE FOR ALL COSTS INCURRED BY ANY PERSON AS A RESULT OF ANY PROCEEDING RELATING TO THE PETITION UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 147 through 149 and, except as it related to the examiners submitting a valuation of damages to the county commissioners, § 146.

In subsection (a) of this section, the reference to “at least two of the examiners” is substituted for the former reference to “[t]he examiners, or a majority of them” for clarity and consistency with other similar provisions of this subtitle.

Also in subsection (a) of this section, the reference to “determin[ing] the cost of” damages is substituted for the former reference to “valu[ing] and ascertain[ing]” the damages for clarity.

In subsection (b) of this section, the former references to “the rest of their proceedings” and “in such manner as in their judgment shall be just” are deleted as surplusage.

In the introductory language of subsection (c)(1) of this section, the former reference to damages “adjudged by the examiners” is deleted as surplusage.

In subsection (c)(2) and (3) of this section, the references to the “property owner” are substituted for the former references to “parties” for clarity.

In subsection (c)(3) of this section, the former reference to damages “finally adjudged to him or them” is deleted as surplusage.

In subsection (d)(1) of this section, the phrase “[s]ubject to a determination under subsection (c)(1) of this section” is added for clarity.

In subsection (d)(2) of this section, the reference to the governing body “hold[ing] a petitioner liable” is substituted for the former reference to the governing body “giv[ing] judgment against the petitioners” for clarity and consistency with other similar provisions of this subtitle.

Also in subsection (d)(2) of this section, the reference to the case being decided in favor of “a person defending against the petition” is substituted for the former reference to the case being decided in favor of “such defendant” for clarity.

Also in subsection (d)(2) of this section, the former reference to the governing body acting “in their discretion” is deleted as surplusage.

In subsection (d)(3) of this section, the reference to the petitioner being “liable” for costs is substituted for the former references to the petitioners “at all times be[ing] held responsible for” and “pay[ing] to the several persons entitled to receive the same” for brevity.

Also in subsection (d)(3) of this section, the former reference to “expenses of every kind” is deleted as included in the reference to “costs”.

Defined terms: “Governing body” § 1–101
 “Person” § 1–101

12–516. ACTION BY GOVERNING BODY OF COUNTY.

AT THE FIRST MEETING OF THE GOVERNING BODY OF A COUNTY FOLLOWING THE MEETING AT WHICH THE EXAMINERS SUBMIT THEIR REPORT ON THE PROPOSED OPENING, ALTERING, OR CLOSING OF A ROAD, IF NO OBJECTION IS MADE ON THE REPORT, THE GOVERNING BODY MAY:

(1) AFFIRM, REJECT, OR AMEND A FINDING OR DETERMINATION OF THE EXAMINERS; OR

(2) CONTINUE THE PROCEEDING OVER TO THE NEXT MEETING OF THE GOVERNING BODY AND TO SUCCESSIVE MEETINGS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 150.

In the introductory language of this section, the references to the “report” on the proposed road are substituted for the former references to the “return” of the examiners for clarity and consistency with other similar provisions of this subtitle.

Also in the introductory language of this section, the reference to the meeting “following the meeting at which the examiners submit their report” is substituted for the former reference to the meeting “next succeeding the meeting at which said return shall be made” for clarity.

In item (1) of this section, the reference to a “finding or determination” of the examiners is added for clarity.

Also in item (1) of this section, the former reference to the governing body “proceed[ing] to pass judgment thereon” is deleted as unnecessary in light of the language authorizing the governing body to “affirm, reject, or amend” a finding or determination by the examiners.

In item (2) of this section, the reference to “successive meetings” is substituted for the former phrase “and so on from time to time” for clarity.

Also in item (2) of this section, the former reference to the governing body holding over meetings for “so long as they may think proper” is deleted as surplusage.

Defined term: “Governing body” § 1–101

12–517. DRAINS OUTSIDE LIMITS OF ROAD.

IF A COUNTY ROAD CANNOT BE CONVENIENTLY DRAINED BY DRAINS ALONG THE ROAD, TO MAKE DRAINS ON THE PROPERTY OUTSIDE THE ROAD, THE GOVERNING BODY OF A COUNTY MAY:

(1) CONTRACT FOR A RIGHT-OF-WAY ON THE PROPERTY AS AUTHORIZED UNDER § 12–513 OF THIS SUBTITLE; OR

(2) ACQUIRE THE NECESSARY PROPERTY THROUGH CONDEMNATION UNDER TITLE 12 OF THE REAL PROPERTY ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from the sixth and seventh clauses of former Art. 25, § 138.

In the introductory language of this section, the former reference to drains outside “the limits of” the road is deleted as surplusage.

In item (1) of this section, the reference to contracting for “a right-of-way” is substituted for the former reference to contracting for “the lands that may be required for that purpose” to conform to § 12–513 of this subtitle.

In item (2) of this section, the reference to “acquir[ing]” the necessary property “through condemnation” is substituted for the former reference to “proceed[ing] to condemn the lands” for consistency with other similar provisions of the Code.

Defined term: “Governing body” § 1–101

12–518. CONDEMNATION POWER OF ALLEGANY, GARRETT, AND WASHINGTON COUNTIES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO:

- (1) ALLEGANY COUNTY;**
- (2) GARRETT COUNTY; AND**
- (3) WASHINGTON COUNTY.**

(B) CONDEMNATION.

FOR THE PURPOSE OF BUILDING A NEW ROAD, IMPROVING OR WIDENING AN EXISTING ROAD, OR DRAINING A ROAD, THE COUNTY COMMISSIONERS MAY ACQUIRE THE NECESSARY PROPERTY THROUGH CONDEMNATION UNDER TITLE 12 OF THE REAL PROPERTY ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 139.

In subsection (b) of this section, the former reference to it “becom[ing] necessary to condemn any land or any interest in, under or over the same” is deleted as surplusage.

12–519. PROHIBITED LOCATIONS OF OPENED OR ALTERED ROADS.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO:

- (1) ALLEGANY COUNTY;**
- (2) BALTIMORE COUNTY;**

- (3) MONTGOMERY COUNTY;
- (4) WASHINGTON COUNTY; OR
- (5) WICOMICO COUNTY.

(B) PROHIBITION.

A ROAD MAY NOT BE OPENED OR ALTERED TO PASS THROUGH THE BUILDINGS, GARDENS, YARDS, OR BURIAL GROUNDS OF ANY PERSON WITHOUT THE WRITTEN CONSENT OF THE OWNER OF THE PROPERTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 144.

The former reference to a "public" road is deleted to conform with other similar provisions of this subtitle.

Defined term: "Person" § 1-101

12-520. WIDTH OF ROADS; ROADS OPENED TO PUBLIC.

(A) IN GENERAL.

(1) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A ROAD OPENED UNDER THIS SUBTITLE SHALL BE AT LEAST 30 FEET WIDE.

(2) A ROAD OPENED UNDER THIS SUBTITLE IS A PUBLIC ROAD.

(B) EXCEPTIONS FOR SOMERSET COUNTY.

IF THE COUNTY COMMISSIONERS OF SOMERSET COUNTY DETERMINE THAT THE DIFFICULTY OR COST OF BUILDING A ROAD TO THE WIDTH OF 30 FEET IS EXCESSIVE, THE COUNTY MAY BUILD PORTIONS OF ROADS THAT ARE LESS THAN 30 FEET WIDE IN:

- (1) THE SMITH'S ISLAND DISTRICT; AND**
- (2) THE FAIRMOUNT DISTRICT ON THE ROAD LEADING FROM THE MAIN COUNTY HIGHWAY TO THE VILLAGE OF RUMBLEY.**

(C) EXCEPTIONS FOR ANNE ARUNDEL COUNTY.

(1) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY MAY TAKE OVER AND MAINTAIN AS A PUBLIC ROAD ANY ALLEY OR ROAD IN THE COUNTY THAT IS AT LEAST 20 FEET WIDE IF THE ROAD OR ALLEY WAS OPEN OR DEDICATED FOR USE AS A ROAD OR ALLEY BEFORE JUNE 1, 1943.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE GOVERNING BODY MAY TAKE OVER AND MAINTAIN AS A PUBLIC ROAD ANY ALLEY IN THE COUNTY THAT IS AT LEAST 10 FEET WIDE AND IS IN A SUBDIVISION PLATTED BEFORE JULY 1, 1953.

(II) IF AN ALLEY DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT SATISFY THE STANDARDS AND REQUIREMENTS OF THE STATE HIGHWAY ADMINISTRATION FOR THE PURPOSE OF RECEIVING A SHARE OF HIGHWAY USER REVENUES, THE EXPENSE OF TAKING OVER AND MAINTAINING THE ALLEY SHALL BE PAID BY A SPECIAL TAX IMPOSED ON THE PROPERTY OWNERS IN THE AFFECTED SUBDIVISION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 145.

In subsection (a) of this section, the former reference to a road being "sufficiently cleared" is deleted as included in the reference to the road being "opened".

In the introductory language of subsection (b) of this section, the reference to the cost of building the road being "excessive" is substituted for the former reference to the cost being "unwarrantably great" to use more modern terminology.

In subsection (c)(2)(ii) of this section, the reference to a special tax "imposed" is substituted for the former reference to a special tax "established and levied" for consistency with other similar provisions of this article.

Defined term: "Governing body" § 1-101

12-521. IMPOSITION OF TAXES.

IF THE GOVERNING BODY OF A COUNTY DECIDES TO OPEN OR ALTER A ROAD, THE GOVERNING BODY SHALL:

(1) AT THE USUAL TIME FOR IMPOSING TAXES, IMPOSE A TAX ON THE ASSESSABLE PROPERTY OF THE COUNTY IN AN AMOUNT SUFFICIENT TO OPEN OR ALTER THE ROAD AND PAY ANY DAMAGES AWARDED AND OWED BY THE COUNTY; AND

(2) OPEN OR ALTER THE ROAD AS SOON AS IT CAN BE DONE CONVENIENTLY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 152.

In the introductory language of this section, the phrase “[i]f the governing body of a county decides to open or alter a road” is substituted for the former phrase “[i]n all cases where the county commissioners shall adjudge that a road be opened or altered” for brevity.

In item (1) of this section, the references to “impos[ing]” a tax is substituted for the former references to “levy[ing]” a tax for consistency with other similar provisions of this article.

Also in item (1) of this section, the reference to any damages “owed by the county” is substituted for the former reference to damages “adjudged ... [to] be paid by the county, or such proportion of the said sums as shall have been adjudged to be paid by the county” for brevity.

Defined term: “Governing body” § 1–101

12–522. ROADS PRESUMED CLOSED IN FREDERICK COUNTY.

IF ANY ROAD IN FREDERICK COUNTY HAS NOT BEEN MAINTAINED BY THE COUNTY COMMISSIONERS OF FREDERICK COUNTY FOR A PERIOD OF 20 YEARS BEFORE JULY 1, 1973, IT SHALL BE CONCLUSIVELY PRESUMED THAT THE ROAD WAS CLOSED IN ACCORDANCE WITH THIS SUBTITLE.

REVISOR'S NOTE: This section formerly was Art. 25, § 137A.

The only changes are in style.

12–523. AUTHORITY FOR ALLEGANY COUNTY.

THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY MAY OPEN OR CLOSE, OR BOTH, ANY ALLEYS OR STREETS IN THE COUNTY WHERE THE PURPOSE OF OPENING THE ALLEYS OR STREETS IS TO GIVE THE COUNTY

COMMISSIONERS JURISDICTION TO CLOSE THE ALLEYS OR STREETS AT SOME LATER TIME.

REVISOR'S NOTE: This section formerly was Art. 25, § 138A.

The only changes are in style.

12-524. RESERVED.

12-525. RESERVED.

PART III. SPECIFIC COUNTY PROVISIONS.

12-526. "ROAD" DEFINED.

IN THIS PART, "ROAD" INCLUDES A STREET, AN AVENUE, AN ALLEY, A LANE, OR ANY OTHER PUBLIC WAY.

REVISOR'S NOTE: This section is new language added to avoid the repetition of the phrase "road, street, alley, lane, or other public way".

12-527. SIZE AND WEIGHT OF VEHICLES IN SELECTED COUNTIES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO:

- (1) ALLEGANY COUNTY;**
- (2) BALTIMORE COUNTY;**
- (3) CALVERT COUNTY;**
- (4) CARROLL COUNTY;**
- (5) CECIL COUNTY;**
- (6) FREDERICK COUNTY;**
- (7) GARRETT COUNTY;**
- (8) HARFORD COUNTY;**

- (9) HOWARD COUNTY;**
- (10) MONTGOMERY COUNTY;**
- (11) PRINCE GEORGE'S COUNTY;**
- (12) ST. MARY'S COUNTY; AND**
- (13) WASHINGTON COUNTY.**

(B) REGULATIONS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE GOVERNING BODY OF A COUNTY MAY ADOPT AND ENFORCE RULES AND REGULATIONS RELATING TO THE MAXIMUM SIZE AND WEIGHT OF MOTOR VEHICLES THAT MAY BE OPERATED ON COUNTY ROADS.

(2) THE GOVERNING BODY OF A COUNTY MAY NOT SET THE MAXIMUM WEIGHT UNDER PARAGRAPH (1) OF THIS SUBSECTION AT A WEIGHT GREATER THAN THE MAXIMUM ALLOWED BY THE PUBLIC GENERAL LAWS OF THE STATE.

(3) RULES AND REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL:

(I) HAVE A REASONABLE RELATIONSHIP TO THE CONSTRUCTION, USE, AND CHARACTER OF THE ROAD; AND

(II) BE DESIGNED TO ASSURE THE CONTINUED SAFETY AND GOOD CONDITION OF THE ROAD.

(C) PENALTY.

A PERSON WHO VIOLATES A RULE OR REGULATION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 25(b).

In subsection (b)(1) of this section, the former reference to "trucks, tractors and trailers" is deleted as included in the reference to "motor vehicles".

Also in subsection (b)(1) of this section, the former reference to vehicles being “used” on county roads is deleted as included in the reference to vehicles being “operated” on county roads.

In subsection (b)(3) of this section, the former references to the “roads” are deleted in light of the reference to “road” and Art. 1, § 8, which states that “[t]he singular always includes the plural”.

Defined terms: “Governing body” § 1–101

“Person” § 1–101

“Road” § 12–526

“State” § 1–101

12–528. MAINTENANCE OF PRIVATE ROADS BY SELECTED COUNTIES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO:

- (1) SOMERSET COUNTY;**
- (2) WICOMICO COUNTY; AND**
- (3) WORCESTER COUNTY.**

(B) IN GENERAL.

(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE GOVERNING BODY OF A COUNTY MAY CONTRACT WITH THE OWNER OF A PRIVATE ROAD IN THE COUNTY FOR THE COUNTY TO TAKE OVER AND MAINTAIN THE PRIVATE ROAD IF THE OWNER PAYS AN ANNUAL MAINTENANCE CHARGE TO THE COUNTY TO COVER THE MAINTENANCE EXPENSES OF THE COUNTY FOR THE PRIVATE ROAD.

(2) THE GOVERNING BODY MAY PROVIDE THAT THE MAINTENANCE CHARGE IMPOSED UNDER THIS SECTION IS A LIEN ON THE PROPERTY AFFECTED AND SHALL BE COLLECTED IN THE SAME MANNER AS COUNTY REAL PROPERTY TAXES.

(C) WICOMICO COUNTY.

THE COUNTY COUNCIL OF WICOMICO COUNTY MAY NOT ENTER INTO A CONTRACT IN ACCORDANCE WITH THIS SECTION UNLESS THE CONTRACT

CONCERNS A PRIVATE ROAD ON WHICH THERE ARE AT LEAST THREE DWELLING HOUSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 155.

In subsections (b)(1) and (c) of this section, the former references to "lane[s]" are deleted as included in the references to "road[s]".

Also in subsections (b)(1) and (c) of this section, the former references to "agreement[s]" are deleted as included in the references to "contract[s]".

In subsection (b)(1) of this section, the reference to "maintenance expenses of the county for the private road" is substituted for the former reference to "expenses of the county for the work done" for clarity.

In subsection (c) of this section, the former reference to "bona fide" dwelling houses is deleted as surplusage.

Defined terms: "Governing body" § 1-101
"Road" § 12-526

12-529. ROAD CONSTRUCTION DISTRICTS IN CALVERT COUNTY.

(A) IN GENERAL.

(1) THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY ESTABLISH ROAD CONSTRUCTION DISTRICTS BY ORDINANCE.

(2) TWO-THIRDS OF THE PROPERTY OWNERS ALONG A ROAD ROUTE MAY REQUEST THE CREATION OF A ROAD CONSTRUCTION DISTRICT AND A ROAD PROJECT BY PRESENTING A WRITTEN PETITION TO THE COUNTY COMMISSIONERS.

(B) PUBLIC HEARINGS.

(1) BEFORE ESTABLISHING A ROAD CONSTRUCTION DISTRICT, THE COUNTY COMMISSIONERS OF CALVERT COUNTY SHALL:

(I) HOLD A PUBLIC HEARING ON THE PROPOSED DISTRICT;

(II) SEND NOTICE OF THE TIME AND PLACE OF THE HEARING TO EACH PROPERTY OWNER IN THE PROPOSED DISTRICT BY MAIL TO THE ADDRESS SHOWN ON THE ASSESSMENT RECORDS; AND

(III) PUBLISH NOTICE OF THE TIME AND PLACE OF THE HEARING IN TWO NEWSPAPERS OF GENERAL CIRCULATION IN THE COUNTY FOR 2 SUCCESSIVE WEEKS.

(2) AT THE HEARING, THE COUNTY COMMISSIONERS SHALL:

(I) DETERMINE THE SCOPE OF THE ROAD PROJECT; AND

(II) ADVISE THE PROPERTY OWNERS OF THE APPROXIMATE COST AND ESTIMATED INDIVIDUAL BENEFIT CHARGES.

(3) THE COUNTY COMMISSIONERS SHALL:

(I) DETERMINE THE FEASIBILITY OF TAKING THE ROAD INTO THE COUNTY ROADS SYSTEM AND UNDERTAKING THE ROAD PROJECT;

(II) DETERMINE WHETHER ON COMPLETION OF THE PROJECT THE ROAD CAN BE TAKEN INTO THE COUNTY ROADS SYSTEM IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION; AND

(III) DETERMINE WHETHER TO PROCEED WITH PLANS AND SPECIFICATIONS FOR THE PROJECT.

(4) (I) IF THE COUNTY COMMISSIONERS DECIDE TO PROCEED WITH THE PROJECT, THE COUNTY COMMISSIONERS SHALL SET A DATE FOR A FINAL HEARING.

(II) THE DATE FOR THE FINAL HEARING MAY BE CHANGED ONLY IF NOTICE IS GIVEN IN ACCORDANCE WITH THIS SUBSECTION.

(5) AT THE FINAL HEARING, IF THE COUNTY COMMISSIONERS ESTABLISH THE DISTRICT, THE COUNTY COMMISSIONERS SHALL:

(I) SET THE BOUNDARIES OF THE DISTRICT; AND

(II) PROVIDE FOR THE PROJECT SCOPE, COST ESTIMATE, AND ESTIMATED INDIVIDUAL BENEFIT CHARGES.

(c) COSTS.

(1) THE ESTIMATED BENEFIT CHARGES ON EACH LOT OR PARCEL OF LAND IN THE ROAD CONSTRUCTION DISTRICT SHALL BE BASED ON THE BENEFITS ACCRUING TO THE LOT OR PARCEL OF LAND.

(2) THE COUNTY COMMISSIONERS OF CALVERT COUNTY SHALL DETERMINE:

(I) WHEN THE PROPERTY OWNERS SHALL PAY BACK THE COSTS TO THE COUNTY;

(II) WHETHER INTEREST WILL BE CHARGED; AND

(III) THE RATE OF INTEREST CHARGED, IF ANY.

(D) BIDS.

IF THE COUNTY COMMISSIONERS OF CALVERT COUNTY DETERMINE TO PROCEED WITH THE ROAD PROJECT, THEY SHALL ADVERTISE FOR BIDS AND AWARD THE CONTRACT TO THE LOWEST RESPONSIBLE BIDDER.

(E) BENEFIT CHARGE.

(1) ON COMPLETION OF A ROAD PROJECT, THE COUNTY COMMISSIONERS OF CALVERT COUNTY SHALL IMPOSE A BENEFIT CHARGE ON ALL REAL PROPERTY IN THE DISTRICT.

(2) THE BENEFIT CHARGE SHALL BE SUFFICIENT TO MEET THE COSTS OF THE PROJECT, INCLUDING:

(I) INTEREST PAID IF A DEBT IS CREATED BY THE COUNTY COMMISSIONERS; AND

(II) ADMINISTRATIVE COSTS, INCLUDING NOTICES TO PROPERTY OWNERS AND ADVERTISEMENTS.

(3) THE BENEFIT CHARGE IS A LIEN ON THE REAL PROPERTY AGAINST WHICH IT IS ASSESSED AND SHALL BE PAID ANNUALLY IN THE SAME MANNER AS COUNTY REAL PROPERTY TAXES AND FOR THE PERIOD OF TIME ESTABLISHED BY THE COUNTY COMMISSIONERS.

(F) PURCHASE OF LAND.

(1) THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY PURCHASE LAND FOR USE IN CONNECTION WITH THE ROAD CONSTRUCTION DISTRICT.

(2) THE MINIMUM RIGHT-OF-WAY THAT MAY BE PURCHASED IN ACCORDANCE WITH THIS SECTION IS 30 FEET.

(G) ROAD TO BE PART OF COUNTY ROAD SYSTEM.

WHEN COMPLETED TO COUNTY SPECIFICATIONS, THE COUNTY COMMISSIONERS OF CALVERT COUNTY SHALL PLACE THE ROAD IN THE COUNTY ROADS SYSTEM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 155A.

In subsections (a)(2) and (b)(3)(i) of this section, the former references to a road "construction or repair" project are deleted for brevity.

In subsections (b) and (c) of this section, the references to "benefit charges" are substituted for the former references to "levies" for consistency with subsection (e) of this section.

In subsection (b)(1) of this section, the clause "[b]efore establishing a road construction district" is added to clarify when a public hearing should be held.

In subsection (b)(1)(i) of this section, the reference to a hearing "on the proposed district" is added for clarity.

In subsection (b)(4)(i) of this section, the phrase "[i]f the county commissioners decide to proceed with the project," is added for clarity.

In the introductory language of subsection (b)(5) of this section, the phrase "if the county commissioners establish the district" is added for clarity.

In subsection (b)(5)(i) of this section, the reference to "set[ting] the boundaries of the district" is substituted for the former reference to "establish[ing] the district and designat[ing] the area included within the district" for brevity and clarity.

In subsection (c)(1) of this section, the former reference to benefits to the lot or parcel of land "to the extent it is benefitted by the said road construction" is deleted as surplusage.

In subsection (d) of this section, the reference to the county proceeding “with the road project” is added for clarity.

Also in subsection (d) of this section, the former reference to advertising bids “in the proper manner” is deleted as surplusage.

In subsection (e)(1) of this section, the reference to “impos[ing]” a benefit charge is substituted for the former reference to “fix[ing] and levy[ing]” a benefit charge for consistency with other similar provisions of this article.

In subsection (e)(3) of this section, the reference to county “real property” taxes is added for clarity.

Also in subsection (e)(3) of this section, the former reference to a period of time “previously” established is deleted as surplusage.

Also in subsection (e)(3) of this section, the former reference to the benefit charge being paid “by all the owners of lots or parcels of land in the district” is deleted as surplusage.

In subsection (f)(1) of this section, the reference to the authority of the county commissioners to “purchase land” is substituted for the former reference to the authority of the county commissioners to “agree and contract with owners for the purchase of land” for brevity.

Defined term: “Road” § 12–526

12–530. REGULATION OF GRADING, BUILDING, IMPROVING, MAINTAINING, AND REPAIRING OF ROADS IN CALVERT COUNTY.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO A PRIVATELY OWNED ROAD IN CALVERT COUNTY THAT WAS CONSTRUCTED ON OR BEFORE SEPTEMBER 30, 2011.

(B) IN GENERAL.

BY ORDINANCE, THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY:

(1) REGULATE THE GRADING, CONSTRUCTING, IMPROVING, MAINTAINING, AND REPAIRING OF COUNTY ROADS AND NEW ROADS INTENDED FOR FUTURE PUBLIC USE, INCLUDING ROADS PROPOSED FOR ANY SUBDIVISION

APPROVED BY THE CALVERT COUNTY PLANNING COMMISSION, WHETHER RECORDED OR PROPOSED, INCLUDING SIDEWALKS, CURBS, GUTTERS, DRIVEWAY ENTRANCES, STORM DRAINAGE FACILITIES, AND APPURTENANCES TO BE LOCATED IN THE SUBDIVISION;

(2) ESTABLISH STANDARDS FOR UTILITY CUTS IN AND ACROSS COUNTY RIGHTS-OF-WAY;

(3) REGULATE ACCESS TO COUNTY-OWNED ROADS;

(4) ESTABLISH MINIMUM STANDARDS TO WHICH A NEW ROAD IN A SUBDIVISION IN CALVERT COUNTY MUST BE CONSTRUCTED BEFORE THE ISSUANCE OF A BUILDING PERMIT FOR A LOT SERVED BY THE ROAD;

(5) REGULATE THE ENGINEERING AND CONSTRUCTING OF ANY NEW PUBLIC ROAD, BRIDGE, SIDEWALK, CURB, GUTTER, AND STORM DRAINAGE FACILITY PROPOSED FOR ACCEPTANCE INTO THE COUNTY ROADS SYSTEM;

(6) REGULATE THE ACCEPTANCE OF ANY NEW PUBLIC ROAD, BRIDGE, SIDEWALK, CURB, GUTTER, AND STORM DRAINAGE FACILITY INTO THE COUNTY ROADS SYSTEM;

(7) ESTABLISH FEES TO DEFRAY THE COST OF REVIEWING PLANS AND PERFORMING INSPECTIONS FOR THE CONSTRUCTION OF ROADS AND FOR UTILITY CUTS IN ACCORDANCE WITH AN ORDINANCE ENACTED UNDER THIS SECTION; AND

(8) PROVIDE FOR A CIVIL PENALTY FOR VIOLATION OF AN ORDINANCE ENACTED UNDER THIS SECTION.

(C) ENFORCEMENT.

A VIOLATION OF AN ORDINANCE ENACTED UNDER THIS SECTION SHALL BE ENFORCED IN THE SAME MANNER AND TO THE SAME EXTENT AS PROVIDED FOR MUNICIPAL INFRACTIONS UNDER §§ 6-108 THROUGH 6-115 OF THIS ARTICLE.

(D) OTHER REMEDIES.

IN ADDITION TO ANY REMEDIES PROVIDED FOR UNDER AN ORDINANCE ENACTED UNDER THIS SECTION, THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY SEEK OTHER REMEDIES PROVIDED BY LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 11.

Defined term: "Road" § 12-526

12-531. REGULATION OF ROADS IN CARROLL COUNTY.

(A) IN GENERAL.

THE COUNTY COMMISSIONERS OF CARROLL COUNTY MAY REGULATE ANY COUNTY ROAD THAT IS NOT IN A MUNICIPALITY AND THAT HAS NOT BEEN DESIGNATED OR MAINTAINED AS A PART OF THE STATE OR FEDERAL HIGHWAY SYSTEM RELATING TO:

- (1) VEHICLE WEIGHT;**
- (2) VEHICLE PARKING;**
- (3) VEHICLE ABANDONMENT;**
- (4) BUILDING OR MAINTENANCE BY A PRIVATE OR PUBLIC UTILITY NECESSARY FOR THE PERFORMANCE OF THE UTILITY'S PURPOSE;**
- (5) CONSTRUCTION AND MAINTENANCE OF DRIVEWAY CONNECTIONS WHERE CONNECTIONS ARE PROVIDED; AND**
- (6) VEHICLE SPEED, BUT ONLY IF THE SPEED REGULATION HAS BEEN RECOMMENDED BY THE DEPARTMENT OF STATE POLICE.**

(B) TRAFFIC CONTROL DEVICES.

TO INDICATE AND CARRY OUT RULES AND REGULATIONS ADOPTED UNDER SUBSECTION (A)(1), (2), AND (6) OF THIS SECTION, THE COUNTY COMMISSIONERS OF CARROLL COUNTY SHALL PROVIDE APPROPRIATE TRAFFIC CONTROL DEVICES THAT CONFORM TO STATE SPECIFICATIONS.

(C) RULES AND REGULATIONS FOR ENGINEERING, CONSTRUCTION, AND ACCEPTANCE.

FOR A NEW ROAD OR DRAINAGE SYSTEM, THE COUNTY COMMISSIONERS OF CARROLL COUNTY MAY ADOPT RULES AND REGULATIONS RELATING TO:

- (1) ENGINEERING;**

(2) CONSTRUCTION; AND

(3) ACCEPTANCE OF THE ROAD OR DRAINAGE SYSTEM INTO THE COUNTY ROADS SYSTEM FOR MAINTENANCE BY THE COUNTY.

(D) PENALTY.

(1) BY LOCAL LAW, THE COUNTY COMMISSIONERS OF CARROLL COUNTY MAY ESTABLISH THAT A PERSON WHO VIOLATES A RULE OR REGULATION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25, EXCLUSIVE OF COSTS.

(2) A PENALTY PROVISION OF ANOTHER PUBLIC GENERAL LAW PREVAILS OVER A FINE AUTHORIZED UNDER THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 10B, as it related to the power of Carroll County to regulate roads and drainage systems in Carroll County.

In the introductory language of subsection (a) of this section, the reference to any "county road" is substituted for the former reference to any "public road ... within Carroll County" for consistency with similar terminology within this subtitle.

Also in the introductory language of subsection (a) of this section, the reference to a "municipality" is substituted for the former reference to "the corporate limits of any incorporated city or town" for consistency with other similar provisions of this article.

Also in the introductory language of subsection (a) of this section, the former phrase "[n]otwithstanding any other provisions of this article" is deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former reference to "any extension" of the State or federal highway system is deleted as surplusage.

In subsection (a)(6) of this section, the former reference to a speed regulation "not be[ing] legal" without first being recommended by the Department of State Police is deleted as implicit in the requirement that the Department recommend any speed regulation.

Also in subsection (a)(6) of this section, the former reference to “any road defined herein as being under the jurisdiction of the County Commissioners of Carroll County” is deleted as included in the reference to “county road” in the introductory language of subsection (a) of this section.

In subsection (b) of this section, the former requirement that traffic control devices be “deemed necessary” is deleted as implicit in the requirement that the devices be “appropriate”.

Also in subsection (b) of this section, the former requirement that traffic control devices conform to the State “manual” is deleted as included in the requirement that the devices conform to State specifications.

In subsection (c) of this section, the former reference to the county commissioners “amend[ing], revis[ing], or rescind[ing]” rules and regulations is deleted as included in the reference to “adopt[ing]” rules and regulations.

In subsection (d)(1) of this section, the reference to a penalty being established “[b]y local law” is added to clarify that which must be done as a legislative act.

Also in subsection (d)(1) of this section, the former reference to any “firm, or corporation” is deleted in light of the definition of “person” in § 1–101 of this article, which includes firms and corporations.

In subsection (d)(2) of this section, the statement that a “penalty provision of another public general law prevails over a fine authorized under this subsection” is substituted for the former statement that “[i]n the event the fine so prescribed is in conflict with any other penalty provision of the public general laws of Maryland such other provision shall prevail” for brevity.

Defined terms: “Municipality” § 1–101

“Person” § 1–101

“Road” § 12–526

“State” § 1–101

12–532. BUILDING AND REPAIRING ROADS IN CECIL COUNTY.

(A) COMPETITIVE BIDS.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, CECIL COUNTY SHALL OBTAIN THE FOLLOWING BY COMPETITIVELY BID CONTRACT AWARDED TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER:

(1) THE BUILDING OR REPAIR OF A ROAD; AND

(2) THE PURCHASE OR LEASE OF ROAD OR CONSTRUCTION EQUIPMENT OR MACHINERY.

(B) ADVERTISEMENT.

(1) THE GOVERNING BODY OF CECIL COUNTY SHALL ADVERTISE FOR BIDS ON A CONTRACT UNDER SUBSECTION (A) OF THIS SECTION IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(2) THE ADVERTISEMENT SHALL:

(I) APPEAR AT LEAST ONCE;

(II) APPEAR AT LEAST 1 WEEK, BUT NOT MORE THAN 30 DAYS, BEFORE THE FINAL DATE FOR SUBMITTING BIDS;

(III) IF THE CONTRACT RELATES TO BUILDING OR REPAIRING A ROAD, SET FORTH THE PLACE WHERE THE ROAD IS TO BE BUILT OR REPAIRED;

(IV) INCLUDE A DESCRIPTION OF THE GOODS OR SERVICES REQUIRED UNDER THE CONTRACT;

(V) STATE THAT SEALED BIDS FOR GOODS OR SERVICES WILL BE RECEIVED UNTIL THE DATE DESIGNATED IN THE ADVERTISEMENT; AND

(VI) DESIGNATE A DATE FOR THE OPENING OF THE BIDS.

(C) EXCEPTIONS.

(1) SUBSECTIONS (A) AND (B) OF THIS SECTION DO NOT APPLY TO AN EXPENDITURE THAT:

(I) IS \$10,000 OR LESS; OR

(II) THE GOVERNING BODY OF CECIL COUNTY BY A RECORDED MAJORITY VOTE TAKEN AT A PUBLIC MEETING DECLARES TO BE AN EMERGENCY EXPENDITURE.

(2) FOR AN EXPENDITURE UNDER THIS SUBSECTION, THE GOVERNING BODY MAY DETERMINE:

(I) THE MANNER OF PROVIDING FOR THE EXPENDITURE;
AND

(II) IF THE BUILDING OR REPAIR IS BY CONTRACT, THE MANNER IN WHICH THE CONTRACT IS AWARDED.

(D) LIMITATIONS.

(1) A CONTRACT ENTERED INTO IN VIOLATION OF SUBSECTION (A) OR (B) OF THIS SECTION IS VOID, UNLESS:

(I) A COURT DETERMINES IN A JUDICIAL ACTION THAT ALL PARTIES ACTED IN GOOD FAITH; AND

(II) THE PARTIES HAVE SUBSTANTIALLY COMPLIED WITH THE PROVISIONS OF SUBSECTIONS (A) AND (B) OF THIS SECTION.

(2) IF A CONTRACT IS VOID UNDER THIS SUBSECTION, THE GOVERNING BODY OF CECIL COUNTY SHALL COMPENSATE THE CONTRACTOR FOR COSTS ACTUALLY INCURRED IF THE CONTRACTOR:

(I) ACTED IN GOOD FAITH;
(II) DID NOT DIRECTLY CONTRIBUTE TO THE VIOLATION;
AND

(III) DID NOT KNOW OF THE VIOLATION.

(E) PENALTY.

A PERSON WHO WILLFULLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 37A, as it related to the building and repair of roads in Cecil County.

In subsection (b)(1) of this section, the reference to a newspaper "in general circulation" in the county is substituted for the former reference to a newspaper "published" in the county to conform to other similar provisions of this article.

Also in subsection (b)(1) of this section, the former reference to "[s]uch public notice as they deem most advisable, if no newspaper is published in Cecil County" is deleted as unnecessary in light of the reference to advertising in a newspaper "in general circulation" in the county.

Also in subsection (b)(1) of this section, the former phrase "[e]xcept as provided in subsection (b) of this section" is deleted as unnecessary because of the limitation under subsection (a) of this section.

In the introductory language of subsection (b)(2) of this section, the reference to the "advertisement" is substituted for the former reference to "public notice" for consistency within this section.

In subsection (b)(2)(iv) of this section, the reference to goods or services "required under the contract" is substituted for the former reference to goods or services "being bid on" for clarity.

In subsection (b)(2)(v) of this section, the reference to sealed "bids" is substituted for the former reference to sealed "proposals" for consistency with subsection (b)(1) of this section.

In subsection (c)(1)(ii) of this section, the former reference to a public meeting "of the County Commissioners" is deleted as implicit.

In the introductory language of subsection (c)(2) of this section, the phrase "[f]or an expenditure under this subsection" is substituted for the former phrase "[i]n any case where the expenditure is \$10,000 or less in amount, or which has been declared to be an emergency expenditure" for brevity.

In subsection (c)(2)(i) of this section, the former reference to the county commissioners having discretion "including whether the work shall be done by contract or otherwise" is deleted as included in the reference to the discretion to determine "the manner of providing for the expenditure".

In subsection (c)(2)(ii) of this section, the reference to the manner “in which the contract is awarded” is substituted for the former reference to the manner of “letting the contract” for clarity.

In subsection (d) of this section, the former reference to the prohibition on the county commissioners entering into any contract “except in accordance with the provisions of this section” is deleted as implicit in the requirement that a “contract entered into in violation of subsection (a) or (b) of this section is void”.

In subsection (d)(1)(i) of this section, the reference to “a court determin[ing] in a judicial action” is substituted for the former reference to a “determin[ation] in a subsequent judicial review” for clarity.

In the introductory language of subsection (d)(2) of this section, the reference to “the governing body of Cecil County” is added to clarify the party that is responsible for compensating a contractor under the circumstances specified.

Defined terms: “Governing body” § 1–101

“Person” § 1–101

“Road” § 12–526

12–533. BUILDING AND MAINTENANCE OF COUNTY ROADS IN CHARLES COUNTY.

TO THE EXTENT NOT PROVIDED FOR IN TITLE 8 OF THE TRANSPORTATION ARTICLE, THE POWERS OF THE COUNTY COMMISSIONERS OF CHARLES COUNTY RELATING TO THE BUILDING AND MAINTENANCE OF COUNTY ROADS ARE GOVERNED BY §§ 104–1 THROUGH 104–8 OF THE PUBLIC LOCAL LAWS OF CHARLES COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 3(o)(2), as it related to the powers of the County Commissioners of Charles County relative to the building and maintenance of county public roads.

The reference to the “building” of county roads is substituted for the former references to the “construction” and “reconstruction” to conform to other similar provisions of this subtitle.

The former reference to the public local laws “as amended from time to time” is deleted as surplusage.

Defined term: “Road” § 12–526

12-534. VEHICLE WEIGHT ON COUNTY ROADS IN CHARLES COUNTY.

(A) IN GENERAL.

(1) THE COUNTY COMMISSIONERS OF CHARLES COUNTY SHALL DESIGNATE COUNTY ROADS THAT ARE NOT ACCESSIBLE FOR THROUGH TRAFFIC BY MOTOR VEHICLES THAT ARE OVER 26,000 POUNDS.

(2) THE DESIGNATION OF COUNTY ROADS SHALL:

(I) HAVE A REASONABLE RELATIONSHIP TO THE CONSTRUCTION, USE, AND CHARACTER OF THE ROADS; AND

(II) BE DESIGNED TO ASSURE THE CONTINUED SAFETY AND GOOD CONDITION OF THE ROADS.

(B) TRAFFIC CONTROL DEVICES.

THE COUNTY COMMISSIONERS OF CHARLES COUNTY SHALL PROVIDE FOR THE INSTALLATION OF TRAFFIC CONTROL DEVICES THAT GIVE NOTICE OF THE RESTRICTED ACCESS TO THE DESIGNATED ROADS ON OR AT THE ENTRANCES TO THE ROADS.

(C) PENALTY.

A PERSON WHO VIOLATES AN ORDINANCE OR REGULATION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 25(c).

In subsections (a) and (b) of this section, the former references to "portions of [county] roads" are deleted as included in the references to "county roads".

In subsection (a)(1) of this section, the former reference to county roads "under its jurisdiction" is deleted as implicit.

Also in subsection (a)(1) of this section, the reference to "motor vehicles" is substituted for the former reference to "trucks, tractors, or trailers" for brevity.

In subsection (c) of this section, the former reference to a person who violates “this subsection” is deleted as unnecessary because there are no actual offenses created by this subsection.

Defined terms: “Person” § 1–101
 “Road” § 12–526

12–535. EMERGENCY SNOW ROUTES IN GARRETT COUNTY.

IN ACCORDANCE WITH § 21–1119 OF THE TRANSPORTATION ARTICLE, THE COUNTY COMMISSIONERS OF GARRETT COUNTY MAY:

- (1) DESIGNATE A COUNTY ROAD TO BE AN “EMERGENCY SNOW ROUTE”;**
- (2) REGULATE TRAVEL ON AN EMERGENCY SNOW ROUTE;**
- (3) PROVIDE FOR A METHOD OF DECLARING A SNOW EMERGENCY;**
- (4) PROHIBIT THE PARKING OR ABANDONING OF A VEHICLE ON AN EMERGENCY SNOW ROUTE DURING A SNOW EMERGENCY; AND**
- (5) AUTHORIZE THE REMOVAL OF A VEHICLE PARKED OR ABANDONED ON AN EMERGENCY SNOW ROUTE DURING A SNOW EMERGENCY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 3(qq).

The former reference to a county road “within the county” is deleted as surplusage.

Defined term: “Road” § 12–526

12–536. ADVERTISING SIGNS IN GARRETT COUNTY.

(A) IN GENERAL.

THE COUNTY COMMISSIONERS OF GARRETT COUNTY MAY ENACT AN ORDINANCE TO REGULATE THE HEIGHT, SIZE, LOCATION, AND SETBACK OF AN ADVERTISING SIGN ADJACENT TO A STATE OR COUNTY ROAD IN GARRETT COUNTY.

(B) LIMITATION.

AN ORDINANCE ENACTED UNDER THIS SECTION MAY NOT BE LESS STRINGENT THAN ANY APPLICABLE STATE OR FEDERAL LAW.

REVISOR'S NOTE: This section formerly was Art. 25, § 154A.

The only changes are in style.

Defined terms: "Road" § 12-526

"State" § 1-101

12-537. OUTDOOR ADVERTISING IN HARFORD COUNTY.

(A) "VISIBLE FROM THE TRAVELED WAY" DEFINED.

IN THIS SECTION, "VISIBLE FROM THE TRAVELED WAY" MEANS CAPABLE OF BEING SEEN, WHETHER OR NOT LEGIBLE, WITHOUT VISUAL AID BY AN INDIVIDUAL WITH NORMAL VISUAL ACUITY.

(B) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO:

(1) OUTDOOR ADVERTISING SIGNS PROMOTING A BUSINESS OR OTHER ACTIVITY CONDUCTED ON THE SAME PROPERTY AS THE SIGN;

(2) OUTDOOR ADVERTISING SIGNS LOCATED UNDER THE AUTHORITY OF ZONING PERMITS IN COMMERCIAL OR INDUSTRIAL ZONES;

(3) OUTDOOR ADVERTISING SIGNS AUTHORIZED IN DISTRICTS ZONED COMMERCIAL AND INDUSTRIAL BY A MUNICIPALITY WITHIN THE BOUNDARIES OF THE MUNICIPALITY;

(4) TEMPORARY REAL ESTATE SIGNS;

(5) OFFICIAL DIRECTIONAL SIGNS INSTALLED BY THE STATE HIGHWAY ADMINISTRATION OR HARFORD COUNTY;

(6) SIGNS DENOTING PLACES OF RELIGIOUS WORSHIP OR A HISTORIC MONUMENT, PROVIDED THAT THE SIGNS ARE LOCATED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE HIGHWAY ADMINISTRATION; AND

(7) OUTDOOR ADVERTISING SIGNS ERECTED BEFORE JUNE 1, 1972.

(C) IN GENERAL.

IN HARFORD COUNTY, A PERSON MAY NOT LEASE, RENT, USE, OR PERMIT THE USE OF PROPERTY FOR THE PURPOSE OF ERECTING AN OUTDOOR ADVERTISING SIGN ADJACENT TO A STATE OR COUNTY HIGHWAY IF THE SIGN IS VISIBLE FROM THE TRAVELED WAY OF THE HIGHWAY.

(D) CONSTRUCTION OF SECTION.

THIS SECTION MAY NOT BE CONSTRUED TO PERMIT THE ERECTION OF AN OUTDOOR ADVERTISING SIGN IN HARFORD COUNTY THAT IS OTHERWISE PROHIBITED BY STATE OR LOCAL LAW OR BY LOCAL ZONING ORDINANCE.

(E) ACQUISITION OF EXISTING SIGNS.

(1) THE STATE HIGHWAY ADMINISTRATION OR HARFORD COUNTY MAY ACQUIRE BY PURCHASE, GIFT, OR CONDEMNATION OUTDOOR ADVERTISING SIGNS THAT ARE VISIBLE FROM THE TRAVELED WAY OF STATE OR COUNTY HIGHWAYS IF THE OUTDOOR ADVERTISING SIGNS WERE ERECTED BEFORE JUNE 1, 1972.

(2) (I) THE STATE HIGHWAY ADMINISTRATION OR HARFORD COUNTY SHALL PAY JUST COMPENSATION FOR THE REMOVAL OF AN OUTDOOR ADVERTISING SIGN UNDER THIS SECTION.

(II) COMPENSATION MAY NOT BE PAID FOR ANY OUTDOOR ADVERTISING SIGNS ERECTED AFTER JUNE 1, 1972.

(III) COMPENSATION MAY BE PAID ONLY FOR THE FOLLOWING:

1. TAKING FROM THE OWNER OF THE SIGN ALL RIGHT, TITLE, LEASEHOLD, AND INTEREST IN THE SIGN; AND

2. TAKING FROM THE OWNER OF THE PROPERTY ON WHICH THE SIGN IS LOCATED THE RIGHT TO ERECT AND MAINTAIN THE SIGN ON THE PROPERTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 122D.

In subsection (b) of this section, the former reference to an outdoor advertising sign “known as ‘on-premise signs’” is deleted as surplusage.

In subsection (b)(6) of this section, the former reference to a historic monument “on location” is deleted as surplusage.

In subsection (c) of this section, the former reference to a “firm, or corporation” is deleted in light of the definition of “person” in § 1–101 of this article, which includes firms and corporations.

Also in subsection (c) of this section, the former reference to signs “of any kind” is deleted as surplusage.

In subsection (e) of this section, the references to “sign” are substituted for the former references to “sign, display, or device” for brevity.

Defined terms: “Municipality” § 1–101

“Person” § 1–101

“State” § 1–101

12–538. REGULATION OF ROADS AND OTHER PUBLIC WAYS AND FACILITIES IN ST. MARY’S COUNTY.

(A) IN GENERAL.

THE COUNTY COMMISSIONERS OF ST. MARY’S COUNTY MAY REGULATE FOR ANY PUBLIC ROAD, SIDEWALK, CURB, GUTTER, OR STORM DRAINAGE FACILITY IN THE COUNTY THAT IS NOT IN A MUNICIPALITY AND THAT HAS NOT BEEN DESIGNATED OR MAINTAINED AS A PART OF THE STATE OR FEDERAL HIGHWAY SYSTEM RELATING TO:

- (1) VEHICLE WEIGHT;**
- (2) VEHICLE PARKING;**
- (3) VEHICLE ABANDONMENT;**
- (4) BUILDING OR MAINTENANCE BY A PRIVATE OR PUBLIC UTILITY NECESSARY FOR THE PERFORMANCE OF THE UTILITY’S PURPOSE;**
- (5) BUILDING OR MAINTENANCE OF DRIVEWAY CONNECTIONS WHERE CONNECTIONS ARE PROVIDED; AND**

(6) VEHICLE SPEED.

(B) GRADING, BUILDING, IMPROVING, MAINTAINING, AND REPAIRING.

(1) THIS SUBSECTION APPLIES TO ROADS PROPOSED FOR SUBDIVISIONS, INCLUDING SIDEWALKS, CURBS AND GUTTERS, DRIVEWAY ENTRANCES, AND STORM DRAINAGE FACILITIES AND APPURTENANCES TO BE LOCATED IN THE SUBDIVISION.

(2) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY SHALL ENACT, BY ORDINANCE, RULES AND REGULATIONS THAT GOVERN THE GRADING, BUILDING, IMPROVING, MAINTAINING, AND REPAIRING OF ROADS, USED OR INTENDED FOR USE BY THE PUBLIC.

(C) TRAFFIC CONTROL DEVICES.

IF REQUIRED BY AN ORDINANCE ENACTED UNDER SUBSECTION (A) OF THIS SECTION, THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY SHALL PROVIDE APPROPRIATE TRAFFIC CONTROL DEVICES.

(D) REGULATION OF ENGINEERING, CONSTRUCTION, AND ACCEPTANCE.

FOR A NEW ROAD, SIDEWALK, CURB, GUTTER, OR STORM DRAINAGE FACILITY, THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY REGULATE RELATING TO:

(1) ENGINEERING;

(2) CONSTRUCTION; AND

(3) ACCEPTANCE OF THE ROAD, SIDEWALK, CURB, GUTTER, OR STORM DRAINAGE FACILITY INTO THE COUNTY ROADS SYSTEM.

(E) CRIMINAL PENALTIES.

(1) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A PERSON WHO VIOLATES AN ORDINANCE, A RULE, OR A REGULATION ENACTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(2) EVERY DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

(F) CIVIL PENALTIES.

(1) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY IMPOSE A CIVIL PENALTY FOR A VIOLATION OF AN ORDINANCE, A RULE, OR A REGULATION ENACTED UNDER THIS SECTION.

(2) ENFORCEMENT OF AN ORDINANCE, A RULE, OR A REGULATION ENACTED UNDER THIS SECTION SHALL BE IN THE SAME MANNER AND TO THE SAME EXTENT AS PROVIDED FOR MUNICIPAL INFRACTIONS UNDER TITLE 6 OF THIS ARTICLE.

(3) IN ADDITION TO OTHER REMEDIES PROVIDED BY LAW, THE COUNTY MAY BRING AN ACTION FOR AN INJUNCTION AGAINST A PERSON WHO VIOLATES AN ORDINANCE, A RULE, OR A REGULATION ENACTED UNDER THIS SECTION TO REQUIRE CORRECTION OR ELIMINATION OF A VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 10–I(b), (c), (e), (f), and (g) and, as they related to the power of St. Mary's County to regulate roads, sidewalks, curbs, gutters, and storm drainage facilities in St. Mary's County, (a) and (d).

In the introductory language of subsection (a) of this section, the reference to a "municipality" is substituted for the former reference to "the corporate limits of any incorporated city or town" for consistency with other similar provisions of this article.

Also in the introductory language of subsection (a) of this section, the former reference to "any extension" of the State or federal highway system is deleted as surplusage.

In subsection (b) of this section, the former reference to subdivisions "now recorded or hereafter proposed," is deleted as surplusage.

In subsection (e)(1) of this section, the reference to a violation of "an ordinance, a rule, or a regulation enacted under this section" is substituted for the former reference to a violation of "this subtitle" to correct the former overly broad reference to the subtitle and for consistency with subsection (f) of this section.

Also in subsection (e)(1) of this section, the former reference to a penalty of both fine and imprisonment "for each and every violation" and "in the

discretion of the judge” are deleted to conform to standard language for a penalty provision.

In subsection (f)(2) of this section, the reference to “[e]nforcement of an ordinance, a rule, or a regulation enacted under this section shall be in the same manner” as municipal infractions is substituted for the former reference to “[i]n a proceeding before the District Court, the violation shall be enforced in the same manner” as municipal infractions for clarity.

Defined terms: “Municipality” § 1–101

“Person” § 1–101

“Road” § 12–526

12–539. PRIVATE ROADS IN TALBOT COUNTY.

THE COUNTY COUNCIL OF TALBOT COUNTY MAY MAINTAIN, REPAIR, AND RECONSTRUCT ANY PRIVATE DIRT OR GRAVEL ROAD THAT WAS BEING MAINTAINED WHEN THE COUNTY ROADS ORDINANCE WAS ADOPTED IN NOVEMBER 1975.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 3(o)(4).

The reference to “maintain[ing]” roads is substituted for the former reference to “grad[ing]”, “regrad[ing]”, and “fill[ing]” roads for consistency with other similar provisions of this article.

Defined term: “Road” § 12–526

SUBTITLE 6. BRIDGES AND CANALS.

PART I. IN GENERAL.

12–601. POWERS OF COUNTIES OVER BRIDGES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES, EXCEPT BALTIMORE CITY.

(B) IN GENERAL.

THE GOVERNING BODY OF A COUNTY HAS CONTROL OVER COUNTY BRIDGES.

(C) APPOINTMENT OF CIVIL ENGINEERS.

THE GOVERNING BODY OF A COUNTY MAY APPOINT CIVIL ENGINEERS TO OVERSEE THE CONSTRUCTION AND REPAIR OF COUNTY BRIDGES.

(D) CIVIL ENGINEERS.

A CIVIL ENGINEER APPOINTED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION SHALL:

(1) HOLD OFFICE FOR A TERM, WITH A SALARY, UNDER A BOND, AND SUBJECT TO REGULATIONS OF THE GOVERNING BODY OF THE COUNTY CALCULATED TO SECURE COMPETENT OFFICERS AND A FAITHFUL DISCHARGE OF DUTY; AND

(2) DIRECT AND MANAGE THE CONSTRUCTION AND REPAIR OF COUNTY BRIDGES.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in Art. 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsections (b) through (d) of this section are new language derived without substantive change from the fourth and fifth sentences of former Art. 25, § 1-1 and, as they related to county control over county bridges and the appointment of civil engineers for the construction and repair of county bridges, the second and third sentences.

In subsection (b) of this section, the former reference to the county governing body having "charge of" county bridges is deleted as implicit in the reference to the governing body having "control over" county bridges.

In subsection (c) of this section, the former phrase "[w]henever in their opinion the public interests require or when the public interest will be advanced," is deleted as implicit in the authority of the county governing body.

Also in subsection (c) of this section, the reference to "county bridges" is substituted for the former reference to "public bridges" for consistency with subsection (b) of this section.

Also in subsection (c) of this section, the former reference to “competent and scientifically educated” civil engineers is deleted as implicit in the reference to “civil engineers”.

In subsection (d)(2) of this section, the reference to the “construction and repair of county bridges” is substituted for the former reference to “all such public works” for clarity.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the authority under this section to appoint civil engineers may no longer be necessary given the general authority of counties to appoint officers. The General Assembly may want to repeal the duplicative authority in this section.

Defined terms: “County” § 1–101
 “Governing body” § 1–101

12–602. BUILDING BRIDGES ACROSS NAVIGABLE RIVERS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES, EXCEPT BALTIMORE CITY.

(B) NO AUTHORITY UNDER SUBTITLE.

THIS SUBTITLE DOES NOT AUTHORIZE THE GOVERNING BODY OF A COUNTY TO BUILD A BRIDGE ACROSS A NAVIGABLE RIVER.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 49 and 34(a).

The reference to this “subtitle” is substituted for the former reference to this “article” because all of the provisions relating to bridges in former Art. 25 are revised in this subtitle.

The former reference to “any drawbridge” is deleted as included in the reference to “a bridge”.

The former reference to the governing body of a county “order[ing] to be built” any bridge is deleted as included in the reference to the governing body of a county “build[ing]” a bridge.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that it is unclear what procedures apply to a bridge built over a navigable river by a county with the permission of the

State Highway Administration under § 8-609.2 of the Transportation Article.

Defined terms: "County" § 1-101

"Governing body" § 1-101

12-603. POWERS OF COUNTIES TO BUILD AND REPAIR BRIDGES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES, EXCEPT BALTIMORE CITY.

(B) IN GENERAL.

THE GOVERNING BODY OF A COUNTY:

(1) MAY BUILD AND REPAIR BRIDGES; AND

(2) SHALL IMPOSE A TAX ON THE ASSESSABLE PROPERTY IN THE COUNTY NECESSARY TO PAY FOR THE BUILDING AND REPAIR OF BRIDGES, INCLUDING EMBANKMENTS AND ABUTMENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 26, 36, and 34(a).

In subsection (b)(2) of this section, the reference to "impos[ing] a tax on the assessable property in the county" is substituted for the former references to "levy[ing] upon the property of the county" and "levy[ing] on the assessable property of the county" for consistency with other terminology in this article.

Also in subsection (b)(2) of this section, the reference to imposing "a tax ... necessary to pay for the construction and repair of bridges" is substituted for the former reference to imposing a "sum sufficient to pay for the bridge" for clarity.

Also in subsection (b)(2) of this section, the former reference to imposing taxes "at their usual time for levying taxes" is deleted as surplusage.

Defined terms: "County" § 1-101

"Governing body" § 1-101

12-604. RESERVED.

12-605. RESERVED.

PART II. BRIDGES BUILT OR REPAIRED ON APPLICATION.**12-606. SCOPE OF PART.**

THIS PART APPLIES TO ALL COUNTIES, EXCEPT BALTIMORE CITY.

REVISOR'S NOTE: This section formerly was Art. 25, § 34(a).

The only changes are in style.

Defined term: "County" § 1-101

12-607. APPLICATIONS TO BUILD OR REPAIR A BRIDGE.**(A) APPLICATION BY PETITION.**

A PERSON MAY REQUEST, BY PETITION, THAT THE GOVERNING BODY OF A COUNTY BUILD OR REPAIR A BRIDGE.

(B) NOTICE.

A PERSON WHO INTENDS TO SUBMIT A PETITION UNDER THIS SECTION SHALL GIVE AT LEAST 30 DAYS' NOTICE BY PUBLICATION ONCE A WEEK FOR 3 SUCCESSIVE WEEKS IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(C) APPROVAL OF PETITION.

AFTER HEARING THE REASONS FOR AND AGAINST A PETITION, THE GOVERNING BODY OF A COUNTY SHALL DECIDE WHETHER TO APPROVE THE PETITION BASED ON WHAT WILL BEST PROMOTE THE PUBLIC CONVENIENCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 35 and 34(b).

In subsection (a) of this section, the reference to a "person" is added for clarity.

Also in subsection (a) of this section, the reference to a "request" is substituted for the former reference to "applications" for consistency with other similar provisions of this part.

In subsection (b) of this section, the reference to the intention to “submit a petition under this section” is substituted for the former reference to “apply for building or repairing any bridge” for clarity and consistency with § 12–512 of this title, which applies to petitions for roads.

Also in subsection (b) of this section, the reference to the requirement to “give at least 30 days’ notice ...” is substituted for the former reference to the requirement to “give notice in the same manner and for the same length of time prescribed for applications for opening roads” for clarity.

In subsection (c) of this section, the reference to “decid[ing] whether to approve the petition” is substituted for the former reference to “determin[ing] the case” for clarity.

Also in subsection (c) of this section, the former reference to “evidences” is deleted as included in the reference to “reasons”.

Also in subsection (c) of this section, the former reference to a decision being made “in their judgment” is deleted as surplusage.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Person” § 1–101

12–608. BUILDING AND REPAIRING BRIDGES BY CONTRACT.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO CECIL COUNTY.

(B) IN GENERAL.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF THE COST OF BUILDING OR REPAIRING A BRIDGE UNDER THIS PART IS MORE THAN \$200, THE GOVERNING BODY OF A COUNTY SHALL:

(I) BUILD OR REPAIR THE BRIDGE BY CONTRACT; AND

(II) ADVERTISE A CONTRACT TO BUILD OR REPAIR THE BRIDGE IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(2) THE ADVERTISEMENT REQUIRED UNDER THIS SUBSECTION SHALL SPECIFY:

(I) THE LOCATION WHERE THE BRIDGE IS TO BE BUILT OR REPAIRED, INCLUDING FULL SPECIFICATIONS OF THE PLAN AND MATERIALS; AND

(II) THAT SEALED PROPOSALS FOR BUILDING OR REPAIRING THE BRIDGE WILL BE RECEIVED UNTIL THE DATE DESIGNATED IN THE ADVERTISEMENT.

(3) NOTWITHSTANDING ANY OTHER PROVISION IN THIS ARTICLE, THE GOVERNING BODY OF DORCHESTER COUNTY SHALL EITHER:

(I) AUTHORIZE THE APPROPRIATE UNIT OF THE COUNTY TO BUILD OR REPAIR A BRIDGE; OR

(II) AWARD THE NECESSARY AND APPROPRIATE CONTRACTS FOR ALL ASPECTS OF THE BUILDING OR REPAIRING OF THE BRIDGE IN ACCORDANCE WITH PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, REGARDLESS OF THE COST OF BUILDING OR REPAIRING THE BRIDGE.

(C) BUILDING OR REPAIR COSTS UNDER SPECIFIED AMOUNT.

IF THE COST OF BUILDING OR REPAIRING A BRIDGE IS \$200 OR LESS, THE GOVERNING BODY OF A COUNTY MAY DETERMINE:

(1) THE MANNER OF BUILDING OR REPAIRING THE BRIDGE; AND

(2) IF THE BUILDING OR REPAIR IS BY CONTRACT, THE MANNER IN WHICH A CONTRACT IS AWARDED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 37 and 37B.

In subsection (b)(1) of this section, the former phrase "except in Dorchester County where the cost may not exceed \$1,000" is deleted in light of the requirement in subsection (b)(3) of this section that the governing body of Dorchester County either authorize a unit of the county to build or repair a bridge or award a contract in compliance with the rest of the section "regardless of the cost".

In subsection (b)(1)(ii) of this section, the reference to advertising a "contract to build or repair the bridge" is added for clarity.

Also in subsection (b)(1)(ii) of this section, the reference to a newspaper “in general circulation in the county” is added for clarity and consistency with other terminology in this article.

Also in subsection (b)(1)(ii) of this section, the former phrase “and if there is no newspaper published in the county or counties, then by such public notice as they deem most advisable” is deleted as unnecessary in light of the requirement to “advertise ... in at least one newspaper of general circulation in the county” and because all counties have at least one newspaper of general circulation.

In subsection (b)(3) of this section, the former phrase “with respect to the repair or construction of a bridge” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “whether the work shall be done by contract or otherwise” is deleted as included in the reference to “the manner of building or repairing the bridge”.

In subsection (c)(2) of this section, the reference to the manner “in which a contract is awarded” is substituted for the former reference to the manner of “letting the contract” for clarity.

The General Assembly may wish to consider whether the \$200 limit specified in subsection (c) of this section should be altered to reflect modern day costs.

Defined terms: “County” § 1-101

“Governing body” § 1-101

12-609. CONTRACTS.

(A) OPENING PROPOSALS; AWARD OF CONTRACT; BOND.

(1) ON THE DATE DESIGNATED IN THE ADVERTISEMENT FOR THE CONTRACT TO BUILD OR REPAIR A BRIDGE UNDER THIS PART, THE GOVERNING BODY OF A COUNTY SHALL OPEN THE BIDS.

(2) THE GOVERNING BODY SHALL AWARD THE CONTRACT TO THE LOWEST BIDDER THAT THE GOVERNING BODY DETERMINES IS QUALIFIED TO BUILD OR REPAIR THE BRIDGE.

(3) THE PERSON AWARDED THE CONTRACT SHALL PROVIDE THE GOVERNING BODY A BOND ISSUED BY AN APPROVED SURETY, IN DOUBLE THE AMOUNT OF THE CONTRACT, CONDITIONED ON PERFORMANCE OF THE CONTRACT.

(B) PAYMENT ON COMPLETION AND INSPECTION.

(1) AFTER NOTIFICATION BY THE CONTRACTOR THAT THE WORK IS FINISHED, THE GOVERNING BODY OF A COUNTY SHALL:

(I) INSPECT THE WORK; AND

(II) IF THE GOVERNING BODY DETERMINES THAT THE BRIDGE IS BUILT OR REPAIRED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CONTRACT, THE GOVERNING BODY SHALL TAKE CONTROL OF THE BRIDGE AND OPEN THE BRIDGE FOR PUBLIC TRAVEL.

(2) AFTER THE BRIDGE IS OPEN FOR PUBLIC TRAVEL, THE CONTRACTOR IS ENTITLED TO RECEIVE THE LAST INSTALLMENT DUE ON THE CONTRACT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 38 and 39.

In subsection (a)(1) of this section, the reference to opening the "bids" is substituted for the former reference to opening the "proposals" for consistency with other similar provisions of this subtitle.

In subsection (a)(2) of this section, the reference to the lowest bidder "that the governing body determines is qualified" is substituted for the former reference to the lowest bidder "who in the opinion of the [governing body] shall be qualified" for brevity.

In subsection (a)(3) of this section, the reference to the "person awarded the contract" is substituted for the former reference to the "contractor" for clarity.

In subsection (b)(1)(ii) of this section, the phrase "built or repaired" is substituted for the former reference to "constructed" for consistency with the other provisions of this subtitle.

Also in subsection (b)(1)(ii) of this section, the reference to the governing body taking "control of the bridge" is substituted for the former reference to the governing body taking "the same from the hands of the contractor" for clarity and consistency with § 12-601 of this subtitle.

Defined terms: "County" § 1-101

"Governing body" § 1-101

"Person" § 1-101

12-610. BRIDGES BETWEEN COUNTIES.

(A) PETITION; APPOINTMENT OF EXAMINERS.

(1) A RESIDENT OF A COUNTY MAY SUBMIT A WRITTEN PETITION TO THE GOVERNING BODY OF A COUNTY REQUESTING THAT A BRIDGE CONNECTING THAT COUNTY TO AN ADJOINING COUNTY BE BUILT OR REPAIRED.

(2) IF THE GOVERNING BODY DETERMINES THE REQUEST FOR BRIDGE BUILDING OR REPAIR IS REASONABLE, THE GOVERNING BODY SHALL REQUEST IN WRITING THE CONCURRENCE OF THE GOVERNING BODY OF THE ADJOINING COUNTY.

(3) IF THE GOVERNING BODY OF THE ADJOINING COUNTY CONCURS, THE GOVERNING BODY OF EACH COUNTY SHALL:

(I) APPOINT THREE INDEPENDENT EXAMINERS; AND

(II) NOTIFY THE GOVERNING BODY OF THE OTHER COUNTY OF THE APPOINTMENT.

(B) EXAMINATION; REPORT OF FINDINGS.

(1) THE EXAMINERS APPOINTED UNDER SUBSECTION (A) OF THIS SECTION SHALL MEET PROMPTLY TO DETERMINE:

(I) THE ADVISABILITY OF BUILDING OR REPAIRING THE BRIDGE;

(II) THE LOCATION OF THE BUILDING OR REPAIR;

(III) THE BUILDING OR REPAIR PLAN;

(IV) THE MATERIALS REQUIRED FOR THE BUILDING OR REPAIR;

(V) THE ESTIMATED COST OF THE BUILDING OR REPAIR; AND

(VI) THE PORTION OF THE COST OF BUILDING OR REPAIR TO BE PAID BY EACH OF THE ADJOINING COUNTIES.

(2) THE EXAMINERS SHALL REPORT THE FINDINGS AND RECOMMENDATIONS MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THEIR RESPECTIVE GOVERNING BODY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 40 and 41.

In subsection (a)(1) of this section, the reference to "resident" is substituted for the former reference to "any citizen or citizens of any county" for consistency with other similar provisions of this article.

Also in subsection (a)(1) of this section, the reference to building or repairing a bridge "connecting that county to an adjoining county" is substituted for the former reference to a bridge "to be built or repaired over any stream or place dividing two adjoining counties" for clarity.

In subsection (a)(2) of this section, the reference to "determin[ing] the request ... is reasonable" is substituted for the former reference to "deem[ing] the prayer of the petition" reasonable for clarity.

Also in subsection (a)(2) of this section, the reference to the county "request[ing] in writing" the concurrence of the adjoining county is substituted for the former reference to "ask[ing]" for the concurrence "by message in writing" for clarity.

In the introductory language of subsection (a)(3) of this section, the clause "[i]f the governing body of the adjoining county concurs" is substituted for the former clause "upon the concurrence of the last named county commissioners" for brevity.

In subsection (a)(3)(i) of this section, the reference to "independent" examiners is substituted for the former reference to "disinterested and discreet" examiners to use more modern terminology.

In the introductory language of subsection (b)(1) of this section, the reference to meeting "promptly" is substituted for the former reference to the examiners meeting "with all convenient dispatch" for brevity.

Also in the introductory language of subsection (b)(1) of this section, the former reference to meeting to "examine" is deleted as implicit in the reference to meeting to "determine".

In subsection (b)(1)(i) of this section, the reference to the "advisability" of building or repairing the bridge is substituted for the former reference to the "expediency" of building or repairing the bridge for clarity.

In subsection (b)(2) of this section, the reference to the “findings and recommendations” of the examiners is substituted for the former reference to the “opinion and all other proceedings” of the examiners for clarity and for consistency with other similar provisions of the Code.

Defined terms: “County” § 1–101

“Governing body” § 1–101

12–611. ADVERTISEMENT FOR BIDS FOR BUILDING AND REPAIRING BRIDGES BETWEEN COUNTIES.

(A) REQUIREMENT TO ADVERTISE.

IF THE GOVERNING BODIES OF THE ADJOINING COUNTIES APPROVE THE FINDINGS AND RECOMMENDATIONS OF THE EXAMINERS UNDER § 12–610 OF THIS SUBTITLE TO BUILD OR REPAIR A BRIDGE, THE GOVERNING BODIES SHALL DIRECT THE EXAMINERS TO ADVERTISE FOR SEALED BIDS ON A CONTRACT TO BUILD OR REPAIR THE BRIDGE.

(B) CONTENTS OF ADVERTISEMENT.

(1) THE ADVERTISEMENT SHALL SPECIFY:

(I) THE LOCATION OF THE BUILDING OR REPAIR OF THE BRIDGE;

(II) THE BUILDING OR REPAIR PLAN;

(III) THE MATERIALS AND WORKMANSHIP REQUIRED FOR THE BUILDING OR REPAIR; AND

(IV) THE TIME AND PLACE FOR THE OPENING OF THE BIDS.

(2) THE INFORMATION STATED IN THE ADVERTISEMENT SHALL INCLUDE SUFFICIENT DETAIL TO OBTAIN ADEQUATE BIDS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 42.

In this section and throughout this subtitle, the references to “bids” are substituted for the former references to “proposals” for consistency with other similar provisions of this subtitle.

In subsection (a) of this section, the reference to the counties “approv[ing] the findings and recommendations of the examiners under § 12–610 of this subtitle to build or repair the bridge” is substituted for the former reference to the “report be[ing] approved and a bridge be[ing] reported as proper and expedient to be built or repaired” for clarity.

Also in subsection (a) of this section, the former reference to the bridge “as in their report may be mentioned” is deleted as surplusage.

In subsection (b)(1)(iv) of this section, the reference to the time and place “for the opening of the bids” is substituted for the former reference to the time and place “when such proposals will be opened” for consistency within this subtitle.

In subsection (b)(2) of this section, the reference to sufficient “detail to obtain adequate bids” is substituted for the former reference to sufficient “certainty for the purpose of obtaining proposal for the same” for clarity and brevity.

Defined terms: “County” § 1–101
 “Governing body” § 1–101

12–612. AWARD OF CONTRACT.

(A) OPENING BIDS.

THE EXAMINERS SHALL:

(1) OPEN THE BIDS AT THE TIME AND PLACE SPECIFIED IN THE ADVERTISEMENT REQUIRED UNDER § 12–611 OF THIS SUBTITLE; AND

(2) AWARD THE CONTRACT FOR BRIDGE BUILDING OR REPAIR TO THE LOWEST BIDDER THAT MEETS THE REQUIREMENTS OF THE NOTICE.

(B) BOND.

THE PERSON AWARDED THE CONTRACT UNDER SUBSECTION (A) OF THIS SECTION SHALL PROVIDE THE GOVERNING BODIES OF THE COUNTIES A BOND ISSUED BY AN APPROVED SURETY, IN DOUBLE THE AMOUNT OF THE CONTRACT, CONDITIONED ON PERFORMANCE OF THE CONTRACT.

(C) INSPECTIONS.

AT ANY TIME DURING THE PERFORMANCE OF THE BRIDGE CONSTRUCTION OR REPAIR, THE EXAMINERS MAY INSPECT AND DIRECT THE PROGRESS OF THE WORK.

(D) COMPLETION; PAYMENT.

(1) ON COMPLETION OF THE BRIDGE CONSTRUCTION OR REPAIR, THE EXAMINERS SHALL:

(I) TAKE CONTROL OF THE BRIDGE AND OPEN THE BRIDGE FOR PUBLIC TRAVEL; AND

(II) NOTIFY THE GOVERNING BODIES OF THE ADJOINING COUNTIES OF THE COMPLETION.

(2) ON NOTIFICATION THAT THE BRIDGE BUILDING OR REPAIR IS COMPLETE, THE GOVERNING BODIES OF THE ADJOINING COUNTIES SHALL PAY THEIR RESPECTIVE PORTIONS OF THE COST OF THE WORK ACCORDING TO THE CONTRACT.

(E) DISPUTE RESOLUTION.

(1) IF THE EXAMINERS CANNOT AGREE ON THE PORTION OF THE COST OF BUILDING OR REPAIRING THE BRIDGE EACH OF THE ADJOINING COUNTIES SHOULD PAY, EACH GROUP OF EXAMINERS FROM EACH OF THE ADJOINING COUNTIES SHALL APPOINT AN ARBITRATOR TO DETERMINE THE AMOUNTS.

(2) (I) IF THE ARBITRATORS CANNOT AGREE ON THE PORTION OF THE COST OF BUILDING OR REPAIRING THE BRIDGE EACH OF THE ADJOINING COUNTIES SHOULD PAY, THE ARBITRATORS SHALL APPOINT AN UMPIRE TO DECIDE THE PORTION OF THE COST EACH COUNTY MUST PAY.

(II) THE UMPIRE MAY NOT RESIDE IN EITHER OF THE ADJOINING COUNTIES.

(3) THE DECISION OF THE ARBITRATORS OR THE UMPIRE IS FINAL AND BINDING ON THE ADJOINING COUNTIES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 43, 44, and 45.

In subsection (a)(1) of this section, the former reference to the examiners “meet[ing]” is deleted as implicit in the reference to the examiners opening bids at a specified time and place.

In subsection (a)(2) of this section, the reference to the bidder “that meets the requirements of the notice” is substituted for the former reference to the bidder “all things being considered” for clarity.

Also in subsection (a)(2) of this section, the former reference to “who shall thereupon enter into a contract with said examiners” is deleted as implicit in the reference to the contract being “award[ed]”.

In subsection (b) of this section, the reference to a bond “issued by an approved surety” is substituted for the former reference to a bond “with security by them approved” for clarity.

Also in subsection (b) of this section, the reference to a bond “in double the amount of the contract” is substituted for the former reference to a bond “in a penalty double the amount of the price of the work” for clarity.

Also in subsection (b) of this section, the reference to the bond being “conditioned on performance of the contract” is substituted for the former reference to the bond being “for the faithful performance of said work” for clarity and consistency with § 12–609 of this subtitle.

In subsection (c) of this section, the reference to any time during “the performance of the bridge construction or repair” is substituted for the former reference to the time during “the progress of the work and up to its completion” for clarity.

Also in subsection (c) of this section, the phrase “may inspect” is substituted for the former phrase “shall ... have full authority to examine” to reflect permissive intent and for consistency with terminology used in the State Finance and Procurement Article. *See, e.g.*, SF § 15–109.

In subsection (d)(1)(i) of this section, the reference to opening the bridge for public “travel” is substituted for the former reference to opening the bridge for public “use” for clarity and consistency with § 12–609 of this subtitle.

Also in subsection (d)(1)(i) of this section, the reference to “tak[ing] control of the bridge” is substituted for the former reference to the examiners “receiv[ing] the same” for clarity.

In subsection (d)(2) of this section, the phrase “[o]n notification that the bridge building or repair is complete” is substituted for the former word “thereupon” for clarity.

In subsection (d)(2) of this section, the former reference to “levy[ing]” for their respective proportions of the cost of the work is deleted as included in the reference to “pay[ing]” for the work.

In subsection (e)(1) of this section, the reference to the “portion of the cost” is substituted for the former reference to the “relative amount ... of the cost and expense” for brevity.

Also in subsection (e)(1) of this section, the reference to each group of “examiners from each of the adjoining counties” appointing an arbitrator is substituted for the former reference to “they, or a majority of them on the part of each county” appointing the arbitrator for clarity.

Also in subsection (e)(1) of this section, the reference to determining the “amounts” is substituted for the former reference to determining the “matter in dispute” for clarity.

Also in subsection (e)(1) of this section, the former reference to the examiners “on the part of adjoining counties” is deleted as surplusage.

In subsection (e)(2)(i) of this section, the reference to an agreement “on the portion of the cost of building or repairing the bridge each of the adjoining counties should pay” is added for clarity. Similarly, in subsection (e)(2)(i) of this section, the reference to an umpire “to decide the portion of the cost each county must pay” is added for clarity.

In subsection (e)(3) of this section, the reference to the “decision of the arbitrators or the umpire [being] final and binding” is substituted for the former reference to the “award and determination of the arbitrators or umpire [being] final and conclusive” for consistency with other similar provisions of the Code.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Person” § 1–101

12–613. JUDICIAL REVIEW OF DECISION RELATED TO BUILDING OR REPAIRING BRIDGES.

(A) IN GENERAL.

(1) A RESIDENT OF A COUNTY IN WHICH THE GOVERNING BODY HAS DECIDED TO BUILD OR REPAIR A BRIDGE, INCLUDING A BRIDGE BETWEEN THE COUNTY AND AN ADJOINING COUNTY, MAY SEEK REVIEW OF THE DECISION IN THE CIRCUIT COURT IF THE RESIDENT:

(I) FILES BEFORE A CONTRACT FOR THE BUILDING OR REPAIRING IS AWARDED; AND

(II) ALLEGES THAT THE DECISION IS INEXPEDIENT.

(2) THE GOVERNING BODY OF THE COUNTY SHALL GIVE THE RESIDENT OR THE RESIDENT'S COUNSEL FULL OPPORTUNITY TO EXAMINE THE BOOKS AND PAPERS OF THE COUNTY RELATING TO THE DECISION TO BUILD OR REPAIR THE BRIDGE.

(3) THE CIRCUIT COURT SHALL HEAR AND DECIDE THE CASE ACCORDING TO JUSTICE AND RIGHT WITH OR WITHOUT A JURY AS AGREED TO BY THE PARTIES OR ORDERED BY THE COURT.

(B) COST.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COURT SHALL ALLOCATE COSTS IN A MANNER THAT THE COURT DETERMINES JUST AND EQUITABLE.

(2) IF THE COURT SUSTAINS THE DECISION OF THE GOVERNING BODY OF THE COUNTY, THE RESIDENT SHALL PAY THE COSTS.

(3) THE GOVERNING BODY OF THE COUNTY SHALL PAY ANY COSTS ORDERED BY THE COURT AND ALL INCIDENTAL EXPENSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 46, 47, and 48.

In the introductory language of subsection (a)(1) of this section, the reference to a "resident of a county in which the governing body has decided to build or repair a bridge, including a bridge between the county and an adjoining county, may seek review of the decision in the circuit court" is substituted for the former reference to "any citizen or citizens of any county in which the county commissioners may determine to build or repair any bridge or unite with an adjoining county to build or repair any bridge between the said adjoining counties ... desiring an appeal from

such determination, the county commissioners shall grant such appeal” for accuracy and brevity.

In subsection (a)(2) of this section, the reference to the books and papers “relating to the decision to build or repair the bridge” is substituted for the former reference to the books and papers “relative to the matter” for clarity.

Also in subsection (a)(2) of this section, the former phrase “[u]pon such appeal being taken” is deleted as surplusage.

In subsection (a)(3) of this section, the reference to the circuit court “hear[ing] and decid[ing] the appeal” is substituted for the former reference to the circuit court “proceed[ing] to try and determine the matter” for brevity and clarity.

In subsection (b)(1) of this section, the reference to the court “allocat[ing] costs in a manner that the court determines just and equitable” is substituted for the former reference to the court “direct[ing] the costs to be paid in such manner and by such party as it may deem equitable and just” for brevity.

In subsection (b)(2) of this section, the statement “[i]f the court sustains the decision of the governing body of the county, the resident shall pay the costs” is substituted for the former statement “[i]n all cases where the appeal is not sustained the appellant shall pay the costs” for clarity.

In subsection (b)(3) of this section, the former reference to “levy[ing] as part of the county charges” is deleted as included in the reference to “pay[ing] any costs ordered by the court”.

Also in subsection (b)(3) of this section, the former reference to the county commissioners “be[ing] the appellee” is deleted as surplusage.

Defined terms: “County” § 1–101
 “Governing body” § 1–101

12–614. RESERVED.

12–615. RESERVED.

PART III. SPECIFIC COUNTY PROVISIONS.

12–616. REGULATION OF BRIDGES IN CARROLL COUNTY.

(A) IN GENERAL.

THE COUNTY COMMISSIONERS OF CARROLL COUNTY MAY REGULATE THE PUBLIC BRIDGES IN THE COUNTY THAT ARE NOT IN A MUNICIPALITY AND THAT HAVE NOT BEEN DESIGNATED OR MAINTAINED AS A PART OF THE STATE OR FEDERAL HIGHWAY SYSTEM RELATING TO:

- (1) VEHICLE WEIGHT;**
- (2) VEHICLE PARKING;**
- (3) VEHICLE ABANDONMENT;**
- (4) BUILDING OR MAINTENANCE BY A PRIVATE OR PUBLIC UTILITY NECESSARY FOR THE PERFORMANCE OF THE UTILITY'S PURPOSE; AND**
- (5) VEHICLE SPEED, BUT ONLY IF THE SPEED REGULATION HAS BEEN RECOMMENDED BY THE DEPARTMENT OF STATE POLICE.**

(B) TRAFFIC CONTROL DEVICES.

TO INDICATE AND CARRY OUT RULES AND REGULATIONS ADOPTED UNDER SUBSECTION (A)(1), (2), AND (5) OF THIS SECTION, THE COUNTY COMMISSIONERS OF CARROLL COUNTY SHALL PROVIDE APPROPRIATE TRAFFIC CONTROL DEVICES THAT CONFORM TO STATE SPECIFICATIONS.

(C) RULES AND REGULATIONS FOR ENGINEERING, CONSTRUCTION, AND ACCEPTANCE.

FOR A NEW BRIDGE, THE COUNTY COMMISSIONERS OF CARROLL COUNTY MAY ADOPT RULES AND REGULATIONS RELATING TO:

- (1) ENGINEERING;**
- (2) CONSTRUCTION; AND**
- (3) ACCEPTANCE OF THE BRIDGE INTO THE COUNTY ROAD SYSTEM FOR MAINTENANCE BY THE COUNTY.**

(D) PENALTIES.

(1) BY LOCAL LAW, THE COUNTY COMMISSIONERS OF CARROLL COUNTY MAY ESTABLISH THAT A PERSON WHO VIOLATES A RULE OR REGULATION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR

AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25, EXCLUSIVE OF COSTS.

(2) A PENALTY PROVISION OF ANOTHER PUBLIC GENERAL LAW PREVAILS OVER A FINE AUTHORIZED UNDER THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 10B, as it related to the power of Carroll County to regulate bridges in Carroll County.

In the introductory language of subsection (a) of this section, the reference to a "municipality" is substituted for the former reference to "the corporate limits of any incorporated city or town" for consistency with other similar provisions of this article.

Also in the introductory language of subsection (a) of this section, the former reference to "any extension" of the State or federal highway system is deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former phrase "[n]otwithstanding any other provisions of this article" is deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former reference to "any road defined herein as being under the jurisdiction of the County Commissioners of Carroll County" is deleted as included in the reference to "public bridges in the county".

In subsection (a)(5) of this section, the former reference to a speed regulation not being "legal" without first being recommended by the Department of State Police is deleted as implicit in the requirement that the Department recommend any speed regulation.

In subsection (b) of this section, the former requirement that traffic control devices be "deemed necessary" is deleted as implicit in the requirement that the devices be "appropriate".

Also in subsection (b) of this section, the former requirement that traffic control devices conform to the "State manual" is deleted as included in the requirement that the devices conform to State specifications.

In subsection (c) of this section, the former reference to the county commissioners "amend[ing], revis[ing], or rescind[ing] rules and regulations" is deleted as included in the reference to "adopt[ing]" rules and regulations.

In subsection (d)(1) of this section, the reference to a penalty being established “[b]y local law” is added to clarify that which must be done as a legislative act.

Also in subsection (d)(1) of this section, the former reference to any “firm, or corporation” is deleted in light of the definition of “person” in § 1–101 of this article, which includes firms and corporations.

In subsection (d)(2) of this section, the statement that a “penalty provision of another public general law prevails over a fine authorized under this subsection” is substituted for the former statement that “[i]n the event the fine so prescribed is in conflict with any other penalty provision of the public general laws of Maryland such other provision shall prevail” for brevity.

Defined terms: “Municipality” § 1–101

“Person” § 1–101

“State” § 1–101

12–617. BUILDING AND REPAIRING BRIDGES IN CECIL COUNTY.

(A) COMPETITIVE BIDS.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, CECIL COUNTY SHALL OBTAIN THE FOLLOWING BY A COMPETITIVELY BID CONTRACT AWARDED TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER:

(1) THE BUILDING OR REPAIR OF A BRIDGE; AND

(2) THE PURCHASE OR LEASE OF BRIDGE CONSTRUCTION EQUIPMENT OR MACHINERY.

(B) ADVERTISEMENT.

(1) THE GOVERNING BODY OF CECIL COUNTY SHALL ADVERTISE FOR BIDS ON A CONTRACT UNDER SUBSECTION (A) OF THIS SECTION IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(2) THE ADVERTISEMENT SHALL:

(I) APPEAR AT LEAST ONCE;

(II) APPEAR AT LEAST 1 WEEK, BUT NOT MORE THAN 30 DAYS, BEFORE THE FINAL DATE FOR SUBMITTING BIDS;

(III) IF THE CONTRACT RELATES TO BUILDING OR REPAIR OF A BRIDGE, SPECIFY THE LOCATION WHERE THE BRIDGE IS TO BE BUILT OR REPAIRED;

(IV) INCLUDE A DESCRIPTION OF THE GOODS OR SERVICES REQUIRED UNDER THE CONTRACT;

(V) STATE THAT SEALED BIDS FOR GOODS OR SERVICES WILL BE RECEIVED UNTIL THE DATE DESIGNATED IN THE ADVERTISEMENT; AND

(VI) DESIGNATE A DATE FOR THE OPENING OF THE BIDS.

(C) EXCEPTIONS.

(1) SUBSECTIONS (A) AND (B) OF THIS SECTION DO NOT APPLY TO AN EXPENDITURE THAT:

(I) IS \$10,000 OR LESS; OR

(II) THE GOVERNING BODY OF CECIL COUNTY BY A RECORDED MAJORITY VOTE TAKEN AT A PUBLIC MEETING DECLARES TO BE AN EMERGENCY EXPENDITURE.

(2) FOR AN EXPENDITURE UNDER THIS SUBSECTION, THE GOVERNING BODY MAY DETERMINE:

(I) THE MANNER OF PROVIDING FOR THE EXPENDITURE;
AND

(II) IF THE BUILDING OR REPAIR IS BY CONTRACT, THE MANNER IN WHICH THE CONTRACT IS AWARDED.

(D) LIMITATIONS.

(1) A CONTRACT ENTERED INTO IN VIOLATION OF SUBSECTION (A) OR (B) OF THIS SECTION IS VOID, UNLESS:

(I) A COURT DETERMINES IN A JUDICIAL ACTION THAT ALL PARTIES ACTED IN GOOD FAITH; AND

(II) THE PARTIES HAVE SUBSTANTIALLY COMPLIED WITH THE PROVISIONS OF SUBSECTIONS (A) AND (B) OF THIS SECTION.

(2) IF A CONTRACT IS VOID UNDER THIS SUBSECTION, THE GOVERNING BODY OF CECIL COUNTY SHALL COMPENSATE THE CONTRACTOR FOR COSTS ACTUALLY INCURRED IF THE CONTRACTOR:

(I) ACTED IN GOOD FAITH;

(II) DID NOT DIRECTLY CONTRIBUTE TO THE VIOLATION;

AND

(III) DID NOT KNOW OF THE VIOLATION.

(E) PENALTY.

A PERSON WHO WILLFULLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 37A, as it related to the construction and repair of bridges in Cecil County.

In subsection (a)(2) of this section, the reference to "bridge" construction equipment or machinery is added for clarity.

In subsection (b)(1) of this section, the reference to a newspaper "in general circulation" in the county is substituted for the former reference to a newspaper "published" in the county for consistency with other similar provisions of this article.

Also in subsection (b)(1) of this section, the former requirement to advertise in "[s]uch public notice as they deem most advisable, if no newspaper is published in Cecil County" is deleted as unnecessary in light of the requirement to advertise in "at least one newspaper of general circulation in the county" and because there is at least one newspaper of general circulation in the county.

Also in subsection (b)(1) of this section, the former phrase "[e]xcept as provided in subsection (b) of this section" is deleted as unnecessary because of the limitation under subsection (c) of this section.

In the introductory language of subsection (b)(2) of this section, the reference to the "advertisement" is substituted for the former reference to "public notice" for consistency within this section.

In subsection (b)(2)(iv) of this section, the reference to goods or services “required under the contract” is substituted for the former reference to goods or services “being bid on” for clarity.

In subsection (b)(2)(v) of this section, the reference to sealed “bids” is substituted for the former reference to sealed “proposals” for consistency with subsection (b)(1) of this section.

In subsection (c)(1)(ii) of this section, the former reference to a public meeting “of the county commissioners” is deleted as implicit.

In the introductory language of subsection (c)(2) of this section, the phrase “[f]or an expenditure under this subsection” is substituted for the former phrase “[i]n any case where the expenditure is \$10,000 or less in amount, or which has been declared to be an emergency expenditure” for brevity.

Also in the introductory language of subsection (c)(2) of this section, the reference that the governing body “may determine” certain issues is substituted for the former reference to the issues “be[ing] in the discretion” of the county commissioners for clarity.

In subsection (c)(2)(i) of this section, the former phrase “including whether the work shall be done by contract or otherwise” is deleted as included in the reference to “the manner of providing for the expenditure”.

In subsection (c)(2)(ii) of this section, the reference to the manner “in which the contract is awarded” is substituted for the former reference to the manner of “letting the contract” for clarity.

In subsection (d) of this section, the former reference to the prohibition on the county commissioners entering into a contract “except in accordance with the provisions of this section” is deleted as implicit in the requirement that a “contract entered into in violation of subsection (a) or (b) of this section” is void.

In the introductory language of subsection (d)(2) of this section, the reference to the “governing body of Cecil County” is added to clarify the party that is responsible for compensating a contractor under the circumstances specified.

Defined terms: “Governing body” § 1–101

“Person” § 1–101

12–618. REGULATION OF BRIDGES IN ST. MARY’S COUNTY.

(A) IN GENERAL.

THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY REGULATE BRIDGES IN THE COUNTY THAT ARE NOT IN A MUNICIPALITY AND THAT HAVE NOT BEEN DESIGNATED OR MAINTAINED AS A PART OF THE STATE OR FEDERAL HIGHWAY SYSTEM RELATING TO:

- (1) VEHICLE WEIGHT;**
- (2) VEHICLE PARKING;**
- (3) VEHICLE ABANDONMENT;**
- (4) BUILDING OR MAINTENANCE BY A PRIVATE OR PUBLIC UTILITY RELATING TO THE PERFORMANCE OF THE UTILITY'S PURPOSE;**
- (5) THE BUILDING OR MAINTENANCE OF DRIVEWAY CONNECTIONS WHERE CONNECTIONS ARE PROVIDED; AND**
- (6) VEHICLE SPEED.**

(B) TRAFFIC CONTROL DEVICES.

IF REQUIRED BY AN ORDINANCE ENACTED UNDER SUBSECTION (A) OF THIS SECTION, THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY SHALL PROVIDE APPROPRIATE TRAFFIC CONTROL DEVICES.

(C) RULES AND REGULATIONS FOR ENGINEERING, CONSTRUCTION, AND ACCEPTANCE.

FOR A NEW BRIDGE, THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY REGULATE RELATING TO:

- (1) ENGINEERING;**
- (2) CONSTRUCTION; AND**
- (3) ACCEPTANCE OF THE BRIDGE INTO THE COUNTY ROAD SYSTEM.**

(D) CRIMINAL PENALTIES.

(1) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A PERSON WHO VIOLATES AN ORDINANCE, A RULE, OR A REGULATION ENACTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(2) EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

(E) CIVIL PENALTIES.

(1) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY IMPOSE A CIVIL PENALTY FOR A VIOLATION OF AN ORDINANCE, A RULE, OR A REGULATION ENACTED UNDER THIS SECTION.

(2) ENFORCEMENT OF AN ORDINANCE, A RULE, OR A REGULATION ENACTED UNDER THIS SECTION SHALL BE IN THE SAME MANNER AND TO THE SAME EXTENT AS PROVIDED FOR MUNICIPAL INFRACTIONS UNDER TITLE 6 OF THIS ARTICLE.

(3) IN ADDITION TO OTHER REMEDIES PROVIDED BY LAW, THE COUNTY MAY BRING AN ACTION FOR AN INJUNCTION AGAINST A PERSON WHO VIOLATES AN ORDINANCE, A RULE, OR A REGULATION ADOPTED UNDER THIS SECTION TO REQUIRE CORRECTION OR ELIMINATION OF A VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 10–I(c), (e), (f), and (g) and, as they related to the power of St. Mary's County to regulate bridges in St. Mary's County, (a) and (d).

In the introductory language of subsection (a) of this section, the reference to a "municipality" is substituted for the former reference to "the corporate limits of any incorporated city or town" for consistency with other similar provisions of this article.

Also in the introductory language of subsection (a) of this section, the former reference to "any extension" of the State or federal highway system is deleted as unnecessary.

In subsection (d)(1) of this section, the reference to a violation of "an ordinance, a rule, or a regulation enacted under this section" is substituted for the former reference to a violation of "this subtitle" for consistency with subsection (e) of this section.

Also in subsection (d)(1) of this section, the former reference to a penalty of both fine and imprisonment “in the discretion of the judge” is deleted to conform to standard language for a penalty provision.

In subsection (e)(2) of this section, the reference to “[e]nforcement of an ordinance, a rule, or a regulation enacted under this section shall be in the same manner” as municipal infractions is substituted for the former reference to “[i]n a proceeding before the District Court, the violation shall be enforced in the same manner” as municipal infractions for clarity.

Former Art. 25, § 10–I(b) is revised in § 12–638 of this title.

Defined terms: “Municipality” § 1–101

“Person” § 1–101

“State” § 1–101

12–619. RESERVED.

12–620. RESERVED.

PART IV. BRIDGE AND CANAL BUILDING CORPORATIONS.

12–621. BRIDGE AND CANAL BUILDING CORPORATIONS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES.

(B) CONSENT OF COUNTY GOVERNING BODY.

(1) A CORPORATION MAY BUILD A BRIDGE OVER A RIVER, CREEK, OR STREAM IN THE STATE OR DIG, BUILD, OR MAINTAIN A CANAL ONLY IF THE GOVERNING BODIES OF ALL COUNTIES IN THE STATE IN WHICH THE BRIDGE OR CANAL IS TO BE BUILT HAVE AUTHORIZED THE CORPORATION TO BUILD THE BRIDGE OR CANAL.

(2) A RESOLUTION OF THE GOVERNING BODY OF A COUNTY AUTHORIZING THE BUILDING OF A BRIDGE OR CANAL SHALL BE RECORDED:

(I) IN THE RECORD OF PROCEEDINGS OF THE GOVERNING BODY; AND

(II) IN THE RECORDS OF THE CORPORATION.

(C) PROPERTY ACQUISITION; CONDEMNATION.

(1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A CORPORATION MAY ENTER INTO AN AGREEMENT WITH AN OWNER OF ANY INTEREST IN PROPERTY TO OBTAIN:

(I) LAND NECESSARY FOR:

- 1. A BRIDGE ABUTMENT;**
 - 2. DIGGING, BUILDING, AND MAINTAINING A CANAL;**
- OR**
- 3. A ROAD OR HIGHWAY TO APPROACH A BRIDGE OR CANAL; OR**

(II) EARTH OR STONE FOR BUILDING OF:

- 1. A BRIDGE OR CANAL;**
- 2. A ROAD OR HIGHWAY THAT APPROACHES A BRIDGE OR CANAL; OR**
- 3. A TERMINAL, DOCK, OR WHARF.**

(2) A PERSON SHALL CONVEY AN INTEREST IN PROPERTY TO A CORPORATION UNDER PARAGRAPH (1) OF THIS SUBSECTION BY DEED PROPERLY EXECUTED AND RECORDED.

(3) A CORPORATION MAY OBTAIN PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION BY CONDEMNATION UNDER THE PROVISIONS OF TITLE 12 OF THE REAL PROPERTY ARTICLE IF:

(I) THE CORPORATION AND THE PROPERTY OWNER FAIL TO AGREE ON THE CONVEYANCE OF THE PROPERTY;

(II) THE PROPERTY OWNER LACKS CAPACITY TO CONTRACT TO CONVEY THE PROPERTY; OR

(III) THE PROPERTY OWNER IS ABSENT FROM THE STATE.

(D) REPORTING REQUIREMENTS.

(1) ON COMPLETION OF THE BUILDING OF A BRIDGE OR CANAL, THE CORPORATION SHALL REPORT THE COMPLETION TO THE GOVERNING BODY OF THE COUNTY:

(I) IN WRITING; AND

(II) UNDER THE OATH OR AFFIRMATION OF THE CORPORATION'S PRESIDENT OR VICE PRESIDENT.

(2) (I) AFTER NOTIFICATION BY THE CORPORATION, THE GOVERNING BODY SHALL APPOINT THREE PERSONS TO EXAMINE THE BRIDGE OR CANAL.

(II) THE PERSONS SHALL REPORT TO THE GOVERNING BODY ON WHETHER THE BRIDGE HAS BEEN BUILT IN A SUBSTANTIAL AND DURABLE MANNER THAT WILL PROMOTE PUBLIC CONVENIENCE.

(III) THE GOVERNING BODY SHALL REVIEW THE REPORT AND SHALL RATIFY OR REJECT THE REPORT.

(IV) THE GOVERNING BODY MAY ALSO APPOINT OTHER PERSONS TO REPORT ON WHETHER THE BRIDGE HAS BEEN BUILT IN A SUBSTANTIAL AND DURABLE MANNER THAT WILL PROMOTE PUBLIC CONVENIENCE.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section.

Subsections (b), (c), and (d) of this section are new language derived without substantive change from former Art. 23, §§ 140, 141, and 142.

In subsection (b)(1) of this section, the reference to the authority of a corporation to build a bridge or canal "only if" the governing bodies of certain counties have taken certain actions is substituted for the former reference to the requirement that a corporation "desir[ing]" to build a bridge or canal "must have obtained or shall first obtain" the consent of the governing bodies of certain counties for clarity.

Also in subsection (b)(1) of this section, the former reference to a corporation "formed under the provisions of this article" is deleted as surplusage. The former reference to "this article" referred to Article 23. No substantive change is intended.

Also in subsection (b)(1) of this section, the former reference to bridges built “between this and another state” is deleted as implicit in that any bridge built between this and another state would also be built “over a river, creek, or stream in the State”.

Also in subsection (b)(1) of this section, the former reference to a canal “for transportation by means of water” is deleted as implicit in the meaning of “canal”.

Also in subsection (b)(1) of this section, the former reference to the building of a bridge or canal requiring the “consent, in writing, of the county commissioners of the county in which said bridge or said canal may be proposed to be located; or if said bridge be proposed to be erected over a stream dividing two counties, or if the said canal be proposed to be dug, constructed or maintained through or over the lands of two or more counties, then such corporation shall obtain the consent, in writing, of the county commissioners of both said counties” is deleted as unnecessary in light of the requirement that “all counties in the State in which the bridge or canal is to be built have authorized the corporation to build the bridge or canal”.

In subsection (b)(2)(ii) of this section, the reference to the “records” of the corporation is substituted for the former reference to the “journal or book of proceedings” of the corporation for brevity.

In subsection (c)(1) of this section, the reference to “enter[ing] into an agreement” with an owner is substituted for the former reference to “agree[ing]” with the owners for clarity.

Also in subsection (c)(1) of this section, the phrase “to obtain ... land necessary for” is substituted for the former phrase “for the lands or property of any kind whatsoever ... necessary for” for clarity.

In subsection (c)(1)(i)3 of this section, the reference to “a highway to approach a bridge or canal” is substituted for the former reference to “ways thereto” for clarity. Similarly, in subsection (c)(1)(ii)2 of this section, the reference to a “highway that approaches a bridge or canal” is substituted for the former reference to “said ways [and] approaches”.

In subsection (c)(2) of this section, the reference to a deed “executed” and recorded is substituted for the former reference to a deed “acknowledged” and recorded for consistency with the Real Property Article.

In subsection (c)(3)(ii) of this section, the reference to “lack[ing] capacity” to contract is substituted for the former reference to “disability of the

owners” to contract for clarity and for consistency with current contracts law terminology.

In subsection (d)(1) of this section, the reference to “[o]n completion of the building of a bridge or canal” is substituted for the former reference to “[w]hen any bridge or canal shall be erected or constructed” for clarity.

Also in subsection (d)(1) of this section, the former reference to the construction of a bridge or canal “pursuant to consent of the county commissioners under § 140 of this article” is deleted as surplusage.

In subsection (d)(1)(ii) of this section, the reference to “the corporation’s” president or vice president is added for clarity.

In subsection (d)(2)(i) of this section, the phrase “[a]fter notification by the corporation” is added for clarity.

In subsection (d)(2)(iv) of this section, the reference to reporting “on whether the bridge has been built in a substantial and durable manner that will promote public convenience” is substituted for the former reference to reporting “thereon” for clarity.

Also in subsection (d)(2)(iv) of this section, the former reference to the authority to appoint “in their discretion” is deleted as surplusage.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the term “corporation” as used in this section may be broader than was originally intended because former Art. 23, § 140 refers to a corporation “formed under the provisions of this article” and it is unclear what that phrase originally referred to.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Person” § 1–101

“State” § 1–101

SUBTITLE 7. FEDERALLY ASSISTED WATERSHED PROJECTS.

12–701. FEDERALLY ASSISTED WATERSHED PROJECTS.

(A) “ACT” DEFINED.

IN THIS SECTION, “ACT” MEANS THE FEDERAL WATERSHED PROTECTION AND FLOOD PREVENTION ACT.

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) AUTHORIZATION.

THE GOVERNING BODY OF A COUNTY MAY:

(1) CARRY OUT, CONSTRUCT, OPERATE, AND MAINTAIN ANY WORKS OF IMPROVEMENT IN WATERSHED OR SUBWATERSHED AREAS QUALIFYING FOR FEDERAL ASSISTANCE UNDER THE ACT FOR:

(I) FLOOD PREVENTION; OR

(II) THE CONSERVATION, DEVELOPMENT, USE, AND DISPOSAL OF WATER;

(2) SATISFY THE CONDITIONS FOR FEDERAL ASSISTANCE REQUIRED UNDER THE ACT;

(3) ACCEPT FEDERAL GRANTS AND TECHNICAL ASSISTANCE IN ACCORDANCE WITH THE ACT;

(4) (I) BORROW FEDERAL MONEY IN ACCORDANCE WITH THE ACT FOR WORKS OF IMPROVEMENT IDENTIFIED UNDER ITEM (1) OF THIS SUBSECTION; AND

(II) NOTWITHSTANDING ANY PUBLIC GENERAL LAW OR PUBLIC LOCAL LAW, EVIDENCE THE BORROWING BY ISSUING INSTRUMENTS THAT ARE ACCEPTABLE TO THE UNITED STATES OR ANY OF ITS AGENCIES; AND

(5) BORROW MONEY FROM PRIVATE LENDING INSTITUTIONS AND EVIDENCE THE BORROWING BY ISSUING INSTRUMENTS IN ACCORDANCE WITH TITLE 19, SUBTITLE 2 OF THIS ARTICLE, THE COUNTY CHARTER, OR LOCAL LAWS.

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(dd).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, § 3(r) and

§ 4, which apply to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a) of this section, the word “federal” is added to modify “Watershed Protection and Flood Prevention Act” to clarify that the Act is federal law.

Also in subsection (a) of this section, the former reference to the “Watershed Protection and Flood Prevention Act, as amended, c. 656, section 1, 68 Stat. 666 (1954), 16 U.S.C. 1001, hereinafter referred to as ‘the Watershed Act’” is deleted as surplusage.

In the introductory language of subsection (c) of this section, the phrase “[t]he governing body of a county may” is added for clarity.

In subsection (c)(2) of this section, the former phrase “[t]o have such powers as are necessary to” satisfy conditions is deleted as surplusage.

Also in subsection (c)(2) of this section, the former reference to “any regulations issued pursuant thereto by the United States or any of its agencies charged with the administration thereof” is deleted as unnecessary because any adopted regulations would be included in the reference to the Act. Similarly, in subsection (c)(4)(i) of this section, the former reference to “any regulations issued pursuant thereto” is deleted.

Also in subsection (c)(2) of this section, the former reference to conditions that “may hereafter be” required is deleted as surplusage.

In subsection (c)(3) and (4) of this section, the references to “federal” grants and “federal” money are substituted for the former references to grants and money from “the United States or any of its agencies” for brevity.

In subsection (c)(3) of this section, the former reference to grants of “money” is deleted as implicit in the reference to a “grant”.

In subsection (c)(4)(i) of this section, the reference to works of improvement “identified under item (1) of this subsection” is added for clarity.

Also in subsection (c)(4)(i) of this section, the reference to borrowing money “in accordance with” the Act is substituted for the former reference to borrowing money “pursuant to the provisions of” the Act “on such terms and conditions as may be permitted thereunder” for brevity.

In subsection (c)(5) of this section, the former reference to “applicable” local laws is deleted as surplusage.

Defined terms: “Commission county” § 1–101

“County” § 1–101

“Governing body” § 1–101

“State” § 1–101

SUBTITLE 8. PUBLIC SAFETY.

12–801. OPERATING COSTS TO SHERIFFS FOR HOUSING INMATES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**
- (4) CECIL COUNTY;**
- (5) HOWARD COUNTY;**
- (6) PRINCE GEORGE’S COUNTY;**
- (7) QUEEN ANNE’S COUNTY; AND**
- (8) WORCESTER COUNTY.**

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) OPERATING COSTS OF HOUSING INMATES.

THE GOVERNING BODY OF A COUNTY MAY DETERMINE THE ALLOWANCE PROVIDED TO THE COUNTY SHERIFF OR OTHER PERSON FOR HOUSING INMATES CONFINED IN THE LOCAL CORRECTIONAL FACILITY.

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(p) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, § 3(r) and § 4, which apply to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 14 made the powers granted in Art. 25, § 3(p) applicable to commission counties, code counties, and charter counties, except for the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City in the Annotated Code.

In subsection (c) of this section, the reference to “[t]he governing body of a county” is added for clarity.

Also in subsection (c) of this section, the reference to “determin[ing] the allowance” is substituted for the former reference to “fix[ing] the allowance or compensation” for consistency with current terminology.

Also in subsection (c) of this section, the reference to “housing inmates confined in the local correctional facility” is substituted for the former reference to “boarding and keeping prisoners in the county jail” for consistency with current terminology.

Defined terms: “Commission county” § 1–101
 “Governing body” § 1–101

12–802. COUNTY POLICE DUTIES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**

- (4) CECIL COUNTY;
- (5) CHARLES COUNTY;
- (6) HOWARD COUNTY;
- (7) PRINCE GEORGE'S COUNTY;
- (8) QUEEN ANNE'S COUNTY;
- (9) WICOMICO COUNTY; AND
- (10) WORCESTER COUNTY.

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) COUNTY POLICE DUTIES AND COMPENSATION.

THE GOVERNING BODY OF A COUNTY MAY:

- (1) PROVIDE FOR THE APPOINTMENT OF THE COUNTY POLICE;
- (2) ESTABLISH THE DUTIES OF THE COUNTY POLICE;
- (3) SET THE COMPENSATION OF THE COUNTY POLICE; AND
- (4) APPOINT A SPECIAL COMMISSION OR COMMISSIONER TO BE IN CHARGE OF THE COUNTY POLICE.

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(q) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, § 3(r) and § 4, which apply to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 14 made the powers granted in Art. 25, § 3(q) applicable to commission counties, code counties, and charter counties, except for the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City in the Annotated Code.

In the introductory language of subsection (c) of this section, the reference to “[t]he governing body of a county” is added for clarity.

Defined terms: “Commission county” § 1–101
 “Governing body” § 1–101

12–803. SPECIAL INVESTIGATIONS IN CAROLINE COUNTY.

THE COUNTY COMMISSIONERS OF CAROLINE COUNTY MAY PROVIDE MONEY TO THE STATE’S ATTORNEY FOR CAROLINE COUNTY FOR SPECIAL INVESTIGATIONS OR CASES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 3(ff).

The former reference to the amount “they deem suitable” is deleted as surplusage.

12–804. VIOLATIONS OF COUNTY ORDINANCES IN ST. MARY’S COUNTY.

EXCEPT AS PROVIDED IN §§ 12–538(F), 12–618(D), AND 13–703(C) OF THIS ARTICLE AND TITLE 11, SUBTITLE 2 AND § 9–1607 OF THE LAND USE ARTICLE, AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COUNTY COMMISSIONERS OF ST. MARY’S COUNTY MAY PROVIDE THAT:

(1) A VIOLATION OF AN ORDINANCE OR RESOLUTION IS PUNISHABLE AS A MISDEMEANOR AND ENFORCED IN THE SAME MANNER AND TO THE SAME EXTENT AS A VIOLATION UNDER § 6–101 OF THIS ARTICLE; AND

(2) A VIOLATION OF AN ORDINANCE SHALL BE PROSECUTED IN THE SAME MANNER AND TO THE SAME EXTENT AS PROVIDED FOR A MUNICIPAL INFRACTION UNDER TITLE 6 OF THIS ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 10J–1.

In items (1) and (2) of this section, the former references to a “county” ordinance are deleted as surplusage.

12-805. LABOR CAMPS FOR WORKERS IN DORCHESTER COUNTY.

(A) IN GENERAL.

A PERSON MAY NOT ESTABLISH, MAINTAIN, OR OPERATE A LABOR CAMP FOR GROUPS OF 25 OR MORE WORKERS OUTSIDE THE LIMITS OF ANY MUNICIPALITY IN DORCHESTER COUNTY UNLESS THE PERSON OBTAINS A PERMIT UNDER SUBSECTION (B) OF THIS SECTION.

(B) PERMITS — ISSUANCE AND REVOCATION.

(1) THE COUNTY COUNCIL OF DORCHESTER COUNTY MAY ISSUE A PERMIT TO A PERSON AS PROVIDED IN THE RULES AND REGULATIONS ADOPTED BY THE COUNTY COUNCIL.

(2) AFTER NOTICE TO THE PERSON WHO HOLDS A PERMIT AND AN OPPORTUNITY FOR A HEARING, THE COUNTY COUNCIL MAY REVOKE A PERMIT FOR CAUSE.

(C) PENALTY.

(1) A PERSON WHO VIOLATES THIS SECTION OR A RULE OR REGULATION OF THE COUNTY COUNCIL OF DORCHESTER COUNTY ADOPTED UNDER THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 FOR EACH OFFENSE.

(2) A LABOR CAMP ESTABLISHED, OPERATED, OR MAINTAINED IN VIOLATION OF THIS SECTION OR A RULE OR REGULATION OF THE COUNTY ADOPTED UNDER THIS SECTION MAY BE ABATED AS A NUISANCE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 27A.

Throughout this section, the references to the “County Council” of Dorchester County are substituted for the former references to the “County Commissioners” for accuracy.

In subsection (a) of this section, the reference to municipalities in “Dorchester County” is substituted for the former reference to

municipalities in “this State” because Dorchester County would only be able to regulate within its borders.

Also in subsection (a) of this section, the reference to obtaining a permit “under subsection (b) of this section” is substituted for the former reference to obtaining a permit “from the County Commissioners of the county” for clarity.

Also in subsection (a) of this section, the former phrase “on or after June 1, 1959” is deleted as obsolete.

Also in subsection (a) of this section, the former reference to “firm or corporation” is deleted in the definition of “person” in § 1–101 of this article, which provides that “person” includes a corporation, partnership, business trust, or limited liability company.

Also in subsection (a) of this section, the former reference to “migrant or transient workers, or for permanent or semipermanent workers” is deleted as included in the reference to “workers”.

In subsection (b)(1) of this section, the reference to a “permit” is substituted for the former reference to “grant[ing] or refus[ing] such permission or grant[ing] the same” for consistency within this section.

Also in subsection (b)(1) of this section, the reference to rules and regulations “adopted by the county council” is substituted for the former reference to rules and regulations “as they may deem proper for the public welfare” for consistency with other similar provisions of the Code.

Also in subsection (b)(1) of this section, the former phrase “for such time” is deleted as surplusage.

Defined terms: “Municipality” § 1–101

“Person” § 1–101

12–806. ALARM SYSTEMS IN CALVERT, FREDERICK, AND WASHINGTON COUNTIES.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ALARM SYSTEM CONTRACTOR” MEANS A PERSON WHO INSTALLS, MAINTAINS, MONITORS, ALTERS, OR SERVICES AN ALARM SYSTEM.

(3) (I) "ALARM USER" MEANS A PERSON IN CONTROL OF AN ALARM SYSTEM IN, ON, OR AROUND ANY BUILDING, STRUCTURE, FACILITY, OR SITE.

(II) "ALARM USER" INCLUDES THE OWNER OR LESSEE OF AN ALARM SYSTEM.

(4) (I) "FALSE ALARM" MEANS ANY REQUEST FOR IMMEDIATE ASSISTANCE BY A LAW ENFORCEMENT AGENCY OR FIRE DEPARTMENT OR, IN WASHINGTON COUNTY, AN EMERGENCY SERVICES AGENCY, REGARDLESS OF CAUSE, THAT IS NOT IN RESPONSE TO AN ACTUAL EMERGENCY SITUATION OR THREATENED OR SUGGESTED CRIMINAL ACTIVITY.

(II) "FALSE ALARM" INCLUDES:

1. A NEGLIGENTLY OR ACCIDENTALLY ACTIVATED SIGNAL;

2. A SIGNAL THAT IS THE RESULT OF FAULTY, MALFUNCTIONING, OR IMPROPERLY INSTALLED OR MAINTAINED EQUIPMENT;

3. A SIGNAL THAT IS PURPOSELY ACTIVATED TO SUMMON A LAW ENFORCEMENT AGENCY OR FIRE DEPARTMENT OR, IN WASHINGTON COUNTY, AN EMERGENCY SERVICES AGENCY, IN A NONEMERGENCY SITUATION;

4. THE SECOND AND ANY LATER SIGNAL FROM AN ALARM SYSTEM THAT IS ACTIVATED TWO OR MORE TIMES IN A 12-HOUR PERIOD WHEN THE PREMISES ARE UNOCCUPIED IF ACCESS TO THE BUILDING IS PROVIDED TO AN ALARM SYSTEM CONTRACTOR AND AN ALARM SYSTEM CONTRACTOR RESPONDS; AND

5. THE THIRD OR ANY LATER SIGNAL FROM AN ALARM SYSTEM THAT IS ACTIVATED TWO OR MORE TIMES IN A 12-HOUR PERIOD WHEN THE PREMISES ARE UNOCCUPIED IF ACCESS TO THE BUILDING IS NOT PROVIDED TO AN ALARM SYSTEM CONTRACTOR AND AN ALARM SYSTEM CONTRACTOR DOES NOT RESPOND.

(III) "FALSE ALARM" DOES NOT INCLUDE:

1. A SIGNAL ACTIVATED BY UNUSUALLY SEVERE WEATHER CONDITIONS OR OTHER CAUSES BEYOND THE CONTROL OF THE ALARM USER OR ALARM SYSTEM CONTRACTOR; OR

2. A SIGNAL ACTIVATED DURING THE INITIAL 60-DAY PERIOD FOLLOWING NEW INSTALLATION.

(B) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO CALVERT COUNTY, FREDERICK COUNTY, AND WASHINGTON COUNTY.

(C) REGULATIONS.

(1) THE COUNTY COMMISSIONERS MAY ADOPT REGULATIONS TO:

(I) REGISTER ALARM SYSTEM CONTRACTORS OPERATING IN THE COUNTY;

(II) REGISTER ALARM USERS IN THE COUNTY;

(III) PROVIDE PENALTIES FOR FAILURE TO REGISTER AS AN ALARM SYSTEM CONTRACTOR OR ALARM USER;

(IV) PROVIDE CIVIL CITATIONS AND PENALTIES FOR FALSE ALARMS, NOTWITHSTANDING TITLE 9, SUBTITLE 6, PART II OF THE CRIMINAL LAW ARTICLE;

(V) PROVIDE EXEMPTIONS FROM THE ISSUANCE OF CIVIL CITATIONS AND PENALTIES FOR FALSE ALARMS;

(VI) AUTHORIZE THE DESIGNATED COUNTY ENFORCEMENT AGENCY TO MAINTAIN A RECORD OF THE ALARM SYSTEM CONTRACTOR, MONITORING SERVICE, AND MANUFACTURER OF EACH SECURITY SYSTEM IN OPERATION IN THE COUNTY; AND

(VII) AUTHORIZE THE DESIGNATED COUNTY ENFORCEMENT AGENCY, IF IT FINDS A PATTERN OF FALSE ALARMS ATTRIBUTED TO A PARTICULAR MANUFACTURER'S MODEL OR TO INSTALLATION BY A PARTICULAR ALARM SYSTEM CONTRACTOR, TO INFORM:

1. THE MANUFACTURER OF THE MODEL OR THE ALARM SYSTEM CONTRACTOR THAT INSTALLED THE ALARM SYSTEM; AND

2. THE APPROPRIATE STATE OR NATIONAL LICENSING AGENCY OR THE CERTIFICATION STANDARDS ENTITY.

(2) THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY ADOPT REGULATIONS TO ESTABLISH FEES FOR REGISTERING AN ALARM SYSTEM CONTRACTOR OR ALARM USER.

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 25, §§ 221A, 236D, and 236E.

Subsection (b) of this section is new language added to clarify the scope of this section.

In subsection (a)(2) of this section, the former reference to "an agency that provides the services of a person engaged in installing, maintaining, monitoring, altering, or servicing an alarm system" is deleted as unnecessary in light of the definition of the term "person" in § 1-101 of this article which includes human beings, corporations, and other entities.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the fact that only the County Commissioners of Washington County are given explicit authority to adopt fees may imply that the county commissioners of Calvert County and Frederick County do not have the authority to adopt fees. The General Assembly may wish to expand the authority in subsection (c)(2) of this section explicitly to include Calvert County and Frederick County.

Defined term: "State" § 1-101

SUBTITLE 9. MISCELLANEOUS.

12-901. COMMUNITY, SOCIAL, AND RECREATIONAL SERVICES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**

- (4) CECIL COUNTY;
- (5) HOWARD COUNTY;
- (6) PRINCE GEORGE'S COUNTY; AND
- (7) QUEEN ANNE'S COUNTY.

(B) IN GENERAL.

(1) THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SUBSECTION.

(2) THE GOVERNING BODY OF A COUNTY MAY PROVIDE, MAINTAIN, AND OPERATE COMMUNITY, SOCIAL, AND RECREATIONAL SERVICES THAT PROMOTE THE HEALTH AND WELFARE OF COUNTY RESIDENTS.

(C) WORCESTER COUNTY.

THE COUNTY COMMISSIONERS OF WORCESTER COUNTY MAY PROVIDE, MAINTAIN, AND OPERATE COMMUNITY, SOCIAL, AND RECREATIONAL SERVICES AND PROJECTS THAT PROMOTE THE HEALTH, WELFARE, AND ECONOMIC DEVELOPMENT OF COUNTY RESIDENTS.

REVISOR'S NOTE: Subsections (a), (b)(2), and (c) of this section are new language derived without substantive change from former Art. 25, § 3(x) and (x–2) and, as it related to the scope of this section, (a).

Subsection (b)(1) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, § 3(r) and § 4, which apply to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this subsection.

In subsection (a)(2) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(g) applicable to commission counties, code counties, and charter counties, except for the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City in the Annotated Code.

In subsections (b)(2) and (c) of this section, the word “residents” is substituted for the former reference to “inhabitants” for consistency with other similar provisions of the Code. *See* General Revisor’s Note to article.

Also in subsections (b)(2) and (c) of this section, the reference to “recreational services” is substituted for the former reference to “recreation” for clarity.

In subsection (b)(2) of this section, the former reference to services “for the preservation” of health and welfare is deleted as included in the reference to “promot[ing]” health and welfare.

In subsection (c) of this section, the former reference to the county “mak[ing] appropriations for” community and social services projects is deleted as included in the reference to the county “provid[ing], maintain[ing], and operat[ing]” services and projects.

Defined terms: “Commission county” § 1–101
 “Governing body” § 1–101

12–902. AGREEMENTS TO PURCHASE DEVELOPMENT RIGHTS.

(A) “AGREEMENT” DEFINED.

IN THIS SECTION, “AGREEMENT” MEANS AN AGREEMENT TO PURCHASE DEVELOPMENT RIGHTS AUTHORIZED UNDER THIS SECTION.

(B) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY IN:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE COUNTY;**
- (3) CARROLL COUNTY;**
- (4) HOWARD COUNTY; AND**
- (5) PRINCE GEORGE’S COUNTY.**

(C) IN GENERAL.

A COUNTY MAY ENTER INTO AN AGREEMENT TO PURCHASE DEVELOPMENT RIGHTS.

(D) CONTENTS OF AGREEMENT.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A COUNTY MAY DETERMINE, BY RESOLUTION, THE PROVISIONS, TERMS, CONDITIONS, AND DURATION OF AN AGREEMENT.

(E) PAYMENT OBLIGATIONS — GENERALLY.

A PAYMENT OBLIGATION IN AN AGREEMENT:

(1) IS A GENERAL OBLIGATION OF THE COUNTY TO WHICH ITS FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER IS PLEDGED; AND

(2) IS NOT SUBJECT TO ANNUAL APPROPRIATION BY THE COUNTY.

(F) PAYMENT OBLIGATIONS — EXCEPTIONS TO STATUTORY LIMITATIONS OR PROCEDURES.

A COUNTY MAY UNDERTAKE A PAYMENT OBLIGATION IN AN AGREEMENT:

(1) WITHOUT REGARD TO ANY LIMITATIONS CONTAINED IN ITS CHARTER OR OTHER PUBLIC LOCAL LAW OR PUBLIC GENERAL LAW; AND

(2) WITHOUT COMPLYING WITH ANY PROCEDURES CONTAINED IN ITS CHARTER OR OTHER PUBLIC LOCAL LAW OR PUBLIC GENERAL LAW.

(G) EXERCISE OF AUTHORITY CONSTITUTES EXERCISE OF BORROWING POWER.

THE EXERCISE OF THE AUTHORITY GRANTED IN THIS SECTION TO ENTER INTO AN AGREEMENT WITH A PAYMENT OBLIGATION FOR A TERM OF YEARS CONSTITUTES THE EXERCISE OF BORROWING AUTHORITY.

(H) TAX EXEMPTION.

AN AGREEMENT, THE TRANSFER OR ASSIGNMENT OF THE AGREEMENT, AND ANY PAYMENT REQUIRED BY THE AGREEMENT ARE EXEMPT FROM TAXATION BY THE STATE OR ANY COUNTY, MUNICIPALITY, OR PUBLIC AGENCY.

REVISOR'S NOTE: Subsection (a) of this section is new language added to avoid repetition of the phrase "an agreement to purchase development rights" authorized under this section.

Subsections (b) through (h) of this section are new language derived without substantive change from former Art. 24, §§ 20–101 and 20–102.

In subsection (f)(1) of this section, the former reference to a law "that would otherwise apply" is deleted as surplusage. Similarly, in subsection (f)(2) of this section, the former reference to a law "that otherwise would be required" is deleted.

Defined terms: "County" § 1–101

"Municipality" § 1–101

"State" § 1–101

12–903. BOUNTIES FOR KILLING WILD ANIMALS AND BIRDS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES, EXCEPT BALTIMORE CITY.

(B) REGULATIONS TO ESTABLISH BOUNTIES.

THE GOVERNING BODY OF A COUNTY MAY ADOPT RULES AND REGULATIONS TO ESTABLISH AND PROVIDE FOR PAYMENT OF BOUNTIES FOR THE KILLING OF:

(1) CROWS;

(2) FOXES;

(3) HAWKS;

(4) MINKS;

(5) OWLS;

(6) WILDCATS; AND

(7) OTHER SIMILAR DESTRUCTIVE AND HARMFUL WILD ANIMALS

OR BIRDS.

(C) PENALTY.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO VIOLATES A REGULATION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.

(2) IN CALVERT COUNTY, A PERSON WHO VIOLATES A REGULATION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in Art. 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 25, § 2(b) and, as it related to establishing bounties for killing wild animals and birds, (a).

In the introductory language of subsection (b) of this section, the reference to “establish[ing] and provid[ing] for payment of” bounties is substituted for the former reference to “allowing and paying” bounties for clarity.

In subsection (c) of this section, the former references to fines being imposed “for any such violation” are deleted as surplusage.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Person” § 1–101

TITLE 13. OTHER POWERS OF COUNTIES — REGULATORY.

SUBTITLE 1. REGULATION OF ANIMALS.

PART I. IN GENERAL.

13–101. SCOPE OF SUBTITLE.

EXCEPT AS OTHERWISE PROVIDED IN THIS PART, THIS PART APPLIES TO ALL COUNTIES EXCEPT BALTIMORE CITY.

REVISOR'S NOTE: This section is derived without substantive change from former Art. 24, § 11-509(c).

The former references to the "City of Cambridge" and the "City of Crisfield" are deleted to conform to the uniformity requirement in Article XI-E of the Constitution of Maryland.

13-102. REGULATION AND ENFORCEMENT.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY IN WASHINGTON COUNTY.

(B) IN GENERAL.

(1) THE GOVERNING BODY OF A COUNTY MAY ADOPT RULES AND REGULATIONS FOR:

- (I) SALES OF DOG LICENSES;**
- (II) KEEPING RECORDS OF DOG LICENSES; AND**
- (III) ENFORCING THIS SUBTITLE.**

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE GOVERNING BODY MAY DELEGATE, BY WRITTEN CONTRACT, THE ENFORCEMENT AND ADMINISTRATION OF THIS SUBTITLE TO ANY ORGANIZATION OR MUNICIPALITY IN THE COUNTY.

(3) (I) THE GOVERNING BODY SHALL RESERVE THE RIGHT TO CANCEL A WRITTEN CONTRACT EXECUTED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

(II) A CANCELLATION UNDER THIS PARAGRAPH:

1. MAY BE WITHOUT NOTICE OR RECOURSE, IF THE CANCELLATION IS FOR CAUSE; OR

2. REQUIRES NOTICE AT LEAST 30 DAYS BEFORE CANCELLATION, IF THE CANCELLATION IS WITHOUT CAUSE.

(C) ENFORCEMENT AND PROSECUTION.

(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE SHERIFF OR A DEPUTY AUTHORIZED BY THE SHERIFF:

(I) SHALL ENFORCE THIS SUBTITLE; AND

(II) MAY ISSUE A SUMMONS TO A PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE.

(2) IN GARRETT COUNTY, THE ANIMAL CONTROL OFFICER SHALL ENFORCE THIS SUBTITLE.

(3) IN CALVERT COUNTY:

(I) THIS SUBTITLE SHALL BE ENFORCED BY:

1. THE SHERIFF OR ANY DEPUTY AUTHORIZED BY THE SHERIFF; OR

2. AN ANIMAL CONTROL OFFICER APPOINTED BY THE COUNTY COMMISSIONERS OR THE COUNTY COMMISSIONER'S DESIGNEE; AND

(II) THE SHERIFF, A DEPUTY AUTHORIZED BY THE SHERIFF, OR AN ANIMAL CONTROL OFFICER MAY ISSUE A SUMMONS TO ANY PERSON VIOLATING A PROVISION OF THIS SUBTITLE.

(4) THE GOVERNING BODY OF A COUNTY SHALL PAY THE ACTUAL EXPENSES IN ENFORCING THIS SUBTITLE, INCLUDING PAYING THE SALARY OF A DEPUTY APPOINTED FOR THAT PURPOSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-504(a), (b), and (d).

In subsection (b)(1) of this section, the former reference to adopting regulations "from time to time" is deleted as implicit.

Also in subsection (b)(1) of this section, the former reference to "all necessary" regulations is deleted as surplusage.

In subsection (b)(1)(iii) of this section, the former reference to "convenient and effective" enforcement is deleted as implicit in the requirement to enforce.

In subsection (b)(2) of this section, the phrase “[s]ubject to paragraph (3) of this subsection” is added for clarity.

Also in subsection (b)(2) of this section, the former reference to an “association of persons” is deleted as included in the reference to “any organization”.

In subsection (b)(3) of this section, the former reference to the governing body reserving “unto themselves” a right of cancellation is deleted as implicit.

In subsection (b)(3)(ii) of this section, the former reference to a “stated” cause is deleted as surplusage.

In subsection (b)(3)(ii)1 of this section, the former reference to “previous” notice is deleted as surplusage.

In subsection (b)(3)(ii)2 of this section, the reference to “at least” 30 days’ notice is substituted for the former reference “to be on” 30 days’ notice for accuracy and clarity.

In the introductory language of subsection (c)(1) of this section, the reference to “[e]xcept as provided in paragraphs (2) and (3) of this subsection” is added for clarity.

In subsection (c)(1) of this section, the former reference to a sheriff “of the several counties” is deleted as surplusage.

In subsection (c)(2) of this section and throughout this subtitle, the references to “animal control officer” are substituted for the former references to “dog warden” to reflect more modern terminology.

Also in subsection (c)(2) of this section, the reference to “enforc[ing] this subtitle” is substituted for the former reference to “hav[ing] the duties imposed by the subsection” for brevity and clarity.

In subsection (c)(4) of this section, the reference to the governing body “shall pay” the sheriff’s expenses is substituted for the former reference to the governing body being “authorized and directed to reimburse” the sheriff for clarity.

Former Art. 24, § 11–509(e) and the second sentence of (a), which provided that except in Garrett County the State’s Attorney and the sheriffs of the counties prosecute violations of the subtitle, is deleted as unnecessary because the State’s Attorney is charged under other provisions of law with prosecuting criminal violations and the practice in

Garrett County is that the State's Attorney does in fact prosecute the violations.

Defined terms: "Governing body" § 1-101

"Person" § 1-101

13-103. COMPENSATION FOR TAX COLLECTORS.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY IN WASHINGTON COUNTY.

(B) COMPENSATION.

THE GOVERNING BODY OF A COUNTY MAY PAY THE COUNTY TAX COLLECTOR ADDITIONAL COMPENSATION FOR THE DUTIES IMPOSED BY THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 11-504(a)(3) and the first sentence of (c).

In subsection (b) of this section, the reference to "county tax collector" is substituted for the former reference to "county treasurer, or to the tax-collecting officer" for consistency with other similar provisions of this article.

Also in subsection (b) of this section, the former reference to compensation deemed "necessary or advisable" is deleted as unnecessary in light of the general authority bestowed on a governing body to determine the compensation.

Also in subsection (b) of this section, the former reference to "additional" duties imposed by this subtitle is deleted as surplusage.

Defined terms: "Governing body" § 1-101

"Tax collector" § 1-101

13-104. SERVICE DOGS.

(A) "SERVICE DOGS" DEFINED.

IN THIS SECTION, "SERVICE DOG" MEANS A DOG THAT IS PROFESSIONALLY TRAINED TO AID INDIVIDUALS WHO ARE:

- (1) BLIND OR VISUALLY IMPAIRED;
- (2) DEAF OR HARD OF HEARING; OR
- (3) MOBILITY IMPAIRED.

(B) EXEMPTION FROM FEES.

IF AN APPLICATION MEETS THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION AND THE LOCAL LICENSING AGENCY IS SATISFIED THAT THE DOG FOR WHICH A LICENSE IS SOUGHT IS A SERVICE DOG AND IS ACTUALLY IN USE AS A SERVICE DOG:

(1) THE DOG OWNER IS NOT REQUIRED TO PAY A FEE FOR ISSUANCE OF THE LICENSE; AND

(2) THE LOCAL LICENSING AGENCY SHALL INSCRIBE ACROSS THE FACE OF THE LICENSE IN RED INK THE WORDS "SERVICE DOG".

(C) AFFIDAVIT REQUIRED.

(1) AN APPLICATION FOR A LICENSE FOR A SERVICE DOG SHALL BE ACCOMPANIED BY AN AFFIDAVIT FROM THE OWNER STATING THAT:

(I) THE DOG FOR WHICH THE LICENSE IS SOUGHT HAS BEEN PROFESSIONALLY TRAINED AS A SERVICE DOG; AND

(II) THE OWNER IS AWARE THAT THE OWNER MAY BE LIABLE, UNDER § 7-705 OF THE HUMAN SERVICES ARTICLE, FOR DAMAGES CAUSED BY THE SERVICE DOG TO PREMISES OR FACILITIES.

(2) THE LOCAL LICENSING AGENCY IN EACH COUNTY SHALL MAKE FORMS AVAILABLE FOR AFFIDAVITS REQUIRED UNDER THIS SUBSECTION.

(D) ADDITIONAL TAG.

(1) IN ADDITION TO ANY TAG ISSUED UNDER PART II OF THIS SUBTITLE, THE LOCAL LICENSING AGENCY SHALL ISSUE A TAG FOR A SERVICE DOG.

(2) A SERVICE DOG TAG SHALL:

(I) BE ORANGE;

(II) BE LABELED “SERVICE DOG”; AND

(III) INDICATE THAT IT IS ISSUED BY THE STATE.

(3) IN ACCORDANCE WITH § 4-316 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE DEPARTMENT OF GENERAL SERVICES SHALL PURCHASE THE SERVICE DOG TAGS AND MAKE THEM AVAILABLE TO THE COUNTIES ON REIMBURSEMENT FOR THE COST OF THE TAGS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 11-502.

Subsection (a) of this section is revised as a definition for clarity and brevity.

In this section, the term “service dog” is substituted for the former term “dog guide” for consistency with Title 7, Subtitle 7 of the Human Services Article. *See* § 7-701(f) of the Human Services Article for definition of “service dog trainer”.

In subsection (a) of this section, the former phrase “as the case may be” is deleted as surplusage.

In the introductory language of subsection (b) of this section, the phrase “[i]f an application meets the requirements of subsection (c) of this section” is substituted for the former phrase “[i]f the application shall disclose” for clarity.

In subsection (b) of this section, the references to the “local licensing agency” are substituted for the former references to “clerks” for accuracy and consistency with subsection (c) of this section.

In subsection (c) of this section, the former references to “owners” are deleted in light of the references to “owner” and Art. 1, § 8, which provides that the singular includes the plural.

In subsection (c)(2) of this section, the reference to “county” is substituted for the former reference to “subdivision” for clarity because the only type of subdivision referred to in subsection (c)(2) is a county.

In subsection (d)(1) of this section, the requirement that the “local licensing agency” issue the tags is added for clarity.

In subsection (d)(3) of this section, the reference to “service dog” tags is substituted for the former reference to “orange” tags for clarity and consistency with the terminology used in this section.

Defined term: “County” § 1–101

13–105. AGGRESSIVE DOGS.

(A) AUTHORITY TO KILL DOGS.

REGARDLESS OF WHETHER THE DOG BEARS THE PROPER LICENSE TAG REQUIRED UNDER THIS SUBTITLE, A PERSON MAY KILL A DOG THAT THE PERSON SEES IN THE ACT OF:

(1) PURSUING, ATTACKING, WOUNDING, OR KILLING POULTRY OR LIVESTOCK; OR

(2) ATTACKING A HUMAN BEING.

(B) IMMUNITY FROM LIABILITY.

A PERSON WHO KILLS A DOG UNDER THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS IMMUNE FROM ANY CIVIL LIABILITY OR CRIMINAL PENALTY FOR THE KILLING.

(C) COMPENSATION FOR ANIMALS DESTROYED OR INJURED.

(1) (I) THE GOVERNING BODY OF A COUNTY, BY LOCAL LAW OR ORDINANCE, MAY PROVIDE FOR THE COMPENSATION OF A PERSON WHOSE POULTRY OR LIVESTOCK IS DESTROYED OR INJURED BY A DOG.

(II) A LOCAL LAW OR ORDINANCE ENACTED UNDER THIS SECTION MAY REQUIRE THE SHERIFF OF THE COUNTY, A COUNTY OFFICIAL, OR OTHER PERSON TO:

1. APPRAISE THE DAMAGES SUSTAINED BY THE OWNER OF THE POULTRY OR LIVESTOCK THAT WAS DESTROYED OR INJURED; AND

2. REPORT THE FINDINGS TO THE GOVERNING BODY OF THE COUNTY.

(2) (I) IF THE OWNER OF THE DOG CANNOT BE DETERMINED, THE GOVERNING BODY MAY COMPENSATE THE OWNER OF THE POULTRY OR LIVESTOCK THAT WAS DESTROYED OR INJURED, IN ACCORDANCE WITH THE APPRAISAL, FROM:

1. THE DOG LICENSE FUND ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION; OR

2. THE COUNTY GENERAL FUND.

(II) A SWORN REPORT OF THE APPRAISER IS PRIMA FACIE EVIDENCE OF THE FAIRNESS OF DAMAGES IN EACH INSTANCE.

(III) IF THE GOVERNING BODY DETERMINES THE AMOUNT OF THE APPRAISAL TO BE UNFAIR, THE GOVERNING BODY MAY AWARD COMPENSATION IN AN AMOUNT THAT THE GOVERNING BODY DETERMINES TO BE FAIR.

(3) (I) IF THE OWNER OF THE DOG IS KNOWN, THE GOVERNING BODY SHALL DIRECT THE OWNER TO EUTHANIZE THE DOG IMMEDIATELY.

(II) IF THE OWNER REFUSES OR NEGLECTS TO EUTHANIZE THE DOG AFTER BEING DIRECTED TO DO SO BY THE GOVERNING BODY:

1. THE OWNER IS LIABLE FOR DAMAGES TO THE SAME EXTENT THAT THE OWNER WOULD BE LIABLE IN A CASE OF NEGLIGENCE OR MALICIOUS DESTRUCTION OF PROPERTY; AND

2. THE GOVERNING BODY MAY DIRECT SPECIAL OFFICERS TO EUTHANIZE THE DOG.

(4) IF THE GOVERNING BODY DOES NOT ADOPT A LOCAL LAW OR ORDINANCE UNDER THIS SUBSECTION, THE COUNTY IS NOT REQUIRED TO COMPENSATE A PERSON FOR POULTRY OR LIVESTOCK DESTROYED OR INJURED BY A DOG.

(D) DOG LICENSE FUND.

(1) (I) THE TAX COLLECTOR SHALL CREDIT DOG LICENSE FEES TO:

1. A SEPARATE FUND; OR

2. THE COUNTY GENERAL FUND.

(II) THE DOG LICENSE FEES MAY BE USED:

1. TO PAY DAMAGES FOR THE INJURY AND KILLING OF POULTRY OR OTHER LIVESTOCK IN THE COUNTY, IN ACCORDANCE WITH PROCEDURES SET FORTH IN A LOCAL LAW OR ORDINANCE ADOPTED UNDER SUBSECTION (C) OF THIS SECTION; AND

2. AS OTHERWISE PROVIDED IN THIS SUBTITLE.

(2) (I) IF THE GOVERNING BODY ENACTS A LOCAL LAW OR ORDINANCE UNDER SUBSECTION (C) OF THIS SECTION, CLAIMS SHALL BE PAID IN THE ORDER IN WHICH THE CLAIMS ARE FILED AND PROVED.

(II) A PERSON WHOSE CLAIM IS NOT PAID IN A PARTICULAR YEAR DUE TO LACK OF MONEY AVAILABLE TO SATISFY THE CLAIM SHALL BE PAID OUT OF THE FIRST MONEY THAT SUBSEQUENTLY BECOMES AVAILABLE.

(III) A CLAIM THAT IS FILED AND PROVED, BUT REMAINS UNPAID, SHALL HAVE PREFERENCE OVER ANY SUBSEQUENT CLAIM.

(3) THE GOVERNING BODY MAY SPEND ANY FUNDS IN EXCESS OF \$1,000 REMAINING IN A DOG LICENSE FUND AFTER THE PAYMENT OF CLAIMS FOR ANY PUBLIC PURPOSE DETERMINED BY THE GOVERNING BODY TO BE APPROPRIATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-505, 11-508, and 11-507(b), (c), and the first sentence of (d).

In subsection (b) of this section, the reference to a dog killed "under the circumstances described in subsection (a) of this section" is substituted for the former reference to "such killing" for clarity.

Also in subsection (b) of this section, the reference to being "immune from any civil liability or criminal penalty" is substituted for the former reference to there being "no liability ... in damages or otherwise" for clarity.

In subsections (c) and (d) of this section, the former references to "sheep" are deleted as included in the references to "livestock".

In subsections (c)(1)(ii)1 and (c)(2)(i) of this section, the references to “owner of the poultry or livestock that was destroyed or injured” are substituted for the former references to “person” for clarity.

In subsection (c)(2) of this section, the former reference to the “award of” damages is deleted as surplusage.

In subsection (c)(3) of this section, the references to “euthaniz[ing]” dogs are substituted for the former references to “kill[ing]” dogs to use more modern terminology.

In subsection (c)(3)(i) of this section, the reference to the owner refusing to euthanize the dog “after being directed to do so by the governing body” is substituted for the former reference to “upon notice” for clarity.

Also in subsection (c)(3)(i) of this section, the requirement that the governing body “direct” the owner to euthanize the dog is substituted for the former requirement that the governing body “notify” the owner to euthanize the dog for clarity.

Also in subsection (c)(3)(i) of this section, the former reference to the dog “doing the damage” is deleted as surplusage.

In the introductory language of subsection (d)(1)(i) of this section, the reference to “dog license fees” is substituted for the former reference to “[m]oney arising from dog licenses or taxes” for consistency with other similar provisions of this subtitle.

In subsection (d)(1)(i)1 of this section, the former reference to “respective” counties is deleted as surplusage.

In subsection (d)(1)(ii)2 of this section, the reference to dog license fees being used “as otherwise provided in this subtitle” is added because of cross references in other provisions of this subtitle that allow for additional uses of the fund.

In subsection (d)(2)(i) of this section, the reference to the “governing body” of a county is added for consistency with other similar provisions of this article.

Also in subsection (d)(2)(i) of this section, the former phrase “and there are insufficient funds for the payment of all damages” is deleted as implicit.

In subsection (d)(2)(ii) of this section, the reference to the first money that “subsequently” becomes available is substituted for the former reference

to the first money that becomes available “after the claim is reached” for clarity.

In subsection (d)(2)(iii) of this section, the reference to a claim filed and “proved” is substituted for the former reference to a claim filed and “passed upon” for clarity and consistency.

Also in subsection (d)(2)(iii) of this section, the former reference to preference over claims “in the order of payment” is deleted as surplusage.

Former Art. 24, § 11–507(a), which defined “person”, is deleted in light of the article-wide definition of “person” in § 1–101 of this article.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the meaning of the reference to a special officer in subsection (c)(3)(ii)2 of this section is unclear.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Person” § 1–101

“Tax collector” § 1–101

13–106. UNLICENSED OR MENACING DOGS — CONTRACTS FOR REMOVAL, CARE, AND DISPOSITION.

THE GOVERNING BODY OF A COUNTY MAY CONTRACT WITH A PERSON FOR THE REMOVAL, CARE, AND DISPOSITION OF UNLICENSED DOGS OR LICENSED DOGS THAT MAY BE A MENACE TO SAFETY, SECURITY, AND PROPERTY.

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 24, § 11-507(d).

The reference to a county governing body “contract[ing]” is substituted for the former reference to the governing body “enter[ing] into a contract or agreement ... on the terms and conditions and for the compensation that may be agreed to by the county governing body and the person” for brevity.

The former reference to the safety, security, and property “of the residents of the county” is deleted as being overly limiting because the county would also be required to protect nonresidents from dogs in the county.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Person” § 1–101

13-107. LICENSED DOGS AS PERSONAL PROPERTY.**(A) SCOPE OF SECTION.**

THIS SECTION DOES NOT APPLY IN SOMERSET COUNTY.

(B) IN GENERAL.

A LAWFULLY LICENSED DOG WHOSE OWNERSHIP CAN BE PROVED IS PERSONAL PROPERTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 11-506.

In subsection (b) of this section, the former reference to dogs "in the counties of this State" is deleted as surplusage.

13-108. KENNEL LICENSES FOR BREEDERS.**(A) SCOPE OF SECTION.**

THIS SUBSECTION APPLIES TO ALL COUNTIES, INCLUDING BALTIMORE CITY.

(B) REQUIREMENT TO OBTAIN LICENSE.

NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBTITLE, A PERSON SHALL OBTAIN A KENNEL LICENSE FROM THE LOCAL LICENSING AGENCY IF THE PERSON:

(1) OWNS OR HAS CUSTODY OF 15 OR MORE UNSPAYED FEMALE DOGS OVER THE AGE OF 6 MONTHS KEPT FOR THE PURPOSE OF BREEDING THE DOGS AND SELLING THEIR OFFSPRING; AND

(2) SELLS DOGS FROM SIX OR MORE LITTERS IN A YEAR.

(C) RECORD KEEPING AND REPORTING REQUIREMENTS.

(1) EACH LOCAL LICENSING AGENCY SHALL COLLECT AND MAINTAIN A RECORD OF THE FOLLOWING INFORMATION FOR EACH KENNEL LICENSE ISSUED IN THE COUNTY:

- (I) NAME OF THE LICENSEE;
- (II) ADDRESS OF THE LICENSEE;
- (III) NUMBER OF DOGS MAINTAINED BY THE LICENSEE; AND
- (IV) NUMBER OF PUPPIES SOLD BY THE LICENSEE IN THE PRECEDING YEAR.

(2) ON OR BEFORE JANUARY 15 OF EACH YEAR, EACH LOCAL LICENSING AGENCY SHALL REPORT TO THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION THE INFORMATION COLLECTED UNDER THIS SUBSECTION FOR THE PRECEDING YEAR.

(D) FEES.

THE GOVERNING BODY OF A COUNTY MAY ESTABLISH ADDITIONAL KENNEL LICENSE FEES TO COVER THE COST OF COLLECTING, MAINTAINING, AND SUBMITTING THE RECORDS AND REPORTS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.

(E) CONSTRUCTION OF SECTION.

THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE GOVERNING BODY OF A COUNTY FROM ENACTING MORE STRINGENT KENNEL LICENSING ORDINANCES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 11-501(a-1).

In subsection (c) of this section, the references to the "local licensing agency" are substituted for the former references to the "county" for consistency with subsection (b) of this section.

Defined terms: "County" § 1-101
"Governing body" § 1-101

13-109. PENALTIES.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY IN GARRETT COUNTY OR WASHINGTON COUNTY.

(B) IN GENERAL.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE AND PARAGRAPH (2) OF THIS SECTION, A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE OF NOT LESS THAN \$5 AND NOT EXCEEDING \$25 OR BOTH.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, IN CALVERT COUNTY, A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 60 DAYS OR A FINE OF \$50 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 11-509(b), (d), (e), (f), and the first sentence of (a).

In subsection (b) of this section, the phrases “[e]xcept as otherwise provided in this subtitle” are added for accuracy to reflect the fact that provisions of the subtitle have either specific penalties or specific authority to a county to enact penalties and that, in those cases, the general penalty would not apply.

Also in subsection (b) of this section, the former reference to “[t]his section does not apply to a violation of § 11-512, § 11-513, or § 11-514 of this subtitle” is deleted as unnecessary in light of the phrase “[e]xcept as otherwise provided in this subtitle” and the fact that those sections are excluded because they have specific penalties.

In subsection (b)(1) of this section, the former reference to “refusing to comply with” provisions of this section is deleted as implicit in the reference to “violat[ing]” this section.

Also in subsection (b)(1) of this section, the former reference to imprisonment “in the county jail” is deleted as unnecessary in light of CS § 9-104 which states that “notwithstanding any other law, a judge may not sentence an individual to the jurisdiction of the Division [of Correction] for 12 months or less”.

Defined term: “Person” § 1-101

13-110. RESERVED.

13-111. RESERVED.

PART II. LOCAL PROVISIONS.

13-112. ALLEGANY COUNTY.

(A) DOG AND KENNEL LICENSES.

(1) IN ALLEGANY COUNTY, ON OR BEFORE JULY 1 OF EACH YEAR, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY A FEE OF:

(I) \$1 FOR A LICENSE FOR A MALE OR SPAYED FEMALE DOG;

(II) \$2 FOR A LICENSE FOR AN UNSPAYED FEMALE DOG;

(III) \$10 FOR A KENNEL LICENSE FOR A PERSON OWNING OR KEEPING 25 OR FEWER DOGS; OR

(IV) \$20 FOR A KENNEL LICENSE FOR A PERSON OWNING OR KEEPING MORE THAN 25 DOGS.

(3) EXCEPT AS PROVIDED IN § 13-108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION ARE THE ONLY LICENSES AND FEES REQUIRED FOR OWNING OR KEEPING A DOG.

(4) THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(5) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(6) A LICENSE EXPIRES ON JULY 1 OF THE YEAR AFTER ISSUANCE.

(B) DOG TAGS.

(1) IN ALLEGANY COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(I) COMPOSED OF METAL;

(II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (A) OF THIS SECTION;

(III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(IV) 1 INCH OR LESS IN LENGTH; AND

(V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE COUNTY COMMISSIONERS SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:

(I) CONFINED IN A KENNEL; OR

(II) HUNTING UNDER THE CHARGE OF AN ATTENDANT.

(7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:

(I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;

(II) THE PRODUCTION OF THE LICENSE; AND

(III) PAYMENT OF A FEE OF 25 CENTS.

(C) REGULATION AND ENFORCEMENT.

(1) THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY MAY PASS RULES, REGULATIONS, OR RESOLUTIONS TO PROVIDE FOR:

(I) ISSUING DOG LICENSES;

(II) KEEPING RECORDS OF ALL SALES OF LICENSES;

(III) DESIGNATING PERSONS AUTHORIZED TO SELL LICENSES; AND

(IV) SEIZING AND DISPOSING OF DOGS FOUND RUNNING AT LARGE IN THE COUNTY.

(2) BEFORE THE COUNTY COMMISSIONERS PASS A RULE, REGULATION, OR RESOLUTION IN ACCORDANCE WITH THIS SUBSECTION, THE PROPOSED RULE, REGULATION, OR RESOLUTION SHALL BE ADVERTISED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONCE EACH WEEK FOR 4 SUCCESSIVE WEEKS, TO PROVIDE ANY PERSON AN OPPORTUNITY TO BE HEARD.

(3) THE RULES, REGULATIONS, OR RESOLUTIONS SHALL INCLUDE STANDARDS AND OPERATE UNIFORMLY.

(4) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS MAY DELEGATE, BY WRITTEN CONTRACT, THE ENFORCEMENT OF THE RULES, REGULATIONS, OR RESOLUTIONS.

(5) (I) THE COUNTY COMMISSIONERS SHALL RESERVE THE RIGHT TO CANCEL A WRITTEN CONTRACT EXECUTED IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION.

(II) A CANCELLATION UNDER THIS PARAGRAPH:

1. MAY BE WITHOUT NOTICE OR RECOURSE, IF THE CANCELLATION IS FOR CAUSE; OR

2. REQUIRES NOTICE AT LEAST 30 DAYS BEFORE CANCELLATION, IF THE CANCELLATION IS WITHOUT CAUSE.

(D) ANIMAL CONTROL OFFICERS.

(1) THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY MAY APPOINT ANIMAL CONTROL OFFICERS.

(2) AN ANIMAL CONTROL OFFICER APPOINTED UNDER THIS SUBSECTION:

(I) HAS ALL THE POWERS OF A PEACE OFFICER;

(II) MAY SELL AND ISSUE DOG LICENSES; AND

(III) MAY SEIZE AND DISPOSE OF STRAY, INJURED, OR SICK DOGS IN ACCORDANCE WITH A RULE, REGULATION, OR RESOLUTION PASSED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(3) THE COUNTY COMMISSIONERS MAY PROVIDE FOR THE COMPENSATION OF AN ANIMAL CONTROL OFFICER APPOINTED UNDER THIS SUBSECTION.

(E) ANIMAL SHELTERS.

(1) THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY MAY CONTRACT WITH AN ANIMAL WELFARE SOCIETY, A HUMANE SOCIETY, OR ANY OTHER QUALIFIED PERSON TO:

(I) ESTABLISH AN ANIMAL SHELTER; OR

(II) SEIZE, DISPOSE OF, OR EUTHANIZE STRAY, INJURED, OR SICK DOGS.

(2) NOTWITHSTANDING § 13-105(D) OF THIS SUBTITLE, THE COUNTY COMMISSIONERS MAY USE PROCEEDS FROM DOG LICENSE FEES TO:

(I) ESTABLISH AN ANIMAL SHELTER; OR

(II) COLLECT, DISPOSE OF, OR EUTHANIZE STRAY, INJURED, OR SICK DOGS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-501(a), 11-503(a), and 11-504(e)(1) and (f), as they related to Allegany County.

In subsection (a)(1) of this section and throughout this subtitle, the former references to applying "orally or in writing" are deleted as unnecessary because it encompasses all methods of applying.

Also in subsection (a)(1) of this section and throughout this subtitle, the former references to "each such" dog are deleted as surplusage.

In subsection (a)(2) of this section and throughout this subtitle, the references to the owner "pay[ing]" a fee are substituted for the former references to the application being "accompanied by" a fee for accuracy.

In subsection (a)(3) and the introductory language of (e)(2) of this section and throughout this subtitle, the references to a license "fee" are substituted for the former references to a license "tax" for consistency within this subtitle.

In subsection (a)(5) of this section and throughout this subtitle, the references to "serial" number are added for consistency with other similar provisions of this subtitle.

In subsection (b)(1) of this section and throughout this subtitle, the references to a person "keeping" a dog are added for consistency throughout this subtitle.

In subsection (b)(3)(i) of this section and throughout this subtitle, the references to a tag being "composed" of metal are added for clarity.

In subsection (b)(4) of this section and throughout this subtitle, the references to the "county commissioners" changing the shape of the tags are added for clarity.

In subsection (b)(6) of this section and throughout this subtitle, the references to the "person owning or keeping a dog" attaching the tag to the collar are added for clarity.

In subsection (c)(1) of this section and throughout this subtitle, the former references to taking action "in order to safeguard the health, safety and public welfare of the residents of those counties" are deleted as implicit.

In subsection (c)(1)(i) of this section and throughout this subtitle, the former references to dog licenses “in these counties” are deleted as implicit.

In subsections (c)(1)(iv) and (d)(2)(iii) of this section and throughout this subtitle, the references to “seiz[ing]” are substituted for the former references to “tak[ing] into custody”, “collect[ing]”, and “impoundment” for brevity and consistency.

In subsection (c)(2) of this section and throughout this subtitle, the former references to a “firm or corporation” are deleted in light of § 1–101 of this article which defines “person” to include a firm or a corporation.

Also in subsection (c)(2) of this section and throughout this subtitle, the former references to before the county commissioners may “proceed to enforce” a rule, regulation, or resolution are deleted as surplusage.

Also in subsection (c)(2) of this section and throughout this subtitle, the former references to notice being in a newspaper of general circulation “published” in the county are deleted to conform to other similar provisions of this article.

Also in subsection (c)(2) of this section and throughout this subtitle, the former references to any person “adversely affected thereby” are deleted as unnecessarily restrictive for a hearing requirement.

Also in subsection (c)(2) of this section and throughout this subtitle, the former references to being heard “by the county commissioners in opposition to the adoption of the rule, regulation or resolution” is deleted as implicit.

In subsection (c)(3) of this section and throughout this subtitle, the former references to “proper” standards “for the exercise of the discretion contained herein” are deleted as implicit.

In subsection (c)(4) of this section and throughout this subtitle, the reference to the authority of the “county commissioners” to delegate by contract is added for clarity.

In subsection (c)(5)(i) of this section and throughout this subtitle, the references to “a written contract executed in accordance with paragraph (4) of this subsection” are substituted for the former references to “the delegation” for clarity.

In subsection (d)(2) and (3) of this section and throughout this subtitle, the references to animal control officers “appointed under this subsection” are added for clarity.

In subsection (d)(2)(i) of this section and throughout this subtitle, the former references to a “constable” are deleted as included in the reference to a “peace officer”.

In subsection (e)(1)(i) and (2)(i) of this section and throughout this subtitle, the references to “animal shelter” are substituted for the former references to “dog pound” to reflect more modern terminology.

In the introductory language of subsection (e)(2) of this section and throughout this subtitle, the references to using the “proceeds from” a license fee are substituted for the former references to using “all or part of” the license fee for clarity.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that in subsection (a) of this section and throughout this subtitle, there are references to a kennel license being required for a person owning 25 or fewer dogs; however, the minimum number of dogs required to trigger the need for a kennel license is never specified. The General Assembly may wish to clarify this ambiguity.

The Local Government Article Review Committee also notes, for consideration by the General Assembly, that the fees in subsection (b)(7) of this section and throughout this subtitle are low. The General Assembly may wish to consider repealing the specific fees and giving the counties the authority to set their own fees.

Defined terms: “Person” § 1–101
 “Tax collector” § 1–101

13–113. ANNE ARUNDEL COUNTY.

(A) DOG AND KENNEL LICENSES.

(1) IN ANNE ARUNDEL COUNTY, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY THE FEE FOR A DOG OR KENNEL LICENSE SET BY THE GOVERNING BODY OF ANNE ARUNDEL COUNTY.

(3) EXCEPT AS PROVIDED IN § 13-108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION ARE THE ONLY LICENSES AND FEES REQUIRED FOR OWNING OR KEEPING A DOG.

(4) THE GOVERNING BODY SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(5) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(6) A LICENSE EXPIRES WHEN THE RABIES VACCINATION CERTIFICATE ISSUED TO THE DOG UNDER § 18-319(A)(3) OF THE HEALTH – GENERAL ARTICLE EXPIRES.

(B) DOG TAGS.

(1) IN ANNE ARUNDEL COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(I) COMPOSED OF METAL;

(II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (A) OF THIS SECTION;

(III) IMPRINTED WITH THE EXPIRATION DATE OF THE LICENSE;

(IV) 1 INCH OR LESS IN LENGTH; AND

(V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE GENERAL SHAPE OF THE TAGS MAY REMAIN UNCHANGED FROM YEAR TO YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD “KENNEL”.

(6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:

(I) CONFINED IN A KENNEL; OR

(II) HUNTING UNDER THE CHARGE OF AN ATTENDANT.

(7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:

(I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;

(II) THE PRODUCTION OF THE LICENSE; AND

(III) PAYMENT OF A FEE OF 25 CENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-501(m) and 11-503(c) and, as they related to Anne Arundel County, §§ 11-501(a) and 11-503(a).

In subsection (a)(1) of this section, the former reference to an application for a license being issued "on or before the first day of July of each year" is deleted for consistency with subsection (a)(6) of this section which states that a license expires when the rabies vaccination certificate expires.

In subsection (b)(3)(iii) of this section, the former reference to the license being imprinted with the expiration date "rather than a calendar year" is deleted as surplusage.

Defined terms: "Governing body" § 1-101

"Person" § 1-101

"Tax collector" § 1-101

13-114. BALTIMORE COUNTY.

(A) DOG AND KENNEL LICENSES.

(1) IN BALTIMORE COUNTY, ON OR BEFORE JULY 1 OF EACH YEAR, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX

COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY A FEE OF:

(I) \$1 FOR A LICENSE FOR A MALE OR SPAYED FEMALE DOG;

(II) \$2 FOR A LICENSE FOR AN UNSPAYED FEMALE DOG;

(III) \$10 FOR A KENNEL LICENSE FOR A PERSON OWNING OR KEEPING 25 OR FEWER DOGS; OR

(IV) \$20 FOR A KENNEL LICENSE FOR A PERSON OWNING OR KEEPING MORE THAN 25 DOGS.

(3) EXCEPT AS PROVIDED IN § 13-108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION ARE THE ONLY LICENSES AND FEES REQUIRED FOR OWNING OR KEEPING A DOG.

(4) THE GOVERNING BODY OF BALTIMORE COUNTY SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(5) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(6) A LICENSE EXPIRES ON JULY 1 OF THE YEAR AFTER ISSUANCE.

(B) DOG TAGS.

(1) IN BALTIMORE COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE GOVERNING BODY OF BALTIMORE COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(I) COMPOSED OF METAL;

(II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (A) OF THIS SECTION;

(III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(IV) 1 INCH OR LESS IN LENGTH; AND

(V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE GOVERNING BODY SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:

(I) CONFINED IN A KENNEL; OR

(II) HUNTING UNDER THE CHARGE OF AN ATTENDANT.

(7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:

(I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;

(II) THE PRODUCTION OF THE LICENSE; AND

(III) PAYMENT OF A FEE OF 25 CENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-501(a) and 11-503(a), as they related to Baltimore County.

In subsection (b)(4) of this section and throughout this subtitle, the references to the "governing body" changing the shape of the tags are added for clarity.

Defined terms: "Governing body" § 1-101

"Person" § 1-101

"Tax collector" § 1-101

13-115. CALVERT COUNTY.

(A) DOG AND KENNEL LICENSES.

(1) THE COUNTY COMMISSIONERS OF CALVERT COUNTY SHALL SET THE FEES FOR DOG LICENSES IN CALVERT COUNTY.

(2) BEFORE ESTABLISHING OR ALTERING A LICENSE FEE, THE COUNTY COMMISSIONERS SHALL ADVERTISE THE PROPOSED FEE FOR 2 SUCCESSIVE WEEKS IN AT LEAST TWO NEWSPAPERS OF GENERAL CIRCULATION IN THE COUNTY.

(3) A LICENSE EXPIRES 1, 2, OR 3 YEARS AFTER THE DATE OF ISSUE, AS SPECIFIED BY COUNTY LAW.

(B) DOG TAGS.

(1) IN CALVERT COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE COUNTY COMMISSIONERS OF CALVERT COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(I) COMPOSED OF METAL;

(II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER;

(III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(IV) 2 INCHES OR LESS IN LENGTH; AND

(V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE COUNTY COMMISSIONERS SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:

(I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;

(II) THE PRODUCTION OF THE LICENSE; AND

(III) PAYMENT OF A FEE OF 50 CENTS.

(C) REGULATION AND ENFORCEMENT.

(1) THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY ADOPT RULES AND REGULATIONS FOR:

(I) ISSUING DOG LICENSES;

(II) KEEPING RECORDS OF DOG LICENSES;

(III) ENFORCING THE RULES AND REGULATIONS; AND

(IV) ANY OTHER MATTER CONCERNING DOGS THE COUNTY COMMISSIONERS CONSIDER NECESSARY FOR THE PUBLIC HEALTH, SAFETY, AND WELFARE.

(2) THE COUNTY COMMISSIONERS MAY:

(I) BY ORDINANCE, PROVIDE FOR THE REGULATION, HUMANE TREATMENT, AND KEEPING OF DOMESTIC ANIMALS;

(II) BY RESOLUTION, PROVIDE FOR THE QUARANTINE OF ALL DOGS IN THE COUNTY IF THE COUNTY COMMISSIONERS DETERMINE THAT QUARANTINE IS NECESSARY FOR THE PUBLIC HEALTH, SAFETY, AND WELFARE; AND

(III) BY ORDINANCE, PROVIDE A PENALTY FOR A VIOLATION OF AN ORDINANCE ENACTED UNDER THIS SUBSECTION OF IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(3) A FINE IMPOSED IN ACCORDANCE WITH AN ORDINANCE ENACTED UNDER THIS SUBSECTION SHALL BE PAID TO THE CALVERT COUNTY TREASURER.

(D) ANIMAL MATTERS HEARING BOARD.

(1) THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY CREATE AN ANIMAL MATTERS HEARING BOARD TO RESOLVE DISPUTES AND CONTROVERSIES ARISING UNDER ANIMAL CONTROL ORDINANCES ADOPTED UNDER SUBSECTION (C) OF THIS SECTION.

(2) THE COUNTY COMMISSIONERS MAY AUTHORIZE AN ANIMAL MATTERS HEARING BOARD TO:

(I) ISSUE A SUBPOENA TO COMPEL PARTIES IN A DISPUTE TO APPEAR BEFORE THE BOARD;

(II) ASSESS A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR A VIOLATION OF AN ORDINANCE ADOPTED UNDER SUBSECTION (C) OF THIS SECTION; AND

(III) COLLECT A CIVIL PENALTY IMPOSED UNDER THIS PARAGRAPH.

(E) ANIMAL SHELTERS.

(1) THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY CONSTRUCT OR LEASE, OPERATE, AND MAINTAIN AN ANIMAL SHELTER IN THE COUNTY.

(2) THE COUNTY SHALL PAY FOR THE ANIMAL SHELTER AND ITS OPERATION.

(3) THE COUNTY COMMISSIONERS MAY ENTER INTO AGREEMENTS WITH ADJACENT COUNTIES TO ESTABLISH AN ANIMAL SHELTER TO SERVE THE COUNTIES.

(F) DOGS AT LARGE.

(1) (I) A DOG RUNNING AT LARGE IN CALVERT COUNTY WITHOUT THE PROPER LICENSE TAG ATTACHED IS A NUISANCE AND IS SUBJECT TO SEIZURE, DETENTION, AND EUTHANASIA.

(II) WHENEVER POSSIBLE, THE ANIMAL CONTROL OFFICER OR DEPUTY ANIMAL CONTROL OFFICER SHALL SEIZE AND IMPOUND A DOG FOUND RUNNING AT LARGE IN THE COUNTY WITHOUT THE PROPER LICENSE TAG ATTACHED.

(III) IF AN ANIMAL CONTROL OFFICER OR A DEPUTY ANIMAL CONTROL OFFICER IS NOT ABLE TO CATCH A DOG RUNNING AT LARGE IN THE COUNTY WITHOUT A PROPER LICENSE TAG, THE ANIMAL CONTROL OFFICER OR DEPUTY ANIMAL CONTROL OFFICER MAY SHOOT OR OTHERWISE KILL THE DOG.

(2) (I) THE COUNTY COMMISSIONERS OF CALVERT COUNTY, BY ORDINANCE, MAY PROVIDE THAT AN OWNER OF A DOG MAY NOT ALLOW THE DOG, WHETHER LICENSED OR UNLICENSED, TO RUN AT LARGE WITHIN A PLATTED SUBDIVISION OR DISTRICT ZONED RESIDENTIAL IF:

1. A PETITION REQUESTING THE ORDINANCE IS SUBMITTED TO THE COUNTY COMMISSIONERS AND SIGNED BY A MAJORITY OF THE RESIDENTS OF THE PLATTED SUBDIVISION OR DISTRICT ZONED RESIDENTIAL, WITH A DESIGNATION OF THE BOUNDARY LIMITS OF THE SPECIFIC AREA; AND

2. THE COUNTY COMMISSIONERS ADVERTISE THE PROPOSED ORDINANCE AND A PUBLIC HEARING ON THE ORDINANCE FOR 2 SUCCESSIVE WEEKS IN TWO NEWSPAPERS OF GENERAL CIRCULATION IN THE COUNTY.

(II) THE COUNTY COMMISSIONERS SHALL DESIGNATE THE BOUNDARY LIMITS OF EACH AREA AFFECTED AS PART OF ANY ORDINANCE ENACTED UNDER THIS PARAGRAPH.

(3) (I) A DOG IMPOUNDED UNDER THIS SECTION SHALL BE HELD FOR ITS OWNER FOR 72 HOURS.

(II) A DOG SHALL BE RELEASED TO ITS OWNER OR AN AGENT OF THE OWNER DURING THE 72 HOURS IF THE OWNER OR AGENT:

1. PROVIDES SATISFACTORY PROOF OF OWNERSHIP;

2. PAYS THE FEE THAT THE COUNTY COMMISSIONERS SET TO COVER THE COSTS OF SEIZING AND IMPOUNDING THE DOG; AND

3. PRESENTS A PROPER LICENSE FOR THE DOG.

(4) (I) IF A DOG IMPOUNDED UNDER THIS SUBSECTION IS NOT REDEEMED BY ITS OWNER WITHIN 72 HOURS:

1. THE OWNER FORFEITS ALL RIGHTS OF OWNERSHIP TO THE DOG;

2. THE DOG BECOMES THE PROPERTY OF THE COUNTY; AND

3. THE DOG SHALL REMAIN IMPOUNDED FOR AT LEAST AN ADDITIONAL 48 HOURS.

(II) DURING THE ADDITIONAL 48 HOURS, ANY PERSON MAY OBTAIN OWNERSHIP OF THE DOG BY PAYING THE FEE FOR THE COSTS OF SEIZING AND IMPOUNDING THE DOG AND BY PURCHASING A LICENSE FOR THE DOG.

(5) AN ANIMAL CONTROL OFFICER OR A DEPUTY ANIMAL CONTROL OFFICER MAY EUTHANIZE, IN THE MOST HUMANE MANNER POSSIBLE, A DOG IMPOUNDED UNDER THIS SUBSECTION THAT IS NOT REDEEMED WITHIN 120 HOURS FROM THE TIME OF ITS SEIZURE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-510, 11-501(b), 11-503(b), and 11-504(p) and (q) and, as it related to Calvert County, § 11-503(a).

In subsection (c) of this section, the former phrase “[i]n addition to and not in substitution of any powers granted under this subtitle” is deleted as surplusage.

In subsection (c)(1)(iii) of this section, the former reference to “convenient and effective” enforcement is deleted as surplusage.

In subsection (e)(1) of this section, the former reference to operating and maintaining an animal shelter “for” the county is deleted as implicit in the reference to a shelter “in” the county.

In subsection (f) of this section, the reference to “deputy animal control officer” is substituted for the former reference to “duly authorized deputies” to reflect more modern terminology.

In subsection (f)(1)(iii) and (3)(ii)3 of this section, the references to a “proper” license tag are added to conform to other references to license tags in this section.

In subsection (f)(2)(i) of this section and throughout this subtitle, the former references to a dog not running at large “except when it is under the control of the owner or an authorized agent of the owner by leash, cord, or chain” is deleted in light of the meaning of “running at large”.

In subsection (f)(3)(ii) of this section, the former reference to an “authorized” agent of the owner is deleted as unnecessary.

In subsection (f)(4) and (5) of this section, the references to a dog “impounded under this subsection” are added for clarity.

Defined terms: “Person” § 1–101
 “Tax collector” § 1–101

13–116. CAROLINE COUNTY.

(A) DOG AND KENNEL LICENSES.

(1) IN CAROLINE COUNTY, ON OR BEFORE JULY 1 OF EACH YEAR, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY THE FEE FOR A DOG OR KENNEL LICENSE SET BY THE COUNTY COMMISSIONERS.

(3) EXCEPT AS PROVIDED IN § 13–108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION ARE THE ONLY LICENSES AND FEES REQUIRED FOR OWNING OR KEEPING A DOG.

(4) THE COUNTY COMMISSIONERS OF CAROLINE COUNTY SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(5) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(6) A LICENSE EXPIRES ON JULY 1 OF THE YEAR AFTER ISSUANCE.

(B) DOG TAGS.

(1) IN CAROLINE COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE COUNTY COMMISSIONERS OF CAROLINE COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(I) COMPOSED OF METAL;

(II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (A) OF THIS SECTION;

(III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(IV) 1 INCH OR LESS IN LENGTH; AND

(V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE COUNTY COMMISSIONERS SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:

(I) CONFINED IN A KENNEL; OR

(II) HUNTING UNDER THE CHARGE OF AN ATTENDANT.

(7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:

(I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;

(II) THE PRODUCTION OF THE LICENSE; AND

(III) PAYMENT OF A FEE OF 25 CENTS.

(C) REGULATION AND ENFORCEMENT.

(1) THE COUNTY COMMISSIONERS OF CAROLINE COUNTY MAY ADOPT RULES AND REGULATIONS BY RESOLUTION OR ORDINANCE TO PROVIDE FOR:

(I) ISSUING DOG LICENSES;

(II) KEEPING RECORDS OF ALL SALES OF LICENSES;

(III) DESIGNATING PERSONS AUTHORIZED TO SELL LICENSES; AND

(IV) SEIZING AND DISPOSING OF DOGS FOUND RUNNING AT LARGE IN THE COUNTY.

(2) BEFORE THE COUNTY COMMISSIONERS ADOPT A RULE OR REGULATION IN ACCORDANCE WITH THIS SUBSECTION, A SUMMARY OF THE PROPOSED RULE OR REGULATION SHALL BE ADVERTISED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONCE EACH WEEK FOR 2 SUCCESSIVE WEEKS, TO PROVIDE ANY PERSON AN OPPORTUNITY TO BE HEARD.

(3) THE RULES AND REGULATIONS SHALL INCLUDE STANDARDS AND OPERATE UNIFORMLY.

(4) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS MAY DELEGATE, BY WRITTEN CONTRACT, THE ENFORCEMENT OF THE RULES AND REGULATIONS.

(5) (I) THE COUNTY COMMISSIONERS SHALL RESERVE THE RIGHT TO CANCEL A WRITTEN CONTRACT EXECUTED IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION.

(II) A CANCELLATION UNDER THIS PARAGRAPH:

1. MAY BE WITHOUT NOTICE OR RECOURSE, IF THE CANCELLATION IS FOR CAUSE; OR

2. REQUIRES NOTICE AT LEAST 30 DAYS BEFORE CANCELLATION, IF THE CANCELLATION IS WITHOUT CAUSE.

(D) ANIMAL CONTROL OFFICERS.

(1) THE COUNTY COMMISSIONERS OF CAROLINE COUNTY MAY APPOINT ANIMAL CONTROL OFFICERS.

(2) AN ANIMAL CONTROL OFFICER APPOINTED UNDER THIS SUBSECTION:

(I) HAS ALL THE POWERS OF A PEACE OFFICER;

(II) MAY SELL AND ISSUE DOG LICENSES; AND

(III) MAY SEIZE AND DISPOSE OF STRAY, INJURED, UNLICENSED, DISEASED, OR VICIOUS DOGS IN ACCORDANCE WITH RULES AND REGULATIONS OF THE COUNTY COMMISSIONERS.

(3) THE COUNTY COMMISSIONERS MAY PROVIDE FOR THE COMPENSATION OF AN ANIMAL CONTROL OFFICER APPOINTED UNDER THIS SUBSECTION.

(E) ANIMAL SHELTERS.

(1) THE COUNTY COMMISSIONERS OF CAROLINE COUNTY MAY PROVIDE ANIMAL SHELTERS WHERE DOGS SEIZED BY AN ANIMAL CONTROL OFFICER MAY BE PLACED.

(2) THE COUNTY COMMISSIONERS MAY ENTER INTO AGREEMENTS WITH ADJACENT COUNTIES TO ESTABLISH AN ANIMAL SHELTER TO SERVE THE COUNTIES.

(3) NOTWITHSTANDING § 13-105(D) OF THIS SUBTITLE, THE COUNTY COMMISSIONERS MAY USE THE PROCEEDS FROM DOG LICENSE FEES TO:

(I) ESTABLISH AND MAINTAIN AN ANIMAL SHELTER; AND

(II) COLLECT, CARE FOR, OR EUTHANIZE DOGS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-501(a) and (j), 11-503(a), and the first through sixth sentences of § 11-504(j)(1), as they related to Caroline County.

The seventh sentence of former Art. 24, § 11-504(j)(1), which authorized the commissioners to pay certain expenses, is deleted as unnecessary in light of the general budgeting powers of the county.

The eighth sentence of former Art. 24, § 11-504(j)(1), which provided that the subsection is not operative in a municipality except under certain circumstances, is deleted as obsolete. Former § 11-504(j)(1) as applied to Caroline County was enacted in 1966, prior to the enactment of former Art. 23A, § 2B in 1983, which provides for the circumstances under which county laws apply within municipalities. Former Art. 23A, § 2B is revised as § 4-111 of this article.

Defined terms: "Person" § 1-101

"Tax collector" § 1-101

13-117. CARROLL COUNTY.

(A) COMPREHENSIVE SYSTEM FOR REGULATION.

(1) THE COUNTY COMMISSIONERS OF CARROLL COUNTY, BY ORDINANCE, MAY PROVIDE FOR A COMPREHENSIVE SYSTEM FOR THE REGULATION OF DOMESTIC ANIMALS AND WILD ANIMALS KEPT IN CAPTIVITY.

(2) THE ORDINANCES MAY PROVIDE FOR:

(I) THE LICENSING AND CONTROL OF DOMESTIC ANIMALS AND WILD ANIMALS KEPT IN CAPTIVITY;

(II) SEIZING AND DISPOSING OF UNLICENSED OR DANGEROUS DOGS;

(III) THE REGULATION OF PERSONS WHO OWN OR KEEP ANY VICIOUS ANIMAL OR AN ANIMAL THAT DISTURBS THE PEACE OF A NEIGHBORHOOD; AND

(IV) REASONABLE PENALTIES FOR A VIOLATION OF AN ORDINANCE NOT EXCEEDING IMPRISONMENT FOR 30 DAYS OR A FINE OF \$500 OR BOTH.

(3) THE COUNTY COMMISSIONERS:

(I) MAY REGULATE ANIMALS THAT ARE HYBRIDS OF DOMESTIC AND WILD ANIMALS; BUT

(II) MAY NOT REGULATE OR CONTROL WILD ANIMALS THAT ARE NOT OWNED OR KEPT BY INDIVIDUALS.

(B) DOG LICENSES AND DOGS AT LARGE.

(1) THE COUNTY COMMISSIONERS OF CARROLL COUNTY MAY PASS RULES, REGULATIONS, OR RESOLUTIONS TO PROVIDE FOR:

(I) ISSUING DOG LICENSES;

(II) KEEPING RECORDS OF ALL SALES OF LICENSES;

(III) DESIGNATING PERSONS AUTHORIZED TO SELL LICENSES; AND

(IV) SEIZING AND DISPOSING OF ANY DOGS FOUND RUNNING AT LARGE IN THE COUNTY.

(2) BEFORE THE COUNTY COMMISSIONERS PASS A RULE, REGULATION, OR RESOLUTION IN ACCORDANCE WITH THIS SUBSECTION, THE PROPOSED RULE, REGULATION, OR RESOLUTION SHALL BE ADVERTISED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONCE EACH WEEK FOR 4 SUCCESSIVE WEEKS, TO PROVIDE ANY PERSON AN OPPORTUNITY TO BE HEARD.

(3) THE RULES, REGULATIONS, OR RESOLUTIONS SHALL INCLUDE STANDARDS AND OPERATE UNIFORMLY.

(4) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS MAY DELEGATE, BY WRITTEN CONTRACT, THE ENFORCEMENT OF THE RULES, REGULATIONS, AND RESOLUTIONS.

(5) (I) THE COUNTY COMMISSIONERS SHALL RESERVE THE RIGHT TO CANCEL A WRITTEN CONTRACT EXECUTED IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION.

(II) A CANCELLATION UNDER THIS PARAGRAPH:

1. MAY BE WITHOUT NOTICE OR RECOURSE, IF THE CANCELLATION IS FOR CAUSE; OR

2. REQUIRES NOTICE AT LEAST 30 DAYS BEFORE CANCELLATION, IF THE CANCELLATION IS WITHOUT CAUSE.

(C) DOG AND KENNEL LICENSES.

THE COUNTY COMMISSIONERS OF CARROLL COUNTY SHALL SET THE FEES, TERMS, AND FORMS FOR DOG AND KENNEL LICENSES IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(D) ANIMAL CONTROL OFFICERS.

(1) THE COUNTY COMMISSIONERS OF CARROLL COUNTY MAY APPOINT ANIMAL CONTROL OFFICERS.

(2) AN ANIMAL CONTROL OFFICER APPOINTED UNDER THIS SUBSECTION:

(I) HAS ALL THE POWERS OF A PEACE OFFICER;

(II) MAY SELL AND ISSUE DOG LICENSES; AND

(III) MAY SEIZE AND DISPOSE OF STRAY, INJURED, OR SICK DOGS IN ACCORDANCE WITH A RULE, REGULATION, OR RESOLUTION PASSED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(3) THE COUNTY COMMISSIONERS MAY PROVIDE FOR THE COMPENSATION OF AN ANIMAL CONTROL OFFICER APPOINTED UNDER THIS SUBSECTION.

(E) ANIMAL SHELTERS.

(1) THE COUNTY COMMISSIONERS OF CARROLL COUNTY MAY CONTRACT WITH AN ANIMAL WELFARE SOCIETY, A HUMANE SOCIETY, OR ANY OTHER QUALIFIED PERSON TO:

(I) ESTABLISH AN ANIMAL SHELTER; OR

(II) SEIZE, DISPOSE OF, OR EUTHANIZE STRAY, INJURED, OR SICK DOGS.

(2) NOTWITHSTANDING THE PROVISIONS OF § 13-105(D) OF THIS SUBTITLE, THE COUNTY COMMISSIONERS MAY USE PROCEEDS FROM DOG LICENSE FEES TO:

(I) ESTABLISH AN ANIMAL SHELTER; AND

(II) COLLECT AND EUTHANIZE STRAY, INJURED, OR SICK DOGS.

(F) DESIGNATION OF ASSISTANTS TO COUNTY TAX COLLECTOR.

THE COUNTY COMMISSIONERS OF CARROLL COUNTY MAY DESIGNATE PERSONS TO ASSIST THE COUNTY TAX COLLECTOR TO COLLECT LICENSE FEES AND ISSUE LICENSES AND TAGS UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 11-501(o), and, as they related to Carroll County, §§ 11-511 and 11-504(e)(1), (f), and the second sentence of (c).

In subsection (a)(1) of this section and throughout this subtitle, the former references to animals "within the county" are deleted as implicit.

In subsection (a)(2)(ii) of this section and throughout this subtitle, the references to "seizing" dogs are substituted for the former references to "impound[ing]" dogs for consistency with other similar provisions of this subtitle.

In subsection (a)(2)(iv) of this section and throughout this subtitle, the former references to imprisonment "in the county jail" are deleted as unnecessary in light of CS § 9-104 which states that "notwithstanding any other law, a judge may not sentence an individual to the jurisdiction of the Division [of Correction] for 12 months or less".

Defined terms: "Person" § 1-101

"Tax collector" § 1-101

13-118. CECIL COUNTY.

(A) COMPREHENSIVE SYSTEM FOR REGULATION.

(1) THE GOVERNING BODY OF CECIL COUNTY, BY ORDINANCE OR RESOLUTION, MAY PROVIDE FOR A COMPREHENSIVE SYSTEM FOR THE REGULATION OF DOMESTIC ANIMALS AND WILD ANIMALS KEPT IN CAPTIVITY.

(2) THE RESOLUTION OR ORDINANCE MAY PROVIDE FOR:

(I) THE LICENSING AND CONTROL OF DOMESTIC ANIMALS AND WILD ANIMALS KEPT IN CAPTIVITY;

(II) THE ESTABLISHMENT OF SEPARATE DOMESTIC ANIMAL CONTROL DISTRICTS WITH SEPARATE RESOLUTIONS OR ORDINANCES APPLICABLE WITHIN EACH DISTRICT;

(III) SEIZING AND DISPOSING OF DOMESTIC ANIMALS FOUND TO BE DANGEROUS TO PERSONS OR PROPERTY;

(IV) THE REGULATION OF PERSONS WHO OWN OR KEEP ANY VICIOUS ANIMAL OR AN ANIMAL THAT DISTURBS THE PEACE OF A NEIGHBORHOOD; AND

(V) REASONABLE PENALTIES FOR A VIOLATION OF A LOCAL LAW ENACTED IN ACCORDANCE WITH THIS SECTION NOT EXCEEDING IMPRISONMENT FOR 30 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

(3) THE GOVERNING BODY:

(I) MAY REGULATE ANIMALS THAT ARE HYBRIDS OF DOMESTIC ANIMALS AND WILD ANIMALS; BUT

(II) MAY NOT REGULATE OR CONTROL WILD ANIMALS THAT ARE NOT OWNED OR KEPT BY INDIVIDUALS.

(B) DOG AND KENNEL LICENSES.

THE GOVERNING BODY OF CECIL COUNTY SHALL SET THE FEES, TERMS, AND FORMS FOR DOG AND KENNEL LICENSES.

(C) DOG TAGS.

(1) IN CECIL COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE GOVERNING BODY OF CECIL COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(I) COMPOSED OF METAL;

(II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER;

(III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(IV) 1 INCH OR LESS IN LENGTH; AND

(V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE GOVERNING BODY SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:

(I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;

(II) THE PRODUCTION OF THE LICENSE; AND

(III) PAYMENT OF A FEE OF 25 CENTS.

(D) DOGS IN HEAT.

(1) IN CECIL COUNTY, THE OWNER OR CUSTODIAN OF A FEMALE DOG THAT IS IN HEAT:

(I) MAY NOT KNOWINGLY ALLOW THE DOG TO RUN AT LARGE; AND

(II) SHALL CONFINE THE DOG.

(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25.

(E) DISTURBANCES OF THE PEACE; VICIOUS DOGS.

(1) IN CECIL COUNTY, A PERSON MAY NOT OWN OR KEEP A DOMESTIC ANIMAL THAT DISTURBS THE PEACE OF A NEIGHBORHOOD OR IS VICIOUS AND BITES ANY INDIVIDUAL.

(2) THE BARKING OF HUNTING DOGS IN PURSUIT OF GAME IS NOT A DISTURBANCE OF THE PEACE FOR THE PURPOSE OF THIS SUBSECTION.

(3) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION OR A COURT ORDER ISSUED UNDER PARAGRAPH (4) OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 FOR EACH OFFENSE.

(4) (I) THE DISTRICT COURT IN CECIL COUNTY SHALL ISSUE A SUMMONS TO THE OWNER OR KEEPER OF A DOMESTIC ANIMAL TO APPEAR BEFORE THE DISTRICT COURT IF A SWORN COMPLAINT IS RECEIVED FROM A PERSON ALLEGING THAT THE DOMESTIC ANIMAL:

1. DISTURBS THE PEACE OF A NEIGHBORHOOD IN THE COUNTY; OR

2. IS VICIOUS AND HAS BITTEN AN INDIVIDUAL.

(II) AFTER A FINDING THAT THE DOMESTIC ANIMAL DISTURBS THE PEACE OF A NEIGHBORHOOD OR IS VICIOUS AND HAS BITTEN AN INDIVIDUAL, THE DISTRICT COURT MAY REQUIRE THE OWNER OR KEEPER TO SURRENDER THE DOMESTIC ANIMAL TO BE EUTHANIZED IN THE MOST HUMANE MANNER POSSIBLE OR REMOVE THE DOMESTIC ANIMAL PERMANENTLY FROM THE NEIGHBORHOOD.

(III) IF THE DISTRICT COURT REQUIRES THE OWNER OR KEEPER TO SURRENDER THE DOMESTIC ANIMAL TO BE EUTHANIZED OR REMOVED IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND THE OWNER OR KEEPER FAILS TO COMPLY, A POLICE OFFICER OR AN AGENT OF THE COUNTY SHALL SEIZE THE DOMESTIC ANIMAL AND CAUSE IT TO BE EUTHANIZED IN THE MOST HUMANE MANNER POSSIBLE.

(IV) THE DISTRICT COURT MAY ORDER THE DOMESTIC ANIMAL RESTRAINED OR ISSUE ANY OTHER APPROPRIATE ORDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-501(p), 11-504(l)(4) and (5), and, as they related to Cecil County, §§ 11-511, 11-512, and 11-503(a).

In subsection (a)(1) of this section, the former reference to a resolution or ordinance "enacted according to its usual procedure" is deleted as implicit.

In subsection (a)(2)(ii) of this section, the reference to "separate" resolution or ordinance is added for clarity.

In subsection (a)(2)(v) of this section, the reference to a resolution or ordinance "enacted in accordance with this section" is substituted for the former reference to a resolution or ordinance "applicable to domestic animals" for clarity and consistency.

In subsection (e) of this section, the former reference to disturbing the "quiet" of a neighborhood is deleted as included in the reference to disturbing the "peace" of a neighborhood.

In subsection (e)(1) and (4)(i)1 and (ii) of this section, the former references to a neighborhood "in an inhabited area" are deleted as implicit.

In subsection (e)(1) and (4)(i)2 and (ii) of this section, the references to an "individual" are substituted for the former references to "a person" to reflect that only an individual could be bitten by a dog.

In subsection (e)(2) of this section, the former reference to "public" peace is deleted as surplusage.

In subsection (e)(3) of this section, the reference to "[a] person who violates" certain provisions is substituted for the former reference to "[a]ny owner failing to comply with" certain provisions for clarity and consistency with other similar provisions of the Code.

In subsection (e)(4)(i) of this section, the reference to persons "alleging" certain information is added for consistency and clarity.

In subsection (e)(4)(ii) of this section, the reference to the authority of the "District Court" to require an owner to take certain actions is added for clarity.

Also in subsection (e)(4)(ii) of this section, the authority of the court to take certain actions “[a]fter a finding” is substituted for the former authority of the court to take certain actions “[u]pon proof” for clarity.

Also in subsection (e)(4)(ii) of this section, the former reference to the “offending” animal is deleted as implicit.

In subsection (e)(4)(iii) of this section, the reference to removing an animal “in accordance with subparagraph (ii) of this paragraph” is substituted for the former reference to removing an animal “as aforesaid” for clarity.

Also in subsection (e)(4)(iii) of this section, the former reference to an owner or keeper who “refuses or” fails to comply is deleted as redundant.

Also in subsection (e)(4)(iii) of this section, the former reference to “any duly empowered” agent is deleted as surplusage.

Also in subsection (e)(4)(iii) of this section, the former reference to seizing an animal “on behalf” of the county is deleted as implicit.

Also in subsection (e)(4)(iii) of this section, the former reference to an animal “wherever it may be found” is deleted as implicit.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that there is a potential constitutional problem in subsection (e) of this section as it relates to the District Court. The Constitution requires that the jurisdiction of the District Court be uniform throughout the State. (Art. IV, § 41A of the Maryland Constitution). As this provision would be applicable to Cecil County only (and an identical provision revised in § 13–123 of this subtitle would be applicable only in Harford County), there is an issue as to whether this provision is constitutional. The Attorney General’s Office has suggested that one way to achieve the intent of this provision in a constitutional manner would be to amend § 4–401 of the Courts Article to specifically grant the District Court (statewide) jurisdiction over the enforcement of local animal control laws. Each county could then adopt procedures such as those in Cecil and Harford counties relating to the authority of the District Court.

Defined terms: “Governing body” § 1–101

“Person” § 1–101

“Tax collector” § 1–101

13–119. CHARLES COUNTY.

(A) DOG AND KENNEL LICENSES.

(1) IN CHARLES COUNTY, ON OR BEFORE JULY 1 OF EACH YEAR, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY THE FEE FOR A DOG OR KENNEL LICENSE SET BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY.

(3) EXCEPT AS PROVIDED IN § 13-108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION ARE THE ONLY LICENSES AND FEES REQUIRED FOR OWNING OR KEEPING A DOG.

(4) THE COUNTY COMMISSIONERS SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(5) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(6) A LICENSE EXPIRES ON JULY 1 OF THE YEAR AFTER ISSUANCE.

(B) DOG TAGS.

(1) IN CHARLES COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE COUNTY COMMISSIONERS OF CHARLES COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(I) COMPOSED OF METAL;

(II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (A) OF THIS SECTION;

(III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(IV) 1 INCH OR LESS IN LENGTH; AND

(V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE COUNTY COMMISSIONERS SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:

(I) CONFINED IN A KENNEL; OR

(II) HUNTING UNDER THE CHARGE OF AN ATTENDANT.

(7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:

(I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;

(II) THE PRODUCTION OF THE LICENSE; AND

(III) PAYMENT OF A FEE OF 25 CENTS.

(C) REGULATION AND ENFORCEMENT.

(1) IF REASONABLY APPLICABLE, THIS SUBSECTION APPLIES TO THE REGULATION AND CONTROL OF:

(I) ANY DOMESTIC ANIMAL; AND

(II) A WILD ANIMAL KEPT IN CAPTIVITY.

(2) THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY PASS RULES, REGULATIONS, OR RESOLUTIONS TO PROVIDE FOR:

(I) ISSUING DOG LICENSES;

(II) KEEPING RECORDS OF ALL SALES OF LICENSES;

(III) DESIGNATING PERSONS AUTHORIZED TO SELL LICENSES; AND

(IV) SEIZING AND DISPOSING OF DOGS FOUND RUNNING AT LARGE IN THE COUNTY.

(3) BEFORE THE COUNTY COMMISSIONERS PASS A RULE, REGULATION, OR RESOLUTION IN ACCORDANCE WITH THIS SUBSECTION, THE PROPOSED RULE, REGULATION, OR RESOLUTION SHALL BE ADVERTISED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONCE EACH WEEK FOR 4 SUCCESSIVE WEEKS, TO PROVIDE ANY PERSON AN OPPORTUNITY TO BE HEARD.

(4) THE RULES, REGULATIONS, OR RESOLUTIONS SHALL INCLUDE STANDARDS AND SHALL OPERATE UNIFORMLY.

(5) SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS MAY DELEGATE, BY WRITTEN CONTRACT, THE ENFORCEMENT OF THE RULES, REGULATIONS, OR RESOLUTIONS.

(6) (I) THE COUNTY COMMISSIONERS SHALL RESERVE THE RIGHT TO CANCEL A WRITTEN CONTRACT EXECUTED IN ACCORDANCE WITH PARAGRAPH (5) OF THIS SUBSECTION.

(II) A CANCELLATION UNDER THIS PARAGRAPH:

1. MAY BE WITHOUT NOTICE OR RECOURSE, IF THE CANCELLATION IS FOR CAUSE; OR

2. REQUIRES NOTICE AT LEAST 30 DAYS BEFORE CANCELLATION, IF THE CANCELLATION IS WITHOUT CAUSE.

(7) (I) THE COUNTY COMMISSIONERS MAY ESTABLISH PENALTIES FOR A VIOLATION OF A RULE, REGULATION, OR RESOLUTION PASSED UNDER THIS SUBSECTION.

(II) THE PENALTY ESTABLISHED UNDER THIS PARAGRAPH FOR EACH VIOLATION MAY NOT EXCEED IMPRISONMENT FOR 1 YEAR OR A FINE OF \$1,000 OR BOTH.

(D) ANIMAL CONTROL OFFICERS.

(1) THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY APPOINT ANIMAL CONTROL OFFICERS.

(2) AN ANIMAL CONTROL OFFICER APPOINTED UNDER THIS SUBSECTION:

(I) HAS ALL THE POWERS OF A PEACE OFFICER;

(II) MAY SELL AND ISSUE DOG LICENSES; AND

(III) MAY SEIZE AND DISPOSE OF STRAY, INJURED, OR SICK DOGS IN ACCORDANCE WITH A RULE, REGULATION, OR RESOLUTION PASSED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(3) THE COUNTY COMMISSIONERS MAY PROVIDE FOR THE COMPENSATION OF AN ANIMAL CONTROL OFFICER APPOINTED UNDER THIS SUBSECTION.

(E) ANIMAL SHELTERS.

(1) (I) THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY ESTABLISH AN ANIMAL SHELTER AND HIRE PERSONNEL AND PROVIDE THE EQUIPMENT NECESSARY FOR THE COLLECTION, IMPOUNDMENT, CARE, HANDLING, AND DISPOSAL OF STRAY, UNLICENSED, DISEASED, OR VICIOUS DOGS.

(II) THE INITIAL COST FOR THE BUILDING AND EQUIPMENT UNDER THIS PARAGRAPH MAY NOT EXCEED \$35,000.

(2) THE COUNTY COMMISSIONERS SHALL DETERMINE THE NUMBER AND SALARY OF PERSONS TO BE EMPLOYED AT THE ANIMAL SHELTER.

(3) THE COUNTY COMMISSIONERS MAY ENTER INTO AGREEMENTS WITH ADJACENT COUNTIES TO ESTABLISH AN ANIMAL SHELTER TO SERVE THE COUNTIES.

(4) THE COUNTY COMMISSIONERS MAY CONTRACT WITH AN ANIMAL WELFARE SOCIETY, A HUMANE SOCIETY, OR ANY OTHER QUALIFIED PERSON TO:

(I) ESTABLISH AN ANIMAL SHELTER; OR

(II) SEIZE, DISPOSE OF, OR EUTHANIZE STRAY, INJURED, OR SICK DOGS.

(5) NOTWITHSTANDING § 13-105(D) OF THIS SUBTITLE, THE COUNTY COMMISSIONERS MAY USE PROCEEDS FROM DOG LICENSE FEES TO:

(I) ESTABLISH AN ANIMAL SHELTER; OR

(II) COLLECT, DISPOSE OF, OR EUTHANIZE STRAY, INJURED, OR SICK DOGS.

(F) DOGS AT LARGE.

(1) THE COUNTY COMMISSIONERS OF CHARLES COUNTY, BY RULE, REGULATION, OR RESOLUTION, MAY PROVIDE THAT AN OWNER OF A DOG MAY NOT ALLOW THE DOG, WHETHER LICENSED OR UNLICENSED, TO RUN AT LARGE OFF THE PREMISES OF THE OWNER.

(2) A RULE, REGULATION, OR RESOLUTION PASSED UNDER THIS SUBSECTION MAY ALLOW THE FOLLOWING DOGS TO RUN AT LARGE WHEN ACCOMPANIED BY THE OWNER OR AGENT OF THE OWNER AND WHEN KEPT WITHIN SIGHT OR CALLING DISTANCE OF THE OWNER OR AGENT:

(I) DOGS PROVED TO BE OBEDIENT, IN ACCORDANCE WITH A REGULATION OR RESOLUTION OF THE COUNTY;

(II) DOGS BEING USED OR TRAINED FOR HUNTING; AND

(III) DOGS ACCOMPANIED BY THE OWNER ON HORSEBACK.

(3) THE COUNTY COMMISSIONERS, BY RULE, REGULATION, OR RESOLUTION, MAY PROVIDE FOR ENFORCEMENT AND INVESTIGATION OF REPORTS OF VIOLATIONS OF A RULE, REGULATION, OR RESOLUTION PASSED UNDER THIS SUBSECTION.

(4) AN OWNER OF A DOG WHO FAILS TO COMPLY WITH A RULE, REGULATION, OR RESOLUTION PASSED UNDER THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25 FOR EACH VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-501(g) and 11-504(h) and, as they

related to Charles County, §§ 11-501(a), 11-503(a), and 11-504(e)(1), (f), (i), and (k).

In subsection (c)(1) of this section, the former reference to every domestic animal “including but not limited to dogs” is deleted as included in the reference to “domestic animal”.

Also in subsection (c)(1) of this section, the former requirement that the provisions “shall be deemed to” apply is deleted as surplusage.

In subsection (f)(1) and (2) of this section, the former references to an “authorized” agent of the owner are deleted as surplusage.

Defined terms: “Person” § 1-101

“Tax collector” § 1-101

13-120. DORCHESTER COUNTY.

(A) COMPREHENSIVE SYSTEM FOR REGULATION.

(1) THE GOVERNING BODY OF DORCHESTER COUNTY, BY ORDINANCE, MAY PROVIDE FOR A COMPREHENSIVE SYSTEM FOR THE REGULATION OF DOGS AND CATS.

(2) THE ORDINANCE MAY PROVIDE FOR:

(I) THE LICENSING AND CONTROL OF DOGS AND CATS;

(II) SEIZING AND DISPOSING OF UNLICENSED OR DANGEROUS DOGS AND CATS; AND

(III) CIVIL OR CRIMINAL PENALTIES FOR A VIOLATION OF AN ORDINANCE ENACTED IN ACCORDANCE WITH THIS SECTION.

(3) THE GOVERNING BODY MAY PROVIDE THAT A VIOLATION OF AN ORDINANCE RELATING TO DOGS AND CATS SHALL BE PROSECUTED IN THE SAME MANNER AS PROVIDED FOR MUNICIPAL INFRACTIONS UNDER TITLE 6 OF THIS ARTICLE.

(B) DOG AND KENNEL LICENSES.

(1) IN DORCHESTER COUNTY, ON OR BEFORE JULY 1 OF EACH YEAR, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX

COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY A FEE OF:

(I) \$1 FOR A LICENSE FOR A MALE OR SPAYED FEMALE DOG;

(II) \$2 FOR A LICENSE FOR AN UNSPAYED FEMALE DOG;

(III) \$10 FOR A KENNEL LICENSE FOR A PERSON OWNING OR KEEPING 25 OR FEWER DOGS; OR

(IV) \$20 FOR A KENNEL LICENSE FOR A PERSON OWNING OR KEEPING MORE THAN 25 DOGS.

(3) EXCEPT AS PROVIDED IN § 13-108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION ARE THE ONLY LICENSES AND FEES REQUIRED FOR OWNING OR KEEPING A DOG.

(4) THE GOVERNING BODY OF DORCHESTER COUNTY SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(5) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(6) A LICENSE EXPIRES ON JULY 1 OF THE YEAR AFTER ISSUANCE.

(C) DOG TAGS.

(1) IN DORCHESTER COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE GOVERNING BODY OF DORCHESTER COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

- (I) COMPOSED OF METAL;
- (II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (B) OF THIS SECTION;
- (III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;
- (IV) 1 INCH OR LESS IN LENGTH; AND
- (V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.
- (4) THE GOVERNING BODY SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.
- (5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".
- (6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:

 - (I) CONFINED IN A KENNEL; OR
 - (II) HUNTING UNDER THE CHARGE OF AN ATTENDANT.
- (7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:

 - (I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;
 - (II) THE PRODUCTION OF THE LICENSE; AND
 - (III) PAYMENT OF A FEE OF 25 CENTS.
- (D) DOGS IN HEAT.

 - (1) IN DORCHESTER COUNTY, THE OWNER OR CUSTODIAN OF A FEMALE DOG THAT IS IN HEAT:

(I) MAY NOT KNOWINGLY ALLOW THE DOG TO RUN AT LARGE; AND

(II) SHALL CONFINE THE DOG.

(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-512, 11-501(a), 11-503(a), and 11-504(o), as they related to Dorchester County.

In subsection (a)(1) of this section, the former reference to dogs and cats "within the county" is deleted as implicit in light of the scope of this section.

In subsection (a)(3) of this section, the former reference to a violation being prosecuted "by the county" is deleted as implicit.

Also in subsection (a)(3) of this section, the former reference to a prosecution being in the same manner "and to the same extent" as provided for municipal infractions is deleted as redundant.

Defined terms: "Governing body" § 1-101

"Person" § 1-101

"Tax collector" § 1-101

13-121. FREDERICK COUNTY.

(A) COMPREHENSIVE SYSTEM FOR REGULATION.

(1) THE COUNTY COMMISSIONERS OF FREDERICK COUNTY, BY ORDINANCE, MAY PROVIDE FOR A COMPREHENSIVE SYSTEM FOR THE REGULATION OF DOMESTIC ANIMALS AND WILD ANIMALS KEPT IN CAPTIVITY.

(2) THE ORDINANCE MAY PROVIDE FOR:

(I) THE LICENSING AND CONTROL OF DOMESTIC ANIMALS AND WILD ANIMALS KEPT IN CAPTIVITY;

(II) SEIZING AND DISPOSING OF UNLICENSED OR DANGEROUS DOGS;

(III) THE REGULATION OF PERSONS WHO OWN OR KEEP ANY VICIOUS ANIMAL OR AN ANIMAL THAT DISTURBS THE PEACE OF A NEIGHBORHOOD; AND

(IV) REASONABLE PENALTIES FOR A VIOLATION OF AN ORDINANCE NOT EXCEEDING IMPRISONMENT FOR 30 DAYS OR A FINE OF \$500 OR BOTH.

(3) THE COUNTY COMMISSIONERS:

(I) MAY REGULATE ANIMALS THAT ARE HYBRIDS OF DOMESTIC AND WILD ANIMALS; BUT

(II) MAY NOT REGULATE OR CONTROL WILD ANIMALS THAT ARE NOT OWNED OR KEPT BY INDIVIDUALS.

(B) DOG LICENSES AND DOGS AT LARGE.

(1) THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY PASS RULES, REGULATIONS, OR RESOLUTIONS TO PROVIDE FOR:

(I) ISSUING DOG LICENSES;

(II) KEEPING RECORDS OF ALL SALES OF LICENSES;

(III) DESIGNATING PERSONS AUTHORIZED TO SELL LICENSES; AND

(IV) SEIZING AND DISPOSING OF ANY DOGS FOUND RUNNING AT LARGE IN THE COUNTY.

(2) BEFORE THE COUNTY COMMISSIONERS PASS A RULE, REGULATION, OR RESOLUTION IN ACCORDANCE WITH THIS SUBSECTION, THE PROPOSED RULE, REGULATION, OR RESOLUTION SHALL BE ADVERTISED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONCE EACH WEEK FOR 4 SUCCESSIVE WEEKS, TO PROVIDE ANY PERSON AN OPPORTUNITY TO BE HEARD.

(3) THE RULES, REGULATIONS, OR RESOLUTIONS SHALL INCLUDE STANDARDS AND OPERATE UNIFORMLY.

(4) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS MAY DELEGATE, BY WRITTEN CONTRACT, THE ENFORCEMENT OF THE RULES, REGULATIONS, OR RESOLUTIONS.

(5) (I) THE COUNTY COMMISSIONERS SHALL RESERVE THE RIGHT TO CANCEL A WRITTEN CONTRACT EXECUTED IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION.

(II) A CANCELLATION UNDER THIS PARAGRAPH:

1. MAY BE WITHOUT NOTICE OR RECOURSE, IF THE CANCELLATION IS FOR CAUSE; OR

2. REQUIRES NOTICE AT LEAST 30 DAYS BEFORE CANCELLATION, IF THE CANCELLATION IS WITHOUT CAUSE.

(C) REGULATION OF CATS.

THE POWERS GRANTED TO THE COUNTY COMMISSIONERS OF FREDERICK COUNTY TO REGULATE DOGS ARE ALSO GRANTED FOR THE REGULATION OF CATS.

(D) DOG AND KENNEL LICENSES.

(1) IN FREDERICK COUNTY, ON OR BEFORE JULY 1 OF EACH YEAR, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY THE FEE FOR A DOG OR KENNEL LICENSE SET BY THE COUNTY COMMISSIONERS OF FREDERICK COUNTY.

(3) EXCEPT AS PROVIDED IN § 13-108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION ARE THE ONLY LICENSES AND FEES REQUIRED FOR OWNING OR KEEPING A DOG.

(4) THE COUNTY COMMISSIONERS SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(5) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(6) A LICENSE EXPIRES ON JULY 1 OF THE YEAR AFTER ISSUANCE.

(E) DOG TAGS.

(1) IN FREDERICK COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE COUNTY COMMISSIONERS OF FREDERICK COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(I) COMPOSED OF METAL;

(II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (D) OF THIS SECTION;

(III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(IV) 1 INCH OR LESS IN LENGTH; AND

(V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE COUNTY COMMISSIONERS SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:

(I) CONFINED IN A KENNEL; OR

(II) HUNTING UNDER THE CHARGE OF AN ATTENDANT.

(7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:

(I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;

(II) THE PRODUCTION OF THE LICENSE; AND

(III) PAYMENT OF A FEE OF 25 CENTS.

(F) ANIMAL SHELTERS.

(1) THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY CONTRACT WITH AN ANIMAL WELFARE SOCIETY, A HUMANE SOCIETY, OR ANY OTHER QUALIFIED PERSON TO:

(I) ESTABLISH AN ANIMAL SHELTER; AND

(II) SEIZE, DISPOSE OF, AND EUTHANIZE STRAY, INJURED, OR SICK DOGS.

(2) NOTWITHSTANDING § 13-105(D) OF THIS SUBTITLE, THE COUNTY COMMISSIONERS MAY USE PROCEEDS FROM DOG LICENSE FEES TO:

(I) ESTABLISH AN ANIMAL SHELTER; AND

(II) COLLECT AND EUTHANIZE STRAY, INJURED, OR SICK DOGS.

(G) DOGS IN HEAT.

(1) IN FREDERICK COUNTY, THE OWNER OR CUSTODIAN OF A FEMALE DOG THAT IS IN HEAT:

(I) MAY NOT KNOWINGLY ALLOW THE DOG TO RUN AT LARGE; AND

(II) SHALL CONFINE THE DOG.

(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-501(k), 11-504(e)(2), and, as they related to Frederick County, §§ 11-511, 11-512, 11-501(a), 11-503(a), and 11-504(e)(1).

Defined terms: "Person" § 1-101
"Tax collector" § 1-101

13-122. GARRETT COUNTY.

(A) COMPREHENSIVE SYSTEM FOR REGULATION.

(1) THE COUNTY COMMISSIONERS OF GARRETT COUNTY, BY ORDINANCE, MAY PROVIDE FOR A COMPREHENSIVE SYSTEM FOR THE REGULATION OF DOGS AND CATS.

(2) THE ORDINANCE MAY PROVIDE FOR:

(I) THE LICENSING AND CONTROL OF DOGS AND CATS;

(II) SEIZING AND DISPOSING OF UNLICENSED OR DANGEROUS DOGS AND CATS; AND

(III) CIVIL OR CRIMINAL PENALTIES FOR A VIOLATION OF AN ORDINANCE ENACTED IN ACCORDANCE WITH THIS SECTION.

(3) THE COUNTY COMMISSIONERS MAY PROVIDE THAT A VIOLATION OF AN ORDINANCE RELATING TO DOGS AND CATS SHALL BE PROSECUTED IN THE SAME MANNER AS PROVIDED FOR MUNICIPAL INFRACTIONS UNDER TITLE 6 OF THIS ARTICLE.

(B) DOG AND KENNEL LICENSES.

(1) IN GARRETT COUNTY, ON OR BEFORE JULY 1 OF EACH YEAR, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY THE FEE FOR A DOG OR KENNEL LICENSE SET BY THE COUNTY COMMISSIONERS OF GARRETT COUNTY.

(3) EXCEPT AS PROVIDED IN § 13-108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION ARE THE ONLY LICENSES AND FEES REQUIRED FOR OWNING OR KEEPING A DOG.

(4) THE COUNTY COMMISSIONERS SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(5) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(6) A LICENSE EXPIRES ON JULY 1 OF THE YEAR AFTER ISSUANCE.

(C) DOG TAGS.

(1) IN GARRETT COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE COUNTY COMMISSIONERS OF GARRETT COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(I) COMPOSED OF METAL;

(II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (B) OF THIS SECTION;

(III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(IV) 1 INCH OR LESS IN LENGTH; AND

(V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE COUNTY COMMISSIONERS SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:

- (I) CONFINED IN A KENNEL; OR**
- (II) HUNTING UNDER THE CHARGE OF AN ATTENDANT.**

(7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:

- (I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;**
- (II) THE PRODUCTION OF THE LICENSE; AND**
- (III) PAYMENT OF A FEE OF 25 CENTS.**

(D) ANIMAL CONTROL ORDINANCE.

(1) THE COUNTY COMMISSIONERS OF GARRETT COUNTY MAY DESIGNATE A REGULAR OR CONTRACT EMPLOYEE TO PROVIDE ANIMAL CONTROL SERVICES.

(2) THE COUNTY COMMISSIONERS MAY ADOPT AN ANIMAL CONTROL ORDINANCE FOR:

- (I) LICENSING DOGS, KENNELS, AND PET SHOPS;**
- (II) CONTROLLING RABID ANIMALS; AND**
- (III) DISPOSING OF UNCONTROLLED, VICIOUS, OR SICK ANIMALS.**

(3) THE COUNTY COMMISSIONERS MAY ADOPT AN ANIMAL CONTROL ORDINANCE TO DESIGNATE A PRIVATE AGENCY OR UNIT OF COUNTY GOVERNMENT TO:

- (I) ENFORCE THE ORDINANCE ADOPTED UNDER PARAGRAPH (2) OF THIS SUBSECTION;**

(II) MAINTAIN RECORDS REGARDING THE LICENSING, IMPOUNDING, AND DISPOSING OF ANIMALS COMING INTO THE CUSTODY OF THE PRIVATE AGENCY OR UNIT OF COUNTY GOVERNMENT; AND

(III) ENTER INTO CONTRACTS OR AGREEMENTS TO PROVIDE FOR THE DISPOSAL OF ANIMALS.

(4) THE COUNTY COMMISSIONERS MAY ADOPT AN ANIMAL CONTROL ORDINANCE TO PROVIDE FOR THE DESIGNATION OF ANIMAL CONTROL SHELTERS IN THE COUNTY.

(5) (I) AN ANIMAL CONTROL OFFICER IN GARRETT COUNTY MAY ISSUE AND DELIVER A CITATION TO A PERSON BELIEVED TO BE COMMITTING A VIOLATION OF AN ANIMAL CONTROL ORDINANCE.

(II) 1. THE ANIMAL CONTROL OFFICER SHALL KEEP A COPY OF THE CITATION.

2. THE CITATION SHALL BEAR A CERTIFICATION ATTESTING TO THE TRUTH OF THE MATTERS SET FORTH IN THE CITATION.

(III) THE CITATION SHALL CONTAIN:

1. THE NAME AND ADDRESS OF THE PERSON CHARGED;

2. THE NATURE OF THE VIOLATION;

3. THE LOCATION AND TIME OF THE VIOLATION;

4. THE AMOUNT OF THE FINE;

5. THE MANNER, LOCATION, AND TIME IN WHICH THE FINE MAY BE PAID; AND

6. A NOTICE OF THE PERSON'S RIGHT TO ELECT TO STAND TRIAL FOR THE VIOLATION.

(6) (I) THE COUNTY COMMISSIONERS MAY ADOPT AN ANIMAL CONTROL ORDINANCE TO CREATE A QUASI-JUDICIAL ANIMAL CONTROL AUTHORITY FOR THE COUNTY TO HOLD PUBLIC HEARINGS TO DECIDE CITATIONS, COMPLAINTS, AND OTHER CONTROVERSIES ARISING UNDER THE

ANIMAL CONTROL ORDINANCE, OTHER THAN THOSE FILED WITH THE DISTRICT COURT.

(II) HEARINGS HELD UNDER THIS SUBSECTION ARE SUBJECT TO THE RIGHT OF A PARTY TO FILE A PETITION FOR JUDICIAL REVIEW IN THE CIRCUIT COURT.

(III) THE COUNTY COMMISSIONERS MAY ADOPT RULES AND REGULATIONS TO GOVERN HEARINGS HELD UNDER THIS SUBSECTION.

(7) (I) A PERSON WHO RECEIVES A CITATION UNDER THIS SECTION MAY ELECT TO STAND TRIAL FOR THE VIOLATION BY FILING WITH THE ANIMAL CONTROL OFFICER A NOTICE OF INTENTION TO STAND TRIAL AT LEAST 5 DAYS BEFORE THE DATE SET FORTH IN THE CITATION FOR THE PAYMENT OF FINES.

(II) AFTER RECEIVING A NOTICE OF INTENTION TO STAND TRIAL, THE ANIMAL CONTROL OFFICER SHALL FORWARD THE NOTICE TO THE DISTRICT COURT, WITH A COPY OF THE CITATION.

(III) AFTER RECEIVING THE CITATION AND NOTICE, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE DEFENDANT OF THE TRIAL DATE.

(IV) ALL FINES, PENALTIES, OR FORFEITURES COLLECTED BY THE DISTRICT COURT FOR VIOLATIONS OF AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL BE REMITTED TO GARRETT COUNTY.

(V) IN A PROCEEDING BEFORE THE DISTRICT COURT, A VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL BE PROSECUTED IN THE SAME MANNER AS A MUNICIPAL INFRACTION UNDER TITLE 6 OF THIS ARTICLE.

(VI) THE COUNTY COMMISSIONERS MAY AUTHORIZE THE COUNTY ATTORNEY, THE STATE'S ATTORNEY, OR ANOTHER ATTORNEY TO PROSECUTE A VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SECTION.

(VII) IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED A VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SECTION, THE PERSON IS LIABLE FOR THE COSTS OF THE COURT PROCEEDINGS.

(8) (I) THE COUNTY COMMISSIONERS MAY ADOPT AN ANIMAL CONTROL ORDINANCE TO PROVIDE THAT EACH VIOLATION OF AN ORDINANCE

ADOPTED UNDER THIS SECTION IS A MISDEMEANOR AND ON CONVICTION A PERSON IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(II) THE COUNTY COMMISSIONERS MAY:

1. ESTABLISH A SCHEDULE OF ADDITIONAL FINES FOR EACH VIOLATION; AND

2. ADOPT PROCEDURES FOR THE COLLECTION OF FINES.

(III) 1. IF A PERSON WHO RECEIVES A CITATION UNDER THIS SECTION FOR A VIOLATION FAILS TO PAY THE FINE BY THE DATE OF PAYMENT SET FORTH ON THE CITATION AND FAILS TO FILE A NOTICE OF INTENTION TO STAND TRIAL, A NOTICE OF THE VIOLATION SHALL BE SENT TO THE PERSON'S LAST KNOWN ADDRESS.

2. IF THE CITATION IS NOT SATISFIED WITHIN 15 DAYS AFTER THE DATE THE NOTICE OF VIOLATION IS MAILED, THE PERSON IS SUBJECT TO AN ADDITIONAL FINE NOT EXCEEDING TWICE THE AMOUNT OF THE ORIGINAL FINE.

3. IF THE PERSON WHO RECEIVES THE CITATION DOES NOT PAY THE CITATION BY THE 36TH DAY AFTER THE NOTICE OF VIOLATION IS MAILED, THE ANIMAL CONTROL OFFICER MAY REQUEST THE DISTRICT COURT TO ADJUDICATE THE VIOLATION.

4. AFTER THE ANIMAL CONTROL OFFICER REQUESTS ADJUDICATION, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 11-501(n), and, as they related to Garrett County, Art. 25, § 236A and Art. 24, §§ 11-501(a), 11-503(a), and 11-504(o).

In the introductory language of subsection (d)(2) of this section, the former phrase "[s]pecify rules and regulations that may include" is deleted as surplusage.

In the introductory language of subsection (d)(3) of this section, the former reference to "an appropriate" private agency is deleted as implicit.

In subsection (d)(6)(iii) of this section, the reference to rules and regulations to “govern hearings” is substituted for the former reference to “[a]dopt[ing] rules and regulations for the governance of its hearings” for clarity and brevity.

In subsection (d)(7)(ii) of this section, the former reference to the District Court “having venue” is deleted as implicit.

In subsection (d)(7)(iv), (v), (vi), and (vii) of this section, the references to violations of “ordinance[s] adopted under this section” are substituted for the former references to violations of this “title” for accuracy.

In subsection (d)(7)(iv) of this section, the former reference to remittance to the county “in which the violation occurred” is deleted in light of the scope of this section.

In subsection (d)(7)(v) of this section, the former reference to prosecution of a violation “to the same extent” is deleted as included in the reference to prosecuting a violation “in the same manner”.

In subsection (d)(8) of this section, the former reference to imposing “[a] fine of \$1,000” for a violation of an ordinance is deleted as unnecessary in light of authority in subsection (d)(8)(i) of this section authorizing the County Commissioners of Garrett County to impose a fine not exceeding \$1,000.

In subsection (d)(8)(i) of this section, the reference that “on conviction a person is subject to” a certain fine and term of imprisonment is substituted for the former reference that a violation is “punishable by” a certain fine or term of imprisonment for consistency with other similar provisions of the Code.

In subsection (d)(8)(iii) of this section, the former references to “formal” notices of violation are deleted as surplusage.

Defined terms: “Person” § 1–101

“Tax collector” § 1–101

13–123. HARFORD COUNTY.

(A) COMPREHENSIVE SYSTEM FOR REGULATION.

(1) THE GOVERNING BODY OF HARFORD COUNTY, BY RESOLUTION OR ORDINANCE, MAY PROVIDE FOR A COMPREHENSIVE SYSTEM FOR THE REGULATION OF DOGS.

(2) THE RESOLUTION OR ORDINANCE MAY PROVIDE FOR:

(I) THE LICENSING AND CONTROL OF DOGS;

(II) THE ESTABLISHMENT OF SEPARATE DOG CONTROL DISTRICTS WITH SEPARATE RESOLUTIONS OR ORDINANCES APPLICABLE SOLELY WITHIN EACH DISTRICT;

(III) SEIZING AND DISPOSING OF DOGS FOUND TO BE DANGEROUS TO PERSONS AND PROPERTY; AND

(IV) REASONABLE PENALTIES FOR A VIOLATION OF A RESOLUTION OR ORDINANCE ENACTED IN ACCORDANCE WITH THIS SECTION.

(B) DOG AND KENNEL LICENSES.

(1) IN HARFORD COUNTY, ON OR BEFORE DECEMBER 31 OF EACH YEAR, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY A FEE OF:

(I) \$1 FOR A LICENSE FOR A MALE OR SPAYED FEMALE DOG;

(II) \$3 FOR A LICENSE FOR AN UNSPAYED FEMALE DOG;

(III) \$10 FOR A KENNEL LICENSE FOR A PERSON OWNING OR KEEPING 25 OR FEWER DOGS; OR

(IV) \$20 FOR A KENNEL LICENSE FOR A PERSON OWNING OR KEEPING MORE THAN 25 DOGS.

(3) EXCEPT AS PROVIDED IN § 13-108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION ARE THE ONLY LICENSES AND TAXES REQUIRED FOR OWNING OR KEEPING A DOG.

(4) THE GOVERNING BODY OF HARFORD COUNTY SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(5) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(6) A LICENSE EXPIRES ON DECEMBER 31 OF THE YEAR AFTER ISSUANCE.

(c) DOG TAGS.

(1) IN HARFORD COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE GOVERNING BODY OF HARFORD COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(i) COMPOSED OF METAL;

(ii) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (B) OF THIS SECTION;

(iii) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(iv) 1 INCH OR LESS IN LENGTH; AND

(v) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE GOVERNING BODY SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:

(I) CONFINED IN A KENNEL; OR

(II) HUNTING UNDER THE CHARGE OF AN ATTENDANT.

(7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG
ON:

(I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL
LICENSE WAS ISSUED;

(II) THE PRODUCTION OF THE LICENSE; AND

(III) PAYMENT OF A FEE OF 25 CENTS.

(D) DISTURBANCES OF THE PEACE; VICIOUS DOGS.

(1) IN HARFORD COUNTY, A PERSON MAY NOT OWN OR KEEP A
DOG THAT DISTURBS THE PEACE OF A NEIGHBORHOOD OR IS VICIOUS AND
BITES ANY INDIVIDUAL.

(2) THE BARKING OF A HUNTING DOG IN PURSUIT OF GAME IS
NOT A DISTURBANCE OF THE PEACE FOR THE PURPOSE OF THIS SUBSECTION.

(3) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS
SUBSECTION OR A COURT ORDER ISSUED UNDER PARAGRAPH (4) OF THIS
SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT
TO A FINE NOT EXCEEDING \$25 FOR EACH OFFENSE.

(4) (I) THE DISTRICT COURT IN HARFORD COUNTY SHALL
ISSUE A SUMMONS TO THE OWNER OR KEEPER OF A DOG TO APPEAR BEFORE
THE DISTRICT COURT IF A SWORN COMPLAINT IS RECEIVED FROM A PERSON
ALLEGING THAT THE DOG:

1. DISTURBS THE PEACE OF A NEIGHBORHOOD IN
THE COUNTY; OR

2. IS VICIOUS AND HAS BITTEN AN INDIVIDUAL.

(II) AFTER A FINDING THAT THE DOG DISTURBS THE PEACE
OF A NEIGHBORHOOD OR IS VICIOUS AND HAS BITTEN AN INDIVIDUAL, THE
DISTRICT COURT MAY REQUIRE THE OWNER OR KEEPER TO SURRENDER THE

DOG TO BE EUTHANIZED IN THE MOST HUMANE MANNER POSSIBLE OR REMOVE THE DOG PERMANENTLY FROM THE NEIGHBORHOOD.

(III) IF THE DISTRICT COURT REQUIRES THE OWNER OR KEEPER TO SURRENDER THE DOG TO BE EUTHANIZED OR REMOVED IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND THE OWNER OR KEEPER FAILS TO COMPLY, A POLICE OFFICER OR AN AGENT OF THE COUNTY SHALL SEIZE THE DOG AND CAUSE IT TO BE EUTHANIZED IN THE MOST HUMANE MANNER POSSIBLE.

(IV) THE DISTRICT COURT MAY ORDER THE DOG RESTRAINED OR ISSUE ANY OTHER APPROPRIATE ORDER.

(E) DOGS IN HEAT.

(1) IN HARFORD COUNTY, THE OWNER OF A FEMALE DOG THAT IS IN HEAT MAY NOT ALLOW THE DOG TO BE OUTDOORS EITHER LOOSE OR ON A LEASH.

(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(I) FOR A FIRST VIOLATION, A FINE OF \$25; AND

(II) FOR EACH SUBSEQUENT VIOLATION, A FINE OF NOT LESS THAN \$100 AND NOT EXCEEDING \$200.

(F) DESIGNATION OF ASSISTANTS TO COUNTY TAX COLLECTOR.

THE GOVERNING BODY OF HARFORD COUNTY MAY DESIGNATE PERSONS TO ASSIST THE COUNTY TAX COLLECTOR TO COLLECT LICENSE FEES AND ISSUE LICENSES AND TAGS UNDER THIS SUBTITLE.

(G) ENFORCEMENT.

IN HARFORD COUNTY, A LAW ENFORCEMENT OFFICER WHO WITNESSES A VIOLATION OF A RESOLUTION OR AN ORDINANCE ENACTED IN ACCORDANCE WITH THIS SECTION MAY ISSUE A CITATION FOR THAT VIOLATION AND BRING THE VIOLATOR BEFORE THE DISTRICT COURT IN HARFORD COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-513 and 11-504(l)(1), (2), and (3), the

first and third sentences of § 11–501(c), and, as they related to Harford County, §§ 11–501(a), 11–503(a), and the second sentence of 11–504(c).

In subsection (a)(1) and (2)(ii) of this section, the former phrases “in the county” are deleted as implicit in light of the scope of this section.

In subsection (a)(1) of this section, the former reference to a resolution “enacted according to its usual procedure” is deleted as implicit.

In subsection (a)(2)(ii) of this section, the reference to “separate” resolutions or ordinances is added for clarity.

In subsection (a)(2)(iv) of this section, the reference to a resolution or ordinance “enacted in accordance with this section” is substituted for the former reference to a resolution or ordinance “applicable to dogs” for clarity and consistency.

In subsection (d) of this section, the former reference to disturbing the “quiet” of a neighborhood is deleted as included in the reference to disturbing the “peace” of a neighborhood.

In subsection (d)(1), (4)(i), and (5) of this section, the former references to a neighborhood “in an inhabited area” are deleted as implicit.

In subsection (d)(1) and (4)(i)2 and (ii) of this section, the references to an “individual” are substituted for the former references to “a person” to reflect that only an individual could be bitten by a dog.

In subsection (d)(2) of this section, the former reference to “public” peace is deleted as surplusage.

In subsection (d)(3) of this section, the reference to “[a] person who violates” certain provisions is substituted for the former reference to “[a]ny owner failing to comply” with certain provisions for clarity and consistency with other similar provisions of the Code.

In subsection (d)(4) of this section, the reference to persons “alleging” certain information is added for clarity and consistency.

In subsection (d)(4)(ii) of this section, the reference to the authority of the “District Court” to require an owner to take certain actions is added for clarity.

Also in subsection (d)(4)(ii) of this section, the authority of the court to take certain actions “[a]fter a finding” is substituted for the former authority of the courts to take certain actions “[u]pon proof” for clarity.

Also in subsection (d)(4)(ii) of this section, the former reference to the “offending” dog is deleted as implicit.

In subsection (d)(4)(iii) of this section, the reference to removing a dog “in accordance with subparagraph (ii) of this paragraph” is substituted for the former reference to removing a dog “as aforesaid” for clarity.

Also in subsection (d)(4)(iii) of this section, the former reference to an owner or keeper who “refuses or” fails to comply is deleted as redundant.

Also in subsection (d)(4)(iii) of this section, the former reference to “any duly empowered” agent is deleted as surplusage.

Also in subsection (d)(4)(iii) of this section, the former reference to seizing a dog “on behalf” of the county is deleted as implicit.

Also in subsection (d)(4)(iii) of this section, the former reference to a dog “wherever it may be found” is deleted as implicit.

In subsection (f) of this section, the former reference to designating “suitable” persons in “appropriate locations” is deleted as surplusage.

Also in subsection (f) of this section, the former reference to the governing body designating persons “at such compensation as the said county commissioners may deem necessary or advisable” is deleted as surplusage.

In subsection (g) of this section, the reference to any “resolution or ... ordinance enacted in accordance with this section” is substituted for the former reference to any “Harford County dog regulation or ordinance” for consistency and accuracy.

Also in subsection (g) of this section, the reference to a “citation” is substituted for the former reference to a “summons” to correct the terminology since a law enforcement officer issues a citation and a court issues a summons.

The second sentence of former Art. 24, § 11–501(c), which provided for certain licenses to be valid until December 31, 1951, is deleted as obsolete.

Defined terms: “Governing body” § 1–101

“Person” § 1–101

“Tax collector” § 1–101

13-124. HOWARD COUNTY.**(A) DOG AND KENNEL LICENSES.**

(1) IN HOWARD COUNTY, THE COUNTY EXECUTIVE, WITH THE APPROVAL OF THE COUNTY COUNCIL, SETS THE FEES FOR DOG AND KENNEL LICENSES.

(2) A DOG LICENSE EXPIRES AS SPECIFIED BY LOCAL LAW.

(B) DOG TAGS.

(1) IN HOWARD COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE GOVERNING BODY OF HOWARD COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(I) COMPOSED OF METAL;

(II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER;

(III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(IV) 1 INCH OR LESS IN LENGTH; AND

(V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE GOVERNING BODY SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:

(I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;

(II) THE PRODUCTION OF THE LICENSE; AND

(III) PAYMENT OF A FEE OF 25 CENTS.

(C) REGULATION AND ENFORCEMENT.

THE COUNTY COUNCIL OF HOWARD COUNTY, BY LAW, SHALL DESIGNATE A UNIT TO ADMINISTER AND ENFORCE THE LAWS RELATING TO DOG LICENSES.

(D) DOGS IN HEAT.

(1) IN HOWARD COUNTY, THE OWNER OR CUSTODIAN OF A FEMALE DOG THAT IS IN HEAT SHALL:

(I) ADEQUATELY AND SECURELY CONFINE THE DOG;

(II) PREVENT THE DOG FROM CONTACTING ROAMING DOGS;

AND

(III) PROTECT THE DOG FROM OTHER DOGS THAT ARE ATTRACTED TO THE PREMISES.

(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT LESS THAN \$10 AND NOT EXCEEDING \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-501(h) and 11-504(n) and, as they related to Howard County, §§ 11-514 and 11-503(a).

In subsection (c) of this section, the term "unit", which is used as the general term for a governmental entity, is substituted for the former term "agency" for consistency with terminology used throughout this article.

In subsection (d)(1) of this section, the former reference to protecting the dog from "migrating dogs" is deleted as included in the reference to protecting the dog from "other dogs that are attracted to the premises".

Defined terms: "Governing body" § 1-101

"Person" § 1-101

"Tax collector" § 1-101

13-125. KENT COUNTY.**(A) COMPREHENSIVE SYSTEM FOR REGULATION.**

(1) THE COUNTY COMMISSIONERS OF KENT COUNTY, BY RESOLUTION, MAY PROVIDE FOR A COMPREHENSIVE SYSTEM FOR THE REGULATION OF DOGS.

(2) THE RESOLUTION MAY PROVIDE FOR:

(I) THE LICENSING AND CONTROL OF DOGS;

(II) SEIZING AND DISPOSING OF UNLICENSED OR DANGEROUS DOGS; AND

(III) REASONABLE PENALTIES FOR A VIOLATION OF A RESOLUTION ENACTED IN ACCORDANCE WITH THIS SECTION.

(B) DOG AND KENNEL LICENSES.

(1) IN KENT COUNTY, ON OR BEFORE JULY 1 OF EACH YEAR, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY THE FEE FOR A DOG OR KENNEL LICENSE SET BY THE COUNTY COMMISSIONERS OF KENT COUNTY.

(3) EXCEPT AS PROVIDED IN § 13-108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION ARE THE ONLY LICENSES AND FEES REQUIRED FOR OWNING OR KEEPING A DOG.

(4) THE COUNTY COMMISSIONERS SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(5) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(6) A LICENSE EXPIRES ON JULY 1 OF THE YEAR AFTER ISSUANCE.

(c) DOG TAGS.

(1) IN KENT COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE OWNER PAYS THE LICENSE FEE FOR THE DOG.

(2) THE COUNTY COMMISSIONERS OF KENT COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(i) COMPOSED OF METAL;

(ii) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (B) OF THIS SECTION;

(iii) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(iv) 1 INCH OR LESS IN LENGTH; AND

(v) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE COUNTY COMMISSIONERS SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:

(i) CONFINED IN A KENNEL; OR

(ii) HUNTING UNDER THE CHARGE OF AN ATTENDANT.

(7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:

(i) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;

(II) THE PRODUCTION OF THE LICENSE; AND**(III) PAYMENT OF A FEE OF 25 CENTS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 11-504(m) and, as they related to Kent County, §§ 11-501(a) and (j) and 11-503(a).

In subsection (a) of this section, the references to "resolution" are substituted for the former references to "regulation" and "regulations" for consistency within this section.

In subsection (a)(1) of this section, the former reference to dogs "within the county" is deleted as implicit in light of the scope of this section.

In subsection (a)(2)(iii) of this section, the reference to "a resolution enacted in accordance with this section" is substituted for the former reference to "any of the provisions of the regulations" for clarity and consistency.

Defined terms: "Person" § 1-101

"Tax collector" § 1-101

13-126. MONTGOMERY COUNTY.**(A) DOG LICENSES.**

(1) IN MONTGOMERY COUNTY, THE COUNTY EXECUTIVE SHALL SET THE FEES FOR DOG LICENSES.

(2) A LICENSE EXPIRES WHEN A RABIES VACCINATION CERTIFICATION ISSUED TO THE DOG UNDER § 18-319(A)(3) OF THE HEALTH - GENERAL ARTICLE EXPIRES.

(B) DOG TAGS.

(1) IN MONTGOMERY COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE GOVERNING BODY OF MONTGOMERY COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

- (3) THE TAGS SHALL BE:**
- (I) COMPOSED OF METAL;**
 - (II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER;**
 - (III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;**
 - (IV) 1 INCH OR LESS IN LENGTH; AND**
 - (V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.**
- (4) THE GOVERNING BODY SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.**
- (5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".**
- (6) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:**
- (I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;**
 - (II) THE PRODUCTION OF THE LICENSE; AND**
 - (III) PAYMENT OF A FEE OF 25 CENTS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 11-501(d) and, as it related to Montgomery County, § 11-503(a).

In subsection (a)(1) of this section, the reference to fees for dog "licenses" is added for clarity and consistency.

Defined terms: "Governing body" § 1-101

"Person" § 1-101

"Tax collector" § 1-101

13-127. PRINCE GEORGE'S COUNTY.

- (A) DOG AND KENNEL LICENSES.**

(1) IN PRINCE GEORGE'S COUNTY, ON OR BEFORE JULY 1 OF EACH YEAR, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY A FEE OF:

(I) \$1 FOR A LICENSE FOR A MALE OR SPAYED FEMALE DOG;

(II) \$2 FOR A LICENSE FOR AN UNSPAYED FEMALE DOG;

(III) \$10 FOR A KENNEL LICENSE FOR A PERSON OWNING OR KEEPING 25 OR FEWER DOGS; OR

(IV) \$20 FOR A KENNEL LICENSE FOR A PERSON OWNING OR KEEPING MORE THAN 25 DOGS.

(3) EXCEPT AS PROVIDED IN § 13-108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION ARE THE ONLY LICENSES AND FEES REQUIRED FOR OWNING OR KEEPING A DOG.

(4) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(5) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(6) A LICENSE EXPIRES ON JULY 1 OF THE YEAR AFTER ISSUANCE.

(B) DOG TAGS.

(1) IN PRINCE GEORGE'S COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

- (3) THE TAGS SHALL BE:**
- (I) COMPOSED OF METAL;**
 - (II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (A) OF THIS SECTION;**
 - (III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;**
 - (IV) 1 INCH OR LESS IN LENGTH; AND**
 - (V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.**
- (4) THE GOVERNING BODY SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.**
- (5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".**
- (6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:**
- (I) CONFINED IN A KENNEL; OR**
 - (II) HUNTING UNDER THE CHARGE OF AN ATTENDANT.**
- (7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:**
- (I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;**
 - (II) THE PRODUCTION OF THE LICENSE; AND**
 - (III) PAYMENT OF A FEE OF 25 CENTS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-501(a) and 11-503(a), as they related to Prince George's County.

Defined terms: "Governing body" § 1-101

"Person" § 1-101

"Tax collector" § 1-101

13-128. QUEEN ANNE'S COUNTY.

(A) COMPREHENSIVE SYSTEM FOR REGULATION.

THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY MAY ADOPT AND ENFORCE A COMPREHENSIVE ANIMAL CONTROL ORDINANCE.

(B) DOG AND KENNEL LICENSES.

(1) IN QUEEN ANNE'S COUNTY, ON OR BEFORE JULY 1 OF EACH YEAR, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY A FEE OF:

(I) \$1 FOR A LICENSE FOR A MALE OR SPAYED FEMALE DOG;

(II) \$2 FOR A LICENSE FOR AN UNSPAYED FEMALE DOG;

(III) \$10 FOR A KENNEL LICENSE FOR A PERSON OWNING OR KEEPING 25 OR FEWER DOGS; OR

(IV) \$20 FOR A KENNEL LICENSE FOR A PERSON OWNING OR KEEPING MORE THAN 25 DOGS.

(3) EXCEPT AS PROVIDED IN § 13-108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION ARE THE ONLY LICENSES AND FEES REQUIRED FOR OWNING OR KEEPING A DOG.

(4) THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(5) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(6) A LICENSE EXPIRES ON JULY 1 OF THE YEAR AFTER ISSUANCE.

(C) DOG TAGS.

(1) IN QUEEN ANNE'S COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(I) COMPOSED OF METAL;

(II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (B) OF THIS SECTION;

(III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(IV) 1 INCH OR LESS IN LENGTH; AND

(V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE COUNTY COMMISSIONERS SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:

(I) CONFINED IN A KENNEL; OR

(II) HUNTING UNDER THE CHARGE OF AN ATTENDANT.

(7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:

(I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;

(II) THE PRODUCTION OF THE LICENSE; AND

(III) PAYMENT OF A FEE OF 25 CENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 3(ii) and, as they related to Queen Anne's County, Art. 24, §§ 11-501(a) and 11-503(a).

In subsection (a) of this section, the former reference to the authority of the County Commissioners of Queen Anne's County to "amend" an ordinance is deleted as included in the reference to the authority of the County Commissioners of Queen Anne's County to "adopt" an ordinance.

Defined terms: "Person" § 1-101
"Tax collector" § 1-101

13-129. ST. MARY'S COUNTY.

(A) DOG AND KENNEL LICENSES.

(1) IN ST. MARY'S COUNTY, ON OR BEFORE JUNE 30 OF EACH YEAR, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY THE FEE FOR A DOG OR KENNEL LICENSE SET BY THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY.

(3) (I) THE COUNTY COMMISSIONERS SHALL APPOINT AGENTS TO COLLECT DOG AND KENNEL LICENSE FEES THAT ARE NOT PAID BY AUGUST 1 OF EACH YEAR.

(II) A PENALTY OF \$1.00 PER LICENSE SHALL BE ASSESSED AGAINST DOG OWNERS WHOSE DOG OR KENNEL LICENSE FEES ARE NOT PAID BY AUGUST 1 EACH YEAR.

(4) EXCEPT AS PROVIDED IN § 13-108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION SHALL BE THE ONLY LICENSES AND FEES REQUIRED FOR OWNING OR KEEPING A DOG.

(5) THE COUNTY COMMISSIONERS SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(6) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(7) A LICENSE EXPIRES ON JUNE 30 OF THE YEAR AFTER ISSUANCE.

(B) DOG TAGS.

(1) IN ST. MARY'S COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(I) COMPOSED OF METAL;

(II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (A) OF THIS SECTION;

(III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(IV) 1 INCH OR LESS IN LENGTH; AND

(V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE COUNTY COMMISSIONERS SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:

- (I) CONFINED IN A KENNEL; OR**
- (II) HUNTING UNDER THE CHARGE OF AN ATTENDANT.**

(7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:

- (I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;**
- (II) THE PRODUCTION OF THE LICENSE; AND**
- (III) PAYMENT OF A FEE OF 25 CENTS.**

(C) REGULATION AND ENFORCEMENT.

(1) IF REASONABLY APPLICABLE, THIS SUBSECTION APPLIES TO THE REGULATION AND CONTROL OF:

- (I) ANY DOMESTIC ANIMAL; AND**
- (II) A WILD ANIMAL KEPT IN CAPTIVITY.**

(2) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY PASS RULES, REGULATIONS, OR RESOLUTIONS TO PROVIDE FOR:

- (I) ISSUING DOG LICENSES;**
- (II) KEEPING RECORDS OF ALL SALES OF LICENSES;**
- (III) DESIGNATING PERSONS AUTHORIZED TO SELL LICENSES; AND**
- (IV) SEIZING AND DISPOSING OF DOGS FOUND RUNNING AT LARGE IN THE COUNTY.**

(3) BEFORE THE COUNTY COMMISSIONERS PASS A RULE, REGULATION, OR RESOLUTION IN ACCORDANCE WITH THIS SUBSECTION, THE

PROPOSED RULE, REGULATION, OR RESOLUTION SHALL BE ADVERTISED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONCE EACH WEEK FOR 4 SUCCESSIVE WEEKS, TO PROVIDE ANY PERSON AN OPPORTUNITY TO BE HEARD.

(4) THE RULES, REGULATIONS, OR RESOLUTIONS SHALL INCLUDE STANDARDS AND SHALL OPERATE UNIFORMLY.

(5) SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS MAY DELEGATE, BY WRITTEN CONTRACT, THE ENFORCEMENT OF THE RULES, REGULATIONS, OR RESOLUTIONS.

(6) (I) THE COUNTY COMMISSIONERS SHALL RESERVE THE RIGHT TO CANCEL A WRITTEN CONTRACT EXECUTED IN ACCORDANCE WITH PARAGRAPH (5) OF THIS SUBSECTION.

(II) A CANCELLATION UNDER THIS PARAGRAPH:

1. MAY BE WITHOUT NOTICE OR RECOURSE, IF THE CANCELLATION IS FOR CAUSE; OR

2. REQUIRES AT LEAST 30 DAYS' NOTICE BEFORE CANCELLATION, IF THE CANCELLATION IS WITHOUT CAUSE.

(7) (I) THE COUNTY COMMISSIONERS MAY ESTABLISH PENALTIES FOR A VIOLATION OF A RULE, REGULATION, OR RESOLUTION PASSED UNDER THIS SUBSECTION.

(II) THE PENALTY FOR EACH VIOLATION MAY NOT EXCEED IMPRISONMENT FOR 1 YEAR OR A FINE OF \$1,000 OR BOTH.

(D) ANIMAL CONTROL OFFICERS.

(1) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY EMPLOY AN ANIMAL CONTROL OFFICER.

(2) THE COUNTY SHALL DETERMINE THE ANNUAL SALARY OF THE ANIMAL CONTROL OFFICER EMPLOYED UNDER THIS SECTION.

(3) AN ANIMAL CONTROL OFFICER EMPLOYED UNDER THIS SECTION:

(I) HAS ALL THE POWERS OF A PEACE OFFICER; AND

(II) SHALL SEIZE AND DISPOSE OF UNLICENSED DOGS AS PRESCRIBED BY THE COUNTY COMMISSIONERS.

(E) ANIMAL SHELTERS.

(1) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY PROVIDE AN ANIMAL SHELTER FOR THE PLACEMENT OF DOGS SEIZED BY ANIMAL CONTROL OFFICERS.

(2) THE COUNTY COMMISSIONERS MAY ENTER INTO AGREEMENTS WITH ADJACENT COUNTIES TO ESTABLISH AN ANIMAL SHELTER TO SERVE THE COUNTIES.

(3) THE COUNTY COMMISSIONERS MAY CONTRACT WITH AN ANIMAL WELFARE SOCIETY, A HUMANE SOCIETY, OR ANY OTHER QUALIFIED PERSON TO:

(I) ESTABLISH AN ANIMAL SHELTER; OR

(II) SEIZE, DISPOSE OF, OR EUTHANIZE STRAY, INJURED, OR SICK DOGS.

(4) (I) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY PAY ANY EXPENSES ARISING FROM THE OPERATION OF THIS SUBSECTION.

(II) NOTWITHSTANDING § 13-105(D) OF THIS SUBTITLE, THE COUNTY COMMISSIONERS MAY USE PROCEEDS FROM DOG LICENSE FEES TO:

1. ESTABLISH AN ANIMAL SHELTER; OR

2. COLLECT, DISPOSE OF, OR EUTHANIZE STRAY, INJURED, OR SICK DOGS.

(F) DOGS AT LARGE.

(1) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, BY RULE, REGULATION, OR RESOLUTION, MAY PROVIDE THAT AN OWNER OF A DOG MAY NOT ALLOW THE DOG, WHETHER LICENSED OR UNLICENSED, TO RUN AT LARGE OFF THE PREMISES OF THE OWNER.

(2) A RULE, REGULATION, OR RESOLUTION PASSED UNDER THIS SUBSECTION MAY ALLOW THE FOLLOWING DOGS TO RUN AT LARGE WHEN ACCOMPANIED BY THE OWNER OR AGENT OF THE OWNER AND WHEN KEPT WITHIN SIGHT OR CALLING DISTANCE OF THE OWNER OR AGENT:

(I) DOGS PROVED TO BE OBEDIENT, IN ACCORDANCE WITH RULE, REGULATION, OR RESOLUTION OF THE COUNTY;

(II) DOGS BEING USED OR TRAINED FOR HUNTING; AND

(III) DOGS ACCOMPANIED BY THE OWNER ON HORSEBACK.

(3) THE COUNTY COMMISSIONERS, BY RULE, REGULATION, OR RESOLUTION, MAY PROVIDE FOR ENFORCEMENT AND INVESTIGATION OF REPORTS OF VIOLATIONS OF A RULE, REGULATION, OR RESOLUTION PASSED UNDER THIS SUBSECTION.

(4) AN OWNER OF A DOG WHO FAILS TO COMPLY WITH A RULE, REGULATION, OR RESOLUTION PASSED UNDER THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25 FOR EACH VIOLATION.

(G) DOGS IN HEAT.

(1) IN ST. MARY'S COUNTY, THE OWNER OR CUSTODIAN OF A FEMALE DOG THAT IS IN HEAT SHALL:

(I) ADEQUATELY AND SECURELY CONFINE THE DOG;

(II) PREVENT THE DOG FROM CONTACTING ROAMING DOGS;

AND

(III) PROTECT THE DOG FROM OTHER DOGS THAT ARE ATTRACTED TO THE PREMISES.

(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT LESS THAN \$10 AND NOT EXCEEDING \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-501(e) and 11-504(g) and, as they related to St. Mary's County, §§ 11-514, 11-501(a), 11-503(a), and 11-504(e)(1), (i), and (k).

In subsection (c)(1) of this section, the former reference to every domestic animal, “including but not limited to dogs” is deleted as included in the reference to “domestic animal”.

Also in subsection (c)(1) of this section, the former requirement that the provisions “shall be deemed to” apply is deleted as surplusage.

In subsection (d)(2) of this section, the reference to the salary “of the animal control officer employed under this section” is added for clarity.

In subsection (d)(3)(ii) of this section, the phrase “as prescribed by the county commissioners” replaces the former phrase “in a manner and on conditions to be prescribed by the County Commissioners” for clarity.

In subsection (e) of this section, the former phrase “[s]aid Commissioners are further authorized to pay any expenses arising from the operation of this subsection” is deleted as implicit in the powers of a county.

In subsection (f)(1) and (2) of this section, the former references to an “authorized” agent of the owner are deleted as surplusage.

In subsection (f)(1) of this section, the former reference to a dog not running at large “except when it is under the control of the owner or an authorized agent of the owner by leash, cord, or chain” is deleted as unnecessary in light of the meaning of “running at large”.

In subsection (g)(1) of this section, the former reference to protecting the dog from “migrating dogs” is deleted as included in the reference to protecting the dog from “other dogs that are attracted to the premises”.

Defined terms: “Person” § 1-101

“Tax collector” § 1-101

13-130. SOMERSET COUNTY.

(A) COMPREHENSIVE SYSTEM FOR REGULATION.

(1) THE COUNTY COMMISSIONERS OF SOMERSET COUNTY, BY ORDINANCE, MAY PROVIDE FOR A COMPREHENSIVE SYSTEM FOR THE REGULATION OF DOGS AND CATS.

(2) THE ORDINANCE MAY PROVIDE FOR:

(1) THE LICENSING AND CONTROL OF DOGS AND CATS;

(II) SEIZING AND DISPOSING OF UNLICENSED OR DANGEROUS DOGS AND CATS; AND

(III) CIVIL OR CRIMINAL PENALTIES FOR A VIOLATION OF AN ORDINANCE ENACTED IN ACCORDANCE WITH THIS SECTION.

(3) THE COUNTY COMMISSIONERS MAY PROVIDE THAT A VIOLATION OF AN ORDINANCE RELATING TO DOGS AND CATS SHALL BE PROSECUTED IN THE SAME MANNER AS PROVIDED FOR MUNICIPAL INFRACTIONS UNDER TITLE 6 OF THIS ARTICLE.

(B) DOG AND KENNEL LICENSES.

(1) IN SOMERSET COUNTY, ON OR BEFORE JULY 1 OF EACH YEAR, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY A FEE OF:

(I) \$1 FOR A LICENSE FOR A MALE OR SPAYED FEMALE DOG;

(II) \$2 FOR A LICENSE FOR AN UNSPAYED FEMALE DOG;

(III) \$10 FOR A KENNEL LICENSE FOR A PERSON OWNING OR KEEPING 25 OR FEWER DOGS; OR

(IV) \$20 FOR A KENNEL LICENSE FOR A PERSON OWNING OR KEEPING MORE THAN 25 DOGS.

(3) EXCEPT AS PROVIDED IN § 13-108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION ARE THE ONLY LICENSES AND FEES REQUIRED FOR OWNING OR KEEPING A DOG.

(4) THE COUNTY COMMISSIONERS OF SOMERSET COUNTY SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(5) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(6) A LICENSE EXPIRES ON JULY 1 OF THE YEAR AFTER ISSUANCE.

(C) DOG TAGS.

(1) IN SOMERSET COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE COUNTY COMMISSIONERS OF SOMERSET COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(I) COMPOSED OF METAL;

(II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (B) OF THIS SECTION;

(III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(IV) 1 INCH OR LESS IN LENGTH; AND

(V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE COUNTY COMMISSIONERS SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:

(I) CONFINED IN A KENNEL; OR

(II) HUNTING UNDER THE CHARGE OF AN ATTENDANT.

**(7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG
ON:**

**(I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL
LICENSE WAS ISSUED;**

(II) THE PRODUCTION OF THE LICENSE; AND

(III) PAYMENT OF A FEE OF 25 CENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-501(a), 11-503(a), and 11-504(o), as they related to Somerset County.

In subsection (a)(1) of this section, the former reference to dogs and cats "within the county" is deleted as implicit in light of the scope of this section.

Defined terms: "Governing body" § 1-101

"Person" § 1-101

"Tax collector" § 1-101

13-131. TALBOT COUNTY.

(A) DOG AND KENNEL LICENSES.

(1) THE COUNTY COUNCIL OF TALBOT COUNTY SHALL SET THE FEES, TERMS, AND FORMS FOR DOG AND KENNEL LICENSES.

(2) A DOG LICENSE EXPIRES AS SPECIFIED BY COUNTY LAW.

(B) DOG TAGS.

IN TALBOT COUNTY, A DOG TAG MAY BE A METAL TAG OR A SURGICALLY IMPLANTED MICROCHIP.

(C) DOGS IN HEAT.

(1) IN TALBOT COUNTY, THE OWNER OR CUSTODIAN OF A FEMALE DOG THAT IS IN HEAT MAY NOT KNOWINGLY ALLOW THE DOG TO RUN AT LARGE.

(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 11-501(f) and, as it related to Talbot County, § 11-512(a)(1) and (b).

Former Art. 24, § 11-503(d), as it applied to Talbot County, is deleted as unnecessary due to the organization of this part of this subtitle on a county-by-county basis.

Defined term: "Person" § 1-101

13-132. WASHINGTON COUNTY.

(A) "ANIMAL CONTROL OFFICER" DEFINED.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY DESIGNATE A REGULAR OR CONTRACT EMPLOYEE TO PROVIDE ANIMAL CONTROL SERVICES.

(B) REGULATION OF ANIMALS.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY ADOPT AN ANIMAL CONTROL ORDINANCE FOR:

- (1) LICENSING DOGS, KENNELS, AND PET SHOPS;**
- (2) CONTROLLING RABID ANIMALS; AND**
- (3) DISPOSING OF UNCONTROLLED, VICIOUS, OR SICK ANIMALS.**

(C) DESIGNATION OF ANIMAL CONTROL AGENCY.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY ADOPT AN ANIMAL CONTROL ORDINANCE TO DESIGNATE A PRIVATE AGENCY OR UNIT OF COUNTY GOVERNMENT TO:

- (1) ENFORCE THE ORDINANCE ADOPTED UNDER SUBSECTION (B) OF THIS SECTION;**

(2) MAINTAIN RECORDS REGARDING THE LICENSING, IMPOUNDING, AND DISPOSING OF ANIMALS COMING INTO THE CUSTODY OF THE PRIVATE AGENCY OR UNIT OF COUNTY GOVERNMENT; AND

(3) ENTER INTO CONTRACTS OR AGREEMENTS TO PROVIDE FOR THE DISPOSAL OF ANIMALS.

(D) ANIMAL SHELTERS.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY ADOPT AN ANIMAL CONTROL ORDINANCE TO PROVIDE FOR THE DESIGNATION OF ANIMAL CONTROL SHELTERS IN THE COUNTY.

(E) ISSUANCE AND CONTENT OF CITATIONS.

(1) AN ANIMAL CONTROL OFFICER IN WASHINGTON COUNTY MAY ISSUE AND DELIVER A CITATION TO A PERSON BELIEVED TO BE COMMITTING A VIOLATION OF AN ANIMAL CONTROL ORDINANCE.

(2) (I) THE ANIMAL CONTROL OFFICER SHALL KEEP A COPY OF THE CITATION.

(II) THE CITATION SHALL BEAR A CERTIFICATION ATTESTING TO THE TRUTH OF THE MATTERS SET FORTH IN THE CITATION.

(3) THE CITATION SHALL CONTAIN:

(I) THE NAME AND ADDRESS OF THE PERSON CHARGED;

(II) THE NATURE OF THE VIOLATION;

(III) THE LOCATION AND TIME OF THE VIOLATION;

(IV) THE AMOUNT OF THE FINE;

(V) THE MANNER, LOCATION, AND TIME IN WHICH THE FINE MAY BE PAID; AND

(VI) A NOTICE OF THE PERSON'S RIGHT TO ELECT TO STAND TRIAL FOR THE VIOLATION.

(F) QUASI-JUDICIAL AUTHORITY.

(1) THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY ADOPT AN ANIMAL CONTROL ORDINANCE TO CREATE A QUASI-JUDICIAL ANIMAL CONTROL AUTHORITY FOR THE COUNTY TO HOLD PUBLIC HEARINGS TO DECIDE CITATIONS, COMPLAINTS, AND OTHER CONTROVERSIES ARISING UNDER THE ANIMAL CONTROL ORDINANCE, OTHER THAN THOSE FILED WITH THE DISTRICT COURT.

(2) HEARINGS HELD UNDER THIS SUBSECTION ARE SUBJECT TO THE RIGHT OF A PARTY TO FILE A PETITION FOR JUDICIAL REVIEW IN THE CIRCUIT COURT.

(3) THE COUNTY COMMISSIONERS MAY ADOPT RULES AND REGULATIONS TO GOVERN HEARINGS HELD UNDER THIS SUBSECTION.

(G) TRIAL.

(1) A PERSON WHO RECEIVES A CITATION UNDER THIS SECTION MAY ELECT TO STAND TRIAL FOR THE VIOLATION BY FILING WITH THE ANIMAL CONTROL OFFICER A NOTICE OF INTENTION TO STAND TRIAL AT LEAST 5 DAYS BEFORE THE DATE SET FORTH IN THE CITATION FOR THE PAYMENT OF FINES.

(2) AFTER RECEIVING A NOTICE OF INTENTION TO STAND TRIAL, THE ANIMAL CONTROL OFFICER SHALL FORWARD THE NOTICE TO THE DISTRICT COURT, WITH A COPY OF THE CITATION.

(3) AFTER RECEIVING THE CITATION AND NOTICE, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE DEFENDANT OF THE TRIAL DATE.

(4) ALL FINES, PENALTIES, OR FORFEITURES COLLECTED BY THE DISTRICT COURT FOR VIOLATIONS OF AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL BE REMITTED TO WASHINGTON COUNTY.

(5) IN A PROCEEDING BEFORE THE DISTRICT COURT, A VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL BE PROSECUTED IN THE SAME MANNER AS A MUNICIPAL INFRACTION UNDER TITLE 6 OF THIS ARTICLE.

(6) THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY AUTHORIZE THE COUNTY ATTORNEY, THE STATE'S ATTORNEY, OR ANOTHER ATTORNEY TO PROSECUTE A VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SECTION.

(7) IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED A VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SECTION, THE PERSON IS LIABLE FOR THE COSTS OF THE COURT PROCEEDINGS.

(H) PENALTY.

(1) THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY ADOPT AN ANIMAL CONTROL ORDINANCE TO PROVIDE THAT EACH VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SECTION IS A MISDEMEANOR AND ON CONVICTION A PERSON IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(2) THE COUNTY COMMISSIONERS MAY:

(I) ESTABLISH A SCHEDULE OF ADDITIONAL FINES FOR EACH VIOLATION; AND

(II) ADOPT PROCEDURES FOR THE COLLECTION OF FINES.

(3) (I) IF A PERSON WHO RECEIVES A CITATION UNDER THIS SECTION FOR A VIOLATION FAILS TO PAY THE FINE BY THE DATE OF PAYMENT SET FORTH ON THE CITATION AND FAILS TO FILE A NOTICE OF INTENTION TO STAND TRIAL, A NOTICE OF THE VIOLATION SHALL BE SENT TO THE PERSON'S LAST KNOWN ADDRESS.

(II) IF THE CITATION IS NOT SATISFIED WITHIN 15 DAYS AFTER THE DATE THE NOTICE OF VIOLATION IS MAILED, THE PERSON IS SUBJECT TO AN ADDITIONAL FINE NOT EXCEEDING TWICE THE AMOUNT OF THE ORIGINAL FINE.

(III) IF THE PERSON WHO RECEIVES THE CITATION DOES NOT PAY THE CITATION BY THE 36TH DAY AFTER THE NOTICE OF VIOLATION IS MAILED, THE ANIMAL CONTROL OFFICER MAY REQUEST THE DISTRICT COURT TO ADJUDICATE THE VIOLATION.

(IV) AFTER THE ANIMAL CONTROL OFFICER REQUESTS ADJUDICATION, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 236A, as it related to Washington County.

In the introductory language of subsection (b) of this section, the former phrase “[s]pecify rules and regulations that may include” is deleted as surplusage.

In subsection (c) of this section, the former reference to “an appropriate” private agency is deleted as implicit.

In subsection (f)(3) of this section, the reference to rules and regulations to “govern hearings” is substituted for the former reference to “[a]dopt[ing] rules and regulations for the governance of its hearings” for clarity and brevity.

In subsection (g)(2) of this section, the former reference to the District Court “having venue” is deleted as implicit.

In subsection (g)(4), (5), (6), and (7) of this section, the references to violations of “ordinance[s] adopted under this section” are substituted for the former references to violations of this “title” for accuracy.

In subsection (g)(4) of this section, the former reference to remittance to the county “in which the violation occurred” is deleted in light of the scope of this section.

In subsection (g)(5) of this section, the former reference to prosecution of a violation “to the same extent” is deleted as included in the reference to prosecuting a violation “in the same manner”.

In subsection (h) of this section, the former reference to imposing “[a] fine of \$1,000” for a violation of an ordinance is deleted as unnecessary in light of authority in subsection (h)(1) of this section authorizing the County Commissioners of Washington County to impose a fine not exceeding \$1,000.

In subsection (h)(1) of this section, the reference that “on conviction a person is subject to” a certain fine and term of imprisonment is substituted for the former reference that a violation is “punishable by” a certain fine or term of imprisonment for consistency with other similar provisions of the Code.

In subsection (h)(3) of this section, the references to “formal” notices of violation are deleted as surplusage.

Former Art. 24, § 11–503(d), as it applied to Washington County, is deleted as unnecessary due to the organization of this part of this subtitle on a county–by–county basis.

Defined term: "Person" § 1-101

13-133. WICOMICO COUNTY.

(A) DOG AND KENNEL LICENSES.

(1) IN WICOMICO COUNTY, EACH YEAR AS SPECIFIED BY LAW, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY THE FEE FOR A DOG OR KENNEL LICENSE SET BY THE GOVERNING BODY OF WICOMICO COUNTY.

(3) EXCEPT AS PROVIDED BY § 13-108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION ARE THE ONLY LICENSES AND FEES REQUIRED FOR OWNING OR KEEPING A DOG.

(4) THE GOVERNING BODY SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(5) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(6) A LICENSE EXPIRES AS SPECIFIED BY LOCAL LAW.

(B) DOG TAGS.

(1) IN WICOMICO COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE PERSON PAYS THE LICENSE FEE FOR THE DOG.

(2) THE GOVERNING BODY OF WICOMICO COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(I) COMPOSED OF METAL;

(II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (A) OF THIS SECTION;

(III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(IV) 1 INCH OR LESS IN LENGTH; AND

(V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE GOVERNING BODY SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:

(I) CONFINED IN A KENNEL; OR

(II) HUNTING UNDER THE CHARGE OF AN ATTENDANT.

(7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG ON:

(I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;

(II) THE PRODUCTION OF THE LICENSE; AND

(III) PAYMENT OF A FEE OF 25 CENTS.

(C) DESIGNATION OF ASSISTANTS TO COUNTY TAX COLLECTOR.

THE GOVERNING BODY OF WICOMICO COUNTY MAY DESIGNATE PERSONS TO ASSIST THE COUNTY TAX COLLECTOR TO COLLECT LICENSE FEES AND ISSUE LICENSES AND TAGS UNDER THIS SUBTITLE.

(D) DOGS IN HEAT.

(1) IN WICOMICO COUNTY, THE OWNER OR CUSTODIAN OF A FEMALE DOG THAT IS IN HEAT:

(I) MAY NOT KNOWINGLY ALLOW THE DOG TO RUN AT LARGE; AND

(II) SHALL CONFINE THE DOG.

(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 11-501(l) and, as they related to Wicomico County, §§ 11-512, 11-501(a), 11-503(a), and the second sentence of § 11-504(c).

In subsection (c) of this section, the former reference to designating "suitable" persons in "appropriate locations" is deleted as surplusage.

Also in subsection (c) of this section, the former reference to the county commissioners designating persons "at such compensation as the said county commissioners may deem necessary or advisable" is deleted as surplusage.

Defined terms: "Governing body" § 1-101
"Person" § 1-101
"Tax collector" § 1-101

13-134. WORCESTER COUNTY.

(A) DOG AND KENNEL LICENSES.

(1) IN WORCESTER COUNTY, ON OR BEFORE JULY 1 OF EACH YEAR, A PERSON OWNING OR KEEPING A DOG SHALL APPLY TO THE COUNTY TAX COLLECTOR FOR A LICENSE FOR THE DOG IF THE DOG IS AT LEAST 6 MONTHS OLD.

(2) AT THE TIME OF APPLICATION, THE APPLICANT SHALL PAY THE FEE FOR A DOG OR KENNEL LICENSE SET BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY.

(3) EXCEPT AS PROVIDED IN § 13-108 OF THIS SUBTITLE, THE LICENSES AND FEES REQUIRED UNDER THIS SECTION ARE THE ONLY LICENSES AND FEES REQUIRED FOR OWNING OR KEEPING A DOG.

(4) THE COUNTY COMMISSIONERS SHALL PREPARE AND SUPPLY THE FORM FOR A LICENSE ISSUED UNDER THIS SUBSECTION.

(5) A DOG LICENSE SHALL CONTAIN THE DATE OF ISSUANCE, A SERIAL NUMBER, AND A DESCRIPTION OF THE DOG LICENSED.

(6) A LICENSE EXPIRES ON JULY 1 OF THE YEAR AFTER ISSUANCE.

(B) DOG TAGS.

(1) IN WORCESTER COUNTY, THE COUNTY TAX COLLECTOR SHALL ISSUE A TAG WITH EACH DOG LICENSE TO A PERSON OWNING OR KEEPING A DOG WHEN THE OWNER PAYS THE LICENSE FEE FOR THE DOG.

(2) THE COUNTY COMMISSIONERS OF WORCESTER COUNTY SHALL PREPARE AND SUPPLY TAGS TO THE COUNTY TAX COLLECTOR EACH YEAR.

(3) THE TAGS SHALL BE:

(I) COMPOSED OF METAL;

(II) IMPRINTED WITH A SERIAL NUMBER CORRESPONDING TO THE NUMBER ON THE LICENSE ISSUED TO THE OWNER UNDER SUBSECTION (A) OF THIS SECTION;

(III) IMPRINTED WITH THE CALENDAR YEAR FOR WHICH THE TAG IS ISSUED;

(IV) 1 INCH OR LESS IN LENGTH; AND

(V) EQUIPPED WITH A SUBSTANTIAL METAL FASTENER.

(4) THE COUNTY COMMISSIONERS SHALL CHANGE THE GENERAL SHAPE OF THE TAGS EACH YEAR.

(5) TAGS SUPPLIED TO OWNERS OF KENNELS SHALL CONTAIN THE WORD "KENNEL".

(6) THE PERSON OWNING OR KEEPING A DOG SHALL ATTACH THE TAG TO A SUBSTANTIAL COLLAR AND KEEP THE COLLAR AND TAG ON THE DOG FOR WHICH THE LICENSE WAS ISSUED AT ALL TIMES, EXCEPT WHEN THE DOG IS:

- (I) CONFINED IN A KENNEL; OR
- (II) HUNTING UNDER THE CHARGE OF AN ATTENDANT.

(7) THE COUNTY TAX COLLECTOR SHALL REPLACE A LOST TAG
ON:

- (I) APPLICATION BY THE PERSON TO WHOM THE ORIGINAL LICENSE WAS ISSUED;
- (II) THE PRODUCTION OF THE LICENSE; AND
- (III) PAYMENT OF A FEE OF 25 CENTS.

(C) REGULATION AND ENFORCEMENT.

(1) THE COUNTY COMMISSIONERS OF WORCESTER COUNTY MAY ADOPT RULES AND REGULATIONS, BY RESOLUTION OR ORDINANCE, TO PROVIDE FOR:

- (I) ISSUING DOG LICENSES;
- (II) KEEPING RECORDS OF ALL SALES OF LICENSES;
- (III) DESIGNATING PERSONS AUTHORIZED TO SELL LICENSES; AND
- (IV) SEIZING AND DISPOSING OF DOGS FOUND RUNNING AT LARGE IN THE COUNTY.

(2) BEFORE THE COUNTY COMMISSIONERS ADOPT A RULE OR REGULATION IN ACCORDANCE WITH THIS SUBSECTION, A SUMMARY OF THE PROPOSED RULE, REGULATION, RESOLUTION, OR ORDINANCE SHALL BE ADVERTISED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONCE EACH WEEK FOR 2 SUCCESSIVE WEEKS, TO PROVIDE ANY PERSON AN OPPORTUNITY TO BE HEARD.

(3) THE RULES AND REGULATIONS SHALL INCLUDE STANDARDS AND SHALL OPERATE UNIFORMLY.

(4) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS MAY DELEGATE, BY WRITTEN CONTRACT, THE ENFORCEMENT OF THE RULES AND REGULATIONS.

(5) (I) THE COUNTY COMMISSIONERS SHALL RESERVE THE RIGHT TO CANCEL A WRITTEN CONTRACT EXECUTED IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION.

(II) A CANCELLATION UNDER THIS PARAGRAPH:

1. MAY BE WITHOUT NOTICE OR RECOURSE, IF THE CANCELLATION IS FOR CAUSE; OR

2. REQUIRES NOTICE AT LEAST 30 DAYS BEFORE CANCELLATION, IF THE CANCELLATION IS WITHOUT CAUSE.

(6) A PERSON WHO VIOLATES A RULE OR REGULATION ADOPTED IN ACCORDANCE WITH THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE:

(I) FOR A FIRST OFFENSE, NOT EXCEEDING \$25; AND

(II) FOR EACH SUBSEQUENT OFFENSE, NOT EXCEEDING \$100.

(D) ANIMAL CONTROL OFFICERS.

(1) THE COUNTY COMMISSIONERS OF WORCESTER COUNTY MAY APPOINT ANIMAL CONTROL OFFICERS.

(2) AN ANIMAL CONTROL OFFICER APPOINTED UNDER THIS SUBSECTION:

(I) HAS ALL THE POWERS OF A PEACE OFFICER;

(II) MAY SELL AND ISSUE DOG LICENSES; AND

(III) MAY SEIZE AND DISPOSE OF STRAY, INJURED, UNLICENSED, DISEASED, OR VICIOUS DOGS, IN ACCORDANCE WITH RULES AND REGULATIONS OF THE COUNTY COMMISSIONERS.

(3) THE COUNTY COMMISSIONERS MAY PROVIDE FOR THE COMPENSATION OF AN ANIMAL CONTROL OFFICER APPOINTED UNDER THIS SUBSECTION.

(E) ANIMAL SHELTERS.

(1) THE COUNTY COMMISSIONERS OF WORCESTER COUNTY MAY PROVIDE ANIMAL SHELTERS WHERE DOGS SEIZED BY AN ANIMAL CONTROL OFFICER MAY BE PLACED.

(2) THE COUNTY COMMISSIONERS MAY ENTER INTO AN AGREEMENT WITH ANY ADJACENT COUNTY TO ESTABLISH AN ANIMAL SHELTER TO SERVE THE COUNTIES.

(3) NOTWITHSTANDING § 13-105(D) OF THIS SUBTITLE, THE COUNTY COMMISSIONERS MAY USE THE PROCEEDS FROM DOG LICENSE FEES TO:

(I) ESTABLISH AND MAINTAIN AN ANIMAL SHELTER; AND

(II) COLLECT, CARE FOR, OR EUTHANIZE DOGS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 11-504(j)(2) and, as they related to Worcester County, §§ 11-501(a) and (j), 11-503(a), and the first through sixth sentences of 11-504(j)(1).

The seventh sentence of former Art. 24, § 11-504(j)(1), which authorized the commissioners to pay certain expenses, is deleted as unnecessary in light of the general budgeting powers of the county.

The eighth sentence of former Art. 24, § 11-504(j)(1), which provided that the subsection is not operable in a municipality except under certain circumstances, is deleted as obsolete. Former Art. 24, § 11-504(j)(1) as applied to Worcester County was enacted in 1965, prior to the enactment of former Art. 23A, § 2B in 1983, which provided for the circumstances under which county laws apply within municipalities. Former Art. 23A, § 2B is revised as § 4-111 of this article.

Defined terms: "Person" § 1-101

"Tax collector" § 1-101

SUBTITLE 2. TOURISM AND ENTERTAINMENT.

13-201. DANCE HALLS, BOXING OR WRESTLING ARENAS, AMUSEMENT PARKS, AND TOURIST CAMPS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY IN:

- (1) CAROLINE COUNTY;**
- (2) CARROLL COUNTY;**
- (3) CECIL COUNTY;**
- (4) CHARLES COUNTY;**
- (5) FREDERICK COUNTY;**
- (6) HOWARD COUNTY;**
- (7) SOMERSET COUNTY;**
- (8) TALBOT COUNTY;**
- (9) WICOMICO COUNTY; AND**
- (10) WORCESTER COUNTY.**

(B) IN GENERAL.

THE GOVERNING BODY OF A COUNTY MAY:

- (1) ISSUE PERMITS FOR THE ESTABLISHMENT, OPERATION, OR MAINTENANCE OF A PUBLIC DANCE HALL, A BOXING OR WRESTLING ARENA, AN AMUSEMENT PARK, OR A TOURIST CAMP WITH CABINS FOR RENT;**
- (2) ADOPT RULES AND REGULATIONS FOR THE ISSUANCE OF PERMITS UNDER THIS SECTION; AND**
- (3) REVOKE PERMITS ISSUED UNDER THIS SECTION FOR CAUSE AND AFTER NOTICE AND A HEARING.**

(C) PERMIT REQUIRED.

A PERSON SHALL OBTAIN A PERMIT FROM THE GOVERNING BODY OF A COUNTY BEFORE THE PERSON MAY ESTABLISH, MAINTAIN, OR OPERATE A PUBLIC DANCE HALL, A BOXING OR WRESTLING ARENA, AN AMUSEMENT PARK, OR A TOURIST CAMP WITH CABINS FOR RENT.

(D) CHARLES COUNTY.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS OF CHARLES COUNTY SHALL CHARGE A PERMIT FEE OF:

(I) \$50 FOR ISSUING THE INITIAL PERMIT; AND

(II) \$50 ANNUALLY FOR RENEWAL OF THE PERMIT.

(2) A PERMIT HOLDER IS EXEMPT FROM THE FEE IF:

(I) THE FACILITY IS ESTABLISHED, MAINTAINED, OR OPERATED FOR PURPOSES OF A RELIGIOUS, EDUCATIONAL, OR FRATERNAL ORGANIZATION; AND

(II) NO OTHER PERSON SHARES THE PROFITS AND GAINS FROM EVENTS HELD IN THE FACILITY.

(E) WORCESTER COUNTY.

IN WORCESTER COUNTY, THIS SECTION ALSO APPLIES TO A TOURIST CABIN, A MOTEL, AN APARTMENT HOUSE, A ROOMING HOUSE, OR ANY OTHER STRUCTURE OR BUILDING TO BE RENTED TO FOUR OR MORE PERSONS AT ONE TIME.

(F) PROHIBITED ACT; PENALTIES.

(1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT LESS THAN \$100 AND NOT EXCEEDING \$500 FOR EACH OFFENSE.

(2) THE ESTABLISHMENT OR PLACE IN VIOLATION OF THIS SECTION IS SUBJECT TO ABATEMENT AS A NUISANCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 27.

In subsection (b)(1) of this section, the reference to “issu[ing] permits for the establishment, operation, or maintenance of a public dance hall, a boxing or wrestling arena, an amusement park, or a tourist camp with cabins for rent” is substituted for the former reference to “grant[ing] or refus[ing] such permission” for clarity.

In subsection (b)(2) of this section, the reference to “adopt[ing] rules and regulations for the issuance of permits under this section” is substituted for the former reference to “grant[ing] the same for such time and under such rules and regulations as they may deem proper for the public welfare” for clarity and brevity.

In subsections (c) and (f)(1) of this section, the former references to a “firm or corporation” are deleted as unnecessary in light of the definition of “person” in § 1–101 of this article. Similarly, in subsection (d)(2)(ii) of this section, the former reference to a “corporation” is deleted.

In subsection (c) of this section, the former reference to “outside the limits of any municipal corporation of any county” is deleted because former Art. 25, § 27 was enacted in 1937, prior to the enactment of former Art. 23A, § 2B in 1983, which provided for the circumstances under which county laws apply within municipalities. Former Art. 23A, § 2B is revised in § 4–111 of this article.

In the introductory language of subsection (d)(1) of this section, the reference to the county commissioners charging “a permit fee” is added for clarity.

In the introductory language of subsection (d)(2) of this section, the reference to a “permit holder” being exempt from the fee is substituted for the former reference to a “facility in Charles County provided under subsection (b) of this section” being exempt for clarity and brevity.

In subsection (f)(2) of this section, the reference to the establishment or place “in violation of this section” is added for clarity.

Defined terms: “Governing body” § 1–101

“Person” § 1–101

13–202. TRAILER CAMPS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT BALTIMORE CITY.

(B) IN GENERAL.

THE GOVERNING BODY OF A COUNTY MAY, BY RESOLUTION, REGULATE THE CONSTRUCTION OR ESTABLISHMENT OF TRAILER CAMPS.

(C) PENALTY.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO VIOLATES A REGULATION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.

(2) IN CALVERT COUNTY, A PERSON WHO VIOLATES A REGULATION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in Article 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 25, § 2(b), and, as it related to the regulation of the construction or establishment of trailer camps, (a).

In subsection (c) of this section, the former references to fines being imposed "for any such violation" are deleted as surplusage.

Defined terms: "County" § 1-101

"Governing body" § 1-101

"Person" § 1-101

13-203. TRAILERS AND TOURIST CAMPS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

(1) ANNE ARUNDEL COUNTY;

(2) BALTIMORE CITY;

- (3) BALTIMORE COUNTY;
- (4) CECIL COUNTY;
- (5) HOWARD COUNTY;
- (6) PRINCE GEORGE'S COUNTY;
- (7) QUEEN ANNE'S COUNTY; AND
- (8) WORCESTER COUNTY.

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) IN GENERAL.

IN ADDITION TO THE AUTHORITY GRANTED UNDER § 13–202 OF THIS SUBTITLE, THE GOVERNING BODY OF A COUNTY MAY LICENSE AND REGULATE THE LOCATION, CONSTRUCTION, AND OPERATION OF TRAILERS AND TOURIST CAMPS.

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(i) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a)(2) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in former Art. 25, § 3(i) applicable to commission counties, code counties, and charter counties, except for the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City in the Annotated Code.

In subsection (c) of this section, the phrase “[i]n addition to the authority granted under § 13–202 of this subtitle” is added for clarity.

Also in subsection (c) of this section, the former reference to “outside the limits of incorporated towns and cities” is deleted because former Art. 25, § 3(i) was enacted in 1947, prior to the enactment of former Art. 23A, § 2B in 1983, which provided for the circumstances under which county laws apply in municipalities. Former Art. 23A, § 2B is revised in § 4–111 of this article.

Defined terms: “Commission county” § 1–101
“Governing body” § 1–101

13–204. PUBLIC AMUSEMENTS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**
- (4) CECIL COUNTY;**
- (5) HOWARD COUNTY;**
- (6) PRINCE GEORGE’S COUNTY;**
- (7) QUEEN ANNE’S COUNTY; AND**
- (8) WORCESTER COUNTY.**

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) IN GENERAL.

SUBJECT TO ANY RESTRICTION OR PROHIBITION IMPOSED BY OTHER PUBLIC GENERAL LAW, THE GOVERNING BODY OF A COUNTY MAY LICENSE AND REGULATE PUBLIC AMUSEMENTS IN THE INTEREST OF PUBLIC WELFARE.

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from the first sentences of former Art. 25, § 3(aa)(1) and (2), as they related to public amusements, and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a)(2) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in former Art. 25, § 3(aa) applicable to commission counties, code counties, and charter counties, except for the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City in the Annotated Code.

In subsection (c) of this section, the former phrase “in addition to the licenses and regulations elsewhere provided” is deleted as surplusage.

The second sentence of former Art. 25, § 3(aa)(1), which provided that the paragraph was applicable in Dorchester County and the County Commissioners had the power provided in the paragraph, is deleted as unnecessary in light of the scope provision in subsection (a) of this section.

The second sentence of former Art. 25, § 3(aa)(2), which provided that the paragraph was applicable in Carroll County and the County Commissioners had the power provided in the paragraph, is deleted as unnecessary in light of the scope provision in subsection (a) of this section.

Defined terms: “Commission county” § 1–101

“Governing body” § 1–101

13–205. FORTUNE–TELLERS — CALVERT COUNTY.

(A) LICENSE REQUIRED.

(1) NOTWITHSTANDING ANY PROVISION OF THE BUSINESS REGULATION ARTICLE, IN CALVERT COUNTY, A PALM READER, FORTUNE-TELLER, SOOTHSAYER, OR SIMILAR INDIVIDUAL SHALL:

(I) APPLY TO THE CLERK OF THE CIRCUIT COURT FOR CALVERT COUNTY FOR A LICENSE TO DO BUSINESS; AND

(II) PAY A LICENSE FEE OF \$1,000 TO THE CLERK OF THE CIRCUIT COURT FOR CALVERT COUNTY.

(2) BEFORE AN APPLICANT MAY BE ISSUED A LICENSE UNDER THIS SECTION, THE APPLICANT SHALL:

(I) BE FINGERPRINTED AND PHOTOGRAPHED BY THE DEPARTMENT OF STATE POLICE; AND

(II) OBTAIN A CERTIFICATE FROM THE DEPARTMENT OF STATE POLICE THAT INDICATES THAT THE APPLICANT HAS NEVER BEEN CONVICTED OF A CRIME, OTHER THAN A MOTOR VEHICLE VIOLATION.

(3) THE TERM OF THE LICENSE IS 3 MONTHS.

(B) PENALTIES.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE OF NOT LESS THAN \$100 AND NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 11-403.

In subsection (a)(1)(ii) of this section, the reference to paying a license fee "to the Clerk of the Circuit Court for Calvert County" is added to state explicitly that which was only implied in the former law, *i.e.*, that payments are to be made to the clerk of the circuit court.

Defined term: "Person" § 1-101

SUBTITLE 3. TRANSIENT VENDORS.

PART I. TRANSIENT VENDORS.

13-301. "TRANSIENT VENDOR" DEFINED.

IN THIS PART, “TRANSIENT VENDOR” MEANS A PERSON WHO:

- (1) ENGAGES IN A BUSINESS OF SELLING OR SOLICITING ORDERS FOR THE SALE OF GOODS;**
- (2) IS LOCATED IN ONE LOCATION OR TRAVELS FROM PLACE TO PLACE;**
- (3) INTENDS TO CONTINUE THE BUSINESS IN THE COUNTY FOR 1 YEAR OR LESS; AND**
- (4) FOR THE PURPOSE OF CONDUCTING THE BUSINESS, RENTS, USES, OR OCCUPIES:**
 - (I) A BUILDING OR PART OF A BUILDING;**
 - (II) A STREET, AN ALLEY, A ROAD, A PARK, OR ANY OTHER LOT OR PARCEL OF LAND; OR**
 - (III) AN AUTOMOBILE, A TRUCK, A BOAT, A CART, OR ANY OTHER MOTOR OR NONMOTORIZED VEHICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11–301(b)(1) and, except as they related to the principal or agent of a transient vendor, (2) and 11–302(b)(1).

In this section, the former references to a “temporary” vendor are deleted as included in the reference to “transient vendor”.

In the introductory language of this section, the former references to “partnerships, corporations, or other legal entities” are deleted as unnecessary in light of the definition of “person” in § 1–101 of this article.

In item (1) of this section, the former reference to a business “for the purpose” of selling or soliciting is deleted as surplusage.

Also in item (1) of this section and throughout this subtitle, the former references to “wares, or merchandise” are deleted as included in the reference to “goods”.

In item (4) of this section, the former references to “[r]ooms or halls in motels, hotels, or other lodging houses” and “[p]ublic auditoriums, facilities, or civic centers” are deleted as included in the reference to “a building or part of a building”.

Defined term: "Person" § 1-101

13-302. SCOPE OF PART.

THIS PART APPLIES ONLY IN:

- (1) CARROLL COUNTY;**
- (2) FREDERICK COUNTY; AND**
- (3) WASHINGTON COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-301(a) and 11-302(a).

13-303. APPLICABILITY OF PART.

(A) GENERALLY.

THIS PART APPLIES TO A TRANSIENT VENDOR AND THE PRINCIPAL OR AGENT OF A TRANSIENT VENDOR.

(B) EXCLUSIONS.

THIS PART DOES NOT APPLY TO:

- (1) AN AUCTIONEER OR ANY OTHER TRAVELER OR SELLING AGENT IN THE USUAL COURSE OF BUSINESS;**
- (2) THE MERE SOLICITATION OF ORDERS FOR THE FUTURE DELIVERY OF GOODS IN INTERSTATE COMMERCE;**
- (3) THE SALE OF GOODS EXHIBITED ON GROUNDS USED BY AN AGRICULTURAL SOCIETY FOR THE ANNUAL FAIR OF THAT AGRICULTURAL SOCIETY;**
- (4) A SALE BY ANY NONPROFIT ORGANIZATION OR SOCIETY FOR A CHARITABLE, RELIGIOUS, OR OTHER PUBLIC PURPOSE;**
- (5) AN EXHIBITOR THAT IS THE SOLE PRODUCER OF THE PRODUCTS SOLD AT:**

(I) A CONVENTION OF A RELIGIOUS, CIVIC, OR CHARITABLE GROUP; OR

(II) A NONPROFIT TRADE ASSOCIATION, CONCERT, CULTURAL EVENT, ART AND CRAFT SHOW, SALE, EXHIBITION, OR FAIR;

(6) A SALE BY A FARMER OR A FARMER'S AGENT OF PRODUCE FROM A TRUCK OR STAND OWNED OR LEASED BY THE FARMER;

(7) A SHOW, A SALE, AN EXHIBITION, OR A FAIR CONDUCTED IN THE CENTRAL PEDESTRIAN AREA OF AN ENCLOSED SHOPPING MALL; OR

(8) A SALE BY A SELLER AT A RESIDENCE IN ACCORDANCE WITH AN INVITATION BY THE OWNER OR LEGAL OCCUPANT OF THE RESIDENCE.

(c) WASHINGTON COUNTY.

THIS PART DOES NOT APPLY TO A SHOW, A SALE, AN EXHIBITION, OR A FAIR IN WASHINGTON COUNTY:

(1) THAT IS CONDUCTED IN THE CENTRAL PEDESTRIAN AREA OF A NONENCLOSED COMMERCIAL COMPLEX THAT:

(I) IS LOCATED ON ONE PARCEL OF LAND; AND

(II) CONTAINS AT LEAST 450,000 SQUARE FEET OF FLOOR SPACE AND AT LEAST 100 RETAIL ESTABLISHMENTS;

(2) THAT COMPLIES WITH ALL APPLICABLE CODES AND ORDINANCES; AND

(3) FOR WHICH ALL APPLICABLE PERMITS HAVE BEEN OBTAINED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-301(e) and (b)(4) and 11-302(d) and, as they related to the principals and agents of transient vendors, the introductory language of §§ 11-301(b)(2) and 11-302(b)(1).

In subsection (a) of this section, part of the former definition of "transient vendor" is revised as a substantive provision for clarity as to whom this part applies.

In subsection (c) of this section, the former definition of “nonenclosed shopping center” is revised as a substantive provision because it was used in the source law only in relation to the exemption of certain shows, sales, exhibitions, or fairs in Washington County.

Defined term: “Transient vendor” § 13–301

13–304. AUTHORITY TO LICENSE AND REGULATE TRANSIENT VENDORS.

THE COUNTY COMMISSIONERS OF A COUNTY MAY LICENSE AND REGULATE TRANSIENT VENDORS IN THE COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11–301(d) and 11–302(c).

The former references to authority for the county commissioners to “[r]equire a license to be obtained before conducting business” are deleted as implicit in the authority to “license and regulate” transient vendors.

Defined term: “Transient vendor” § 13–301

13–305. LICENSE REQUIRED FOR CONVENTION, SHOW, OR SALE.

(A) WHEN LICENSE REQUIRED.

A PROMOTER, A SPONSOR, OR ANY OTHER PERSON WHO ORGANIZES A CONVENTION, SHOW, OR SALE THAT INCLUDES AT LEAST 10 TRANSIENT VENDORS SHALL PAY A LICENSE FEE AND OBTAIN A LICENSE IN ACCORDANCE WITH THIS PART.

(B) WHEN LICENSE NOT REQUIRED.

A TRANSIENT VENDOR WHO PARTICIPATES IN A CONVENTION, SHOW, OR SALE LICENSED UNDER THIS SECTION IS NOT REQUIRED TO OBTAIN A SEPARATE TRANSIENT VENDOR LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11–301(f) and 11–302(e).

In subsection (a) of this section, the reference to “transient vendors” is substituted for the former references to “participants” to clarify that a license under this part needs to be obtained only if the participants in the event are transient vendors.

Defined terms: “Person” § 1–101

“Transient vendor” § 13–301

13–306. APPLICATION.

AT LEAST 30 DAYS BEFORE THE DATE OF INTENDED SALE IN A COUNTY, A TRANSIENT VENDOR SHALL SUBMIT TO THE COUNTY COMMISSIONERS OF THE COUNTY A VERIFIED, WRITTEN APPLICATION THAT CONTAINS:

(1) THE NAME AND ADDRESS OF THE APPLICANT AND THE OWNER OF THE GOODS TO BE SOLD OR EXHIBITED FOR SALE;

(2) THE NAME AND ADDRESS OF THE EMPLOYER OF THE APPLICANT OR PERSONS WITH WHOM THE APPLICANT IS ASSOCIATED AND THE LENGTH OF THE EMPLOYMENT OR ASSOCIATION;

(3) A DESCRIPTION OF THE NATURE AND PLACE OF THE APPLICANT’S EMPLOYMENT DURING THE PRECEDING 12 MONTHS;

(4) (I) AN ESTIMATE OF THE LENGTH OF TIME THAT AND EXACT LOCATION WHERE THE APPLICANT WILL PURSUE THE ACTIVITIES REGULATED UNDER THIS PART; AND

(II) IF A FIXED SITE IS OCCUPIED, THE ADDRESS OF THE PROPERTY OWNER OF THE SITE;

(5) THE NAMES AND ADDRESSES OF AT LEAST THREE INDIVIDUALS WHO:

(I) HAVE KNOWN THE APPLICANT FOR AT LEAST 1 YEAR;
AND

(II) WILL VERIFY THE FACTS CONTAINED IN THE APPLICATION;

(6) THE APPLICANT’S MARYLAND SALES AND USE TAX NUMBER;

(7) (I) THE ADDRESS OF ANY PERMANENT PLACE OF BUSINESS OF THE APPLICANT IN THE STATE; OR

(II) A COPY OF THE CERTIFICATE FROM THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION STATING THAT THE APPLICANT HAS QUALIFIED TO DO BUSINESS IN THE STATE AND THE NAME AND ADDRESS OF THE APPLICANT’S AGENT;

(8) PROOF THAT THE APPLICANT:

(I) IS QUALIFIED TO DO BUSINESS IN THE STATE AND THE COUNTY; AND

(II) HAS OBTAINED ALL NECESSARY PERMITS AND LICENSES FROM THE STATE AND THE COUNTY FOR THE OPERATION OF THE BUSINESS;

(9) A DESCRIPTION OF THE NATURE OF THE BUSINESS AND THE GOODS INTENDED FOR SALE OR THE CATALOG FROM WHICH GOODS CAN BE ORDERED;

(10) A DESCRIPTION AND MOTOR VEHICLE REGISTRATION PLATE NUMBER OF ANY VEHICLE USED IN CONNECTION WITH THE APPLICANT'S ACTIVITIES;

(11) A STATEMENT AS TO WHETHER THE APPLICANT HAS EVER BEEN CONVICTED OF A FELONY OR A MISDEMEANOR AND, IF SO, A STATEMENT AS TO:

(I) THE NATURE OF THE OFFENSE;

(II) WHEN AND WHERE THE APPLICANT WAS CONVICTED;
AND

(III) THE PENALTY IMPOSED;

(12) A DESCRIPTION OF THE PLACE WHERE THE GOODS ARE MANUFACTURED, THE LOCATION OF THE GOODS AT THE TIME OF THE FILING OF THE APPLICATION, AND THE PROPOSED METHOD OF DELIVERY OF THE GOODS;
AND

(13) ANY ADDITIONAL INFORMATION THAT THE COUNTY COMMISSIONERS REQUIRE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-301(g) and 11-302(f).

In the introductory language of this section and throughout this subtitle, the former references to the county "in which the vendor intends to do business" are deleted as surplusage.

In item (1) of this section, the former references to the “true” owner “if not the applicant” are deleted as surplusage.

In items (3) and (12) of this section, the phrase “a description of” is added for consistency throughout this section.

In item (8) of this section, the former phrase “[i]f the applicant is an individual, partnership, or corporation” is deleted as unnecessary in light of the fact that it incorporates all potential applicants.

In item (10) of this section, the reference to a motor vehicle “registration plate” number is substituted for the former references to the “tag” number for consistency with other provisions of the Code.

In item (11)(iii) of this section, the former references to the “punishment” imposed are deleted as included in the reference to the “penalty” imposed.

Defined terms: “Person” § 1–101
 “Transient vendor” § 13–301

13–307. BOND.

(A) REQUIRED.

(1) AN APPLICANT FOR A TRANSIENT VENDOR LICENSE SHALL EXECUTE AND FILE A BOND WITH THE COUNTY COMMISSIONERS OF THE COUNTY IN THE AMOUNT OF \$10,000.

(2) THE BOND SHALL BE ISSUED BY A SURETY:

(I) AUTHORIZED TO DO BUSINESS IN THE STATE; AND

(II) APPROVED BY THE COUNTY COMMISSIONERS.

(B) REQUIREMENTS.

(1) THE BOND SHALL BE PAYABLE TO THE EXTENT OF ANY TAXES, FEES, OR FINES.

(2) THE SURETY SHALL INDEMNIFY A PURCHASER WHO SUFFERS A LOSS BECAUSE OF DEFECTIVE GOODS OR MISREPRESENTATION.

(C) ENFORCEMENT.

(1) THE BOND SHALL PROVIDE THAT THE COUNTY COMMISSIONERS OF A COUNTY MAY FILE SUIT AGAINST THE LICENSEE OR THE SURETY FOR TAXES, FEES, OR FINES DUE FROM THE LICENSEE THAT ARE NOT PAID WITHIN 30 DAYS AFTER THE TERMINATION OF:

(I) A SALE AUTHORIZED UNDER THIS PART; OR

(II) THE TRANSIENT VENDOR LICENSE.

(2) THE BOND SHALL PROVIDE THAT A PURCHASER AT A SALE MAY MAINTAIN AN ACTION FOR CLAIMS ARISING FROM THE SALE AGAINST A LICENSEE OR THE SURETY.

(D) TERMINATION.

THE BOND SHALL CONTINUE IN EFFECT FOR AT LEAST 1 YEAR AFTER THE TERMINATION OF THE TRANSIENT VENDOR LICENSE EXPIRES AND UNTIL:

(1) ALL ACTIONS ARE CONCLUDED AND JUDGMENTS HAVE BEEN SATISFIED; OR

(2) THE AMOUNT OF THE BOND HAS BEEN EXHAUSTED BY PAYMENTS ON JUDGMENTS.

(E) BOND IN ADDITION TO OTHER REQUIREMENTS.

THE BOND SHALL BE IN ADDITION TO ANY DEPOSIT, LICENSE FEE, PERMIT FEE, OR OTHER REQUIREMENT UNDER COUNTY LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-301(h)(1) through (7) and 11-302(g)(1) through (7).

In subsection (a)(2) of this section, the reference to "[t]he bond shall be issued by a surety" is substituted for the former references to the applicant "execut[ing] and fil[ing] a bond ... along with a surety" for clarity.

In subsection (b)(2) of this section, the word "goods" is substituted for the former word "merchandise" for consistency with other provisions of this part.

In subsection (c)(1) of this section, the former references to the county filing suit "in their own name" are deleted as surplusage.

In subsection (d)(2) of this section, the reference to “payments on judgments” is added for clarity.

Defined term: “Transient vendor” § 13–301

13–308. VERIFICATION OF APPLICATION AND ISSUANCE OF LICENSE.

(A) VERIFICATION OF APPLICATION.

(1) THE COUNTY COMMISSIONERS OF A COUNTY SHALL VERIFY THE STATEMENTS MADE BY THE APPLICANT IN THE APPLICATION FOR THE TRANSIENT VENDOR LICENSE.

(2) (I) IF THE APPLICATION CONTAINS A FALSE STATEMENT, THE COUNTY COMMISSIONERS MAY DENY THE LICENSE.

(II) IF THE LICENSE IS DENIED, THE COUNTY COMMISSIONERS SHALL REFUND THE LICENSE FEE, LESS ADMINISTRATIVE COSTS.

(B) ISSUANCE OF LICENSE.

(1) THE COUNTY COMMISSIONERS OF A COUNTY SHALL ISSUE A TRANSIENT VENDOR LICENSE WITHIN 20 DAYS AFTER THE APPLICATION IS FILED IF:

(I) THE COUNTY COMMISSIONERS APPROVE THE APPLICATION AND SURETY BOND; AND

(II) THE LICENSE FEE IS PAID.

(2) THE LICENSE SHALL:

(I) BE EFFECTIVE FOR THE DURATION AND TERM APPLIED FOR IN THE APPLICATION NOT TO EXCEED A PERIOD OF 1 YEAR; AND

(II) TERMINATE AUTOMATICALLY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11–301(i), (j), and (k)(3) and 11–302(h), (i), and (j)(3).

In subsection (b)(2)(i) of this section, the reference to the license being “effective” for the duration in the application is added for clarity.

Also in subsection (b)(2)(i) of this section, the reference to the license duration and term “not to exceed a period of 1 year” is substituted for the former references to the license “shall be issued for 1 year or less” for clarity.

Defined term: “Transient vendor” § 13–301

13–309. LICENSE FEES.

(A) CALCULATION OF LICENSE FEES.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A TRANSIENT VENDOR SHALL PAY THE FOLLOWING LICENSE FEE TO A COUNTY BEFORE BEGINNING BUSINESS IN THE COUNTY:

(I) A MINIMUM OF \$1,000, WHICH SHALL COVER A PERIOD OF UP TO 1 MONTH FROM THE DATE THE TRANSIENT VENDOR ACTUALLY OBTAINS THE LICENSE AND MAY LEGALLY PROCEED WITH BUSINESS; AND

(II) \$500 FOR EACH ADDITIONAL MONTH OR PORTION OF A MONTH.

(2) THE LICENSE FEE PAYABLE UNDER THIS SECTION MAY NOT EXCEED \$3,500.

(B) PAYMENT OF FEE.

THE APPLICANT FOR A TRANSIENT VENDOR LICENSE SHALL DEPOSIT WITH THE COUNTY CASH IN AN AMOUNT EQUAL TO THE FULL AMOUNT OF THE APPLICABLE LICENSE FEE BASED ON THE ESTIMATED TIME THAT THE LICENSE WILL BE REQUIRED.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11–301(b)(3), (k)(1) and (2), and (h)(8) and 11–302(b)(2), (j)(1) and (2), and (g)(8).

In subsection (a) of this section, the former definition of “date of issuance” is revised as a substantive provision because it was used in the source law only in relation to the calculation of license fees.

In subsection (a)(1)(i) of this section, the defined reference to “transient vendor” is substituted for the former references to “vendor” for clarity and consistency.

In subsection (b) of this section, the reference to the deposit being made “with the county” is added for clarity.

Defined term: “Transient vendor” § 13–301

13–310. ENGAGING IN BUSINESS WITHOUT A LICENSE; PENALTIES.

(A) ENGAGING IN BUSINESS WITHOUT A LICENSE — PROHIBITED.

BEFORE CONDUCTING BUSINESS IN A COUNTY, A TRANSIENT VENDOR SHALL OBTAIN A TRANSIENT VENDOR LICENSE REQUIRED UNDER THIS PART.

(B) ADDITIONAL LICENSES OR PERMITS.

(1) THIS PART DOES NOT EXEMPT A TRANSIENT VENDOR FROM OBTAINING ANY OTHER LICENSE OR PERMIT FROM:

- (I) THE UNITED STATES;**
- (II) THE STATE;**
- (III) THE COUNTY;**
- (IV) ANY MUNICIPALITY IN FREDERICK COUNTY; OR**
- (V) THE CITY OF HAGERSTOWN.**

(2) THIS PART DOES NOT EXEMPT A TRANSIENT VENDOR FROM LIABILITY, TAX LIABILITY, OR ANY OTHER REGULATIONS THAT MAY BE APPLICABLE IN:

- (I) THE UNITED STATES;**
- (II) THE STATE;**
- (III) THE COUNTY;**
- (IV) ANY MUNICIPALITY IN FREDERICK COUNTY; OR**

(V) THE CITY OF HAGERSTOWN.**(C) SALES ON SUNDAY.**

UNLESS OTHERWISE ALLOWED BY LAW, A TRANSIENT VENDOR MAY NOT SELL GOODS ON SUNDAY.

(D) PENALTIES.

A PERSON WHO ENGAGES IN BUSINESS AS A TRANSIENT VENDOR IN VIOLATION OF THIS PART IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,500 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11-301(l) and (m) and 11-302(k) and (l).

In subsection (a) of this section, the reference to obtaining a license “[b]efore conducting business in a county” is substituted for the former references to a transient vendor “not engaging in business without first” obtaining a license for consistency with other similar licensing provisions in the Code.

In subsection (b) of this section, the defined term “transient vendor” is substituted for the former references to “vendor” for clarity and consistency.

In subsection (d) of this section, the reference to a person who engages in “business as a transient vendor” is substituted for the former references to a person who engages in a “transient business” for consistency throughout this subtitle.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the references in subsection (b)(1)(iv) and (2)(iv) of this section to “any municipality in Frederick County” and the references in subsection (b)(1)(v) and (2)(v) of this section to “the City of Hagerstown” may be inconsistent with the requirement under Article XI-E, § 1 of the Maryland Constitution that provides “the General Assembly shall act in relation to the incorporation, organization, government, or affairs of any such municipal corporation only by general laws which shall in their terms and in their effect apply alike to all municipal corporations in one or more of the classes provided for in Section 2 of this Article”.

Defined terms: “Municipality” § 1-101

“Person” § 1–101

“Transient vendor” § 13–301

13–311. ENFORCEMENT.

(A) PRESUMPTION OF INTENT IN CARROLL COUNTY.

IN CARROLL COUNTY, IN A PROCEEDING TO PROSECUTE A VIOLATION OF THIS PART OR TO ENFORCE THE PROVISIONS OF THIS PART, THERE IS A PRESUMPTION THAT A PERSON CONDUCTING A BUSINESS INTENDS TO CONTINUE THE BUSINESS FOR NO MORE THAN 1 YEAR IF THE BUSINESS IS NOT OPEN FOR BUSINESS AT LEAST 5 DAYS EACH WEEK AND AT LEAST 50 WEEKS EACH YEAR.

(B) ENFORCEMENT BY LAW ENFORCEMENT PERSONNEL.

LAW ENFORCEMENT PERSONNEL FROM THE STATE, A COUNTY, A MUNICIPALITY IN CARROLL COUNTY OR FREDERICK COUNTY, OR THE CITY OF HAGERSTOWN MAY ENFORCE COMPLIANCE WITH THE PROVISIONS OF THIS PART WITHIN THEIR RESPECTIVE JURISDICTIONS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 11–301(c) and (n) and 11–302(m).

In subsection (b) of this section, the reference to enforcing the provision of this part “within their respective jurisdictions” is extended to apply to Washington County and Frederick County because it conforms with the general practice that laws can only be enforced within the enforcing jurisdiction.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the references in subsection (b) of this section to “a municipality in Carroll County or Frederick County, or the City of Hagerstown” may be inconsistent with the requirement under Article XI–E, § 1 of the Maryland Constitution that provides “the General Assembly shall act in relation to the incorporation, organization, government, or affairs of any such municipal corporation only by general laws which shall in their terms and in their effect apply alike to all municipal corporations in one or more of the classes provided for in Section 2 of this Article”.

Defined terms: “Municipality” § 1–101

“Person” § 1–101

13-312. CARROLL COUNTY REGULATIONS.

THE COUNTY COMMISSIONERS OF CARROLL COUNTY MAY ADOPT REGULATIONS TO:

- (1) IMPLEMENT THIS PART;**
- (2) PROTECT AGAINST PERSONS WHO ATTEMPT TO AVOID THE REQUIREMENTS OF THIS PART OR ANY OTHER LAW OR REGULATION RELATING TO TRANSIENT VENDORS;**
- (3) REQUIRE PERSONS ENGAGING IN BUSINESS TO PROVE THAT THEY ARE NOT TRANSIENT VENDORS; OR**
- (4) REQUIRE A PERSON ENGAGING IN BUSINESS TO POST THE BOND OR OTHER SECURITY REQUIRED BY THIS PART UNTIL THE PERSON HAS ENGAGED IN BUSINESS FOR 1 YEAR AND HAS PAID ALL TAXES DUE AS A RESULT OF ENGAGING IN THAT BUSINESS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 11-301(o).

Defined terms: "Person" § 1-101
"Transient vendor" § 13-301

13-313. RESERVED.

13-314. RESERVED.

PART II. ITINERANT OR DOOR-TO-DOOR SALESMEN.

13-315. ITINERANT OR DOOR-TO-DOOR SALESMEN.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**

- (4) CECIL COUNTY;
- (5) HOWARD COUNTY;
- (6) PRINCE GEORGE'S COUNTY;
- (7) QUEEN ANNE'S COUNTY; AND
- (8) WORCESTER COUNTY.

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) IN GENERAL.

THE GOVERNING BODY OF A COUNTY MAY LICENSE AND REGULATE A PERSON WHO CONDUCTS THE BUSINESS OF OR ACTS AS AN ITINERANT OR DOOR–TO–DOOR PEDDLER OR SALESMAN OF GOODS OR SUBSCRIPTIONS FOR MAGAZINES AND OTHER PERIODICAL PUBLICATIONS, EITHER BY SAMPLE OR OTHERWISE.

(D) CARROLL COUNTY.

THE COUNTY COMMISSIONERS OF CARROLL COUNTY MAY LICENSE AND REGULATE A PERSON WHO ENGAGES IN BUSINESS FOR LESS THAN 1 YEAR AT ANY SINGLE LOCATION.

REVISOR'S NOTE: Subsections (a), (c), and (d) of this section are new language derived without substantive change from former Art. 25, § 3(a), as it related to the scope of the section, and (aa), as it related to itinerant or door–to–door peddlers or salesmen and, in Carroll County, to persons engaged in business for less than 1 year at a single location.

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a)(2) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(aa) applicable to commission counties, code counties, and charter counties, except the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City.

In subsections (c) and (d) of this section, the former phrase “[u]nless specifically prohibited in a public general law and in addition to the licenses and regulations elsewhere provided” is deleted as implicit.

In subsection (c) of this section, the former phrase “[s]ubject to any restriction imposed by public general law” is deleted as implicit.

Defined terms: “Commission county” § 1–101

“Governing body” § 1–101

“Person” § 1–101

SUBTITLE 4. NUISANCES AND PUBLIC HEALTH.

13–401. NUISANCES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**
- (4) CECIL COUNTY;**
- (5) HOWARD COUNTY;**
- (6) PRINCE GEORGE’S COUNTY;**
- (7) QUEEN ANNE’S COUNTY; AND**
- (8) WORCESTER COUNTY.**

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9-105 AND 9-106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) AUTHORITY TO PREVENT AND REMOVE NUISANCES.

THE GOVERNING BODY OF A COUNTY MAY:

- (1) PREVENT AND REMOVE NUISANCES; AND**
- (2) PREVENT THE INTRODUCTION OF CONTAGIOUS DISEASES INTO THE COUNTY.**

(D) APPROVAL OF LOCATIONS.

THE GOVERNING BODY OF A COUNTY MAY APPROVE THE LOCATION FOR:

- (1) SOAP MANUFACTURING;**
- (2) FERTILIZER MANUFACTURING;**
- (3) SLAUGHTERHOUSES;**
- (4) PACKINGHOUSES; AND**
- (5) ANY OTHER FACILITY THAT MAY INVOLVE CONDITIONS THAT ARE UNSANITARY OR DETRIMENTAL TO HEALTH.**

(E) CONSTRUCTION OF SECTION.

THIS SECTION DOES NOT AFFECT:

- (1) THE POWERS AND DUTIES OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE;**
- (2) THE POWERS AND DUTIES OF THE SECRETARY OF THE ENVIRONMENT; OR**
- (3) ANY OTHER PUBLIC GENERAL LAW THAT RELATES TO HEALTH.**

REVISOR'S NOTE: Subsections (a) and (c) through (e) of this section are new language derived without substantive change from former Art. 25, § 3(n) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a)(2) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in former Art. 25, § 3(n) applicable to commission counties, code counties, and charter counties, except for the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City in the Annotated Code.

In subsection (d)(5) of this section, the reference to a “facility” is substituted for the former reference to a “place” for clarity.

Also in subsection (d)(5) of this section, the former phrase “or give rise to” is deleted as unnecessary in light of the broad reference to any other facility that may “involve” unsanitary conditions.

In the introductory language to subsection (e) of this section, the former reference to affecting “in any manner” is deleted as surplusage.

Defined terms: “Commission county” § 1–101
 “Governing body” § 1–101

13–402. REFUSE.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES, EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**
- (4) CECIL COUNTY;**

- (5) HOWARD COUNTY;
- (6) PRINCE GEORGE'S COUNTY;
- (7) QUEEN ANNE'S COUNTY; AND
- (8) WORCESTER COUNTY.

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9-105 AND 9-106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) AUTHORITY TO REGULATE REFUSE COLLECTION.

THE GOVERNING BODY OF A COUNTY MAY:

- (1) REQUIRE, REGULATE, OR PROVIDE FOR THE COLLECTION, REMOVAL, AND DISPOSAL OF GARBAGE OR OTHER UNSANITARY MATERIAL; AND
- (2) DETERMINE WHETHER THE EXPENSE OF THE COLLECTION, REMOVAL, OR DISPOSAL IS TO BE PAID BY THE RESPONSIBLE OWNER OR TENANT OR WHOLLY OR PARTLY BY THE COUNTY.

(D) AUTHORITY TO LICENSE COMMERCIAL REFUSE COLLECTORS.

THE GOVERNING BODY OF A COUNTY MAY:

- (1) LICENSE COMMERCIAL REFUSE COLLECTORS FOR HIRE;
- (2) MAKE IT UNLAWFUL TO COLLECT, REMOVE, OR DISPOSE OF REFUSE FOR HIRE WITHOUT A LICENSE;
- (3) REGULATE COMMERCIAL REFUSE COLLECTORS, INCLUDING THE SUSPENSION, REVOCATION, AND RENEWAL OF LICENSES; AND
- (4) REQUIRE PUBLIC NOTICE OF A HEARING WITH THE RIGHT TO BE REPRESENTED BY COUNSEL IF A LICENSE IS DENIED, SUSPENDED, OR REVOKED.

REVISOR'S NOTE: Subsections (a), (c), and (d) of this section are new language derived without substantive change from former Art. 25, § 3(v) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In the introductory language of subsection (a) of this section, the former reference to “Dorchester, Somerset, and Garrett counties” is deleted as included in the reference to “all counties”.

In subsection (a)(2) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in former Art. 25, § 3(v) applicable to commission counties, code counties, and charter counties, except for the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City in the Annotated Code.

In subsection (c)(1) of this section, the phrase “other unsanitary material” is substituted for the former phrase “any other matter or thing that is or may become injurious to the health or comfort of the inhabitants of the county” for brevity.

Also in subsection (c)(1) of this section, the former words “refuse”, “rubbish”, and “filth” are deleted as included in the word “garbage”.

In subsection (c)(2) of this section, the reference to the expense “of the collection, removal, and disposal” is added for clarity.

Also in subsection (c)(2) of this section, the reference to the “responsible” owner or tenant is substituted for the former reference to the “individual” owner or tenant for clarity.

In subsection (d)(3) of this section, the former phrase “all to promote the health, safety and welfare of the county”, which referred to the governing body's ability to regulate commercial refuse collectors, is deleted as surplusage.

In subsection (d)(4) of this section, the phrase “if a license is denied, suspended, or revoked” is substituted for the former phrase “in any case where an applicant is denied a license” for clarity.

Defined terms: "Commission county" § 1-101
"Governing body" § 1-101

13-403. GARBAGE DISPOSAL FACILITIES.

(A) AUTHORITY TO ACQUIRE, MAINTAIN, AND OPERATE LAND AND CONSTRUCT FACILITIES.

THE GOVERNING BODY OF A COUNTY MAY:

(1) ACQUIRE, MAINTAIN, AND OPERATE LAND IN THE COUNTY FOR THE DISPOSAL OF GARBAGE OR ANY OTHER MATTER THAT IN THE JUDGMENT OF THE GOVERNING BODY MAY PROMOTE THE HEALTH OF THE RESIDENTS OF THE COUNTY; AND

(2) CONSTRUCT AN INCINERATOR OR OTHER GARBAGE DISPOSAL PLANT IN THE COUNTY.

(B) ADDITIONAL AUTHORITY.

IN EXERCISING THE POWERS GRANTED UNDER THIS SECTION, THE GOVERNING BODY OF A COUNTY MAY:

(1) ADOPT AND ENFORCE RULES AND REGULATIONS RELATING TO THE OPERATION OF THE DISPOSAL AREAS OR FACILITIES;

(2) MAKE AGREEMENTS FOR COOPERATION AND FINANCIAL SUPPORT, THROUGH SERVICE CHARGES AND FEES, IN THE ACQUISITION, CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE DISPOSAL AREAS OR FACILITIES;

(3) SET AND COLLECT REASONABLE SERVICE CHARGES OR FEES;

(4) EMPLOY PERSONNEL FOR THE OPERATION, MAINTENANCE, OR SUPERVISION OF THE DISPOSAL AREAS OR FACILITIES;

(5) ACQUIRE ANY INTEREST IN LAND BY PURCHASE, GIFT, LEASE, OR CONDEMNATION; AND

(6) MAKE APPROPRIATIONS OR BORROW MONEY FOR LAND ACQUISITION AND CAPITAL IMPROVEMENTS, ISSUE BONDS, NOTES, OR OTHER EVIDENCES OF INDEBTEDNESS, AND MAKE APPROPRIATE LEVIES TO PAY THESE OBLIGATIONS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 14A(a) and (c).

In subsection (a) of this section, the former references to “refuse” and “rubbish” are deleted as included in the references to “garbage”.

In subsection (a)(1) of this section, the reference to “residents” is substituted for the former reference to “inhabitants” for consistency within this article and with other revised articles of the Code. *See* General Revisor’s Note to article.

Also in subsection (a)(1) of this section, the former references to “a tract”, “tracts”, and “parcels” of land are deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to the “public” health of residents of the county is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to “incinerators” is deleted in light of the reference to “incinerator” and Art. 1, § 8, which provides that the singular generally includes the plural.

Also in subsection (a)(2) of this section, the former phrase “selected by them” is deleted as implicit.

Also in subsection (a)(2) of this section, the former reference to constructing an incinerator “on some site or sites” in the county is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to the “manner of use” of disposal areas or facilities is deleted as included in the reference to the “operation” of disposal areas or facilities.

In subsection (b)(2) and (3) of this section, the former references to “person[s]”, “firm[s]”, “corporation[s]”, “municipal corporation[s]”, “governing body”, “special district[s]”, and “other count[ies]” are deleted as unnecessary in light of the fact that it covers the entire list of possible persons to which the paragraphs could apply.

In subsection (b)(3) of this section, the former reference to setting and collecting reasonable service charges and fees “for the use of the disposal areas or facilities” is deleted as implicit in the reference to “exercising the powers granted under this section” in the introductory language to subsection (b).

In subsection (b)(4) of this section, the former phrase “as may be necessary or desirable” is deleted as implicit in the general grant of authority to employ personnel.

In subsection (b)(5) of this section, the former phrase “as needed for the purposes of this section” is deleted in light of the introductory language to subsection (b), which imposes substantially the same limitation on the authority of the governing body. Similarly, in subsection (b)(6) of this section, the former reference to the governing body acting “in furtherance of the provisions of this section” is deleted.

Also in subsection (b)(5) of this section, the reference to acquiring “any interest in land” is substituted for the former reference to acquiring “land, including rights-of-way or easements, in fee simple or otherwise” for brevity.

Former Art. 25, § 14A(d), which provided that the provisions of this section are to be construed as additional and supplemental to any existing laws providing for the disposal of refuse, garbage, rubbish, or other matter, is deleted as unnecessary in light of the general rules of statutory construction.

Former Art. 25, § 14A(b) is revised in § 5–105 of this article.

Defined terms: “County” § 1–101

“Governing body” § 1–101

13–404. WEEDS AND DEBRIS — CALVERT COUNTY.

(A) UNPAID CHARGES FOR REMOVAL AS LIENS.

THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY PROVIDE THAT UNPAID CHARGES MADE AGAINST REAL PROPERTY FOR THE REMOVAL OF AN UNAUTHORIZED ACCUMULATION OF WEEDS OR DEBRIS FROM THE PROPERTY ARE A LIEN ON THE PROPERTY UNTIL PAID.

(B) NOTICE BEFORE LIEN ATTACHMENT.

THE COUNTY COMMISSIONERS OF CALVERT COUNTY SHALL PROVIDE REASONABLE NOTICE TO THE PROPERTY OWNER THAT A LIEN MAY BE IMPOSED UNDER SUBSECTION (A) OF THIS SECTION BEFORE THE REMOVAL OF WEEDS OR DEBRIS FROM THE PROPERTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 9E.

In subsection (a) of this section, the former reference to “valid” unpaid charges is deleted as surplusage.

Also in subsection (a) of this section, the former reference to property “within the county” is deleted as implicit.

Also in subsection (a) of this section, the former reference to property “against which the removal charges have been made” is deleted as surplusage.

In subsection (b) of this section, the former reference to the removal of weeds and debris “under circumstances which could result in the imposition of a lien as provided in subsection (a) of this section” is deleted as surplusage.

13-405. REIMBURSEMENT OF COSTS FOR HAZARDOUS MATERIAL CLEANUP — CALVERT COUNTY.

THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY SEEK REIMBURSEMENT OF COSTS INCURRED IN THE CLEANUP OF HAZARDOUS MATERIALS IN THE COUNTY FROM A PERSON RESPONSIBLE FOR THE RELEASE OF THE HAZARDOUS MATERIALS.

REVISOR’S NOTE: This section formerly was Art. 25, § 238.

No changes are made.

Defined term: “Person” § 1-101

13-406. REGULATION OF TATTOO ARTISTS AND BODY PIERCING — CALVERT COUNTY.

(A) IN GENERAL.

THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY ENACT AN ORDINANCE PERTAINING TO:

- (1) TATTOO ARTIST SERVICES; OR**
- (2) BODY PIERCING SERVICES.**

(B) ENFORCEMENT.

THE CALVERT COUNTY HEALTH DEPARTMENT SHALL ENFORCE AN ORDINANCE ADOPTED UNDER THIS SECTION.

REVISOR'S NOTE: This section formerly was Art. 25, § 256.

The only changes are in style.

13-407. SMOKING ON STATE PROPERTY — FREDERICK COUNTY.

(A) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9-105 AND 9-106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED UNDER THIS SECTION.

(B) AUTHORITY TO ENACT LOCAL LAW OR ADOPT REGULATIONS.

THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY ENACT A LOCAL LAW OR ADOPT REGULATIONS THAT ARE AT LEAST AS STRINGENT AS THE PROVISIONS OF TITLE 24, SUBTITLE 5 OF THE HEALTH – GENERAL ARTICLE TO REGULATE SMOKING IN PUBLIC BUILDINGS OWNED, CONTROLLED, OR FINANCED BY THE STATE IN FREDERICK COUNTY.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify that the provisions of §§ 9-105 and 9-106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted under this section.

Subsection (b) of this section is new language derived without substantive change from former Art. 25, § 3(jj).

In subsection (b) of this section, the former reference to the smoking “of tobacco products” is deleted to conform to § 13-409 of this subtitle.

Defined term: “State” § 1-101

13-408. WEEDS AND DEBRIS — WASHINGTON COUNTY.

(A) IN GENERAL.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY ADOPT REGULATIONS FOR RESTRICTING THE GROWTH OF NONNOXIOUS WEEDS ON REAL PROPERTY IN WASHINGTON COUNTY.

(B) UNPAID CHARGES FOR REMOVAL AS LIENS.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY PROVIDE THAT UNPAID CHARGES MADE AGAINST REAL PROPERTY FOR THE REMOVAL OF AN UNAUTHORIZED ACCUMULATION OF WEEDS AND DEBRIS FROM THE PROPERTY ARE A LIEN ON THE PROPERTY UNTIL PAID.

(C) NOTICE BEFORE LIEN ATTACHMENT.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY SHALL PROVIDE REASONABLE NOTICE TO THE PROPERTY OWNER THAT A LIEN MAY BE IMPOSED UNDER SUBSECTION (B) OF THIS SECTION BEFORE THE REMOVAL OF WEEDS OR DEBRIS FROM THE PROPERTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 9K.

In subsection (b) of this section, the former reference to "valid" unpaid charges is deleted as surplusage.

Also in subsection (b) of this section, the former reference to property "against which the removal charges have been made" is deleted as surplusage.

In subsection (c) of this section, the former reference to the removal of weeds and debris "under circumstances which could result in the imposition of a lien as provided in subsection (b) of this section" is deleted as surplusage.

13-409. SMOKING IN COUNTY BUILDINGS AND OFFICES — WASHINGTON COUNTY.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY ENACT AN ORDINANCE THAT IS AT LEAST AS STRINGENT AS THE PROVISIONS OF TITLE 24, SUBTITLE 5 OF THE HEALTH – GENERAL ARTICLE TO REGULATE SMOKING IN COUNTY OFFICES AND COUNTY OFFICE BUILDINGS.

REVISOR'S NOTE: This section formerly was Art. 25, § 236B.

The only changes are in style.

13-410. CITATIONS FOR HEALTH VIOLATIONS — WASHINGTON COUNTY.

(A) IN GENERAL.

(1) THE HEALTH OFFICER FOR WASHINGTON COUNTY OR THE HEALTH OFFICER'S DESIGNEE MAY ISSUE A CITATION TO A PERSON BELIEVED TO BE COMMITTING A VIOLATION OF TITLE 20, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE OR A RELATED VIOLATION OF A PROVISION OF THE CODE OF MARYLAND REGULATIONS.

(2) THE CITATION SHALL BEAR A CERTIFICATION ATTESTING TO THE TRUTH OF THE MATTERS SET FORTH IN THE CITATION.

(3) THE HEALTH OFFICER SHALL KEEP A COPY OF THE CITATION.

(B) CONTENTS OF CITATION.

THE CITATION SHALL CONTAIN:

(1) THE NAME AND ADDRESS OF THE PERSON CHARGED;

(2) THE NATURE OF THE VIOLATION;

(3) THE LOCATION AND TIME OF THE VIOLATION;

(4) THE AMOUNT OF THE FINE;

(5) THE MANNER, LOCATION, AND TIME IN WHICH THE FINE MAY BE PAID; AND

(6) A NOTICE OF THE PERSON'S RIGHT TO ELECT TO STAND TRIAL FOR THE VIOLATION.

(C) FINES.

(1) A FINE NOT EXCEEDING \$1,000 MAY BE IMPOSED FOR EACH VIOLATION.

(2) THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY:

(I) ESTABLISH A SCHEDULE OF ADDITIONAL FINES FOR EACH VIOLATION; AND

(II) ADOPT PROCEDURES FOR THE COLLECTION OF THE FINES.

(D) TRIAL.

(1) A PERSON WHO RECEIVES A CITATION MAY ELECT TO STAND TRIAL FOR THE OFFENSE BY FILING NOTICE OF INTENT TO STAND TRIAL WITH THE HEALTH OFFICER AT LEAST 5 DAYS BEFORE THE PAYMENT DATE SPECIFIED IN THE CITATION.

(2) AFTER RECEIVING THE NOTICE OF INTENTION TO STAND TRIAL, THE HEALTH OFFICER SHALL FORWARD A COPY OF THE CITATION AND THE NOTICE TO THE DISTRICT COURT HAVING VENUE.

(3) AFTER RECEIVING THE CITATION AND NOTICE, THE DISTRICT COURT SHALL:

(I) SCHEDULE THE CASE FOR TRIAL; AND

(II) NOTIFY THE DEFENDANT OF THE TRIAL DATE.

(4) ALL FINES, PENALTIES, OR FORFEITURES COLLECTED BY THE DISTRICT COURT FOR VIOLATIONS OF TITLE 20, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE SHALL BE REMITTED TO THE COUNTY.

(E) FAILURE TO PAY FINE OR FILE NOTICE TO STAND TRIAL.

(1) WASHINGTON COUNTY SHALL SEND A NOTICE OF THE VIOLATION TO THE LAST KNOWN ADDRESS OF A PERSON WHO:

(I) RECEIVES A CITATION FOR A VIOLATION;

(II) FAILS TO PAY THE FINE BY THE DATE OF PAYMENT SPECIFIED IN THE CITATION; AND

(III) FAILS TO FILE A NOTICE OF INTENTION TO STAND TRIAL.

(2) IF, AFTER 15 DAYS FROM THE DATE THE NOTICE IS SENT, THE CITATION IS NOT SATISFIED, THE PERSON IS LIABLE FOR AN ADDITIONAL FINE NOT EXCEEDING TWICE THE ORIGINAL FINE.

(3) IF, AFTER 35 DAYS FROM THE DATE THE NOTICE IS SENT, THE CITATION IS NOT PAID, THE HEALTH OFFICER MAY REQUEST ADJUDICATION OF THE CASE THROUGH THE DISTRICT COURT.

(4) IF THE HEALTH OFFICER REQUESTS ADJUDICATION UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.

(F) PROSECUTION AS MUNICIPAL INFRACTION.

IN A PROCEEDING BEFORE THE DISTRICT COURT, A VIOLATION OF TITLE 20, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE SHALL BE PROSECUTED IN THE SAME MANNER AND TO THE SAME EXTENT AS A MUNICIPAL INFRACTION UNDER §§ 6–108 THROUGH 6–115 OF THIS ARTICLE.

(G) ATTORNEY FOR PROSECUTION.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY AUTHORIZE THE COUNTY ATTORNEY, THE STATE’S ATTORNEY, OR ANOTHER ATTORNEY TO PROSECUTE A VIOLATION OF TITLE 20, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE.

(H) COSTS OF PROCEEDINGS.

IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED A VIOLATION OF TITLE 20, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE, THE PERSON SHALL BE LIABLE FOR THE COSTS OF THE COURT PROCEEDINGS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 236F.

In subsection (a)(1) of this section, the reference to a “related” violation of a provision of the Code of Maryland Regulations is added for clarity and to avoid the suggestion that this section authorizes a health officer to issue a citation for any violation of the Code of Maryland Regulations.

Also in subsection (a)(1) of this section, the reference to “issu[ing]” a citation is substituted for the former reference to “deliver[ing]” a citation for consistency with other similar provisions of the Code.

In subsection (d)(1) of this section, the reference to the “payment date” is substituted for the former reference to the “date set forth ... for the payment of fines” for brevity.

In subsections (d)(4), (f), (g), and (h) of this section, the references to “Title 20, Subtitle 3 of the Health – General Article” are substituted for the former references to “this title” for accuracy and consistency with subsection (a)(1) of this section.

In subsection (d)(4) of this section, the reference to the county “in which the violation occurred” is deleted as surplusage.

In subsection (e) of this section, the former references to a “formal” notice are deleted as surplusage.

In subsection (e)(1) of this section, the reference to the last known address of the “person” is substituted for the former reference to the “owner’s” last known address for clarity.

Defined term: “Person” § 1–101

SUBTITLE 5. JUNKYARDS.

13–501. “JUNKYARD” DEFINED.

IN THIS SUBTITLE, “JUNKYARD” MEANS A PUBLIC OR PRIVATE DUMP, AUTOMOBILE JUNKYARD, AUTOMOTIVE DISMANTLER OR RECYCLER FACILITY, SCRAP METAL PROCESSING FACILITY, OUTDOOR PLACE WHERE OLD MOTOR VEHICLES ARE STORED IN QUANTITY OR DISMANTLED, OR LOT ON WHICH REFUSE, TRASH, OR JUNK IS DEPOSITED.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 122A(b), 122B(a), and 122C(a), as they related to the types of facilities that this section applies to.

This section is revised as a definition to avoid repetition of the list of the types of facilities that are considered junkyards.

13–502. SCOPE OF SUBTITLE.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THIS SUBTITLE APPLIES TO ALL COUNTIES, INCLUDING BALTIMORE CITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 122A(a).

The phrase “[e]xcept as otherwise provided in this subtitle” is added to reflect the inclusion of former Art. 25, §§ 122B and 122C in this subtitle

and the specific application of former Art. 25, § 122A(f)(2) to a code county in the Western Maryland class.

13-503. AUTHORITY.

THE GOVERNING BODY OF A COUNTY MAY ADOPT RULES AND REGULATIONS FOR THE LICENSING, MAINTENANCE, AND OPERATION OF JUNKYARDS IN THE COUNTY TO:

(1) PROTECT COUNTY RESIDENTS FROM UNPLEASANT AND UNWHOLESOME CONDITIONS AND NEIGHBORHOODS;

(2) PRESERVE THE BEAUTY AND ESTHETIC VALUE OF RURAL OR RESIDENTIAL AREAS;

(3) SAFEGUARD THE PUBLIC HEALTH AND WELFARE;

(4) PROMOTE GOOD CIVIC DESIGN; AND

(5) PROMOTE THE HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, AND PROSPERITY OF THE COMMUNITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 122A(c) and (b), except as it related to the types of facilities that are considered junkyards.

In the introductory language of this section, the reference to the "operation" of junkyards is added for consistency throughout this subtitle.

Also in the introductory language of this section, the reference to junkyards "in the county" is substituted for the former reference to junkyards "within their respective limits" for clarity and brevity.

Also in the introductory language of this section, the former reference to "promulgat[ing]" rules and regulations is deleted as included in the reference to "adopt[ing]" rules and regulations.

Also in the introductory language of this section, the former references to the "control" and "location" of junkyards are deleted as included in the reference to the "licensing" of junkyards.

Defined terms: "County" § 1-101

"Governing body" § 1-101

"Junkyard" § 13-501

13-504. LICENSE REQUIREMENT; FEE.

THE RULES AND REGULATIONS ADOPTED BY THE GOVERNING BODY OF A COUNTY MAY:

(1) REQUIRE THAT A PERSON WHO MAINTAINS OR OPERATES A JUNKYARD IN THE COUNTY OBTAIN A LICENSE FROM THE COUNTY; AND

(2) SPECIFY A REASONABLE FEE FOR THE LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 122A(d).

The reference to the rules and regulations "adopted by the governing body of a county" are added for clarity.

The reference to "a person who maintains or operates a junkyard" obtaining a license is substituted for the former reference to "such a junkyard, facility, or dump" not being maintained or operated until a license has been obtained for clarity.

The former reference to an "annual" license is deleted as surplusage.

Defined terms: "County" § 1-101

"Governing body" § 1-101

"Junkyard" § 13-501

"Person" § 1-101

13-505. NOTICE; HEARING.

(A) HEARING REQUIRED.

(1) BEFORE ADOPTING RULES AND REGULATIONS UNDER § 13-503 OF THIS SUBTITLE, THE GOVERNING BODY OF A COUNTY SHALL HOLD A PUBLIC HEARING.

(2) THE RULES OR REGULATIONS ARE NOT VALID UNLESS A PUBLIC HEARING IS HELD AS ADVERTISED.

(B) NOTICE.

THE GOVERNING BODY OF THE COUNTY SHALL PUBLISH NOTICE OF THE TIME AND PLACE OF THE PUBLIC HEARING IN A NEWSPAPER OF GENERAL

CIRCULATION IN THE COUNTY ONCE A WEEK FOR NOT LESS THAN 4 SUCCESSIVE WEEKS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 122A(e).

In subsection (a)(1) of this section, the former reference to holding a hearing “on the contents and adoption of the rules and regulations” is deleted as implicit.

In subsection (b) of this section, the former reference to “due” notice is deleted as surplusage.

Also in subsection (b) of this section, the reference to the “governing body of the county” publishing notice is added for clarity.

Defined terms: “County” § 1-101
 “Governing body” § 1-101

13-506. VIOLATIONS.

(A) IN GENERAL.

(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON WHO VIOLATES A RULE OR REGULATION ADOPTED UNDER § 13-503 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT LESS THAN \$25.

(2) EACH DAY ON WHICH A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

(B) WESTERN MARYLAND — CIVIL INFRACTION; ABATEMENT.

(1) THIS SUBSECTION APPLIES ONLY TO A CODE COUNTY IN THE WESTERN MARYLAND CLASS.

(2) THE COUNTY COMMISSIONERS MAY:

(I) PROVIDE THAT A VIOLATION OF A RULE OR REGULATION ADOPTED UNDER § 13-503 OF THIS SUBTITLE IS A CIVIL INFRACTION UNDER TITLE 11, SUBTITLE 2 OF THIS ARTICLE; OR

(II) ABATE, OR CONTRACT FOR THE ABATEMENT OF, A VIOLATION AT THE EXPENSE OF THE OWNER OF THE REAL PROPERTY ON WHICH THE VIOLATION OCCURRED.

(3) (I) AN UNPAID CHARGE IMPOSED ON AN OWNER OF REAL PROPERTY UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION IS A LIEN AGAINST THE REAL PROPERTY ON WHICH THE VIOLATION OCCURRED.

(II) THE LIEN SHALL BE RECORDED IN THE OFFICE OF THE CLERK FOR THE COUNTY WHERE THE VIOLATION OCCURRED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 122A(f).

In subsection (a)(1) of this section, the reference to a violation of a "rule or regulation adopted under § 13-503 of this subtitle" is substituted for the former reference to a violation of "any such rule or regulation, including the maintenance or operation of any such junkyard, facility, or dump without a license" for brevity and clarity.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the fine identified in this section specifies a minimum, but no maximum, penalty.

Defined terms: "Code county" § 1-101
"Person" § 1-101

13-507. SCREENING OR FENCING JUNKYARDS — CALVERT COUNTY.

(A) IN GENERAL.

IN CALVERT COUNTY, A PERSON WHO MAINTAINS OR OPERATES A JUNKYARD WITHIN 100 FEET OF AN INTERSTATE OR A STATE OR COUNTY ROAD SHALL SCREEN OR FENCE THE JUNKYARD SO THAT THE JUNKYARD IS NOT VISIBLE FROM THE ROAD.

(B) PENALTIES.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 122C(b) and (a), except as it related to the types of facilities that are considered junkyards.

In this section, the former references to a “firm or corporation” are deleted as unnecessary in light of the definition of “person” in § 1–101 of this article.

In subsection (a) of this section, the reference to screening or fencing “the junkyard” is substituted for the former reference to screening or fencing “said premises” for clarity.

Also in subsection (a) of this section, the former reference to “keep[ing]” a junkyard is deleted as included in the reference to “maintain[ing]” a junkyard.

Also in subsection (a) of this section, the former references to a “highway” are deleted as included in the references to a “road”.

Also in subsection (a) of this section, the former reference to a junkyard “in the county” is deleted as surplusage.

Former Art. 25, § 122C(c), which provided that the provisions of this section are supplementary to the authority of the county to regulate the premises in a certain manner, is deleted as unnecessary.

Former Art. 25, § 122C(d), which provided that the section applied to all junkyards after June 1, 1967, is deleted as obsolete.

Defined terms: “Junkyard” § 13–501

“Person” § 1–101

“State” § 1–101

13–508. SCREENING OR FENCING JUNKYARDS — CHARLES COUNTY.

(A) IN GENERAL.

IN CHARLES COUNTY, A PERSON WHO MAINTAINS OR OPERATES A JUNKYARD WITHIN 200 FEET OF AN INTERSTATE OR A STATE OR COUNTY ROAD SHALL SCREEN OR FENCE THE JUNKYARD SO THAT THE JUNKYARD IS NOT VISIBLE FROM THE ROAD.

(B) PENALTIES.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 122B(b) and (a), except as it related to the types of facilities that are considered junkyards.

In this section, the former references to a "firm or corporation" are deleted as unnecessary in light of the definition of "person" in § 1-101 of this article.

In subsection (a) of this section, the reference to screening or fencing "the junkyard" is substituted for the former reference to screening or fencing "said premises" for clarity.

Also in subsection (a) of this section, the former reference to "keep[ing]" a junkyard is deleted as included in the reference to "maintain[ing]" a junkyard.

Also in subsection (a) of this section, the former references to a "highway" are deleted as included in the references to a "road".

Also in subsection (a) of this section, the former reference to a junkyard "in the county" is deleted as surplusage.

Former Art. 25, § 122B(c), which provided that the provisions of this section are supplementary to the authority of the county to regulate the premises in a certain manner, is deleted as surplusage.

Defined terms: "Junkyard" § 13-501

"Person" § 1-101

"State" § 1-101

SUBTITLE 6. AGRICULTURE AND SEAFOOD INDUSTRIES.

13-601. RIGHT TO ENGAGE IN SEAFOOD BUSINESS.

(A) AUTHORITY OF GOVERNING BODY.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE GOVERNING BODY OF A COUNTY MAY ADOPT AN ORDINANCE, A RESOLUTION, OR A REGULATION OR TAKE ANY OTHER ACTION THAT THE GOVERNING BODY CONSIDERS NECESSARY TO AUTHORIZE A PERSON TO:

- (1) USE THE PERSON'S PROPERTY TO OPERATE A SEAFOOD BUSINESS;**
- (2) HARVEST SEAFOOD;**

(3) BUY OR SELL SEAFOOD;

(4) STORE EQUIPMENT USED IN THE PERSON'S SEAFOOD BUSINESS; AND

(5) ENJOY THE QUIET CONDUCT OF THE PERSON'S SEAFOOD BUSINESS.

(B) HEARING, NOTICE, AND CONSENT.

(1) BEFORE ADOPTING AN ORDINANCE, A RESOLUTION, OR A REGULATION UNDER SUBSECTION (A) OF THIS SECTION, THE GOVERNING BODY OF THE COUNTY SHALL:

(I) HOLD A PUBLIC HEARING ON THE PROPOSED ORDINANCE, RESOLUTION, OR REGULATION;

(II) PROVIDE REASONABLE NOTICE OF THE HEARING; AND

(III) OBTAIN THE WRITTEN CONSENT OF THE SECRETARY OF NATURAL RESOURCES.

(2) AN ORDINANCE, A RESOLUTION, OR A REGULATION ADOPTED WITHOUT THE WRITTEN CONSENT OF THE SECRETARY OF NATURAL RESOURCES IS VOID.

(C) PREEMPTION.

IN THE EVENT OF A CONFLICT, FEDERAL LAW, STATE LAW, OR WRITTEN PROGRAM GUIDANCE ISSUED BY A UNIT OF THE FEDERAL OR STATE GOVERNMENT SHALL PREEMPT AN ORDINANCE, A RESOLUTION, OR A REGULATION ADOPTED OR ANY OTHER ACTION TAKEN UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 232.

In subsection (a)(1) of this section, the former references to "personal" property and "real estate" are deleted as included in the comprehensive reference to "property".

In subsection (a)(5) of this section, the former reference to enjoying the quiet conduct of the person's seafood business "in conformance with county and State requirements" is deleted as implicit.

In the introductory language of subsection (b)(1) of this section, the former reference to the county "in which the ordinance, resolution, or regulation will apply" is deleted as surplusage.

In subsection (b)(1)(i) of this section, the reference to a hearing "on the proposed ordinance, resolution, or regulation" is added to clarify the purpose of the hearing.

In subsection (b)(2) of this section, the former reference to the ordinance, resolution, or regulation being "without legal effect" is deleted as included in the reference to the ordinance, resolution, or regulation being "void".

In subsection (c) of this section, the word "unit" is substituted for the former word "agency" for consistency with the terminology used throughout this article and with other revised articles of the Code. *See* General Revisor's Note to article.

Also in subsection (c) of this section, the former reference to action taken "by the governing body of a county" is deleted as surplusage.

Defined terms: "County" § 1-101

"Governing body" § 1-101

"Person" § 1-101

"State" § 1-101

13-602. ASSISTANCE FOR FARM LABOR PROBLEM.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES, EXCEPT BALTIMORE CITY.

(B) REQUIRED.

THE GOVERNING BODY OF A COUNTY SHALL IMPOSE A TAX AND APPROPRIATE MONEY THAT THE GOVERNING BODY CONSIDERS NECESSARY TO ADDRESS A FARM LABOR PROBLEM.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in former Article 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsection (b) of this section is new language derived without substantive change from former Art. 25, § 21.

In subsection (b) of this section, the reference to “[t]he governing body of a county” is substituted for the former reference to “[t]hey” for clarity and accuracy.

Also in subsection (b) of this section, the reference to “impos[ing] a tax” is substituted for the former reference to “levy[ing]” for consistency with terminology used throughout the Code.

Also in subsection (b) of this section, the reference to money necessary to “address” the farm labor problem is substituted for the former reference to money necessary to “assist in the solution of any phase of” the farm labor problem for brevity.

Also in subsection (b) of this section, the former word “proper” is deleted as implicit in the meaning of the word “necessary”.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that former Art. 25, § 21 was enacted in 1943, apparently in response to a labor crisis in the agricultural industry due to tightened selective service administration regulations on agricultural deferments during World War II and the inability of the agricultural industry to compete with the more appealing wages and hours offered by industry and government construction projects. The General Assembly may want to consider deleting this section as obsolete.

Defined terms: “County” § 1-101

“Governing body” § 1-101

13-603. AGRICULTURAL AND NATURAL RESOURCES DEMONSTRATION WORK.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES, EXCEPT BALTIMORE CITY.

(B) AUTHORITY.

(1) UNDER RULES IT ADOPTS, THE GOVERNING BODY OF A COUNTY MAY APPROPRIATE AND USE MONEY IT CONSIDERS NECESSARY TO SUPPORT FARMERS’ COOPERATIVE DEMONSTRATION WORK IN THE COUNTY, INCLUDING HOME DEMONSTRATION WORK AND BOYS AND GIRLS CLUB WORK, THAT IS SIMILAR TO WORK THAT THE UNITED STATES DEPARTMENT OF

AGRICULTURE OR THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION MAY CONDUCT.

(2) THE GOVERNING BODY OF A COUNTY MAY COOPERATE WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION TO JOINTLY CONDUCT AND FUND THE DEMONSTRATION WORK ON TERMS AND CONDITIONS AGREED TO BY THE GOVERNING BODY OF THE COUNTY, THE DEPARTMENT, AND THE EXTENSION.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in former Article 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsection (b) of this section is new language derived without substantive change from former Art. 25, § 160.

In subsection (b) of this section, the references to the University of Maryland "Cooperative Extension" are substituted for the former obsolete references to the University of Maryland "Extension Service" for accuracy.

In subsection (b)(1) of this section, the former word "proper" is deleted as implicit in the meaning of the word "necessary".

Also in subsection (b)(1) of this section, the former phrase "in each of their respective counties" is deleted as surplusage. Similarly, in subsection (b)(2) of this section, the former phrases "in the respective counties" and "in the counties of Maryland" are deleted.

In subsection (b)(2) of this section, the reference to "the demonstration work" is substituted for the former reference to "farmers' cooperative demonstration work, including home demonstration work and boys' and girls' club work, in the counties of Maryland" for brevity.

Also in subsection (b)(2) of this section, the reference to the "governing body of the county, the Department, and the Extension" is substituted for the former reference to the "cooperative institutions" for clarity.

Also in subsection (b)(2) of this section, the former references to "agents" and "representatives" are deleted as implicit; an entity can only take actions through an individual acting on its behalf.

Defined terms: "County" § 1-101

"Governing body" § 1-101

13-604. RIGHT TO FARM — ANNE ARUNDEL COUNTY.**(A) AUTHORITY OF COUNTY COUNCIL.**

SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY MAY ADOPT AN ORDINANCE, A RESOLUTION, OR A REGULATION OR TAKE ANY OTHER ACTION THAT THE COUNTY COUNCIL CONSIDERS NECESSARY TO PROTECT A PERSON’S RIGHT TO FARM OR ENGAGE IN AGRICULTURAL OR FORESTRY OPERATIONS.

(B) NOTICE AND HEARING.

BEFORE ADOPTING AN ORDINANCE, A RESOLUTION, OR A REGULATION OR TAKING ANY OTHER ACTION UNDER SUBSECTION (A) OF THIS SECTION, THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY SHALL:

(1) HOLD A PUBLIC HEARING ON THE PROPOSED ORDINANCE, RESOLUTION, REGULATION, OR ACTION; AND

(2) PROVIDE REASONABLE NOTICE OF THE HEARING.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 18-101.

In subsection (b)(1) of this section, the reference to a hearing “on the proposed ordinance, resolution, regulation, or action” is added to clarify the purpose of the hearing.

Defined term: “Person” § 1-101

13-605. AGRICULTURAL PRESERVATION DISTRICTS — GARRETT COUNTY.**(A) “ADVISORY BOARD” DEFINED.**

IN THIS SECTION, “ADVISORY BOARD” MEANS THE GARRETT COUNTY AGRICULTURAL PRESERVATION ADVISORY BOARD.

(B) ESTABLISHMENT OF RULES, REGULATIONS, AND PROCEDURES.

THE COUNTY COMMISSIONERS OF GARRETT COUNTY SHALL ADOPT RULES, REGULATIONS, AND PROCEDURES FOR:

(1) THE ESTABLISHMENT AND MONITORING OF AGRICULTURAL DISTRICTS; AND

(2) THE EVALUATION OF LAND TO BE INCLUDED IN AGRICULTURAL DISTRICTS.

(C) CONTENT OF RULES, REGULATIONS, AND PROCEDURES.

(1) THE RULES, REGULATIONS, AND PROCEDURES ADOPTED BY THE COUNTY COMMISSIONERS OF GARRETT COUNTY SHALL CONTAIN THE PROVISIONS SET FORTH IN THIS SUBSECTION.

(2) (I) ONE OR MORE LANDOWNERS ACTIVELY DEVOTED TO AGRICULTURAL USE MAY FILE A PETITION WITH THE COUNTY COMMISSIONERS REQUESTING THE ESTABLISHMENT OF AN AGRICULTURAL DISTRICT ON THE LAND OWNED BY THE PETITIONERS.

(II) THE PETITION FILED IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE MAPS AND DESCRIPTIONS OF THE CURRENT USE OF LAND IN THE PROPOSED DISTRICT.

(3) ON RECEIPT OF A PETITION TO ESTABLISH AN AGRICULTURAL DISTRICT, THE COUNTY COMMISSIONERS SHALL REFER THE PETITION AND ACCOMPANYING MATERIALS TO THE ADVISORY BOARD AND THE COUNTY PLANNING COMMISSION.

(4) WITHIN 60 DAYS AFTER THE REFERRAL OF A PETITION:

(I) THE ADVISORY BOARD SHALL ADVISE THE COUNTY COMMISSIONERS:

1. WHETHER THE LAND IN THE PROPOSED DISTRICT MEETS THE REQUIREMENTS ESTABLISHED BY THE COUNTY UNDER SUBSECTION (E) OF THIS SECTION; AND

2. WHETHER THE ADVISORY BOARD RECOMMENDS ESTABLISHMENT OF THE DISTRICT; AND

(II) THE COUNTY PLANNING COMMISSION SHALL ADVISE THE COUNTY COMMISSIONERS:

1. WHETHER ESTABLISHMENT OF THE DISTRICT IS COMPATIBLE WITH EXISTING OR APPROVED COUNTY PLANS AND POLICY; AND

2. WHETHER THE COUNTY PLANNING COMMISSION RECOMMENDS ESTABLISHMENT OF THE DISTRICT.

(5) (I) IF EITHER THE ADVISORY BOARD OR THE COUNTY PLANNING COMMISSION RECOMMENDS APPROVAL, THE COUNTY COMMISSIONERS SHALL HOLD A PUBLIC HEARING ON THE PETITION.

(II) ADEQUATE NOTICE OF A HEARING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE MADE TO:

**1. ALL LANDOWNERS IN THE PROPOSED DISTRICT;
AND**

2. THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION.

(6) WITHIN 120 DAYS AFTER THE RECEIPT OF THE PETITION OR APPLICATION, THE COUNTY COMMISSIONERS SHALL DECIDE WHETHER THE PROPOSED AGRICULTURAL DISTRICT WILL BE ESTABLISHED.

(7) (I) THE ESTABLISHMENT OF AN AGRICULTURAL DISTRICT DOES NOT TAKE EFFECT UNTIL ALL LANDOWNERS IN THE PROPOSED DISTRICT HAVE EXECUTED AN AGREEMENT WITH THE COUNTY COMMISSIONERS THAT:

**1. IS RECORDED IN THE COUNTY LAND RECORDS;
2. REQUIRES A LANDOWNER TO KEEP THE LANDOWNER'S LAND IN AGRICULTURAL USE FOR A MINIMUM OF 3 YEARS FROM THE ESTABLISHMENT OF THE AGRICULTURAL DISTRICT; AND**

3. MAINTAINS THE RIGHT OF A LANDOWNER TO SELL AN EASEMENT FOR DEVELOPMENT RIGHTS ON THE LAND TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION.

(II) IN THE EVENT OF SEVERE ECONOMIC HARDSHIP, THE COUNTY COMMISSIONERS MAY RELEASE THE LANDOWNER'S PROPERTY FROM THE AGRICULTURAL DISTRICT.

(III) AFTER MEETING THE MINIMUM 3-YEAR REQUIREMENT IN THE AGRICULTURAL DISTRICT AGREEMENT UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, A LANDOWNER MAY TERMINATE THE PROPERTY'S

DESIGNATION AS AN AGRICULTURAL DISTRICT BY NOTIFYING THE COUNTY COMMISSIONERS IN WRITING 1 YEAR BEFORE THE DESIRED DATE OF TERMINATION.

(8) AFTER THE ESTABLISHMENT OF AN AGRICULTURAL DISTRICT, THE COUNTY COMMISSIONERS MAY REVIEW THE USE OF THE LAND WITHIN THE AGRICULTURAL DISTRICT.

(9) THE COUNTY COMMISSIONERS MAY APPROVE THE ALTERATION OR TERMINATION OF AN AGRICULTURAL DISTRICT ONLY IF THE USE OF THE LAND WITHIN THE AGRICULTURAL DISTRICT HAS CHANGED SO THAT THE LAND WITHIN THE DISTRICT FAILS TO MEET THE COUNTY REQUIREMENTS UNDER SUBSECTION (E) OF THIS SECTION.

(D) NATURAL GAS RIGHTS.

RULES, REGULATIONS, OR PROCEDURES ADOPTED BY THE COUNTY COMMISSIONERS OF GARRETT COUNTY UNDER THIS SECTION MAY NOT REQUIRE A NATURAL GAS RIGHTS OWNER OR LESSEE TO SUBORDINATE ITS INTEREST TO THE INTEREST OF THE COUNTY COMMISSIONERS IF THE COUNTY COMMISSIONERS DETERMINE THAT THE EXERCISE OF THE NATURAL GAS RIGHTS WILL NOT INTERFERE WITH AN AGRICULTURAL OPERATION CONDUCTED ON LAND IN THE AGRICULTURAL DISTRICT OR ON LAND SUBJECT TO AN EASEMENT.

(E) PRODUCTIVITY, ACREAGE, AND LOCATION CRITERIA.

RULES, REGULATIONS, OR PROCEDURES ADOPTED BY THE COUNTY COMMISSIONERS OF GARRETT COUNTY RELATING TO LAND THAT MAY BE INCLUDED IN AN AGRICULTURAL DISTRICT SHALL PROVIDE THAT:

(1) THE LAND SHALL MEET PRODUCTIVITY, ACREAGE, AND LOCATIONAL CRITERIA DETERMINED BY THE COUNTY COMMISSIONERS TO BE NECESSARY FOR THE CONTINUATION OF FARMING;

(2) THE COUNTY COMMISSIONERS SHALL ATTEMPT TO PRESERVE THE MINIMUM NUMBER OF ACRES IN A GIVEN AGRICULTURAL DISTRICT THAT MAY REASONABLY BE EXPECTED TO PROMOTE THE CONTINUED AVAILABILITY OF AGRICULTURAL SUPPLIERS AND MARKETS FOR AGRICULTURAL GOODS; AND

(3) LAND WITHIN THE BOUNDARIES OF A 10-YEAR WATER AND SEWER SERVICE DISTRICT MAY BE INCLUDED IN AN AGRICULTURAL DISTRICT

ONLY IF, IN THE DISCRETION OF THE COUNTY COMMISSIONERS, THAT LAND IS OUTSTANDING IN PRODUCTIVITY AND IS OF SIGNIFICANT SIZE.

(F) LIMITATIONS ON INCLUSION IN AGRICULTURAL DISTRICT.

(1) LAND MAY BE INCLUDED IN AN AGRICULTURAL DISTRICT ONLY IF THE RULES, REGULATIONS, AND PROCEDURES OF THE COUNTY COMMISSIONERS OF GARRETT COUNTY THAT GOVERN THE LAND ALLOW THE ACTIVITIES LISTED UNDER § 2-513 OF THE AGRICULTURE ARTICLE.

(2) AGRICULTURAL DISTRICTS MAY BE ESTABLISHED ON ANY LAND IN AGRICULTURAL USE, BUT ONLY IF THE LANDOWNER AGREES TO THE CONDITIONS, RESTRICTIONS, AND LIMITATIONS UNDER § 2-513 OF THE AGRICULTURE ARTICLE.

(G) PURCHASE OF EASEMENT PROHIBITED.

THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION MAY NOT PURCHASE AN EASEMENT ON LAND THAT IS LOCATED IN GARRETT COUNTY BUT THAT IS OUTSIDE OF AN AGRICULTURAL DISTRICT ESTABLISHED UNDER THIS SECTION.

(H) CONSTRUCTION OF SECTION.

THIS SECTION DOES NOT PRECLUDE A LANDOWNER FROM SELLING THE LANDOWNER'S PROPERTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 237(c) through (i) and (a)(1) and (2).

Former Art. 25, § 237(a)(3), which defined "Commissioners" to mean the Garrett County Board of County Commissioners, is deleted as unnecessary because of the full references to the County Commissioners of Garrett County in this section.

Former Art. 25, § 237(b), which provided that the section applied only in Garrett County, is deleted as unnecessary in light of the references to Garrett County in each subsection of this section.

13-606. AGRICULTURAL PRESERVATION DISTRICTS — WASHINGTON COUNTY.

(A) AUTHORITY OF COUNTY COMMISSIONERS.

BY ORDINANCE, THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY:

(1) MAY ESTABLISH METHODS TO:

(I) PROVIDE SUPPLEMENTAL PAYMENTS TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, INDEPENDENTLY OR UNDER A LEASE ARRANGEMENT WITH AN OUTSIDE FUNDING SOURCE; OR

(II) PURCHASE DEVELOPMENT RIGHTS IN AN AGRICULTURAL PRESERVATION DISTRICT; AND

(2) IN ACCORDANCE WITH REGULATIONS AND PROCEDURES ADOPTED BY THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, MAY PROVIDE FOR:

(I) THE ESTABLISHMENT OF AGRICULTURAL PRESERVATION DISTRICTS; AND

(II) STANDARDS AND GUIDELINES UNDER WHICH REAL PROPERTY IS ELIGIBLE FOR INCLUSION IN AN AGRICULTURAL PRESERVATION DISTRICT.

(B) INSTALLMENT PURCHASE AGREEMENTS.

(1) THE METHODS TO PROVIDE SUPPLEMENTAL PAYMENTS OR PURCHASE DEVELOPMENT RIGHTS UNDER SUBSECTION (A)(1) OF THIS SECTION MAY INCLUDE THE CREATION OF A LONG-TERM OBLIGATION OF WASHINGTON COUNTY IN THE NATURE OR FORM OF AN INSTALLMENT PURCHASE AGREEMENT.

(2) AN OBLIGATION AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS EXEMPT FROM §§ 19-205 AND 19-206 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 9-I.

In subsection (a)(1)(i) of this section, the former reference to the Maryland Agricultural Land Preservation Foundation "Program" is deleted for accuracy. See AG § 2-502, which establishes the Foundation.

In subsections (a)(1)(ii) and (b)(1) of this section, the references to “purchas[ing]” development rights are substituted for the former references to “pay[ing] for” development rights for accuracy.

In subsection (a)(1)(ii) and (2)(i) and (ii) of this section, the former phrases “in the county” are deleted as implicit.

In subsection (b)(1) of this section, the reference to an installment purchase “agreement” is substituted for the former reference to an installment purchase “contract” for consistency with the terminology used in AG Title 2, Subtitle 5.

Also in subsection (b)(1) of this section, the former reference to payments “to the Maryland Agricultural Land Preservation Foundation Program” is deleted as unnecessary in light of the reference to payments “under subsection (a)(1) of this section”.

In subsection (b)(2) of this section, the reference to an “obligation authorized under paragraph (1) of this subsection” is substituted for the former reference to a “long-term obligation in the nature or form of an installment purchase contract under this section” for brevity and clarity.

SUBTITLE 7. ENVIRONMENTAL ISSUES.

13-701. LICENSE FOR WEATHER MODIFICATION IN FREDERICK, GARRETT, AND WASHINGTON COUNTIES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO:

- (1) FREDERICK COUNTY;**
- (2) GARRETT COUNTY; AND**
- (3) WASHINGTON COUNTY.**

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9-105 AND 9-106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) LICENSING AND REPORTING.

THE COUNTY COMMISSIONERS MAY ADOPT AN ORDINANCE OR RESOLUTION TO:

(1) PROVIDE FOR THE LICENSURE OF PERSONS ENGAGING IN WEATHER MODIFICATION; AND

(2) REQUIRE THE REPORTING OF ANY ACTIVITY PERFORMED WITH THE INTENTION OF PRODUCING ARTIFICIAL CHANGES IN THE COMPOSITION, BEHAVIOR, OR DYNAMICS OF THE ATMOSPHERE AS DEFINED IN THE NATIONAL WEATHER MODIFICATION POLICY ACT OF 1976, 15 U.S.C. § 330 ET SEQ.

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(nn).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted under this section.

Defined terms: "Commission county § 1–101
"Person" § 1–101

13–702. ADVISORY COMMITTEE ON NATURAL RESOURCES AND COMMUNITY APPEARANCE IN PRINCE GEORGE'S COUNTY.

(A) IN GENERAL.

(1) BY RESOLUTION, THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY MAY CREATE AN OFFICIAL ADVISORY COMMITTEE ON NATURAL RESOURCES AND COMMUNITY APPEARANCE TO GUIDE AND ACCOMPLISH THE WORK OF THE COUNTY COUNCIL SITTING AS DISTRICT COUNCIL.

(2) THE RESOLUTION SHALL SPECIFY THE MEMBERSHIP, DUTIES, AND FUNCTIONS OF THE COMMITTEE.

(B) COOPERATION BY UNITS OF STATE GOVERNMENT.

(1) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ALL UNITS OF STATE GOVERNMENT COOPERATE WITH THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY TO THE FULLEST POSSIBLE EXTENT TO GUIDE THE

**ORDERLY GROWTH OF THE COUNTY THROUGH AN ADVISORY COMMITTEE
CREATED UNDER THIS SECTION.**

(2) AT THE REQUEST OF THE COUNTY COUNCIL, AN OFFICIAL DESIGNATED BY A UNIT OF STATE GOVERNMENT MAY SERVE AS A MEMBER OF THE ADVISORY COMMITTEE.

(c) DUTIES.

THE DUTIES OF THE ADVISORY COMMITTEE MAY INCLUDE MAKING TECHNICAL RECOMMENDATIONS FOR:

(1) THE PRESERVATION, EXPLOITATION, AND SITE REHABILITATION OF MINERAL DEPOSITS; AND

(2) THE MEANS AND METHODS OF ENCOURAGING DEVELOPMENT ABOVE MINIMUM STANDARDS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 10A.

In subsection (b) of this section, the references to “unit[s] of State government” are substituted for the former references to “State agenc[ies], department[s] or commission[s]” for consistency with other similar provisions of the Code.

Defined term: “State” § 1-101

13-703. SEDIMENTATION CONTROL IN ST. MARY’S COUNTY.

(A) POWERS OF COUNTY COMMISSIONERS.

THE COUNTY COMMISSIONERS OF ST. MARY’S COUNTY MAY:

(1) ADOPT AN ORDINANCE, A RULE, OR A REGULATION FOR EROSION AND SILTATION CONTROL REQUIREMENTS TO FACILITATE SEDIMENTATION CONTROL IN THE COUNTY; AND

(2) PROVIDE FOR THE ENFORCEMENT OF ANY ORDINANCE, RULE, OR REGULATION ADOPTED UNDER THIS SECTION.

(B) PENALTIES — CRIMINAL.

(1) A VIOLATION OF AN ORDINANCE, A RULE, OR A REGULATION ADOPTED UNDER THIS SECTION IS A MISDEMEANOR.

(2) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY ESTABLISH A CRIMINAL PENALTY OF A FINE, IMPRISONMENT, OR BOTH FOR A VIOLATION OF AN ORDINANCE, A RULE, OR A REGULATION ADOPTED UNDER THIS SECTION.

(c) PENALTIES — CIVIL.

(1) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY PROVIDE FOR A CIVIL PENALTY FOR A VIOLATION OF AN ORDINANCE, A RULE, OR A REGULATION ADOPTED UNDER THIS SECTION.

(2) IN A PROCEEDING BEFORE THE DISTRICT COURT, A VIOLATION SHALL BE ENFORCED IN THE SAME MANNER AND TO THE SAME EXTENT AS ESTABLISHED FOR MUNICIPAL INFRACTIONS UNDER TITLE 6 OF THIS ARTICLE.

(3) IN ADDITION TO ALL OTHER REMEDIES PROVIDED BY THIS SECTION, THE COUNTY MAY BRING AN ACTION FOR AN INJUNCTION AGAINST A PERSON WHO VIOLATES AN ORDINANCE, A RULE, OR A REGULATION ADOPTED UNDER THIS SECTION TO REQUIRE THE CORRECTION OR ELIMINATION OF A VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 10J.

In subsection (a)(1) of this section, the reference to "an ordinance, a rule, or a regulation" is substituted for the former reference to "rules and regulations" for consistency within this section. Similarly, in subsections (a)(2) and (b)(1) of this section, the references to "[an] ordinance, [a] rule, or [a] regulation" are substituted for the former references to "any ordinance or regulation".

In subsection (a)(2) of this section, the former reference to enforcement "of this section" is deleted as inaccurate because there is nothing to enforce under this section.

In subsection (b)(2) of this section, the reference to a penalty "for a violation of an ordinance, a rule, or a regulation adopted under this section" is added for clarity.

Also in subsection (b)(2) of this section, the reference to “establish[ing] a criminal penalty” is substituted for the former reference to “provid[ing] for punishment” for consistency with other terminology in the Code.

In subsection (c)(3) of this section, the reference to the authority to “bring an action for an injunction” is substituted for the former reference to the “right of ex parte injunctive relief” for accuracy and consistency with the procedures required to be followed for injunctive relief under the Maryland Rules.

Defined term: “Person” § 1–101

13–704. EROSION AND SEDIMENT CONTROL IN CALVERT COUNTY.

(A) IN GENERAL.

THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY PROVIDE FOR:

(1) THE ENFORCEMENT AND CORRECTION OF VIOLATIONS OF AN EROSION AND SEDIMENT CONTROL ORDINANCE FOR CALVERT COUNTY;

(2) THE COLLECTION OF THE COSTS OF ANY ENFORCEMENT AND CORRECTIVE ACTIONS AUTHORIZED IN ITEM (1) OF THIS SUBSECTION; AND

(3) THE ENFORCEMENT OF THIS SECTION AND OF THE EROSION AND SEDIMENT CONTROL ORDINANCE BY THE IMPOSITION OF CIVIL PENALTIES PROVIDED UNDER SUBSECTION (D) OF THIS SECTION.

(B) NONCOMPLIANCE OR FAILURE TO CONFORM WITH PERMIT OR APPROVED PLANS.

(1) CALVERT COUNTY SHALL SEND WRITTEN NOTICE, BY CERTIFIED MAIL OR PERSONAL SERVICE, OF NONCOMPLIANCE TO A PERMITTEE AND THE SURETY IF:

(I) EROSION AND SEDIMENT CONTROL WORK DOES NOT COMPLY WITH A PERMIT OR APPROVED PLANS; AND

(II) THE COUNTY WANTS TO ENFORCE THE SECURITY THAT WAS REQUIRED FOR THE WORK.

(2) THE NOTICE SHALL INCLUDE:

(I) THE NATURE OF THE CORRECTIONS REQUIRED; AND
(II) THE TIME WITHIN WHICH THE CORRECTIONS SHALL BE MADE.

(3) THE COUNTY SHALL POST A STOP-WORK NOTICE ON THE SITE IF:

(I) THE PERMITTEE DOES NOT ACT ON THE NOTICE WITHIN THE TIME SPECIFIED IN THE NOTICE; OR

(II) THE SITUATION IS OF A CRITICAL ENVIRONMENTAL NATURE.

(4) IF A STOP-WORK NOTICE IS POSTED ON A SITE, NO FURTHER WORK IS AUTHORIZED ON THE SITE, EXCEPT AS ALLOWED BY THE COUNTY ENGINEER OR THE COUNTY ENGINEER'S DESIGNEE.

(5) IF THE PERMITTEE DOES NOT BEGIN AND DILIGENTLY CONTINUE THE CORRECTIONS WITHIN 5 DAYS AFTER RECEIVING WRITTEN NOTICE:

(I) THE PERMITTEE IS IN DEFAULT OF THE OBLIGATIONS IMPOSED UNDER THIS SECTION; AND

(II) THE COUNTY ENGINEER MAY TAKE IMMEDIATE ACTION TO ENFORCE THE SECURITY.

(c) UNSTABLE SITES.

(1) IF THE COUNTY ENGINEER OR THE COUNTY ENGINEER'S DESIGNEE DETERMINES THAT THERE IS IMMINENT AND SUBSTANTIAL ENVIRONMENTAL HARM BECAUSE OF THE INSTABILITY OF THE SITE, CALVERT COUNTY MAY PERFORM WORK AT THE SITE SUFFICIENT TO:

(I) ELIMINATE ANY PUBLIC SAFETY PROBLEM; AND

(II) PROVIDE ENVIRONMENTAL STABILIZATION AND PROTECTION.

(2) A GRADING PERMIT AUTHORIZES EMPLOYEES OF THE COUNTY ENGINEERING DEPARTMENT OR THE DEPARTMENT'S APPROVED

DESIGNEES TO ENTER THE SITE TO UNDERTAKE WORK IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

(3) A CHARGE FOR THE COST OF WORK PERFORMED BY THE COUNTY OR ITS CONTRACTORS UNDER THIS SECTION SHALL:

(I) BE IMPOSED ON THE OWNER OF THE PROPERTY IN THE SAME MANNER AS COUNTY REAL PROPERTY TAXES ARE IMPOSED;

(II) HAVE THE SAME PRIORITY RIGHTS AS COUNTY REAL PROPERTY TAXES;

(III) BEAR THE SAME INTEREST AND PENALTIES AS COUNTY REAL PROPERTY TAXES; AND

(IV) BE TREATED AS COUNTY REAL PROPERTY TAXES ARE TREATED.

(4) THE PROPERTY OWNER SHALL BE CHARGED THE MAXIMUM LEGAL RATE OF INTEREST.

(D) VIOLATION OF EROSION AND SEDIMENT CONTROL ORDINANCE.

(1) A VIOLATION OF THE EROSION AND SEDIMENT CONTROL ORDINANCE OF CALVERT COUNTY IS A CIVIL VIOLATION.

(2) EACH SEPARATE DAY THAT A VIOLATION OF THE EROSION AND SEDIMENT CONTROL ORDINANCE REMAINS UNCORRECTED IS A SEPARATE VIOLATION, SUBJECT TO AN ADDITIONAL CITATION AND FINE IN THE AMOUNT REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(3) THE FINE FOR A CIVIL VIOLATION OF THE EROSION AND SEDIMENT CONTROL ORDINANCE IS:

(I) FOR A FIRST VIOLATION, \$250;

(II) FOR A SECOND VIOLATION, \$500;

(III) FOR A THIRD VIOLATION, \$750; AND

(IV) FOR A FOURTH OR SUBSEQUENT VIOLATION, \$1,000.

(E) WORK WITHOUT PERMIT.

(1) A PERSON WHO PERFORMS EROSION AND SEDIMENT CONTROL WORK IN CALVERT COUNTY WITHOUT FIRST OBTAINING A PERMIT IS IN VIOLATION OF THE EROSION AND SEDIMENT CONTROL ORDINANCE.

(2) IN ADDITION TO THE CIVIL PENALTIES PROVIDED UNDER SUBSECTION (D) OF THIS SECTION, IF A PERSON PERFORMS EROSION AND SEDIMENT CONTROL WORK WITHOUT FIRST OBTAINING A PERMIT, THE COUNTY MAY ENFORCE THIS SECTION AND TAKE THE SAME ACTIONS AS THOSE PROVIDED IN THIS SECTION FOR PERMIT VIOLATIONS, INCLUDING:

(I) THE ISSUANCE OF STOP-WORK ORDERS; AND

(II) PERFORMING WORK ON SITE TO ELIMINATE ANY PUBLIC SAFETY PROBLEM AND TO PROVIDE ENVIRONMENTAL STABILIZATION AND PROTECTION.

(3) A CHARGE FOR THE COST OF WORK PERFORMED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION SHALL BE IMPOSED AS PROVIDED IN SUBSECTION (C)(3) OF THIS SECTION.

(F) DELIVERY OF CITATION.

(1) ON VERIFICATION OF A VIOLATION OF THE EROSION AND SEDIMENT CONTROL ORDINANCE, AN INSPECTOR FROM THE ENGINEERING DEPARTMENT MAY DELIVER OR MAIL A CITATION TO THE PERSON RESPONSIBLE FOR THE VIOLATION.

(2) THE CITATION IS NOTIFICATION TO THE RESPONSIBLE PERSON THAT THE PERSON HAS BEEN ASSESSED A CIVIL FINE THAT IS DUE AND PAYABLE TO CALVERT COUNTY, SUBJECT TO THE PERSON'S RIGHT TO STAND TRIAL IN DISTRICT COURT.

(G) CONTENTS OF CITATION.

THE CITATION SHALL BE ON A FORM ADOPTED BY THE COUNTY COMMISSIONERS OF CALVERT COUNTY AND SHALL INCLUDE:

(1) THE DATE OF ISSUANCE OF THE CITATION;

(2) THE NAME AND ADDRESS OF THE PERSON CHARGED;

(3) THE SECTION NUMBER OF THE EROSION AND SEDIMENT CONTROL ORDINANCE THAT HAS BEEN VIOLATED;

(4) THE NATURE OF THE VIOLATION;

(5) THE TIME AND LOCATION OF THE VIOLATION;

(6) THE AMOUNT OF THE CIVIL FINE ASSESSED;

(7) THE MANNER, LOCATION, AND TIME PERIOD IN WHICH THE FINE IS TO BE PAID;

(8) IF APPLICABLE, A NOTICE THAT EACH DAY OF CONTINUED VIOLATION IS A SEPARATE VIOLATION SUBJECT TO ADDITIONAL CITATION;

(9) THE NAME, BUSINESS ADDRESS, AND TELEPHONE NUMBER OF THE COUNTY OFFICIAL FAMILIAR WITH THE CASE; AND

(10) A NOTICE OF THE PERSON'S RIGHT TO ELECT TO STAND TRIAL FOR THE VIOLATION, AND INSTRUCTIONS, INCLUDING RELEVANT TIME FRAMES, NECESSARY TO EXERCISE THIS RIGHT TO STAND TRIAL.

(H) ELECTION TO STAND TRIAL.

(1) A PERSON WHO RECEIVES A CITATION MAY ELECT TO STAND TRIAL FOR THE OFFENSE BY FILING NOTICE OF INTENT TO STAND TRIAL WITH CALVERT COUNTY AT LEAST 5 DAYS BEFORE THE PAYMENT DATE SPECIFIED IN THE CITATION.

(2) AFTER RECEIVING THE NOTICE OF INTENTION TO STAND TRIAL, THE COUNTY SHALL FORWARD A COPY OF THE CITATION AND NOTICE TO THE DISTRICT COURT.

(3) AFTER RECEIVING THE CITATION, THE DISTRICT COURT SHALL:

(I) SCHEDULE THE CASE FOR TRIAL; AND

(II) NOTIFY THE DEFENDANT OF THE TRIAL DATE.

(I) FAILURE TO PAY FINE.

(1) CALVERT COUNTY SHALL SEND A NOTICE OF THE VIOLATION TO THE LAST KNOWN ADDRESS OF A PERSON WHO:

(I) RECEIVES A CITATION FOR A VIOLATION;

(II) FAILS TO PAY THE FINE BY THE DATE OF PAYMENT SPECIFIED IN THE CITATION; AND

(III) FAILS TO FILE A TIMELY NOTICE OF INTENTION TO STAND TRIAL.

(2) IF, AFTER 15 DAYS FROM THE DATE THE NOTICE IS SENT, THE CITATION IS NOT SATISFIED, THE PERSON IS LIABLE FOR AN ADDITIONAL FINE NOT EXCEEDING TWICE THE ORIGINAL FINE.

(3) IF, AFTER 35 DAYS FROM THE DATE THE NOTICE IS SENT, THE CITATION IS NOT SATISFIED, THE COUNTY MAY REQUEST ADJUDICATION OF THE CASE THROUGH THE DISTRICT COURT.

(4) IF THE COUNTY REQUESTS ADJUDICATION UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.

(J) PROSECUTOR.

THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY DESIGNATE THE COUNTY ATTORNEY OR THE STATE'S ATTORNEY TO REPRESENT THE INTERESTS OF THE COUNTY AND PROSECUTE A CIVIL VIOLATION UNDER THIS SECTION BEFORE THE DISTRICT COURT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 10K.

In the introductory language of subsection (b)(1) of this section, the reference to "Calvert County" is added to clarify who is to send the required notice.

Also in the introductory language of subsection (b)(1) of this section, the reference to "personal service" is substituted for the former reference to "be[ing] delivered by hand personally" for brevity.

In subsection (b)(1)(i) of this section, the former reference to "conform[ing] to" a permit or approved plans is deleted as implicit in the reference to "comply[ing] with" a permit or approved plans.

In subsection (b)(1)(ii) of this section, the reference to “enforc[ing] the security” is substituted for the former reference to “obtain[ing] any performance bond” for clarity. Similarly, in subsection (b)(5)(ii) of this section, the reference to “enforc[ing] the security” is substituted for the former reference to “obtain[ing] the security posted”.

In subsection (b)(3) of this section, the reference to “county” is added to clarify who is to post the stop–work notice.

In the introductory language of subsection (b)(5) of this section, the reference to “the permittee” is added to clarify who must begin and continue the corrections.

In subsection (c)(3)(i) of this section, the reference to a “charge for” the cost of the work “be[ing] imposed on” the owner is substituted for the former reference to the cost of the work “[b]e[ing] levied and collected from” the owner for consistency with terminology in this article. Similarly, in subsection (e)(3) of this section, the reference to a “charge for” the cost of work “be[ing] imposed” is substituted for the former reference to the cost of work “be[ing] levied”.

In subsection (d)(1) of this section, the reference to a “violation of the Erosion and Sediment Control Ordinance” being a civil violation is substituted for the former reference to a “person or contractor who violates any provision of the Erosion and Sediment Control Ordinance of Calvert County and who is issued a citation under this section shall ... [b]e deemed to have committed” a civil violation for brevity.

Also in subsection (d)(1) of this section, the former requirement to “[p]ay to the county a civil fine in the amount prescribed under this subsection” is deleted as unnecessary in light of subsection (d)(3) of this section.

In subsection (e)(1) of this section, the reference to “[a] person who performs erosion and sediment control work” is substituted for the former reference to “[a]ny erosion and sediment control work that is undertaken” for clarity.

In subsection (f)(2) of this section, the reference to the “responsible person” is substituted for the former reference to the “person concerned” for consistency with subsection (f)(1) of this section.

In subsection (h)(1) of this section, the former reference to the “office concerned” is deleted as surplusage.

In subsection (i)(1) of this section, the former reference to “formal” notice is deleted as surplusage.

In subsection (i)(4) of this section, the phrase “[i]f the county requests adjudication under paragraph (3) of this subsection” is added for clarity.

Defined term: “Person” § 1–101

13–705. CONTROL OF POLLUTION AND INDUSTRIAL WASTE IN CECIL COUNTY.

(A) POWERS OF COUNTY COMMISSIONERS.

BY ORDINANCE OR RESOLUTION, THE COUNTY COMMISSIONERS OF CECIL COUNTY MAY:

(1) PROVIDE FOR THE CONTROL OF AIR POLLUTION, WATER POLLUTION, AND INDUSTRIAL WASTE COMING FROM LAND IN THE COUNTY;

(2) PROVIDE FOR THE APPOINTMENT OF INSPECTORS TO ENFORCE AN ORDINANCE OR A RESOLUTION ADOPTED UNDER ITEM (1) OF THIS SUBSECTION; AND

(3) ESTABLISH PENALTIES FOR VIOLATIONS OF AN ORDINANCE OR A RESOLUTION ADOPTED UNDER ITEM (1) OF THIS SUBSECTION.

(B) NOTICE.

BEFORE ADOPTING AN ORDINANCE OR A RESOLUTION UNDER THIS SECTION, THE COUNTY COMMISSIONERS OF CECIL COUNTY SHALL:

(1) PUBLISH A SUMMARY OF THE PROPOSED ORDINANCE OR RESOLUTION IN ONE OR MORE NEWSPAPERS OF GENERAL CIRCULATION IN THE COUNTY FOR AT LEAST 3 WEEKS THAT SPECIFIES THE DATE FOR A PUBLIC HEARING;

(2) HOLD A PUBLIC HEARING; AND

(3) GIVE NOTICE THAT COPIES OF THE PROPOSED ORDINANCE OR RESOLUTION MAY BE OBTAINED ON APPLICATION TO THE CLERK OF THE COUNTY COMMISSIONERS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 11B.

In subsection (a) of this section, the former references to “rules and regulations” are deleted as implicit in the references to “[an] ordinance or [a] resolution”.

In the introductory language to subsection (a)(1) of this section, the former phrase “to amend from time to time” is deleted in light of the authority of the county commissioners to adopt ordinances and resolutions.

In subsection (b)(1) of this section, the reference to “specif[ying] the date for a public hearing” is substituted for the former reference to “a date specified therein” for clarity.

SUBTITLE 8. WATERWAYS AND ACTIVITIES ON SHORES OF WATERWAYS.

13–801. PUBLIC LANDINGS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT BALTIMORE CITY.

(B) AUTHORITY TO ESTABLISH.

THE GOVERNING BODY OF A COUNTY MAY ESTABLISH A PUBLIC LANDING ON ANY NAVIGABLE WATERS.

(C) APPLICATIONS.

(1) THIS SUBSECTION DOES NOT APPLY IN QUEEN ANNE’S COUNTY.

(2) THE PROCEEDINGS ON AN APPLICATION TO ESTABLISH A PUBLIC LANDING ARE THE SAME AS THE PROCEEDINGS ON AN APPLICATION TO OPEN A PUBLIC ROAD UNDER TITLE 12, SUBTITLE 6 OF THIS ARTICLE.

REVISOR’S NOTE: Subsection (a) of this section is new language added to reflect the scope of this section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in former Article 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 25, §§ 156 and 157.

In subsection (b) of this section, the former reference to a public landing being established “where the public convenience requires it” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “navigable river, canal, bay, [or] sound” is deleted as included in the reference to “navigable waters”.

In subsection (c)(2) of this section, the reference to an application to open a public road “under Title 12, Subtitle 6 of this article” is added for clarity.

Defined terms: “County” § 1-101

“Governing body” § 1-101

13-802. FLOATING HOMES — CALVERT, CHARLES, AND ST. MARY’S COUNTIES.

(A) “FLOATING HOME” DEFINED.

(1) IN THIS SECTION, “FLOATING HOME” MEANS A VESSEL THAT:

(I) IS USED OR DESIGNATED AS A DWELLING UNIT, PLACE OF BUSINESS, OR PRIVATE OR SOCIAL CLUB; AND

(II) HAS A VOLUME COEFFICIENT THAT IS GREATER THAN 3,000 SQUARE FEET, BASED ON THE RATIO OF THE HABITABLE SPACE OF THE VESSEL MEASURED IN CUBIC FEET AND THE DRAFT DEPTH OF THE VESSEL MEASURED IN FEET OF DEPTH.

(2) “FLOATING HOME” INCLUDES A STRUCTURE THAT:

(I) IS CONSTRUCTED ON A BARGE THAT IS PRIMARILY IMMOBILE AND NOT USED FOR NAVIGATION; OR

(II) FUNCTIONS PRIMARILY AS A LAND STRUCTURE WHILE THE VESSEL IS MOORED OR DOCKED IN THE STATE.

(B) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO:

(1) CALVERT COUNTY;

(2) CHARLES COUNTY; AND

(3) ST. MARY'S COUNTY.**(c) AUTHORITY.****THE GOVERNING BODY OF A COUNTY MAY ADOPT:**

(1) LAWS TO REGULATE MOORING, DOCKING, ANCHORING, AND INSTALLING A FLOATING HOME IN THE WATERS OF THE COUNTY; AND

(2) PENALTIES FOR A VIOLATION OF A LAW ADOPTED UNDER THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 234A.

In the introductory language of subsection (a)(1) of this section, the former reference to a vessel "whether self-propelled or not" is deleted as surplusage.

In subsection (a)(1)(i) of this section, the former reference to a floating home "occupied" as a dwelling unit is deleted as included in the reference to a floating home "used" as a dwelling unit.

In subsection (c) of this section, the former reference to "provid[ing] for the enforcement of that code" is deleted as implicit in the authority to adopt penalties for violations.

In the introductory language of subsection (c) of this section, the former reference to "amend[ing] from time to time" is deleted as surplusage.

In subsection (c)(1) of this section, the reference to "laws" is substituted for the former reference to "a code" for clarity.

Also in subsection (c)(1) of this section, the former reference to laws that "restrict" mooring, docking, anchoring, and installing a floating home is deleted as implicit in the reference to "regulat[ing]".

Defined terms: "Governing body" § 1-101
"State" § 1-101

13-803. FUND FOR WATERWAY IMPROVEMENTS — CHARLES COUNTY.

THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY MAINTAIN A FUND OF NOT MORE THAN \$40,000 TO PROVIDE FOR:

(1) THE IMPROVEMENT OF CHANNELS TO MAKE WATERS IN THE COUNTY NAVIGABLE;

(2) THE CONSTRUCTION OF BREAKWATER AND OTHER WATERWAY IMPROVEMENT PROJECTS; AND

(3) MOSQUITO CONTROL IN WATERS IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 3(bb).

In the introductory language to this section, the reference to maintaining a fund of "not more than" \$40,000 is added for clarity.

13-804. FISHING, DOCKING, AND MOORING — DORCHESTER AND SOMERSET COUNTIES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO DORCHESTER COUNTY AND SOMERSET COUNTY.

(B) APPLICATION OF SECTION.

THIS SECTION DOES NOT APPLY TO BOATS MOORED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT OF NATURAL RESOURCES.

(C) FISHING.

THE GOVERNING BODY OF A COUNTY MAY REGULATE FISHING FROM A COUNTY BRIDGE.

(D) DOCKING, MOORING, AND ABANDONMENT.

THE GOVERNING BODY OF A COUNTY MAY REGULATE THE DOCKING, MOORING, AND ABANDONMENT OF VESSELS ALONG OR WITHIN WATERWAYS IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 11C.

In this section, the former references to the governing body "in their respective jurisdictions" are deleted as surplusage.

In subsection (c) of this section, the former phrase “including the limitation or prohibition of fishing” is deleted as implicit in the authority to regulate fishing. Similarly, in subsection (d) of this section, the phrase “including the limitation or prohibition of the activity” is deleted as implicit in the authority to regulate the docking, mooring, and abandonment of vessels.

In subsection (d) of this section, the reference to “vessels along or within waterways” is substituted for the former reference to “boats or ships at wharves, piers, docks, or other structures or areas at a shore of a harbor, river, or other waterway” for brevity.

Defined term: “Governing body” § 1-101

13-805. PUBLIC DOCKS, PIERS, AND HARBOR FACILITIES — DORCHESTER COUNTY.

(A) POWERS.

(1) THE GOVERNING BODY OF DORCHESTER COUNTY MAY ADOPT REGULATIONS CONCERNING MAINTAINING AND OPERATING PUBLIC DOCKS, PIERS, WHARVES, AND HARBOR FACILITIES OWNED OR LEASED BY THE COUNTY.

(2) A REGULATION ADOPTED UNDER THIS SUBSECTION MAY INCLUDE PROVISIONS RELATED TO:

(I) PERMITS;

(II) BERTHS;

(III) MOORING;

(IV) SWIMMING;

(V) TRASH DISPOSAL AND REMOVAL; AND

(VI) SUNKEN VESSELS.

(B) PENALTIES.

THE GOVERNING BODY OF DORCHESTER COUNTY MAY ADOPT PENALTIES FOR A VIOLATION OF A REGULATION ADOPTED UNDER THIS SECTION,

INCLUDING IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 11C-1.

Defined term: "Governing body" § 1-101

SUBTITLE 9. REGULATION OF BUILDING, HOUSING, AND RELATED OCCUPATIONS.

PART I. BUILDING AND HOUSING CODES; REGULATION OF HOME BUILDERS.

13-901. BUILDING CODES; REGULATION OF BUILDINGS AND SIGNS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**
- (4) CECIL COUNTY;**
- (5) CHARLES COUNTY;**
- (6) HOWARD COUNTY;**
- (7) PRINCE GEORGE'S COUNTY;**
- (8) QUEEN ANNE'S COUNTY; AND**
- (9) WORCESTER COUNTY.**

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9-105 AND 9-106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) IN GENERAL.**THE GOVERNING BODY OF A COUNTY MAY:**

- (1) REGULATE THE CONSTRUCTION OF BUILDINGS AND SIGNS;**
- (2) ADOPT A BUILDING CODE;**
- (3) PROVIDE FOR ENFORCEMENT OF THE CODE;**
- (4) REQUIRE PERMITS FOR THE CONSTRUCTION OF BUILDINGS AND SIGNS;**
- (5) IMPOSE PERMIT AND INSPECTION FEES;**
- (6) PROVIDE FOR INSPECTION OF BUILDINGS AND STRUCTURES;**
- (7) PROVIDE FOR CONDEMNATION OF DANGEROUS OR INSECURE BUILDINGS OR STRUCTURES AS PROVIDED UNDER OTHER PUBLIC GENERAL LAW; AND**
- (8) REQUIRE DANGEROUS OR INSECURE BUILDINGS AND STRUCTURES TO BE MADE SAFE OR DEMOLISHED.**

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(t)(2) and, as it related to building codes and regulation of buildings and signs, the first sentence of (t)(1) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a)(2) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(t)(1) applicable to commission counties, code counties, and charter counties, except the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City.

In subsection (c)(1) and (4) of this section, the former references to the “erect[ion]” and “reconstruct[ion]” of buildings and signs are deleted as included in the reference to the “construction” of buildings and signs.

In subsection (c)(1) of this section, the reference to “regulat[ing]” is substituted for the former reference to “mak[ing] reasonable regulations” for brevity.

Also in subsection (c)(1) of this section, the former reference to buildings “in the county” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “adopt[ing]” a building code is substituted for the former reference to “formulat[ing]” a building code for consistency with other similar provisions of the Code.

In subsection (c)(4) of this section, the reference to “requir[ing]” permits is substituted for the former reference to “grant[ing]” permits for consistency within this subtitle.

In subsection (c)(5) of this section, the former reference to “reasonable” fees is deleted as surplusage.

In subsection (c)(7) of this section, the former reference to condemnation “in whole or in part” is deleted as surplusage.

Defined terms: “Commission county” § 1–101
 “Governing body” § 1–101

13–902. SELECTED COUNTIES — BUILDING AND HOUSING CODES; PERMIT FEES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO:

- (1) CALVERT COUNTY;**
- (2) CAROLINE COUNTY;**
- (3) DORCHESTER COUNTY;**
- (4) FREDERICK COUNTY;**
- (5) HARFORD COUNTY;**

(6) KENT COUNTY; AND

(7) WORCESTER COUNTY.

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9-105 AND 9-106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) APPLICABILITY; EXEMPTIONS.

(1) A BUILDING CODE OR HOUSING CODE ADOPTED UNDER THIS SECTION DOES NOT APPLY TO A BUILDING ON A FARM OR TO ANY PREMISES DEVOTED SOLELY TO AGRICULTURAL USES.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A BUILDING CODE OR HOUSING CODE ADOPTED UNDER THIS SECTION APPLIES TO:

(I) IN CALVERT COUNTY, DWELLINGS ON WHICH CONSTRUCTION IS BEGUN AFTER JULY 1, 1979; OR

(II) IN FREDERICK COUNTY, RESIDENTIAL BUILDINGS OR BUILDINGS CONSTRUCTED FOR HUMAN HABITATION REGARDLESS OF LOCATION OR OTHER AUXILIARY USE.

(D) ADOPTION OF CODES AUTHORIZED.

(1) THE COUNTY COMMISSIONERS OF KENT COUNTY SHALL ADOPT A BUILDING CODE AND A HOUSING CODE.

(2) THE GOVERNING BODIES OF CALVERT COUNTY, CAROLINE COUNTY, DORCHESTER COUNTY, FREDERICK COUNTY, HARFORD COUNTY, AND WORCESTER COUNTY MAY ADOPT A BUILDING CODE AND A HOUSING CODE.

(E) REQUIREMENTS FOR CODES.

(1) A BUILDING CODE OR HOUSING CODE ADOPTED UNDER THIS SECTION, AND ALL REGULATIONS ADOPTED UNDER THE CODES, SHALL BE DESIGNED TO PROTECT THE PUBLIC HEALTH AND WELFARE.

(2) A BUILDING CODE SHALL INCLUDE:

(I) REGULATIONS REQUIRING A BUILDING PERMIT BEFORE A BUILDING IS BUILT OR IMPROVED; AND

(II) STANDARDS FOR CONSTRUCTING, MAINTAINING, AND REPAIRING, INCLUDING STRUCTURAL SAFETY, FIRE PREVENTION, LIGHTING, VENTILATION, AND PROPER MEANS OF ACCESS.

(3) A HOUSING CODE SHALL INCLUDE REGULATIONS AND STANDARDS FOR HUMAN HABITATION, INCLUDING SANITATION, DENSITY OF OCCUPANCY, OPEN SPACE, AND RODENT INFESTATION.

(4) A BUILDING CODE OR HOUSING CODE MAY INCLUDE PROVISIONS FOR ENFORCEMENT OF THE CODE, INCLUDING PROVIDING FOR INSPECTORS AND PENALTIES FOR A VIOLATION OF THE CODE OR THE REGULATIONS ADOPTED UNDER THE CODE.

(F) INCORPORATION OF OTHER CODES BY REFERENCE.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A BUILDING CODE OR HOUSING CODE ADOPTED UNDER THIS SECTION MAY INCORPORATE BY REFERENCE ALL OR PART OF A BUILDING CODE OR HOUSING CODE ISSUED OR PROPOSED AND MADE AVAILABLE FOR GENERAL DISTRIBUTION BY ANY GOVERNMENTAL UNIT OR TRADE OR PROFESSIONAL ASSOCIATION.

(2) IN CAROLINE COUNTY, FREDERICK COUNTY, HARFORD COUNTY, KENT COUNTY, AND WORCESTER COUNTY, ANY LATER AMENDMENT TO A CODE OR PART OF A CODE THAT IS ADOPTED BY REFERENCE IS NOT EFFECTIVE UNTIL THE GOVERNING BODY OF THE COUNTY INCORPORATES THE SPECIFIC AMENDMENT INTO THE COUNTY'S BUILDING CODE OR HOUSING CODE.

(G) ZONING CERTIFICATE AND PERMIT FEES.

(1) THIS SUBSECTION APPLIES ONLY TO:

(I) FREDERICK COUNTY;

(II) HARFORD COUNTY; AND

(III) KENT COUNTY.

(2) THE GOVERNING BODY OF THE COUNTY MAY CHARGE A FEE FOR A ZONING CERTIFICATE OR PERMIT FOR CONSTRUCTION OF IMPROVEMENTS TO REAL PROPERTY.

REVISOR'S NOTE: Subsections (a) and (c) through (g) of this section are new language derived without substantive change from former Art. 25, § 3(s)(2) and the second sentence and the first clause of the first sentence of (1)(i).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (c)(1) of this section, the reference to a building or housing code “not apply[ing]” to certain buildings and premises is substituted for the former reference to certain buildings and premises being “exempt from the provisions and the application of both” codes for brevity.

Also in subsection (c)(1) of this section, the reference to agricultural “uses” is substituted for the former reference to agricultural “pursuits” for clarity.

In subsection (d) of this section, the former references to amendment “from time to time”, “supplement”, and “abrogate” are deleted as implicit in the reference to “adopt[ing]” a code.

In subsection (e)(1) of this section, the reference to a code “adopted under this section” is substituted for the former reference to a code “when or if adopted” for clarity.

Also in subsection (e)(1) of this section, the reference to the public “health and welfare” is substituted for the former reference to public “health, safety, comfort, and moral and economic welfare” for brevity.

Also in subsection (e)(1) of this section, the former reference to “assur[ing]” the public health and welfare is deleted as included in the reference to “protect[ing]” the public health and welfare.

In subsection (e)(2) and (3) of this section, the references to “includ[ing]” regulations are substituted for the former references to “provid[ing] and prescrib[ing]” regulations for consistency with other similar provisions of the Code.

In subsection (e)(2)(ii) and (3) of this section, the former references to “requirements” are deleted as included in the references to “standards”.

In subsection (e)(3) of this section, the former reference to “human standards of occupancy” is deleted as included in the reference to “human habitation”.

In subsection (f)(1) of this section, the reference to a building or housing code “adopted under this section” is added for clarity.

Also in subsection (f)(1) of this section, the reference to a governmental “unit” is substituted for the former reference to a governmental “agency” for consistency with other similar provisions of the Code.

Also in subsection (f)(1) of this section, the former reference to incorporating a code “if applicable” is deleted as surplusage.

Also in subsection (f)(1) of this section, the former reference to a building or housing code “as the case may be” is deleted as surplusage.

In subsection (f)(2) of this section, the reference to “a code or part of a code” that is adopted is substituted for the former reference to “whatever” is adopted for clarity.

Also in subsection (f)(2) of this section, the former reference to “change in” a code is deleted as included in the reference to “amendment into” a code.

Also in subsection (f)(2) of this section, the former reference to “unless” an amendment is incorporated is deleted as included in the reference to “until” an amendment is incorporated.

Also in subsection (f)(2) of this section, the former reference to incorporation “by action of” the governing body is deleted as surplusage.

In subsection (g)(2) of this section, the former reference to “reasonable” fees is deleted as implicit.

Also in subsection (g)(2) of this section, the former reference to the “issuance” of zoning certificates or permits is deleted as surplusage.

Defined terms: “Commission county” § 1–101
“Governing body” § 1–101

13–903. CECIL COUNTY BUILDING CODE.

(A) IN GENERAL.

THE GOVERNING BODY OF CECIL COUNTY MAY ADOPT A BUILDING CODE TO PROVIDE FOR:

(1) CONSTRUCTING, MAINTAINING, AND REPAIRING BUILDINGS AND STRUCTURES;

(2) THE APPOINTMENT OF INSPECTORS TO ENFORCE THE CODE;
AND

(3) PENALTIES FOR A VIOLATION OF THE CODE.

(B) INCORPORATION OF OTHER CODES BY REFERENCE.

IN CECIL COUNTY, THE BUILDING CODE MAY INCORPORATE BY REFERENCE ALL OR PART OF A CODE PROPOSED BY ANY GOVERNMENTAL UNIT OR TRADE OR PROFESSIONAL ASSOCIATION FOR GENERAL DISTRIBUTION IN PRINTED FORM AS A STANDARD MODEL ON ANY SUBJECT RELATING TO CONSTRUCTING, MAINTAINING, OR REPAIRING A BUILDING OR OTHER STRUCTURE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 10.

In the introductory language of subsection (a) of this section, the former reference to amend "from time to time" is deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former reference to "amend[ing]" a code is deleted as implicit in the reference to "adopt[ing]" a code.

In subsection (a)(1) of this section, the former reference to "any and all" buildings is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to buildings "located or to be located in the county" is deleted as implicit because the county commissioners would only have authority over buildings located in the county.

In subsection (b) of this section, the reference to a governmental "unit" is substituted for the former reference to a governmental "agency" for consistency with other similar provisions of the Code.

Defined term: "Governing body" § 1-101

13-904. CHARLES COUNTY BUILDING CODE.

(A) IN GENERAL.

(1) THE COUNTY COMMISSIONERS OF CHARLES COUNTY SHALL ADOPT A BUILDING CODE THAT:

(I) SPECIFIES STANDARDS FOR CONSTRUCTING, MAINTAINING, OR REPAIRING BUILDINGS AND STRUCTURES; AND

(II) SUBSTANTIALLY CONFORMS TO THE BASIC BUILDING CODE ADOPTED BY THE INTERNATIONAL CODE COUNCIL.

(2) AFTER A HEARING ON THE PROPOSED CHANGES, THE COUNTY COMMISSIONERS MAY AMEND THE CODE.

(B) EXEMPTION.

IN CHARLES COUNTY, THE BUILDING CODE ADOPTED UNDER THIS SECTION DOES NOT APPLY TO ANY FARM BUILDINGS OR ANY OTHER OUTBUILDING WITH A COST OF LESS THAN \$2,500.

(C) PERMIT FEE.

THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY IMPOSE A FEE FOR A PERMIT ISSUED UNDER THE BUILDING CODE.

(D) BUILDING INSPECTOR.

(1) THE COUNTY COMMISSIONERS OF CHARLES COUNTY SHALL APPOINT A BUILDING INSPECTOR AND ASSISTANT INSPECTORS AT SALARIES AS PROVIDED IN THE COUNTY BUDGET.

(2) THE INSPECTORS SHALL ENFORCE THE BUILDING CODE AND THE RELATED REGULATIONS.

(E) PENALTIES.

THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY PROVIDE PENALTIES FOR A VIOLATION OF THE BUILDING CODE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 10E.

In the introductory language of subsection (a)(1) of this section, the former reference to a date “[n]ot later than June 1, 1966” is deleted as obsolete.

Also in the introductory language of subsection (a)(1) of this section, the former reference to adopting a building code “for the county” is deleted as surplusage.

In subsection (a)(1)(i) of this section, the former reference to buildings “located in the county” is deleted as implicit because the county commissioners would only have authority over buildings located in the county.

In subsection (a)(1)(ii) of this section, the reference to the “International Code Council” is substituted for the former reference to the “Building Officials Conference of America” for accuracy. Charles County has not used the Building Officials Conference of America since 2000.

In subsection (a)(2) of this section, the former reference to amend “from time to time” is deleted as surplusage.

In subsection (d)(1) of this section, the former reference to a building inspector “for the county” is deleted as surplusage.

Also in subsection (d)(1) of this section, the former reference to assistant inspectors “as may be required” is deleted as surplusage.

Also in subsection (d)(1) of this section, the former reference to the “annual” budget is deleted as surplusage.

In subsection (d)(2) of this section, the reference to “related” regulations is added for clarity.

Also in subsection (d)(2) of this section, the former reference to “rules” is deleted for consistency within this section.

Also in subsection (d)(2) of this section, the former reference to a regulation “adopted by the commission” is deleted as surplusage.

13-905. QUEEN ANNE'S COUNTY BUILDING CODE.

(A) IN GENERAL.

THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY MAY ADOPT A BUILDING CODE.

(B) APPLICABILITY; EXEMPTIONS.

A BUILDING CODE ADOPTED UNDER THIS SECTION APPLIES TO A RESIDENTIAL BUILDING ON A FARM BUT DOES NOT APPLY TO ANOTHER OUTBUILDING ON A FARM, INCLUDING A BUILDING THAT HOUSES ANIMALS OR FARM EQUIPMENT OR IS USED FOR FARM STORAGE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 3(s)(3).

In subsection (a) of this section, the former reference to amend "from time to time" is deleted as surplusage.

Also in subsection (a) of this section, the former reference to "amend[ing]", "supplement[ing]" or "abrogat[ing]" a code are deleted as implicit in the reference to "adopt[ing]" a code.

In subsection (b) of this section, the reference to a "building code adopted under this section appl[y]ing to a residential building on a farm" is substituted for the former reference to "[f]arm residential buildings are included within these provisions" for clarity.

13-906. ST. MARY'S COUNTY BUILDING CODE.

(A) IN GENERAL.

THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY ADOPT A BUILDING CODE TO PROVIDE FOR CONSTRUCTING, MAINTAINING, AND REPAIRING BUILDINGS AND OTHER STRUCTURES.

(B) INCORPORATION OF OTHER CODES BY REFERENCE.

(1) A BUILDING CODE ADOPTED UNDER THIS SECTION MAY INCORPORATE BY REFERENCE ALL OR PART OF A CODE PROPOSED BY ANY GOVERNMENTAL UNIT OR A TRADE OR PROFESSIONAL ASSOCIATION FOR GENERAL DISTRIBUTION IN PRINTED FORM AS A STANDARD MODEL ON ANY SUBJECT RELATING TO CONSTRUCTING, MAINTAINING, OR REPAIRING BUILDINGS OR STRUCTURES.

(2) ANY LATER AMENDMENT TO A CODE OR PART OF A CODE THAT IS ADOPTED BY REFERENCE IS NOT EFFECTIVE UNTIL THE COUNTY

COMMISSIONERS OF ST. MARY’S COUNTY INCORPORATE THE SPECIFIC AMENDMENT INTO THE COUNTY’S BUILDING CODE.

(C) INSPECTORS.

THE COUNTY COMMISSIONERS OF ST. MARY’S COUNTY MAY APPOINT INSPECTORS TO ENFORCE THE BUILDING CODE.

(D) PENALTIES.

THE COUNTY COMMISSIONERS OF ST. MARY’S COUNTY MAY PROVIDE PENALTIES FOR A VIOLATION OF THE BUILDING CODE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 10D.

In subsection (a) of this section, the former reference to “amend[ing]” a code is deleted as included in the reference to “adopt[ing]” a code.

Also in subsection (a) of this section, the former reference to amendments “from time to time” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to buildings “located or to be located in St. Mary’s County” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “all” or part of a code is added for clarity and consistency within this part.

Also in subsection (b)(1) of this section, the reference to “[a] building code adopted under this section” is substituted for the former reference to “[s]aid building code” for clarity.

Also in subsection (b)(1) of this section, the reference to a governmental “unit” is substituted for the former reference to a governmental “agency” for consistency with other similar provisions of the Code.

Also in subsection (b)(1) of this section, the former reference to the “Building Officials Conference of America, Inc.” is deleted as included in the reference to a “trade or professional association”.

In subsection (c) of this section, the reference to the enforcement of “the building code” is substituted for the former reference to the enforcement “thereof” for clarity.

13-907. WASHINGTON COUNTY — LICENSING OF HOME BUILDERS.

(A) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED UNDER THIS SECTION.

(B) IN GENERAL.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY ADOPT LICENSING REQUIREMENTS FOR HOME BUILDERS.

(C) LICENSE FEE; PERFORMANCE BOND.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY:

(1) SET A LICENSE FEE; AND

(2) REQUIRE AN APPLICANT OR LICENSEE TO PROVIDE A PERFORMANCE BOND.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code apply to an act, an ordinance, or a resolution adopted under this section.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(t–3).

13–908. RESERVED.

13–909. RESERVED.

PART II. ELECTRICAL CODES; REGULATION OF ELECTRICIANS; ELEVATORS.

13–910. ADOPTION OF ELECTRICAL CODES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

(1) ANNE ARUNDEL COUNTY;

- (2) BALTIMORE CITY;
- (3) BALTIMORE COUNTY;
- (4) CECIL COUNTY;
- (5) CHARLES COUNTY;
- (6) HOWARD COUNTY;
- (7) PRINCE GEORGE'S COUNTY;
- (8) QUEEN ANNE'S COUNTY; AND
- (9) WORCESTER COUNTY.

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9-105 AND 9-106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) APPLICABILITY.

AN ELECTRICAL CODE ADOPTED UNDER THIS SECTION DOES NOT APPLY TO:

(1) ELECTRICAL EQUIPMENT OR ELECTRICAL APPLIANCES OR DEVICES USED BY PUBLIC UTILITIES IN FURNISHING THEIR SERVICES; OR

(2) WORK PERFORMED BY PUBLIC UTILITIES OR THEIR AFFILIATED COMPANIES.

(D) IN GENERAL.

(1) THE GOVERNING BODY OF A COUNTY MAY:

(I) ADOPT AN ELECTRICAL CODE;

(II) PROVIDE FOR INSPECTIONS TO ENFORCE THE CODE;

AND

(III) IMPOSE PERMIT AND INSPECTION FEES.**(2) AN ELECTRICAL CODE ADOPTED BY THE COUNTY COMMISSIONERS OF CALVERT COUNTY SHALL BE ADOPTED BY ORDINANCE.**

REVISOR'S NOTE: Subsections (a), (c), and (d) of this section are new language derived without substantive change from former Art. 25, § 3(t)(2), (5), the second sentence and, as it related to adoption of an electrical code, the first sentence of (1), and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a)(2) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(aa), applicable to commission counties, code counties, and charter counties, except the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City.

In subsection (d)(1)(i) of this section, the reference to “adopt[ing]” an electrical code is substituted for the former reference to “formulat[ing]” an electrical code for consistency with other similar provisions of the Code.

In subsection (d)(1)(iii) of this section, the former reference to “reasonable” fees is deleted as surplusage.

Defined terms: “Commission county” § 1–101

“Governing body” § 1–101

13–911. LICENSING OF ELECTRICIANS.**(A) SCOPE OF SECTION.**

THIS SECTION APPLIES TO ALL COUNTIES, EXCEPT BALTIMORE CITY.

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) IN GENERAL.

IN ACCORDANCE WITH THE MARYLAND MASTER ELECTRICIANS ACT, THE GOVERNING BODY OF A COUNTY, BY ORDINANCE, MAY:

- (1) PROVIDE FOR THE GENERAL LICENSING OF ELECTRICIANS;**
- (2) LICENSE AND ESTABLISH CLASSIFICATIONS OF ELECTRICIANS;**
- (3) ESTABLISH POWERS AND DUTIES OF ELECTRICAL INSPECTORS, INCLUDING THE AUTHORITY TO ISSUE PERMITS AND REGISTRATIONS;**
- (4) PROVIDE FOR PENALTIES FOR A VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SECTION;**
- (5) ESTABLISH A BOARD OF ELECTRICAL EXAMINERS; AND**
- (6) ESTABLISH POWERS AND DUTIES OF THE BOARD OF ELECTRICAL EXAMINERS.**

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(t)(3) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(t)(3) applicable to commission counties, code counties, and charter counties. There is no similar grant of power for Baltimore City.

Also in subsection (a) of this section, the former reference to this section applying to all counties, including “Caroline, Somerset, and Dorchester counties” is deleted as unnecessary.

In subsection (c)(3) of this section, the former reference to “defin[ing]” powers and duties of electrical inspectors is deleted as included in the reference to “establish[ing]” those powers and duties. Similarly, in subsection (c)(5) of this section, the former reference to “creat[ing]” a Board of Electrical Examiners is deleted as included in the reference to “establish[ing]” a Board of Electrical Examiners. Similarly, in subsection (c)(6) of this section, the former references to “provid[ing] for” and “defin[ing]” the powers and duties of the Board of Electrical Examiners are deleted as included in the reference to “establish[ing]” those powers and duties.

Also in subsection (c)(3) of this section, the reference to the “authority to issue” permits and regulations is added for clarity.

As to the Maryland Master Electricians Act, *see* Title 6 of the Business Occupations and Professions Article.

Defined terms: “Commission county” § 1–101
 “Governing body” § 1–101

13–912. REGULATION OF ELEVATORS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**
- (4) CECIL COUNTY;**
- (5) CHARLES COUNTY;**
- (6) HOWARD COUNTY;**
- (7) PRINCE GEORGE’S COUNTY;**
- (8) QUEEN ANNE’S COUNTY; AND**

(9) WORCESTER COUNTY.**(B) APPLICATION OF OTHER SECTIONS.**

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) IN GENERAL.**THE GOVERNING BODY OF A COUNTY MAY:**

(1) REQUIRE THE INSPECTION AND LICENSING OF ELEVATORS;
AND

(2) PROHIBIT THE USE OF AN ELEVATOR IF IT IS UNSAFE, DANGEROUS, OR UNLICENSED.

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(t)(2) and, as it related to the regulation of elevators, (1) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a)(2) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(t)(1) applicable to commission counties, code counties, and charter counties, except the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City.

Defined terms: “Commission county” § 1–101
“Governing body” § 1–101

13–913. RESERVED.

13–914. RESERVED.

PART III. PLUMBING CODES; REGULATION OF PLUMBERS.

13-915. PLUMBING CODES; ENFORCEMENT.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) BALTIMORE CITY;**
- (2) BALTIMORE COUNTY; AND**
- (3) TO THE EXTENT THAT AN AREA IS UNDER THE WASHINGTON SUBURBAN SANITARY COMMISSION, PRINCE GEORGE'S COUNTY.**

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9-105 AND 9-106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) IN GENERAL.

IN ACCORDANCE WITH THE MARYLAND PLUMBING ACT, THE GOVERNING BODY OF A COUNTY MAY:

- (1) ADOPT A PLUMBING CODE;**
- (2) PROVIDE FOR INSPECTIONS TO ENFORCE THE CODE; AND**
- (3) IMPOSE PERMIT AND INSPECTION FEES.**

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(t-1) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9-105 and 9-106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a)(1)(i) of this section, the reference to “Baltimore City” is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(t–1) applicable to commission counties, code counties, and charter counties, except the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City.

In subsection (c)(3) of this section, the former reference to “reasonable” fees is deleted as implicit.

Defined terms: “Commission county” § 1–101
 “Governing body” § 1–101

13–916. SELECTED COUNTIES — FREDERICK COUNTY, HARFORD COUNTY, AND KENT COUNTY.

(A) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(B) PLUMBING PERMITS.

(1) THIS SUBSECTION APPLIES ONLY TO FREDERICK COUNTY, HARFORD COUNTY, AND KENT COUNTY.

(2) THE GOVERNING BODY OF A COUNTY MAY:

(I) ADOPT REGULATIONS FOR THE ISSUANCE OF PLUMBING PERMITS FOR THE INSTALLATION OF SANITARY SYSTEMS, PLUMBING, AND PLUMBING FIXTURES; AND

(II) IMPOSE A FEE FOR THE PERMITS AND FOR ENFORCEMENT OF THE PERMITS.

(C) PLUMBING CODE.

(1) THIS SUBSECTION APPLIES ONLY TO FREDERICK COUNTY AND HARFORD COUNTY.

(2) THE GOVERNING BODY OF A COUNTY MAY:

(I) ADOPT A PLUMBING CODE TO REGULATE THE CONSTRUCTION OF WATER, SEWER, DRAINAGE, AND SANITARY FACILITIES;

(II) EMPLOY PERSONNEL TO ENFORCE THE CODE; AND

(III) PROVIDE CRIMINAL PENALTIES FOR A VIOLATION OF THE CODE.

(3) (I) IF THE COUNTY COMMISSIONERS OF FREDERICK COUNTY ADOPT A PLUMBING CODE, THE COUNTY COMMISSIONERS SHALL APPOINT AN ADVISORY PLUMBING BOARD.

(II) THE ADVISORY PLUMBING BOARD SHALL CONSIST OF AN INDIVIDUAL DESIGNATED BY THE FREDERICK COUNTY HEALTH OFFICER, TWO PLUMBERS, AND TWO OTHER INDIVIDUALS.

(III) THE ADVISORY PLUMBING BOARD SHALL ASSIST IN THE DRAFTING, ADOPTION, AND ENFORCEMENT OF THE PLUMBING CODE.

(IV) THE TERM OF A MEMBER IS 4 YEARS.

(V) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE ADVISORY PLUMBING BOARD ON OCTOBER 1, 2013.

(VI) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(VII) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) (I) IF THE GOVERNING BODY OF HARFORD COUNTY ADOPTS A PLUMBING CODE, THE GOVERNING BODY SHALL APPOINT AN ADVISORY PLUMBING BOARD.

(II) THE ADVISORY PLUMBING BOARD SHALL CONSIST OF A PHYSICIAN, A PLUMBER, AND ONE OTHER INDIVIDUAL TO ASSIST IN THE DRAFTING, ADOPTION, AND ENFORCEMENT OF THE PLUMBING CODE.

(III) THE TERM OF A MEMBER IS 4 YEARS.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(s)(1)(ii) and the first sentence of (i).

In subsection (b)(2)(i) of this section, the reference to “adopt[ing]” regulations is substituted for the former reference to “provid[ing] and prescrib[ing]” regulations for consistency with other similar provisions of the Code.

Also in subsection (b)(2)(i) of this section, the former reference to installation “within the county” is deleted as surplusage.

In subsection (b)(2)(ii) of this section, the former reference to “charges” is deleted as included in the reference to “fees”.

In subsection (c)(2)(ii) of this section, the former reference to employing “necessary” personnel is deleted as surplusage.

In subsection (c)(2)(iii) of this section, the reference to a violation “of the code” is substituted for the former reference to a violation “thereof” for clarity.

In subsection (c)(3)(ii) and (4)(ii) of this section, the references to “individuals” and “individual” are substituted for the former references to “persons” and “person” because only human beings and not other entities included in the definition of “person” can be members of a board.

In subsection (c)(3)(v) of this section, the reference to terms being staggered as required by the terms provided for appointed Board members on “October 1, 2013” is substituted for the former obsolete reference to terms being staggered as required by the terms provided on “June 1, 2006”. This substitution is not intended to alter the term of any appointed member of the Board. *See* § 9 of Ch. 119, Acts of 2013. The terms of the appointed members serving on October 1, 2013, end as follows: (1) one on June 30, 2014; (2) two on June 30, 2015; (3) one on June 30, 2016; and (4) one on June 30, 2017.

Defined terms: “Commission county” § 1–101
“Governing body” § 1–101

13-917. WASHINGTON COUNTY — LICENSING OF HOUSEHOLD APPLIANCE INSTALLERS.

(A) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9-105 AND 9-106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED UNDER THIS SECTION.

(B) IN GENERAL.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY ADOPT AN ORDINANCE OR RESOLUTION TO LICENSE HOUSEHOLD APPLIANCE INSTALLERS TO PERFORM PLUMBING WORK INCIDENT TO THE INSTALLATION OF HOME APPLIANCES.

(C) LICENSE FEE; PERFORMANCE BOND.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY REQUIRE A LICENSE FEE AND A PERFORMANCE BOND BEFORE GRANTING A LICENSE.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify that the provisions of §§ 9-105 and 9-106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code apply to an act, an ordinance, or a resolution adopted under this section.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(t)(4).

13-918. WASHINGTON COUNTY — LICENSING OF UTILITY CONTRACTORS AND SEPTIC SYSTEM INSTALLERS.

(A) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9-105 AND 9-106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED UNDER THIS SECTION.

(B) IN GENERAL.

SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY ADOPT, BY ORDINANCE OR RESOLUTION, LICENSING REQUIREMENTS FOR:

(1) ON-SITE UTILITY CONTRACTORS WHO PERFORM PLUMBING WORK WHILE INSTALLING WATER OR SEWER SERVICE; AND

(2) SEPTIC SYSTEM INSTALLERS WHO PLACE A SERVICE LINE BETWEEN A SEPTIC TANK AND A BUILDING.

(C) LIMIT ON LICENSING AUTHORITY.

A LICENSE ISSUED UNDER THIS SECTION DOES NOT AUTHORIZE THE LICENSEE TO DO PLUMBING WORK WITHIN 5 FEET FROM A BUILDING BEING SERVED.

(D) LICENSE FEE; PERFORMANCE BOND.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY SET A LICENSE FEE AND REQUIRE AN APPLICANT OR LICENSEE TO PROVIDE A PERFORMANCE BOND.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify that the provisions of §§ 9-105 and 9-106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code apply to an act, an ordinance, or a resolution adopted under this section.

Subsections (b), (c), and (d) of this section are new language derived without substantive change from former Art. 25, § 3(t-2).

13-919. RESERVED.

13-920. RESERVED.

**PART IV. COMPLIANCE WITH PUBLIC SERVICE COMMISSION REGULATIONS;
RENT CONTROL.**

13-921. COMPLIANCE OF RESIDENTIAL PROPERTY WITH PUBLIC SERVICE COMMISSION REGULATIONS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT:

- (1) ANNE ARUNDEL COUNTY;
- (2) BALTIMORE CITY;
- (3) BALTIMORE COUNTY;
- (4) HOWARD COUNTY;
- (5) PRINCE GEORGE'S COUNTY; AND
- (6) WORCESTER COUNTY.

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) IN GENERAL.

THE GOVERNING BODY OF A COUNTY MAY ENACT A LOCAL LAW THAT REQUIRES THE DEVELOPMENT OF LAND FOR RESIDENTIAL USES TO COMPLY WITH PERTINENT UNDERGROUND ELECTRIC AND TELEPHONE RESIDENTIAL SERVICE REGULATIONS ADOPTED BY THE PUBLIC SERVICE COMMISSION, INCLUDING THOSE PERTAINING TO DEPOSITS.

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(s–1) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a)(2) of this section, the reference to "Baltimore City" is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in Art. 25, § 3(s–1) applicable to commission counties, code counties, and charter counties, except the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City.

In subsection (c) of this section, the reference to a local law that “requires the development of land for residential uses to comply” with regulations of the Public Service Commission is substituted for the former reference to local laws “conditioning the acceptance of any development of land for residential purposes approved by appropriate local authorities upon a demonstration of compliance, acceptable to local authorities, by the developer” with regulations of the Public Service Commission for brevity and clarity.

Defined terms: “Commission county” § 1–101
 “Governing body” § 1–101

13–922. FREDERICK COUNTY — RENT CONTROL.

THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY ENACT A LOCAL LAW OR ADOPT REGULATIONS TO CONTROL THE INCREASE OF RENT IN THE COUNTY.

REVISOR’S NOTE: This section formerly was Art. 25, § 10H.

The only changes are in style.

13–923. WASHINGTON COUNTY — RENT CONTROL.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY ENACT A LOCAL LAW OR ADOPT REGULATIONS TO CONTROL THE INCREASE OF RENT IN THE COUNTY.

REVISOR’S NOTE: This section formerly was Art. 25, § 10G.

The only changes are in style.

TITLE 14. RESERVED.

TITLE 15. RESERVED.

DIVISION IV. LOCAL FINANCE.

TITLE 16. IN GENERAL.

SUBTITLE 1. GENERAL PROVISIONS.

16–101. FISCAL YEAR.

(A) IN GENERAL.

THE FISCAL YEAR FOR EACH COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT BEGINS ON JULY 1 OF A CALENDAR YEAR AND ENDS ON JUNE 30 OF THE NEXT CALENDAR YEAR.

(B) USE REQUIRED.

EACH COUNTY, MUNICIPALITY, AND SPECIAL TAXING DISTRICT SHALL USE THE FISCAL YEAR FOR:

- (1) APPROPRIATING MONEY;**
- (2) AUTHORIZING EXPENDITURES; AND**
- (3) BALANCING BOOKS AND ACCOUNTS.**

REVISOR'S NOTE: This section formerly was Art. 24, § 1-102.

In subsection (a) of this section, the former reference to counties, municipal corporations, and special taxing districts "in the State" is deleted as surplusage.

No other changes are made.

Defined terms: "County" § 1-101
"Municipality" § 1-101

16-102. ACCRUAL METHOD.

IN PREPARING AND REVISING ITS ANNUAL BUDGET, A POLITICAL SUBDIVISION MAY USE THE ACCRUAL METHOD TO REPORT REVENUES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 1-103.

The former reference to a political subdivision "of the State" is deleted as surplusage.

16-103. FINANCIAL CONDITION.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “FINANCIAL OFFICER” MEANS THE TREASURER OR OTHER FINANCIAL OFFICER OF A POLITICAL SUBDIVISION.

(3) “POLITICAL SUBDIVISION” INCLUDES:

(I) A COUNTY;

(II) A MUNICIPALITY;

(III) A SPECIAL TAXING DISTRICT; AND

(IV) A PUBLIC CORPORATION OF THE STATE.

(B) REPORT REQUIRED.

IF A POLITICAL SUBDIVISION IS AUTHORIZED TO INCUR DEBT TO BE REDEEMED FROM A FEE, CHARGE, OR THE PROCEEDS OF A TAX, ITS FINANCIAL OFFICER SHALL SUBMIT A COMPREHENSIVE REPORT ON THE FINANCIAL CONDITION OF THE POLITICAL SUBDIVISION AS OF THE END OF THAT FISCAL YEAR TO THE STATE TREASURER AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE DEPARTMENT OF LEGISLATIVE SERVICES IN ACCORDANCE WITH THE TIMEFRAMES REQUIRED UNDER § 16-305 OF THIS TITLE FOR SUBMISSION OF ANNUAL FINANCIAL REPORTS OF COUNTIES, MUNICIPALITIES, AND SPECIAL TAXING DISTRICTS.

(C) FORM AND CONTENTS OF REPORT.

A REPORT UNDER THIS SECTION SHALL BE ON THE FORM THAT THE DEPARTMENT OF LEGISLATIVE SERVICES PROVIDES AND SHALL INCLUDE THE AFFIDAVIT OF THE FINANCIAL OFFICER AND ALL OF THE FOLLOWING INFORMATION THAT APPLIES TO THE POLITICAL SUBDIVISION:

(1) THE ASSESSED VALUATION OF TAXABLE AND TANGIBLE PROPERTY IN THE POLITICAL SUBDIVISION;

(2) THE TOTAL INDEBTEDNESS OF THE POLITICAL SUBDIVISION, INCLUDING THE FOLLOWING CATEGORIES OF THE TOTAL INDEBTEDNESS:

- (I) BOND INDEBTEDNESS THAT IS REDEEMABLE FROM THE PROCEEDS OF GENERAL AND AD VALOREM TAXES;**
- (II) TEMPORARY OR FLOATING INDEBTEDNESS;**
- (III) OBLIGATIONS THAT ARE INCURRED IN ANTICIPATION OF TAX COLLECTION;**
- (IV) CURRENT BILLS PAYABLE;**
- (V) CONTINGENT LIABILITY THAT RESULTS FROM THE GUARANTY OF AN OBLIGATION OF ANOTHER POLITICAL SUBDIVISION; AND**
- (VI) SELF-LIQUIDATING BOND INDEBTEDNESS, INCLUDING:**
 - 1. THE AMOUNT OF INDEBTEDNESS FOR EACH PROJECT; AND**
 - 2. THE SOURCE OF THE REVENUE FOR ITS LIQUIDATION;**
- (3) FOR EACH SINKING FUND FOR RETIREMENT OF OBLIGATIONS:**
 - (I) EACH OBLIGATION FOR WHICH THE FUND IS ESTABLISHED;**
 - (II) THE AMOUNT OF THE FUND; AND**
 - (III) THE MANNER IN WHICH MONEY IN THE FUND IS INVESTED;**
- (4) FOR THE FISCAL YEAR FOR WHICH THE REPORT IS MADE:**
 - (I) THE AMOUNT OF PROPERTY TAX IMPOSED;**
 - (II) THE AMOUNT OF PROPERTY TAX COLLECTED;**
 - (III) THE AMOUNT OF ANY SPECIAL ASSESSMENT IMPOSED;**
 - AND**
 - (IV) THE AMOUNT OF ANY SPECIAL ASSESSMENT COLLECTED;**

(5) FOR EACH OF THE 3 FISCAL YEARS IMMEDIATELY PRECEDING THE FISCAL YEAR FOR WHICH THE REPORT IS MADE:

(I) THE AMOUNT OF PROPERTY TAX IMPOSED; AND

(II) THE AMOUNT OF UNCOLLECTED PROPERTY TAX;

(6) THE POPULATION OF THE POLITICAL SUBDIVISION AS REPORTED IN THE MOST RECENT FEDERAL CENSUS;

(7) ANY OFFICIAL OR UNOFFICIAL POPULATION ESTIMATE FOR THE FISCAL YEAR FOR WHICH THE REPORT IS MADE;

(8) UNLESS THE POLITICAL SUBDIVISION IS A COUNTY OR MUNICIPALITY THAT IS A MEMBER OF A STATE RETIREMENT OR PENSION SYSTEM, A COPY OF THE MOST RECENT ACTUARIAL REPORT ON THE PENSION SYSTEM OF THE POLITICAL SUBDIVISION;

(9) FOR ALL CATEGORIES OF INDEBTEDNESS:

(I) VARIABLE INTEREST RATE DEBT INSTRUMENTS;

(II) INTEREST RATE EXCHANGE AGREEMENTS OR SWAPS;

AND

(III) OTHER DERIVATIVES, INCLUDING FUTURES AND OPTIONS; AND

(10) ANY OTHER INFORMATION ABOUT THE FINANCIAL AFFAIRS OF THE POLITICAL SUBDIVISION THAT THE DEPARTMENT OF LEGISLATIVE SERVICES FINDS NECESSARY TO SHOW ACCURATELY THE FINANCIAL CONDITION OF THE POLITICAL SUBDIVISION.

(D) UPDATED REPORT.

ON REQUEST OF THE STATE TREASURER, A FINANCIAL OFFICER SHALL SUBMIT AN UPDATED REPORT ON THE INDEBTEDNESS OF THE POLITICAL SUBDIVISION AS REQUIRED IN THIS SECTION.

(E) PROHIBITED ACTS; PENALTIES.

(1) A FINANCIAL OFFICER MAY NOT FAIL TO:

(I) SUBMIT A REPORT UNDER THIS SECTION; OR

(II) RESUBMIT A REPORT THAT MEETS THE REQUIREMENTS OF THIS SECTION WITHIN 15 DAYS AFTER RECEIVING NOTICE THAT THE DEPARTMENT OF LEGISLATIVE SERVICES FINDS A REPORT INADEQUATE.

(2) IF A FINANCIAL OFFICER VIOLATES THIS SECTION, THE POLITICAL SUBDIVISION EMPLOYING THE FINANCIAL OFFICER IS LIABLE TO THE STATE FOR A PENALTY OF \$10 FOR EACH DAY THAT THE REPORT IS OVERDUE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 2-101(b) through (f) and (a)(1), (3), and (4).

In subsection (a)(3) of this section, the former references to a municipality and a special taxing district "in the State" are deleted as surplusage.

In subsection (b) of this section, the reference to a "tax" is substituted for the former reference to a "levy" for consistency with other similar provisions of the Code. Similarly, in subsection (c)(4)(i) and (ii) and (5)(i) of this section, the references to "property tax" are substituted for the former references to "levy".

In subsection (c)(4) of this section, the former reference to the report listing "separate items" is deleted as surplusage.

In subsection (c)(10) of this section, the former reference to information the Department of Legislative Services finds "pertinent or appropriate" is deleted as included in the reference to information the Department of Legislative Services finds "necessary".

In subsection (e)(2) of this section, the former reference to a "part of a day" is deleted as included in the reference to a "day".

Former Art. 24, § 2-101(a)(2), which defined "Department" to mean the Department of Legislative Services, is deleted as unnecessary because the full name is used throughout this section.

Defined terms: "County" § 1-101

"Municipality" § 1-101

"State" § 1-101

16-104. PENSION SYSTEMS.**(A) REPORT REQUIRED.**

ON OR BEFORE APRIL 30 OF EACH YEAR, THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL REPORT ON THE STATUS OF ANY PENSION SYSTEM OF EACH COUNTY, MUNICIPALITY, AND SPECIAL TAXING DISTRICT FOR THE PREVIOUS FISCAL YEAR.

(B) BASIS FOR REPORT.

THE REPORT SHALL BE BASED ON INFORMATION:

(1) SUBMITTED BY THE COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT UNDER § 16–103 OF THIS SUBTITLE; OR

(2) PROVIDED BY THE STATE RETIREMENT AGENCY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 2–102.

In subsection (a) of this section, the reference to the status of any pension system “for the previous fiscal year” is added for clarity.

Also in subsection (a) of this section, the reference to April 30 “of each year” is substituted for the former reference to April 30 “following the end of a fiscal year” for clarity.

Also in subsection (a) of this section, the former reference to a county, municipal corporation, or special taxing district “in the State” is deleted as surplusage.

Defined terms: “County” § 1–101
“Municipality” § 1–101

16–105. SUMMARY STATEMENT OF COUNTY EXPENSES.

(A) SUMMARY STATEMENT REQUIRED.

THE GOVERNING BODY OF EACH COUNTY SHALL PUBLISH ANNUALLY, IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY, A SUMMARY STATEMENT OF THE EXPENSES OF THE COUNTY.

(B) CONTENTS.

THE SUMMARY STATEMENT SHALL STATE THAT AN ITEMIZED STATEMENT OF COUNTY EXPENSES IS AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE GOVERNING BODY OF THE COUNTY DURING BUSINESS HOURS.

(C) PENALTIES.

A CLERK WHO FAILS TO PERFORM THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION SHALL FORFEIT \$100.

(D) EXCEPTION.

IF THE CHARTER OF A CHARTER COUNTY OR BALTIMORE CITY REQUIRES THE PUBLICATION OF FINANCIAL INFORMATION IN A MANNER THAT DIFFERS FROM THE REQUIREMENTS OF THIS SECTION, THE PROVISIONS OF THE CHARTER CONTROL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 2-103.

In subsection (a) of this section, the former reference to "prepar[ing]" the summary statement is deleted as included in the reference to "publish[ing]" a statement.

Also in subsection (a) of this section, the former reference to "respective" counties is deleted as surplusage.

In subsection (b) of this section, the former reference to the "county's" business hours is deleted as surplusage.

Also in subsection (b) of this section, the former reference to the "published" summary is deleted as surplusage.

In subsection (c) of this section, the reference to a clerk who fails to perform the "requirements of subsection (a) of this section" is substituted for the former reference to a clerk who fails to perform the "duty imposed by this section" for accuracy because this section imposes a duty on the county not the clerk, but the clerk would be required to take certain actions for the county to fulfill the duty.

Also in subsection (c) of this section, the former reference to a clerk "of the county" is deleted as implicit.

In subsection (d) of this section, the reference to "a charter county or Baltimore City" is substituted for the former reference to "any county

that has adopted home rule under Article XI–A of the Maryland Constitution” for brevity.

The Local Government Article Review Committee notes for consideration by the General Assembly that the penalty of forfeiture of \$100 in subsection (c) of this section applies to a clerk of a county even though the duty to publish a summary of expenses is imposed on the county governing body. In addition it is not clear to whom the forfeiture is to be paid. The General Assembly may want to amend this section to address these concerns.

Defined terms: “Charter county” § 1–101

“County” § 1–101

“Governing body” § 1–101

16–106. BUDGET AND FISCAL POLICIES; PURCHASING LAWS.

THE BUDGET AND FISCAL POLICIES AND PURCHASING LAWS OF A COUNTY GOVERN:

- (1) THE COUNTY BOARD OF ELECTIONS;**
- (2) THE STATE’S ATTORNEY’S OFFICE IN THE COUNTY;**
- (3) THE SHERIFF’S OFFICE IN THE COUNTY;**
- (4) THE COUNTY BOARD OF ALCOHOLIC BEVERAGES LICENSE COMMISSIONERS; AND**
- (5) EXCEPT FOR THE OFFICE OF A CLERK OF COURT, THE CIRCUIT COURT OF THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 8–101.

In the introductory language of this section, the reference to the budget and fiscal policies and purchasing laws “govern[ing]” the listed entities is substituted for the former reference to “[e]ach of the following entities is subject to” the budget and fiscal policies and purchasing laws for brevity.

Also in the introductory language of this section, the former reference to the county “in which it is located” is deleted as unnecessary in light of the references in item (1) of this section to “the” county board of elections, in item (2) of this section to “the” State’s Attorney’s office “in the county”, in item (3) of this section to “the” sheriff’s office “in the county”, in item (4)

of this section to “the” county board of alcoholic beverages license commissioners, and in item (5) of this section to “the” circuit court “of the county”.

In item (1) of this section, the former reference to the county board of “supervisors of” elections is deleted for accuracy.

In item (4) of this section, the reference to the county board of “alcoholic beverages” license commissioners is substituted for the former reference to the county board of “liquor” license commissioners for accuracy.

Defined term: “County” § 1–101

16–107. RESERVE ACCOUNTS.

(A) “RESERVE ACCOUNT” DEFINED.

IN THIS SECTION, “RESERVE ACCOUNT” MEANS A CONTINUING, NONLAPSING ACCOUNT OR FUND IN WHICH MONEY IS RETAINED TO SUPPORT APPROPRIATIONS THAT HAVE BECOME UNFUNDED.

(B) AUTHORIZED BY ORDINANCE OR LOCAL LAW.

BY ORDINANCE OR LOCAL LAW, AFTER NOTICE AND HEARING, A COUNTY MAY ESTABLISH ONE OR MORE RESERVE ACCOUNTS.

(C) REQUIREMENTS OF ORDINANCE OR LOCAL LAW.

AN ORDINANCE OR A LOCAL LAW THAT ESTABLISHES A RESERVE ACCOUNT SHALL PROVIDE FOR:

(1) REQUIREMENTS FOR THE ACCUMULATION OF A FIXED AMOUNT OF MONEY, A PERCENTAGE OF DESIGNATED REVENUES, OR BOTH;

(2) THE CIRCUMSTANCES UNDER WHICH THE ACCOUNT MAY BE USED; AND

(3) THE USE OF ANY EARNINGS ON THE ACCOUNT.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–1201.

In subsection (a) of this section, former Art. 24, § 9–1201(b) and (d) are revised as a definition for clarity.

In subsection (b) of this section, the reference to “a county” is substituted for the former reference to “the counties and Baltimore City” in light of the definition of “county” in § 1–101 of this article.

Also in subsection (b) of this section, the former reference to “proper” notice is deleted as implicit in the requirement to provide notice.

In the introductory language of subsection (c) of this section, the former reference to a local law “establish[ing]” certain requirements and circumstances is deleted as included in the reference to it “provid[ing] for” the requirements and circumstances.

Also in the introductory language of subsection (c) of this section, the former reference to the ordinance or local law providing “at a minimum” is deleted as surplusage.

Defined term: “County” § 1–101

16–108. GOVERNMENTAL CHARGES.

(A) “GOVERNMENTAL CHARGE” DEFINED.

IN THIS SECTION, “GOVERNMENTAL CHARGE” MEANS A TAX, A FEE, OR ANY OTHER CHARGE THAT A COUNTY OR MUNICIPALITY COLLECTS.

(B) PAYMENT AUTHORIZED.

(1) A GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY ALLOW A GOVERNMENTAL CHARGE TO BE PAID BY CREDIT OR DEBIT CARD.

(2) THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY SHALL DETERMINE:

(I) THE GOVERNMENTAL CHARGES THAT MAY BE PAID BY CREDIT OR DEBIT CARD; AND

(II) THE TYPES OF CREDIT OR DEBIT CARDS THAT WILL BE ACCEPTED.

(C) SERVICE CHARGE.

(1) THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY ADD A SERVICE CHARGE TO A GOVERNMENTAL CHARGE PAID BY A CREDIT OR DEBIT CARD.

(2) THE AMOUNT OF THE SERVICE CHARGE:

(I) MAY NOT EXCEED THE FEE CHARGED TO THE COUNTY OR MUNICIPALITY FOR USE OF THE CREDIT OR DEBIT CARD; AND

(II) SHALL BE DETERMINED AT THE TIME THE GOVERNMENTAL CHARGE IS PAID.

(D) NOTICE REQUIRED.

A COUNTY OR MUNICIPALITY THAT ALLOWS GOVERNMENTAL CHARGES TO BE PAID BY CREDIT OR DEBIT CARD SHALL PROVIDE NOTICE WITH EACH PROPERTY TAX BILL OR OTHER INVOICE FOR WHICH PAYMENT BY CREDIT OR DEBIT CARD IS AUTHORIZED:

(1) THAT A CREDIT OR DEBIT CARD MAY BE USED TO PAY THE GOVERNMENTAL CHARGE;

**(2) THE TYPES OF CREDIT AND DEBIT CARDS THAT MAY BE USED;
AND**

(3) WHETHER A SERVICE CHARGE WILL BE ADDED TO THE GOVERNMENTAL CHARGE IF A CREDIT OR DEBIT CARD IS USED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–1401.

In subsection (a) of this section, the reference to “a tax, a fee, or any other charge” is substituted for the former references to “[p]roperty taxes, any other tax, or any fee or charge” and “[a]ny additional charge collected by a county or municipal corporation in connection with property taxes, any other tax, or any fee or charge collected” for brevity.

In subsection (b) of this section, the former reference to the “types” of governmental charges is deleted as surplusage.

In subsection (c) of this section, the former references to the “amount of” governmental charge “to be paid” and the “amount of any” fee are deleted as surplusage.

In subsection (c)(2) of this section, the former reference to the service charge “assessed under this subsection” is deleted as surplusage.

In subsection (d) of this section, the former reference to counties and municipalities “that elect to” allow governmental charges is deleted as surplusage.

Defined terms: “County” § 1-101

“Governing body” § 1-101

“Municipality” § 1-101

16-109. TAX ON PROPERTY.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO COMMISSION COUNTIES.

(B) AUTHORITY TO IMPOSE TAX.

THE COUNTY COMMISSIONERS OF A COUNTY SHALL:

(1) IMPOSE TAXES ON PROPERTY WITHIN THE COUNTY SUBJECT TO TAXATION; AND

(2) PROVIDE FOR THE COLLECTION OF THE TAXES.

(C) TAX BY ESTIMATE.

THE IMPOSITION OF TAXES REQUIRED UNDER THIS SECTION MAY BE MADE BY THE COUNTY COMMISSIONERS OF A COUNTY WHOLLY OR PARTLY BY ESTIMATE.

(D) USE OF FUNDS.

THE COUNTY COMMISSIONERS OF A COUNTY SHALL USE PROPERTY TAX REVENUE TO:

(1) SUPPORT THE COURTS;

(2) COMPENSATE JURORS AND COUNTY OR STATE WITNESSES;

(3) PAY OUTPENSIONS ESTABLISHED BY THE COUNTY COMMISSIONERS OR BY THE TRUSTEES OF THE POOR;

(4) PAY THE FUNERAL EXPENSES OF THE POOR; AND**(5) PAY AND DISCHARGE ALL CLAIMS ON OR AGAINST THE COUNTY THAT HAVE BEEN EXPRESSLY OR IMPLIEDLY AUTHORIZED BY LAW.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 20.

In subsection (b)(1) of this section, the reference to "impos[ing]" taxes is substituted for the former reference to "levy[ing]" taxes for consistency with other similar provisions of the Code.

Also in subsection (b)(1) of this section, the former reference to "all needful" taxes is deleted as implicit in the authority to impose a tax.

Also in subsection (b)(1) of this section, the former reference to "assessable" property is deleted as implicit in the property being "subject to taxation".

In subsection (c) of this section, the reference to "[t]he imposition of taxes required under this section" is substituted for the former reference to "may make such levy" for accuracy and clarity.

In the introductory language of subsection (d) of this section, the reference to the county commissioners "us[ing] property tax revenue" is added to clarify by what means the county commissioners are expected to fund the services listed in subsection (d) of this section.

In subsection (d)(3) of this section, the reference to "pay[ing]" for outpensions is substituted for the former reference to "levy[ing] for" outpensions for clarity.

Also in subsection (d)(3) of this section, the reference to outpensions "established by the county commissioners" is substituted for the former reference to outpensions "allowed by themselves" for accuracy and clarity.

In subsection (d)(4) of this section, the former reference to "such sums as may be necessary to pay accounts allowed by them" is deleted as implicit in the authority to pay.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that this section may be obsolete in light of provisions in the Tax – Property Article that give the authority to counties to impose a property tax as one of the revenue sources for the county's budget. In addition, the references in subsection (d)(3) of this

section to “outpensions” and “trustees of the poor” may be obsolete terminology. The General Assembly may want to consider repealing this section as obsolete.

Defined term: “Commission county” § 1–101

16–110. TAX FOR SOIL CONSERVATION DISTRICTS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT BALTIMORE CITY.

(B) IMPOSITION.

THE GOVERNING BODY OF A COUNTY MAY IMPOSE A TAX TO PROVIDE FUNDING TO SUPPORT THE WORK OF THE SOIL CONSERVATION DISTRICTS ORGANIZED IN ITS COUNTY UNDER TITLE 8 OF THE AGRICULTURE ARTICLE.

(C) AGREEMENTS FOR USE OF MONEY.

THE GOVERNING BODY OF A COUNTY MAY MAKE AGREEMENTS FOR THE USE OF MONEY APPROPRIATED FOR A SOIL CONSERVATION DISTRICT AS THE GOVERNING BODY CONSIDERS ADVISABLE OR NECESSARY.

REVISOR’S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in former Article 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 25, § 22.

In this section, the references to “governing body of a county” are substituted for the former references to “[t]hey” for clarity.

In subsection (b) of this section, the reference to “impos[ing] a tax” is substituted for the former reference to “levy[ing] ... such sums of money” for consistency with other similar provisions of the Code.

Also in subsection (b) of this section, the reference to “provid[ing] funding to support” the work of soil conservation districts is substituted for the former reference to “appropriat[ing] such sums of money ... for the purpose of cooperating with and assisting” the work of soil conservation districts for brevity.

Also in subsection (b) of this section, the former reference to imposing a tax “as they may, in their discretion, think proper” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to their “respective” counties is deleted as surplusage.

Defined terms: “County” § 1–101

“Governing body” § 1–101

16–111. TRUSTS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT BALTIMORE CITY.

(B) AUTHORITY TO RECEIVE AND HOLD TRUST.

THE GOVERNING BODY OF A COUNTY MAY RECEIVE, HOLD, AND CONTROL IN TRUST ALL MONEY OR OTHER PROPERTY THAT IS GIVEN TO THE COUNTY IN TRUST FOR THE PURPOSE OF EDUCATION.

(C) ADMINISTRATION OF TRUST.

BY RESOLUTION OR OTHERWISE, THE GOVERNING BODY OF A COUNTY MAY PROVIDE FOR THE ADMINISTRATION OF THE TRUST IN THE MANNER PRESCRIBED BY THE TRUST INSTRUMENT.

(D) DUTY OF STATE’S ATTORNEYS.

IF THE GOVERNING BODY OF A COUNTY IS NEGLECTFUL IN ADMINISTERING THE TRUST, THE STATE’S ATTORNEY OF THE COUNTY SHALL INSTITUTE PROCEEDINGS IN THE CIRCUIT COURT TO COMPEL THE PROPER ADMINISTRATION OF THE TRUST.

REVISOR’S NOTE: Subsection (a) of this section is new language added to clarify the scope of the section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in former Article 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 25, §§ 158 and 159.

In subsection (b) of this section, the reference to “may” receive is substituted for the former reference to “are invested with full power to” receive for brevity.

Also in subsection (b) of this section, the reference to “receiv[ing], hold[ing], and control[ling] in trust” is substituted for the former reference to “receiv[ing] in trust and ... hold[ing] and control[ling], for the purposes of such trusts” for brevity.

Also in subsection (b) of this section, the reference to money or property “given to the county” is substituted for the former reference to “hereafter bestowed upon such corporations by will, deed, or in any other form of gift or conveyance” for brevity.

Also in subsection (b) of this section, the former reference to the county commissioners “of each county in this State” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to the county commissioners “in their capacity of corporations” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to property “of whatsoever description” is deleted as surplusage.

In subsection (c) of this section, the reference to the “administration” of the trust is substituted for the former reference to the “execution” of the trust for consistency in terminology with other provisions of the Code. Similarly, in subsection (d) of this section, the reference to the “proper administration” of the trust is substituted for the former reference to the “execution” of the trust.

Also in subsection (c) of this section, the reference to the “trust instrument” is substituted for the former reference to the “will, deed or other instrument creating the same” for clarity and brevity.

In subsection (d) of this section, the reference to the governing body being “neglectful” is substituted for the former reference to “the case of any neglect on the part” of the governing body for brevity.

Also in subsection (d) of this section, the reference to the State’s Attorney “of the county” is substituted for the former reference to the State’s Attorney “in the county in which such neglect occurs” for brevity.

Also in subsection (d) of this section, the former reference to “[t]he State’s Attorneys of the several counties [being] charged with the duty of seeing that such trusts are carried into effect in their respective counties” is

deleted as included in the requirement to “institute proceedings in the circuit court” if the governing body of a county “is neglectful in administering the trust”.

Also in subsection (d) of this section, the former reference to “proper” proceedings is deleted as surplusage.

Also in subsection (d) of this section, the former reference to the circuit court “for said county” is deleted as surplusage.

Defined terms: “County” § 1-101
“Governing body” § 1-101

16-112. PAYMENTS BY COUNTIES TO MUNICIPALITIES.

EACH FISCAL YEAR, EACH COUNTY SHALL PAY TO EACH MUNICIPALITY IN THE COUNTY AN AMOUNT OF MONEY EQUAL TO THE AMOUNT RECEIVED BY THE MUNICIPALITY FOR FISCAL YEAR 1967 TO FISCAL YEAR 1968 UNDER FORMER ART. 81, § 30(D) OF THE ANNOTATED CODE, RELATING TO APPORTIONMENT OF SHARES OF TAXES ON BANKS AND FINANCE CORPORATIONS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 220.

Defined terms: “County” § 1-101
“Municipality” § 1-101

16-113. ALLEGANY COUNTY — LIEN FOR WATER OR SEWER SERVICES.

(A) AUTHORITY FOR LIEN.

IN ALLEGANY COUNTY, AN ENTITY THAT PROVIDES WATER OR SEWER SERVICES TO THE PUBLIC ON A NONPROFIT BASIS SHALL HAVE A LIEN AGAINST THE PROPERTY TO WHICH THE SERVICE WAS SUPPLIED IF THE CHARGES FOR THE SERVICES ARE NOT PAID.

(B) REQUIREMENTS OF LIEN.

A LIEN UNDER THIS SECTION IS SUBJECT TO THE REQUIREMENTS FOR A MECHANIC’S LIEN ON REAL PROPERTY, INCLUDING THE REQUIREMENT TO RECORD THE LIEN AMONG THE APPROPRIATE LAND RECORDS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 78A, § 53.

In subsection (a) of this section, the reference to “an entity” is substituted for the former reference to “any unincorporated association, nonprofit corporation, or cooperative association or other organization” for brevity.

Also in subsection (a) of this section, the reference to “if the charges for the services” are not paid is substituted for the former reference to “when the charges therefor” are not paid for clarity.

Also in subsection (a) of this section, the former reference to water or sewer services “or both” is deleted as surplusage.

Also in subsection (a) of this section, the reference to the “general” public is deleted as surplusage.

In subsection (b) of this section, the reference to a lien “under this section” is substituted for the former reference to “[s]uch” lien for clarity.

Also in subsection (b) of this section, the reference to recording “the lien” is added for clarity and accuracy.

Also in subsection (b) of this section, the former reference to requirements to which a mechanic’s lien is “now” subject is deleted as surplusage.

Also in subsection (b) of this section, the former reference to land records “in the county or city where the land is located” is deleted as surplusage.

16-114. PRINCE GEORGE’S COUNTY — ADMINISTRATIVE HEARING SERVICES.

(A) “COMMON OWNERSHIP COMMUNITY” DEFINED.

IN THIS SECTION, “COMMON OWNERSHIP COMMUNITY” MEANS:

(1) A CONDOMINIUM ORGANIZED UNDER TITLE 11 OF THE REAL PROPERTY ARTICLE;

(2) A HOMEOWNERS ASSOCIATION ORGANIZED UNDER TITLE 11B OF THE REAL PROPERTY ARTICLE; OR

(3) A COOPERATIVE HOUSING CORPORATION ORGANIZED UNDER TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(B) FEE AUTHORIZED.

BY ORDINANCE, PRINCE GEORGE'S COUNTY MAY IMPOSE A FEE TO PROVIDE ADMINISTRATIVE HEARING SERVICES FOR THE RESOLUTION OF DISPUTES INVOLVING A COMMON OWNERSHIP COMMUNITY LOCATED IN THE COUNTY.

(c) ADDITIONAL SPECIFICATIONS.

PRINCE GEORGE'S COUNTY MAY SPECIFY IN THE ORDINANCE:

(1) WHICH REMEDIES MUST BE EXHAUSTED BEFORE ADMINISTRATIVE HEARING SERVICES MAY BE UTILIZED; AND

(2) THE PROCESS INVOLVED IN THE ADMINISTRATIVE HEARING SERVICES.

REVISOR'S NOTE: This section formerly was Art. 24, § 9–1601.

In subsection (b) of this section, the former reference to “collect[ing]” a fee is deleted as implicit in the reference to “impos[ing]” a fee.

The only other changes are in style.

16–115. WASHINGTON COUNTY — ISSUANCE OR RENEWAL OF LICENSES.

(A) CERTIFICATION OF TAX STATUS.

IN WASHINGTON COUNTY, A COUNTY LICENSE OR PERMIT MAY NOT BE ISSUED OR RENEWED UNTIL THE COUNTY TREASURER AND ANY MUNICIPALITY IN WHICH THE APPLICANT DOES BUSINESS CERTIFY THAT THERE ARE NO DELINQUENT PERSONAL PROPERTY TAXES DUE FROM THE APPLICANT.

(B) WAIVER.

BY MAJORITY VOTE, THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY WAIVE THE REQUIREMENT UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 11–101.

In subsection (a) of this section, the former reference to taxes due “to the county or municipal corporation” is deleted as surplusage.

In subsection (b) of this section, the reference to the county commissioners waiving the requirement “under this section” is added for clarity.

Defined term: “Municipality” § 1–101

16–116. WASHINGTON COUNTY — INSUFFICIENT FUNDS.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CHECK” HAS THE MEANING STATED IN § 8–101 OF THE CRIMINAL LAW ARTICLE.

(3) “INSUFFICIENT FUNDS” MEANS INSUFFICIENT FUNDS AS DESCRIBED IN § 8–102 OF THE CRIMINAL LAW ARTICLE.

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED UNDER THIS SECTION.

(C) FEE FOR DISHONORED CHECKS.

(1) THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY IMPOSE A FEE FOR EACH CHECK THAT IS PRESENTED IN PAYMENT OF ANY OBLIGATION TO THE COUNTY AND IS DISHONORED DUE TO INSUFFICIENT FUNDS.

(2) THE COUNTY COMMISSIONERS SHALL DETERMINE THE AMOUNT OF THE FEE IMPOSED UNDER THIS SECTION.

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(l).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted under this section.

In subsection (a)(1) of this section, the reference to “the following words hav[ing] the meanings indicated” is added as standard language in definition provisions.

In subsection (a)(3) of this section, the reference to insufficient funds “mean[ing] insufficient funds as described in” § 8–102 of the Criminal Law Article is substituted for the former reference to “is governed by” § 8–102 of the Criminal Law Article for accuracy.

Also in subsection (a)(3) of this section, the former reference to the “determination of” insufficient funds is deleted as surplusage.

In subsection (c)(1) of this section, the reference to “impos[ing]” a fee is substituted for the former reference to “levy[ing]” a fee for consistency with other similar provisions of the Code.

In subsection (c)(2) of this section, the reference to the fee “imposed under this section” is substituted for the former reference to “this” fee for clarity.

SUBTITLE 2. COUNTY TREASURERS.

16–201. SUCCESSION.

THE COUNTY TREASURER, COMPTROLLER, TAX COLLECTOR, OR OTHER SIMILAR OFFICER OF EACH COUNTY SHALL HAVE THE RIGHT TO SUCCESSION IN THAT OFFICE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 51A.

The reference to “other similar officer” is substituted for the former reference to certain officers “by whatever name known” for clarity.

The former reference to “Baltimore City” is deleted in light of the defined term “county”, which includes Baltimore City.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that this section may be an unnecessary statement of the obvious. The General Assembly may want to consider repealing this section as unnecessary.

Defined terms: “County” § 1–101
 “Tax collector” § 1–101

16–202. CALVERT COUNTY.

(A) SALARY.

THE ANNUAL SALARY OF THE COUNTY TREASURER OF CALVERT COUNTY IS \$51,000.

(B) DEPUTY TREASURER.

(1) THE COUNTY TREASURER OF CALVERT COUNTY SHALL APPOINT ONE DEPUTY TREASURER.

(2) THE COUNTY COMMISSIONERS OF CALVERT COUNTY SHALL SET THE ANNUAL SALARY OF THE DEPUTY TREASURER.

(C) PENSION — COUNTY TREASURER.

(1) AN INDIVIDUAL WHO SERVES AS COUNTY TREASURER OF CALVERT COUNTY FOR AT LEAST THREE TERMS SHALL RECEIVE AN ANNUAL PENSION WHEN THE INDIVIDUAL LEAVES OFFICE OF \$150 FOR EACH YEAR SERVED.

(2) THE PENSION SHALL BE PAID AT LEAST ONCE PER MONTH.

(D) PENSION — SURVIVING SPOUSE.

THE COUNTY COMMISSIONERS OF CALVERT COUNTY SHALL:

(1) PROVIDE IN ITS ANNUAL BUDGET A PENSION OF \$150 PER MONTH TO BE PAID TO THE SURVIVING SPOUSE OF ANY COUNTY TREASURER WHO SERVED AS OF OCTOBER 1974; AND

(2) PAY THE PENSION FOR THE LIFE OF THE SURVIVING SPOUSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 51(c).

In subsection (a) of this section, the former references to the annual salary of the County Treasurer of Calvert County for calendar years 2006 through 2009 are deleted as obsolete.

In subsection (c)(1) of this section, the reference to “[a]n individual who serves as County Treasurer” is substituted for the former reference to “[a]ny treasurer who, ... has served” for clarity.

Also in subsection (c)(1) of this section, the former reference to a county treasurer who has served “since 1948” is deleted because no person currently receives this pension, and if in the future a person qualifies for the pension by serving three or more terms, that person would implicitly begin service after 1948.

In subsection (d) of this section, the former references to “lump sum payment[s]” for March 1976 to July 1, 1977, are deleted as obsolete.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that subsections (c) and (d) appear to be obsolete. According to the County Attorney for Calvert County, there is only one former treasurer or spouse collecting a pension and that individual is collecting the pension under the county retirement system. No person collects a retirement stipend under subsection (c) or (d) of this section. The General Assembly may want to consider repealing those subsections.

16-203. ST. MARY’S COUNTY.

(A) SALARY.

THE ANNUAL SALARY OF THE COUNTY TREASURER OF ST. MARY’S COUNTY IS \$48,000.

(B) FULL-TIME DUTIES.

THE COUNTY TREASURER OF ST. MARY’S COUNTY SHALL DEVOTE FULL TIME TO THE DUTIES OF OFFICE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 51(d).

In subsection (a) of this section, the former references to the annual salary of the County Treasurer of St. Mary’s County for calendar years 2007 through 2009 are deleted as obsolete.

16-204. SOMERSET COUNTY.

THE ANNUAL SALARY OF THE COUNTY TREASURER OF SOMERSET COUNTY IS \$60,000.

REVISOR’S NOTE: This section formerly was Art. 25, § 51(r).

No changes are made.

16-205. WASHINGTON COUNTY.

(A) SALARIES.

(1) THE ANNUAL SALARY OF THE COUNTY TREASURER OF WASHINGTON COUNTY IS:

(I) \$6,000; OR

(II) ANY INCREASED COMPENSATION AUTHORIZED BY THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY.

(2) THE COUNTY TREASURER SHALL DETERMINE THE ANNUAL SALARIES OF THE DEPUTY TREASURER AND EMPLOYEES IN THE OFFICE, SUBJECT TO:

(I) THE APPROVAL OF THE COUNTY COMMISSIONERS; AND

(II) ANY INCREASED COMPENSATION AUTHORIZED BY THE COUNTY COMMISSIONERS.

(B) OFFICE EXPENSES.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY SHALL PAY THE OFFICE EXPENSES OF THE COUNTY TREASURER OF WASHINGTON COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 51(q).

In subsection (a)(1)(ii) of this section, the reference to increased compensation "authorized" by the County Commissioners of Washington County is substituted for the former reference to the County Commissioners "hav[ing] the power, in their discretion" to increase salaries for clarity and brevity.

In subsection (a)(2) of this section, the requirement that the County Treasurer determine "the annual salaries" of the employees of the office is substituted for the former requirement that these employees "shall each be paid such compensation" as determined by the County Treasurer for clarity and consistency within this subtitle.

Also in subsection (a)(2) of this section, the former reference to “clerks” is deleted as included in the reference to “employees”.

In subsection (b) of this section, the former reference to the County Commissioners paying “all” the expenses of the County Treasurer is deleted as surplusage.

GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 25, § 51(a) is deleted as unnecessary and misleading because it stated that “county treasurers of the several counties of the State shall receive annually the respective salaries” set forth in former Art. 25, § 51. Many counties no longer have county treasurers so the provision no longer applies to those counties. The salary provisions for the remaining counties are stand alone provisions that are independent of former Art. 25, § 51(a).

Former Art. 25, § 51(b) is deleted as obsolete because it established the salary of and reimbursement for expenses for the Allegany County treasurer; however, Allegany County is a code county and under its home rule powers abolished the position of treasurer in 1982 and replaced it with the county comptroller.

Former Art. 25, § 51(e) is deleted as obsolete because it established the salary of the Howard County treasurer; however, Howard County is a charter county and the Howard County charter abolished the position of county treasurer in 1968 and established the position of director of finance who has all the power and duties of the former county treasurer.

Former Art. 25, § 51(f) is deleted as obsolete because it established the salary of the Carroll County treasurer; however, Chapter 744 of the Acts of 1971 authorized Carroll County to reorganize the duties of the county treasurer and abolished the office of county treasurer.

Former Art. 25, § 51(g) is deleted as obsolete because it required the County Commissioners of Charles County to determine the salary of the Charles County treasurer and deputy treasurer, prohibited reimbursement of expenses, and required appointment of clerical assistants; however, Charles County is a code county and under its home rule powers established the office of treasurer and provided for the salary and duties of the treasurer.

Former Art. 25, § 51(h) is deleted as obsolete because it established the salary of and reimbursement of expenses for the Caroline County treasurer, prohibited additional salary for services as treasurer, required full-time service, and required certain accounting for fees and other compensation paid to the treasurer; however, Caroline County is a code county and under its home rule powers Caroline County replaced the position of the county treasurer with the

position of county comptroller and all of the duties of the county treasurer have been transferred to the county comptroller.

Former Art. 25, § 51(h-1) is deleted as obsolete because it established the salary of and reimbursement for expenses for the Worcester County treasurer; however, Worcester County is a code county and under its home rule powers the salary of the county treasurer, who also holds the title of finance officer, is set by the County Commissioners of Worcester County.

Former Art. 25, § 51(i) is deleted as obsolete because it provided for the salary of the Wicomico County treasurer and related provisions; however, Wicomico County is a charter county and the Wicomico County charter establishes the department of finance and director of finance who has all the power and duties of the former county treasurer.

Former Art. 25, § 51(j) is deleted as obsolete because it provided for the salary of the Garrett County treasurer and related provisions; however, Chapter 220 of the Acts of 2001 abolished the position of county treasurers.

Former Art. 25, § 51(k) is deleted as obsolete because it established the salary of the Harford County treasurer; however, Harford County is a charter county and the Harford County charter establishes the office of the county treasurer as the appointed head of the county department of the treasury.

Former Art. 25, § 51(l) is deleted as obsolete because it established the salary of the Dorchester County treasurer; however, Dorchester County is a charter county and the Dorchester County charter abolished the position of treasurer and vested the responsibilities with the county director of finance.

Former Art. 25, § 51(n) is deleted as obsolete because it established the salary of the Anne Arundel County treasurer; however, Anne Arundel County is a charter county and the Anne Arundel County charter abolished the position of treasurer and vested the responsibilities with the county controller.

Former Art. 25, § 51(o) is deleted as obsolete because it established the salary of the Baltimore County treasurer; however, Baltimore County is a charter county and the Baltimore County charter requires the director of finance to exercise all the powers and fiscal duties that were previously vested in the county comptroller and the county treasurer.

Former Art. 25, § 51(p) is deleted as obsolete because it established the salary of the Prince George's County treasurer; however, Prince George's County is a charter county and the Prince George's County charter requires the director of finance to govern county financial matters.

Former Art. 25, § 51(s) is deleted as obsolete because it established the salary of the Talbot County treasurer; however, Talbot County is a charter county and the Talbot County charter abolished the office of county treasurer and gave broad authority to the county council to reorganize county government. The county council established the county manager as the county finance officer.

Former Art. 25, § 51(t) is deleted as obsolete because it established the salary of the Kent County treasurer, prohibited additional salary for services as treasurer, and required certain accounting for fees and other compensation paid to the treasurer; however, Kent County is a code county and under its home rule powers the County Commissioners of Kent County replaced the position of the county treasurer with the position of chief finance officer, and all of the duties of the county treasurer have been transferred to the chief finance officer.

Former Art. 25, § 51(u) is deleted as obsolete because it established the salary and benefits of and reimbursement of expenses for the Cecil County treasurer; however, Cecil County recently became a charter county and the Cecil County Charter abolishes the treasurer's position as of January 1, 2013, and vests the responsibilities with the county director of finance.

SUBTITLE 3. UNIFORM SYSTEM OF FINANCIAL REPORTING.

16-301. FISCAL YEAR.

EACH COUNTY, MUNICIPALITY, AND SPECIAL TAXING DISTRICT SHALL ADOPT THE FISCAL YEAR SPECIFIED IN § 16-101 OF THIS TITLE AS ITS PERIOD FOR RECORDING AND REPORTING ITS FISCAL TRANSACTIONS.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 19, § 35.

In this section and throughout this subtitle, the references to a "special" taxing district are added for consistency with the terminology used in this and other revised articles of the Code, including those provisions that establish the authority of counties and municipalities to create special taxing districts.

In this section and throughout this subtitle, the former reference to each county, municipality, and special taxing district "within this State" is deleted as implicit since the General Assembly's authority over units of local government can extend only to those located in the State.

The former reference to adopting a fiscal year "if it has not already done so on or before June 30, 1966" is deleted as obsolete.

The former phrase “as amended from time to time” is deleted as unnecessary in light of Art. 1, § 21, which states that whenever a provision of law refers to any portion of the Code the reference applies to any subsequent amendment to that portion of the Code, unless the referring provision expressly states otherwise.

Defined terms: “County” § 1–101
 “Municipality” § 1–101

16–302. MAINTENANCE OF BOOKS, RECORDS, JOURNALS, AND FISCAL REPORTS.

EACH COUNTY, MUNICIPALITY, AND SPECIAL TAXING DISTRICT SHALL MAINTAIN ITS FINANCIAL RECORDS BY A METHOD THAT ALLOWS FOR THE RECORDING AND REPORTING OF ALL INFORMATION CONTAINED IN THEM FOR THE FISCAL YEAR ADOPTED UNDER § 16–301 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 19, § 35.

The reference to a method that allows for the “recording” of certain data, statistics, and financial information is substituted for the former reference to a method that allows for the “accounting” of certain data, statistics, and financial information for clarity and consistency with § 16–301 of this subtitle.

The reference to “financial records” is substituted for the former reference to “books, records, journals, and fiscal reports” for brevity.

The former reference to “keep[ing]” fiscal reports is deleted as included in the reference to “maintain[ing]” financial records.

The former reference to “methods” is deleted in light of the reference to “method” and Art. 1, § 8, which provides that the singular generally includes the plural.

The former reference to “data, statistics, and financial” information is deleted as included in the reference to “information”.

The former phrase “and it shall be the fiscal year for all such political subdivisions” is deleted as unnecessary in light of § 16–301 of this subtitle, which requires each county, municipality, and special taxing district to adopt the fiscal year.

Defined terms: “County” § 1–101

“Municipality” § 1–101

16–303. UNIFORM SYSTEM OF FINANCIAL REPORTING.

(A) REQUIRED.

EACH COUNTY, MUNICIPALITY, AND SPECIAL TAXING DISTRICT SHALL MAINTAIN THE UNIFORM SYSTEM OF FINANCIAL REPORTING ESTABLISHED BY THE DEPARTMENT OF LEGISLATIVE SERVICES.

(B) PENALTY FOR NONCOMPLIANCE.

IF A COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT DOES NOT COMPLY WITH SUBSECTION (A) OF THIS SECTION, THE COMPTROLLER, AFTER NOTICE FROM THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES OF THE NONCOMPLIANCE, MAY ORDER THE DISCONTINUANCE OF ALL MONEY, GRANTS, OR STATE AID THAT THE COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT IS ENTITLED TO RECEIVE UNDER STATE LAW, INCLUDING MONEY FROM:

- (1) THE INCOME TAX;**
- (2) THE TAX ON RACING;**
- (3) THE RECORDATION TAX;**
- (4) THE ADMISSIONS AND AMUSEMENT TAX; AND**
- (5) THE LICENSE TAX.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 19, §§ 36 and 38.

In the introductory language of subsection (b) of this section, the reference to “not comply[ing] with subsection (a) of this section” is substituted for the former reference to “fail[ing] or refus[ing] to adopt or to continue in use the uniform system of municipal finance reporting applicable to it as provided in this subtitle” for brevity. Correspondingly, in the introductory language of subsection (b) of this section, the reference to notice of the “noncompliance” is substituted for the former reference to notification of “such failure or refusal”.

Also in the introductory language of subsection (b) of this section, the reference to “including money from” specified taxes is substituted for the

former reference to “[t]his section ... [having] specific reference to all funds, grants or State aid which said county or incorporated city or town or taxing district is entitled to receive under applicable provisions of State law relating to” specified taxes for brevity.

Also in the introductory language of subsection (b) of this section, the former reference to the discontinuance “of payment” of funds is deleted as surplusage.

Defined terms: “County” § 1-101

“Municipality” § 1-101

“State” § 1-101

16-304. ANNUAL FINANCIAL REPORTS.

(A) REQUIRED.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE OCTOBER 31 AFTER THE CLOSE OF ITS FISCAL YEAR, EACH COUNTY, MUNICIPALITY, AND SPECIAL TAXING DISTRICT SHALL FILE WITH THE DEPARTMENT OF LEGISLATIVE SERVICES A FINANCIAL REPORT FOR THAT FISCAL YEAR.

(2) (I) A COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT WITH A POPULATION OF OVER 400,000 MAY FILE ITS FINANCIAL REPORT ON OR BEFORE DECEMBER 31 AFTER THE CLOSE OF ITS FISCAL YEAR.

(II) UNLESS SUBPARAGRAPH (I) OF THIS PARAGRAPH APPLIES, HOWARD COUNTY MAY FILE ITS FINANCIAL REPORT ON OR BEFORE NOVEMBER 30 AFTER THE CLOSE OF ITS FISCAL YEAR.

(III) CALVERT COUNTY, FREDERICK COUNTY, QUEEN ANNE’S COUNTY, ST. MARY’S COUNTY, AND WICOMICO COUNTY MAY FILE THE COUNTY’S FINANCIAL REPORT ON OR BEFORE DECEMBER 31 AFTER THE CLOSE OF THE COUNTY’S FISCAL YEAR.

(B) PROCEDURE.

THE FINANCIAL REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE:

(1) PREPARED ON THE FORM ESTABLISHED BY THE DEPARTMENT OF LEGISLATIVE SERVICES; AND

(2) VERIFIED BY THE CHIEF EXECUTIVE OFFICER OF THE COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT.

(C) PENALTY FOR NONCOMPLIANCE.

IF A COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT DOES NOT COMPLY WITH SUBSECTION (A) OF THIS SECTION, THE COMPTROLLER, ON NOTICE FROM THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES, MAY ORDER THE DISCONTINUANCE OF ALL MONEY, GRANTS, OR STATE AID THAT THE COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT IS ENTITLED TO RECEIVE UNDER STATE LAW, INCLUDING MONEY FROM:

- (1) THE INCOME TAX;**
- (2) THE TAX ON RACING;**
- (3) THE RECORDATION TAX;**
- (4) THE ADMISSIONS AND AMUSEMENT TAX; AND**
- (5) THE LICENSE TAX.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 19, §§ 37 and 39.

In subsection (a)(1) of this section, the reference to "on or before October 31" is substituted for the former reference to "by the first day of November" for clarity. Similarly, in subsection (a)(2)(ii) of this section, the reference to "on or before November 30" is substituted for the former reference to "by the first day of December". Similarly, in subsection (a)(2)(i) and (iii) of this section, the references to "on or before December 31" are substituted for the former references to "by the first day of January".

Also in subsection (a)(1) of this section, the reference to a financial report "for" that fiscal year is substituted for the former reference to a financial report "covering the full period of" that fiscal year for brevity.

In subsection (a)(2) of this section, the former references to filing "with the Department of Legislative Services" a financial report "covering the full period of that fiscal year" are deleted as unnecessary in light of subsection (a)(1) of this section, which establishes those same requirements for filing

financial reports and provides exceptions under subsection (a)(2) only for the filing dates of the reports.

In subsection (b)(1) of this section, the reference to the report being “prepared” on the form is substituted for the former reference to the report being “[p]roperly filled in” on the form for brevity.

Also in subsection (b)(1) of this section, the former reference to “forms” is deleted in light of the reference to the “form” and Art. 1, § 8, which provides that the singular generally includes the plural.

Also in subsection (b)(1) of this section, the former reference to the form established by the Department of Legislative Services “as provided in this subtitle” is deleted as unnecessary since this subtitle contains no other provisions relating to the establishment of the form.

In the introductory language of subsection (c) of this section, the reference to “not comply[ing] with subsection (a) of this section” is substituted for the former reference to “fail[ing] or refus[ing] to file with the Department of Legislative Services, within the time herein prescribed the financial report or reports as provided in this subtitle” for brevity.

Also in the introductory language of subsection (c) of this section, the reference to “notice from” the Executive Director of the Department of Legislative Services is substituted for the former reference to on the “advice of” the Executive Director for clarity.

Also in the introductory language of subsection (c) of this section, the former reference to the discontinuance “of payment” of funds is deleted as unnecessary.

Also in the introductory language of subsection (c) of this section, the reference to “including money from” specified taxes is substituted for the former reference to “[t]his section ... [having] specific reference to” funds, grants, or State aid under “applicable provisions of State law relating to” specified taxes for brevity.

Defined terms: “County” § 1–101

“Municipality” § 1–101

“State” § 1–101

16–305. ANNUAL AUDITS.

(A) REQUIRED.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH COUNTY, MUNICIPALITY, AND SPECIAL TAXING DISTRICT CREATED BY THE STATE SHALL HAVE ITS FINANCIAL RECORDS AUDITED AT LEAST ONCE EACH FISCAL YEAR BY THE PERSONS AND FOR THE PURPOSES SPECIFIED IN THIS SECTION AND §§ 16-307 AND 16-308 OF THIS SUBTITLE.

(B) EXCEPTION.

UNLESS THE LEGISLATIVE AUDITOR DETERMINES, ON A CASE-BY-CASE BASIS, THAT MORE FREQUENT AUDITS ARE REQUIRED, THE LEGISLATIVE AUDITOR MAY AUTHORIZE A MUNICIPALITY OR A SPECIAL TAXING DISTRICT CREATED BY THE STATE WITH ANNUAL REVENUES OF LESS THAN \$250,000 IN THE PRIOR 4 FISCAL YEARS TO HAVE AN AUDIT CONDUCTED ONCE EVERY 4 YEARS.

(C) CONDUCT OF AUDIT.

(1) THE AUDIT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE CONDUCTED BY A CERTIFIED PUBLIC ACCOUNTANT:

(I) ACTING IN THE CAPACITY OF AN INDEPENDENT AUDITOR OR AN OFFICIAL AUDITOR OF A COUNTY OR MUNICIPALITY; AND

(II) WHO IS IN COMPLIANCE WITH THE MARYLAND PUBLIC ACCOUNTANCY ACT.

(2) AN OFFICIAL AUDITOR MUST BE APPROVED BY THE LEGISLATIVE AUDITOR TO CONDUCT THE AUDIT.

(3) IN CONDUCTING THE AUDIT, THE AUDITOR SHALL EXAMINE THE METHODS, ACCURACY, AND LEGALITY OF THE FINANCIAL RECORDS OF THE COUNTY, MUNICIPALITY, AND SPECIAL TAXING DISTRICT.

(D) AUDIT BY LEGISLATIVE AUDITOR.

(1) ON THE INITIATIVE OF THE LEGISLATIVE AUDITOR, THE LEGISLATIVE AUDITOR MAY REVIEW OR AUDIT THE FINANCIAL RECORDS OF ANY COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT CREATED BY THE STATE.

(2) A COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT CREATED BY THE STATE MAY REQUEST THE LEGISLATIVE AUDITOR TO AUDIT ITS FINANCIAL RECORDS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 19, § 40(a)(2) and the first through eighth sentences of (a)(1).

In subsections (a), (c), and (d) of this section, the references to “audit[s]” are substituted for the former references to “examin[at]ions” for consistency throughout this section.

In subsections (a), (c)(3), and (d)(1) and (2)(i) of this section, the references to “financial records” are substituted for the former references to “books, accounts, records, and reports”, “accounts, records, files, and reports”, and “books, records, and reports” for brevity.

In subsection (a) of this section, the former reference to each county, municipality, and special taxing district “situated within the” State is deleted as implicit since the General Assembly’s authority over units of local government can extend only to those located in the State.

In subsection (c)(1)(i) of this section, the reference to a certified public accountant “acting” in the capacity of an auditor is added for clarity.

In subsection (c)(2) of this section, the reference to approval “to conduct the audit” is substituted for the former reference to approval “for the purposes specified in the section” for clarity.

In subsection (c)(3) of this section, the phrase “[i]n conducting the audit, the auditor shall examine” is substituted for the former phrase “[o]n such examination, inquiry shall be made into” for clarity.

In subsection (d) of this section, the references to a special taxing district “created by the State” are added for accuracy and consistency with subsection (a) of this section.

Also in subsection (d) of this section, the former statement “[i]f the request is approved, the costs of the examination shall be borne by the auditee” is deleted as unnecessary in light of § 16–309(a) of this subtitle, which provides for the allocation of responsibility for paying the costs of the auditee.

Defined terms: “County” § 1–101

“Municipality” § 1–101

“Person” § 1–101

“State” § 1–101

16–306. AUDIT REPORTS.

(A) FORM AND DATE DUE.

THE COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT SHALL REPORT THE RESULTS OF THE AUDIT REQUIRED UNDER § 16-305 OF THIS SUBTITLE TO THE LEGISLATIVE AUDITOR:

(1) ON THE FORM AND IN THE MANNER THAT THE LEGISLATIVE AUDITOR REQUIRES; AND

(2) ON OR BEFORE THE DATE THE FINANCIAL REPORT OF THE COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT MUST BE FILED UNDER § 16-304(A) OF THIS SUBTITLE.

(B) FINANCIAL STATEMENTS REQUIRED.

AN AUDIT REPORT FILED BY A COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT WITH THE LEGISLATIVE AUDITOR SHALL INCLUDE FINANCIAL STATEMENTS OF THE COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT THAT ARE:

(1) PREPARED IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES; AND

(2) AUDITED IN ACCORDANCE WITH GENERALLY ACCEPTED AUDITING STANDARDS.

(C) PUBLIC RECORD.

AN AUDIT REPORT FILED WITH THE LEGISLATIVE AUDITOR IS A PUBLIC RECORD.

(D) PENALTY FOR NONCOMPLIANCE.

IF A COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT DOES NOT COMPLY WITH SUBSECTION (A) OR (B) OF THIS SECTION, THE COMPTROLLER, ON NOTICE FROM THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES, MAY ORDER THE DISCONTINUANCE OF ALL MONEY, GRANTS, OR STATE AID THAT THE COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT IS ENTITLED TO RECEIVE UNDER STATE LAW THAT ARE DISTRIBUTED BY THE COMPTROLLER, THE CLERKS OF THE COURT, OR ANY OTHER UNIT OF STATE GOVERNMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from the ninth, tenth, eleventh, sixteenth, and seventeenth sentences of former Art. 19, § 40(a)(1).

In the introductory language of subsection (a) of this section, the reference to the “county, municipality, or special taxing district” being required to report the results is added for clarity and consistency with § 16–305 of this subtitle.

Also in the introductory language of subsection (a) of this section, the former reference to the audit being reported “subject to § 2–1246 of the State Government Article” is deleted as unnecessary because § 2–1246 of the State Government Article applies only to publications that an official or unit of State government intends to distribute.

In subsection (a)(1) of this section, the former reference to “forms” is deleted in light of the reference to the “form” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (a)(2) and in the introductory language of subsection (b) of this section, the word “filed” is substituted for the former word “submit[ted]” for consistency within this subtitle.

Subsection (b) of this section is revised as a separate requirement that an audit report include certain financial statements for clarity.

In the introductory language of subsection (b) of this section, the reference to an audit report filed “with the Legislative Auditor” is added for consistency within this section.

Also in the introductory language of subsection (b) of this section, the reference to financial statements “of the county, municipality, or special taxing district” is added for clarity.

In subsection (c) of this section, the former reference to a public record “under the provisions of § 10–611 of the State Government Article” is deleted as surplusage.

In subsection (d) of this section, the reference to “not comply[ing] with subsection (a) or (b) of this section” is substituted for the former reference to “fail[ing] or refus[ing] to file the audit reports as provided in this section with the Legislative Auditor within the time prescribed” for brevity.

Also in subsection (d) of this section, the reference to “notice from” the Executive Director of the Department of Legislative Services is

substituted for the former reference to “advice of” the Executive Director for clarity.

Also in subsection (d) of this section, the former reference to the discontinuance “of payment” of funds is deleted as surplusage.

Also in subsection (d) of this section, the former reference to “[t]his provision ... [having] specific reference to” funds, grants, or State aid under “applicable provisions of” State law is deleted as surplusage.

Defined terms: “County” § 1-101

“Municipality” § 1-101

“State” § 1-101

16-307. REVIEW AND REPORT BY LEGISLATIVE AUDITOR.

(A) IN GENERAL.

(1) EACH YEAR THE LEGISLATIVE AUDITOR SHALL:

(I) REVIEW THE AUDIT REPORTS REQUIRED UNDER § 16-306 OF THIS SUBTITLE; AND

(II) MAKE A FULL AND DETAILED WRITTEN REPORT TO THE COMPTROLLER AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES ON THE RESULT OF THE AUDIT OF THE FINANCIAL RECORDS OF EACH COUNTY, MUNICIPALITY, AND SPECIAL TAXING DISTRICT CREATED BY THE STATE.

(2) THE REPORT MAY INCLUDE RECOMMENDATIONS THAT THE LEGISLATIVE AUDITOR CONSIDERS ADVISABLE RELATING TO:

(I) METHODS OF BOOKKEEPING;

(II) CHANGES IN THE UNIFORM SYSTEM OF FINANCIAL REPORTING; AND

(III) CHANGES IN THE REPORTS OF THE COUNTIES, MUNICIPALITIES, AND SPECIAL TAXING DISTRICTS.

(B) REVIEW AND REFERRAL OF DOCUMENTATION.

(1) IN CONDUCTING THE REVIEW REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, THE LEGISLATIVE AUDITOR MAY REVIEW THE WORK PAPERS AND OTHER DOCUMENTATION OF THE AUDITOR WHO FILED THE AUDIT REPORT.

(2) THE LEGISLATIVE AUDITOR MAY REFER AUDIT REPORTS, WORK PAPERS, OR OTHER DOCUMENTATION REVIEWED BY THE LEGISLATIVE AUDITOR TO THE STATE BOARD OF PUBLIC ACCOUNTANCY FOR ACTION REQUIRED BY THE MARYLAND PUBLIC ACCOUNTANCY ACT.

(C) DUTY TO REPORT VIOLATIONS.

THE LEGISLATIVE AUDITOR SHALL REPORT ANY VIOLATION OF THIS SUBTITLE BY A COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT CREATED BY THE STATE TO THE COMPTROLLER AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES.

REVISOR'S NOTE: This section is new language derived without substantive change from the twelfth through fifteenth sentences of former Art. 19, § 40(a)(1).

In subsection (a)(1)(i) of this section, the reference to the audit reports "required under § 16-306 of this subtitle" is substituted for the former reference to the audit reports "submitted" for clarity.

In subsections (a)(1)(ii) and (c) of this section, the references to a special taxing district "created by the State" are added for accuracy and consistency with § 16-305 of this subtitle.

In subsection (a)(1)(ii) of this section, the reference to "financial records" is substituted for the former reference to "books, accounts, records, and reports" for brevity.

In subsection (b)(1) of this section, the reference to the auditor "who filed the audit report" is added for clarity.

In subsection (b)(2) of this section, the reference to the "Legislative Auditor" referring documentation is added to clarify who is authorized to refer documentation to the State Board of Public Accountancy.

In subsection (c) of this section, the former reference to a violation of "the requirement and provisions specified in the sections of" this subtitle is deleted as surplusage.

Defined terms: "County" § 1-101

"Municipality" § 1-101

"State" § 1-101

16-308. AUDITS OF SPECIAL TAXING DISTRICTS CREATED BY COUNTIES.

(A) ADOPTION OF RULES AND REGULATIONS BY COUNTY.

EACH COUNTY SHALL ADOPT UNIFORM RULES AND REGULATIONS FOR THE AUDITING OF THE FINANCIAL RECORDS OF EACH SPECIAL TAXING DISTRICT CREATED BY THE COUNTY THAT:

(1) RECEIVES MONEY COLLECTED BY THE COUNTY FROM A COUNTY PROPERTY TAX IMPOSED AT THE REQUEST OF THE SPECIAL TAXING DISTRICT;

(2) HAS ANNUAL EXPENDITURES EXCEEDING \$250,000; AND

(3) HAS MONEY DISBURSED AND EXPENDED INDEPENDENTLY OF THE COUNTY GOVERNMENT.

(B) REQUIRED PROVISIONS.

AT A MINIMUM, THE RULES AND REGULATIONS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL REQUIRE THE AUDIT TO:

(1) BE CONDUCTED BY:

(I) A CERTIFIED PUBLIC ACCOUNTANT:

1. ACTING IN THE CAPACITY OF AN INDEPENDENT AUDITOR OR AN OFFICIAL AUDITOR OF THE COUNTY; AND

2. WHO IS IN COMPLIANCE WITH THE MARYLAND PUBLIC ACCOUNTANCY ACT; OR

(II) AN AUDITING COMMITTEE APPROVED BY THE OFFICIAL AUDITOR OF THE COUNTY;

(2) DETERMINE IF TAX FUNDS HAVE BEEN RECEIVED, DEPOSITED, AND DISBURSED IN ACCORDANCE WITH APPROVED APPROPRIATIONS AND STATE AND LOCAL LAW;

(3) INCLUDE THE FOLLOWING FINANCIAL STATEMENTS:

(I) A BALANCE SHEET;

(II) A STATEMENT OF REVENUES;

(III) A STATEMENT OF EXPENDITURES AND ENCUMBRANCES;

AND

(IV) A STATEMENT OF CHANGES IN FUND BALANCE; AND

(4) BE COMPLETED AND FILED WITH THE APPROPRIATE COUNTY OFFICIALS NOT LATER THAN 90 DAYS AFTER THE CLOSE OF THE FISCAL YEAR.

(C) EXCEPTION.

FOR A SPECIAL TAXING DISTRICT THAT IS CREATED BY THE COUNTY AND HAS ANNUAL EXPENDITURES OF LESS THAN \$250,000, THE COUNTY SHALL REQUIRE:

(1) AN ANNUAL FINANCIAL REPORT; AND

(2) AN AUDIT EVERY 4 YEARS UNLESS THE COUNTY DETERMINES, ON A CASE-BY-CASE BASIS, THAT MORE FREQUENT AUDITS ARE REQUIRED.

(D) PENALTY FOR FAILURE TO SUBMIT REPORTS TO COUNTY.

IF A SPECIAL TAXING DISTRICT SUBJECT TO SUBSECTION (A) OR (C) OF THIS SECTION DOES NOT FILE A FINANCIAL REPORT OR AUDIT REPORT REQUIRED BY THE COUNTY, THE COUNTY MAY WITHHOLD THE DISTRIBUTION OF TAXES IMPOSED ON BEHALF OF THE SPECIAL TAXING DISTRICT UNTIL THE REPORT IS RECEIVED.

(E) SUBMISSION OF REPORTS TO LEGISLATIVE AUDITOR.

(1) WHEN A COUNTY FILES ITS AUDIT REPORT WITH THE LEGISLATIVE AUDITOR AS REQUIRED BY § 16-306 OF THIS SUBTITLE, THE COUNTY ALSO SHALL SUBMIT:

(I) A COPY OF EACH FINANCIAL REPORT AND AUDIT REPORT RECEIVED FROM EACH SPECIAL TAXING DISTRICT SUBJECT TO SUBSECTION (A) OR (C) OF THIS SECTION; AND

(II) A REPORT ON THE RESULTS OF THE COUNTY'S REVIEW OF EACH SPECIAL TAXING DISTRICT'S COMPLIANCE WITH THIS SECTION.

(2) THE LEGISLATIVE AUDITOR SHALL:

(I) REVIEW THE FINANCIAL REPORTS, AUDIT REPORTS, AND OTHER INFORMATION RECEIVED FROM EACH COUNTY; AND

(II) SUBMIT RECOMMENDATIONS AS APPROPRIATE BASED ON THE RESULTS OF THE REVIEW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 19, § 40(b) through (f).

In this section, the former references to "examination[s]" are deleted as included in the references to "audit[s]" and for consistency with other similar provisions of this subtitle.

In subsection (a) of this section, the former reference to a special taxing district created by the county which "[i]s not subject to the provisions of subsection (a) of this section" is deleted as unnecessary because that subsection, which is revised in §§ 16-304 through 16-306, does not apply to special taxing districts created by counties.

In subsection (a)(1) of this section, the former reference to a tax "levy" imposed is deleted for consistency with other similar provisions of the Code.

In subsection (a)(3) of this section, the reference to money disbursed and expended "independently" of the county government is substituted for the former reference to money disbursed and expended "by a person or body independent" of the county government for brevity.

In subsection (b)(1)(i)1 of this section, the reference to a certified public accountant "acting" in the capacity of an auditor is added for clarity.

In the introductory language of subsection (c) and in subsections (d) and (e)(1)(i) of this section, the references to a special "taxing" district are added for consistency within this section. Similarly, in subsection (e)(1)(ii) of this section, the reference to a "special taxing" district is added.

In the introductory language of subsection (e)(1) of this section, the reference to filing an audit report with the Legislative Auditor “as required by § 16–306 of this subtitle” is added for clarity.

In subsection (e)(1)(ii) of this section, the former reference to a “separate” report is deleted as surplusage.

In subsection (e)(2)(i) of this section, the reference to the Legislative Auditor reviewing the “financial reports” is added for consistency throughout this section.

Defined terms: “County” § 1–101
 “State” § 1–101

16–309. AUDITS BY LEGISLATIVE AUDITOR — COSTS.

(A) RESPONSIBILITY FOR COSTS.

IF THE LEGISLATIVE AUDITOR AUDITS THE FINANCIAL RECORDS OF A COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT AS PROVIDED IN THIS SUBTITLE, THE COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT SHALL PAY THE COSTS OF THE AUDIT.

(B) CERTIFICATION OF COSTS.

(1) AS SOON AS PRACTICAL AFTER COMPLETING AN AUDIT, THE LEGISLATIVE AUDITOR SHALL CERTIFY THE TOTAL COSTS OF THE AUDIT TO THE APPROPRIATE OFFICIAL OF THE COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT.

(2) ON RECEIPT OF THE CERTIFICATION OF COSTS, THE OFFICIAL OF THE COUNTY, MUNICIPALITY, OR SPECIAL TAXING DISTRICT SHALL PAY THE COMPTROLLER.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 19, § 41.

In this section, the references to “audit[s]” are substituted for the former references to “examin[at]ions” for consistency with other similar provisions of this subtitle.

In subsection (a) of this section, the reference to “financial records” is substituted for the former reference to “books, accounts, records and reports” for brevity.

Also in subsection (a) of this section, the former reference to the county, municipality, or special taxing district “for which the examination has been made” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to “making” an audit is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “pay[ing]” the Comptroller is substituted for the former reference to “issu[ing] his warrant for the payment of the same” for brevity.

Defined terms: “County” § 1–101
“Municipality” § 1–101

SUBTITLE 4. TAX AND DEBT AUTHORITY FOR ASSISTANCE TO DESTITUTE AND UNEMPLOYED RESIDENTS.

16–401. CONSTRUCTION OF SUBTITLE.

THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–112.

The former statement that this subtitle “being enacted to meet an emergency through the police power of the State, is hereby declared to be immediately necessary for the preservation of the public peace, health and safety” is deleted as obsolete because it relates to conditions that existed when the subtitle was originally enacted as Ch. 91 of the Special Session of 1933.

16–402. LIMITED PURPOSE.

A COUNTY OR MUNICIPALITY MAY USE THE TAXING AND BORROWING AUTHORITY GRANTED UNDER THIS SUBTITLE ONLY FOR THE GENERAL PROTECTION AND PRESERVATION OF THE PUBLIC SAFETY, PEACE, HEALTH, AND WELFARE BY PROVIDING ITS DESTITUTE AND UNEMPLOYED RESIDENTS WITH:

(1) ASSISTANCE, FOOD, SHELTER, SUPPLIES, NECESSITIES, AND OTHER RELIEF, EITHER ALONE OR IN CONJUNCTION AND COOPERATION WITH THE STATE OR FEDERAL GOVERNMENT; OR

(2) EMPLOYMENT, EITHER ALONE OR AS A PART OF A GENERAL STATE OR FEDERAL GOVERNMENT PLAN.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 9–101(b) and 9–102(b).

In the introductory language of this section, the reference to “the taxing and borrowing authority granted under this subtitle” is substituted for the former references to “[a] tax imposed under subsection (a) of this section” and “[a]ll money borrowed or obtained by a county or municipal corporation under subsection (a) of this section” for brevity and clarity.

Also in the introductory language of this section, the former references to the public safety, peace, health, and welfare “of the State and that county or municipal corporation” are deleted as surplusage.

Defined terms: “County” § 1–101
 “Municipality” § 1–101
 “State” § 1–101

16–403. LOCAL ENACTMENT REQUIRED.

TO EXERCISE THE AUTHORITY GRANTED UNDER THIS SUBTITLE, THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY SHALL ENACT A MOTION, A RESOLUTION, OR AN ORDINANCE STATING THAT THE COUNTY OR MUNICIPALITY HAS DETERMINED TO EXERCISE THE AUTHORITY GRANTED UNDER THIS SUBTITLE AND BINDS ITSELF TO FULFILL ALL OBLIGATIONS INCURRED UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–103.

In this section and throughout this subtitle, the phrase “[t]o exercise the authority granted under this subtitle” is substituted for the former phrase “[t]o avail itself of the provisions of this subtitle” for clarity.

The former reference to stating “in substance” is deleted as surplusage.

Defined terms: “County” § 1–101
 “Governing body” § 1–101
 “Municipality” § 1–101

16-404. AUTHORITY TO IMPOSE PROPERTY TAX.**(A) IN GENERAL.**

A COUNTY OR MUNICIPALITY THAT EXERCISES THE AUTHORITY GRANTED UNDER THIS SUBTITLE MAY IMPOSE A TAX ON PROPERTY THAT IS SUBJECT TO THE COUNTY'S OR MUNICIPALITY'S PROPERTY TAX.

(B) TAX LIMIT.

A TAX IMPOSED UNDER THIS SECTION MAY NOT EXCEED:

(1) 3.2 CENTS ON EACH \$100 OF ASSESSMENT OF REAL PROPERTY; OR

(2) 8 CENTS ON EACH \$100 OF ASSESSMENT OF PERSONAL PROPERTY AND OPERATING REAL PROPERTY DESCRIBED IN § 8-109(C) OF THE TAX – PROPERTY ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-101(a).

In subsection (a) of this section, the former reference to a property tax being "collected according to law" is deleted as surplusage.

In subsection (b) of this section, the references to the "assessment of" property are substituted for the former references to "assessable" property for consistency with terminology used in the Tax – Property Article. *See, e.g.*, § 6-401 of the Tax – Property Article.

Defined terms: "County" § 1-101
"Municipality" § 1-101

16-405. AUTHORITY TO BORROW MONEY.**(A) SCOPE OF SECTION.**

THIS SECTION DOES NOT APPLY TO BALTIMORE CITY.

(B) AUTHORIZATION.

A COUNTY OR MUNICIPALITY MAY BORROW MONEY UNDER THIS SUBTITLE ON ITS FULL FAITH AND CREDIT.

(C) EVIDENCE OF DEBT.

A COUNTY OR MUNICIPALITY MAY ISSUE INDIVIDUAL NOTES, CERTIFICATES OF DEBT, OR OTHER EVIDENCE OF INDEBTEDNESS FOR ANY AMOUNT BORROWED UNDER THIS SUBTITLE.

(D) CONDITIONS OF DEBT.

SUBJECT TO THE LIMITS IN THIS SUBTITLE, THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY SHALL DETERMINE:

- (1) THE MANNER, METHOD, MEANS, AND CONDITIONS FOR BORROWING MONEY UNDER THIS SUBTITLE;**
- (2) THE KIND AND CHARACTER OF THE DEBT ISSUED;**
- (3) THE FORM AND SUBSTANCE OF THE DEBT ISSUED;**
- (4) THE INTEREST RATE OF THE DEBT ISSUED;**
- (5) THE MANNER, METHOD, OR MEANS OF SALE, BOTH PUBLIC OR PRIVATE, OF THE DEBT ISSUED;**
- (6) WHEN THE MONEY SHALL BE BORROWED; AND**
- (7) WHEN THE DEBT SHALL BE ISSUED.**

(E) DEBT LIMIT.

A COUNTY OR MUNICIPALITY MAY NOT INCUR DEBT UNDER THIS SUBTITLE IN AN AGGREGATE AMOUNT THAT EXCEEDS THE TOTAL AMOUNT ESTIMATED TO BE RAISED BY A PROPERTY TAX IMPOSED BY THE COUNTY OR MUNICIPALITY AT A RATE OF 3.2 CENTS ON EACH \$100 OF ASSESSMENT.

(F) REPAYMENT OF OBLIGATION — PERIOD OF REPAYMENT.

A DEBT INCURRED UNDER THIS SUBTITLE SHALL MATURE AND BE PAID WITHIN 2 YEARS AFTER THE DATE THE DEBT WAS INCURRED.

(G) REPAYMENT OF OBLIGATION — TAX TO REPAY DEBT.

SUBJECT TO § 16-404(B) OF THIS SUBTITLE, A COUNTY OR MUNICIPALITY THAT BORROWS MONEY UNDER THIS SUBTITLE SHALL IMPOSE A PROPERTY TAX IN AN AMOUNT SUFFICIENT TO REPAY THE MONEY BORROWED, WITH INTEREST, IN FULL WITHIN 2 YEARS AFTER THE DATE THE DEBT WAS INCURRED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 9-104, 9-105, 9-107, 9-108, 9-109, and 9-102(a).

In this section, the term "debt" is substituted for the former terms "indebtedness", "obligation", and "obligations" for consistency and clarity.

In subsection (b) of this section, the reference to a county's or municipality's "full" faith and credit is substituted for the former reference to a county's or municipality's "separate and individual" faith and credit for consistency with other terminology in the Code.

Also in subsection (b) of this section, the former reference to "incur[ring] debt" is deleted as included in the reference to "borrow[ing] money". Similarly, in subsection (c) of this section, the former reference to "indebtedness incurred" is deleted as included in the reference to "amount borrowed". Similarly, in subsection (d) of this section, the former references to "indebtedness ... incurred" are deleted as included in the references to "borrowing money" and "money ... borrowed". Similarly, in subsection (g) of this section, the former references to "incurring indebtedness" and "indebtedness incurred" are deleted as included in the references to "borrow[ing] money" and "money borrowed", respectively.

In subsection (d)(3) and (4) of this section, the former references to "any and all" debt are deleted as surplusage.

In subsection (d)(6) and (7) of this section, the former references to "[t]he time or times" when money is borrowed and debt issued is deleted as surplusage.

In subsection (e) of this section, the reference to "a property tax imposed ... at a rate of 3.2 cents on each \$100 of assessment" is substituted for the former reference to "a levy of 8 cents on the property tax rate" for accuracy and consistency with § 16-404(b)(1) of this subtitle.

Also in subsection (e) of this section, the former phrase "for the purposes set forth in § 9-101 of this subtitle" is deleted as surplusage.

In subsection (g) of this section, the cross-reference to § 16-404(b) of this subtitle, which limits the maximum property tax rate that may be

imposed under this subtitle, is substituted for the former repetition of the maximum property tax rate for brevity.

Also in subsection (g) of this section, the reference to “impos[ing]” a tax is substituted for the former reference to “levy[ing]” a tax for consistency with other similar provisions of this article.

Also in subsection (g) of this section, the former reference to a county or municipality “that avails itself of the provisions of this subtitle” is deleted as surplusage.

Also in subsection (g) of this section, the former reference to a county borrowing money “on its individual faith and credit” is deleted as surplusage.

Also in subsection (g) of this section, the former reference to a property tax being “collected according to law” is deleted as surplusage.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Municipality” § 1–101

16–406. INCIDENTAL POWERS.

THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY EXERCISE ANY INCIDENTAL POWERS NECESSARY TO CARRY OUT THE EXPRESS POWERS GRANTED IN THIS SUBTITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–106.

The reference to the authority to exercise “any incidental powers necessary” is substituted for the former reference to the authority to exercise “any and all necessary implied incidental powers” for consistency with similar provisions of the Code.

The reference to powers “granted in this subtitle” is substituted for the former reference to powers “stated in §§ 9–101 through 9–105 of this subtitle” to reflect the structure of the revised subtitle and in light of the fact that the other sections of former Article 24, Subtitle 9 that are included in this subtitle do not grant powers to a county or municipality.

Defined terms: “County” § 1–101

“Governing body” § 1–101

“Municipality” § 1–101

16-407. ADMINISTRATION OF REVENUE.

THE ADMINISTRATION, EXPENDITURE, AND ACCOUNTING OF ALL MONEY RAISED, BORROWED, OR OBTAINED BY A COUNTY OR MUNICIPALITY UNDER THIS SUBTITLE IS SUBJECT TO THE CONTROL OF THE GOVERNING BODY OF THE COUNTY OR MUNICIPALITY OR THE PUBLIC BODY THAT THE GOVERNING BODY DESIGNATES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-110.

The reference to all "money" is substituted for the former references to all "sum or sums" for consistency with other similar provisions of the Code.

The former reference to "the county welfare board, the county civil works board, or any similar public body in the county cooperating with the State or federal government in the administration of public relief or civil works funds" is deleted as surplusage.

The former reference to a public body "in the county" is deleted as surplusage.

Defined terms: "County" § 1-101
"Governing body" § 1-101
"Municipality" § 1-101

GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 24, § 9-113, which provided for the severability of provisions under the former subtitle, is deleted as unnecessary in light of the general severability provision in Art. 1, § 23 of the Code.

SUBTITLE 5. GRANTS TO COUNTIES.

16-501. COUNTY INCOME TAX DISPARITY GRANTS.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (E) OF THIS SECTION, FOR EACH FISCAL YEAR, THE COMPTROLLER SHALL PAY TO AN ELIGIBLE COUNTY A GRANT IN THE AMOUNT DETERMINED UNDER SUBSECTION (C)(3) OF THIS SECTION.

(B) EXCEPTION.

A COUNTY MAY NOT RECEIVE A GRANT UNDER SUBSECTION (A) OF THIS SECTION IF THE COUNTY'S INCOME TAX RATE WAS LESS THAN 2.4%:

(1) FOR THE TAXABLE YEAR THAT ENDED IN THE SECOND PRIOR FISCAL YEAR; OR

(2) FOR ANY SUBSEQUENT TAXABLE YEAR THROUGH THE TAXABLE YEAR THAT ENDS IN THE CURRENT FISCAL YEAR.

(C) CALCULATION.

(1) FOR EACH FISCAL YEAR, THE COMPTROLLER SHALL DETERMINE FOR EACH COUNTY:

(I) THE COUNTY INCOME TAX COLLECTED FROM INDIVIDUALS FOR THE TAXABLE YEAR THAT ENDED IN THE SECOND PRIOR FISCAL YEAR, BASED ON TAX RETURNS FILED THROUGH NOVEMBER 1 OF THE YEAR FOLLOWING THE APPLICABLE TAXABLE YEAR; AND

(II) THE AMOUNT OF COUNTY INCOME TAX THAT THE COUNTY WOULD HAVE RECEIVED IF THE COUNTY INCOME TAX RATE WAS 2.54%.

(2) FOR EACH FISCAL YEAR, THE COMPTROLLER SHALL DETERMINE AS ROUNDED TO THE NEAREST CENT:

(I) THE PER CAPITA YIELD OF THE COUNTY INCOME TAX FOR EACH COUNTY, BASED ON:

1. THE POPULATION OF THE COUNTY AS LAST PROJECTED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR JULY 1 OF THE APPLICABLE TAXABLE YEAR OR THE LATEST DECENNIAL CENSUS FOR THE APPLICABLE TAXABLE YEAR; AND

2. THE AMOUNT SPECIFIED IN PARAGRAPH (1)(II) OF THIS SUBSECTION; AND

(II) THE PER CAPITA STATEWIDE YIELD OF THE COUNTY INCOME TAX, BASED ON:

1. THE STATE POPULATION AS LAST PROJECTED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR JULY 1 OF THE APPLICABLE TAXABLE YEAR OR THE LATEST DECENNIAL CENSUS FOR THE APPLICABLE TAXABLE YEAR; AND

2. THE AMOUNT OF COUNTY INCOME TAX SPECIFIED IN PARAGRAPH (1)(II) OF THIS SUBSECTION FOR ALL COUNTIES.

(3) IF THE PER CAPITA YIELD OF THE COUNTY INCOME TAX FOR A COUNTY DETERMINED UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION IS LESS THAN 75% OF THE PER CAPITA STATEWIDE YIELD OF THE COUNTY INCOME TAX DETERMINED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION, THE COMPTROLLER SHALL DETERMINE THE AMOUNT THAT WOULD INCREASE THE COUNTY PER CAPITA YIELD TO EQUAL 75% OF THE STATEWIDE PER CAPITA YIELD, AS ROUNDED TO THE NEAREST DOLLAR.

(D) PAYMENT OF GRANTS.

THE COMPTROLLER SHALL PAY TO AN ELIGIBLE COUNTY THE AMOUNT DETERMINED UNDER SUBSECTION (C)(3) OF THIS SECTION IN QUARTERLY PAYMENTS DURING EACH FISCAL YEAR.

(E) LIMIT ON GRANT.

FOR FISCAL YEAR 2011 AND EACH SUBSEQUENT FISCAL YEAR, THE DISTRIBUTION PROVIDED TO ANY COUNTY OR BALTIMORE CITY UNDER THIS SECTION MAY NOT EXCEED THE AMOUNT DISTRIBUTED TO THE COUNTY OR BALTIMORE CITY FOR FISCAL YEAR 2010.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1101(a), (c), (d), and (b)(1), (3), and (2)(i).

In subsections (a) and (d) of this section, the references to an "eligible" county are added to reflect that not all counties are entitled to a grant under this section.

In subsection (a) of this section, the reference to paying "a grant in" the amount determined under "subsection (c)(3) of" this section is added for clarity.

Also in subsection (a) of this section, the former reference to the amount determined "for each county" is deleted as implicit.

In the introductory language of subsection (b) of this section, the reference to the "income" tax rate is added for clarity.

In subsection (c)(1) of this section, the introductory language "[f]or each fiscal year, the Comptroller shall determine for each county" is

substituted for the former phrase “[t]he amount a county shall receive under this section in any fiscal year shall be based on” for clarity.

In subsection (c)(1)(i) of this section, the reference to determining taxes collected “based on tax” returns filed through November 1 “of the year following the applicable taxable year” is substituted for the former reference to determining taxes collected “from” returns filed through November 1 “immediately preceding the applicable fiscal year” for clarity.

Also in subsection (c)(1)(i) of this section, the former phrase “as determined by the Comptroller” is deleted in light of the introductory language of subsection (c)(1) of this section, which requires the Comptroller to make certain determinations.

In subsection (c)(2)(i) of this section, the former reference to the per capita yield of the county income tax based on “[u]nless a county income tax rate of other than 2.54% was in effect, the receipts described in subsection (a)(2) of this section” is deleted in light of subsection (c)(1)(ii) of this section, which requires the calculation of county income tax for all counties to be based on a 2.54% rate. Similarly, in subsection (c)(2)(i)2 of this section, the former phrase “[i]f the county income tax rate is other than 2.54% in the applicable taxable year” is deleted, in subsection (c)(2)(ii) of this section, the former reference to per capita statewide yield of county income tax based on “[t]he total receipts for county income tax described in subsection (a)(2) of this section for counties with an income tax rate of 2.54% in effect” is deleted, and in subsection (c)(2)(ii)2 of this section, the former phrase “[f]or counties with an income tax rate of other than 2.54% in effect” is deleted.

In subsection (d) of this section, the reference to paying a certain amount “in quarterly payments during each fiscal year” is substituted for the former reference to paying the amount “quarterly during the fiscal year for which the payment is made” for brevity.

Also in subsection (d) of this section, the former reference to “additional” amounts is deleted as unnecessary since no amounts, other than disparity grants, are payable under this section.

Former Art. 24, § 9–1101(b)(2)(ii), which referred to determining the amount that would increase the per capita statewide yield of the county income tax to 77% in fiscal year 2012, is deleted as obsolete.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that in practice it is the Department of Budget and Management, not the Office of the Comptroller, that calculates the

grants. The General Assembly may wish to amend these provisions to reflect current practice.

Defined term: "County" § 1-101

16-502. REIMBURSEMENT TO ANNE ARUNDEL COUNTY FOR BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT.

(A) INTENT OF SECTION.

THE INTENT OF THIS SECTION IS TO:

(1) REIMBURSE ANNE ARUNDEL COUNTY FOR THE SUPPORTING FACILITIES AND SERVICES THAT IT PROVIDES FOR PRIVATE DEVELOPMENT THAT IS NOT RELATED TO AVIATION ON STATE-OWNED LAND AT BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT; AND

(2) ELIMINATE ANY COMPETITIVE ADVANTAGE THAT BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT MIGHT HAVE OVER PRIVATE PROPERTY IN ATTRACTING NEW DEVELOPMENT OR CONSTRUCTION.

(B) REQUIRED.

NOTWITHSTANDING THE PROVISIONS OF §§ 6-102, 7-211, AND 7-401 OF THE TAX - PROPERTY ARTICLE, FOR ALL PRIVATE DEVELOPMENT THAT IS NOT RELATED TO AVIATION ON STATE-OWNED LAND AT BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT, THE STATE SHALL PAY TO ANNE ARUNDEL COUNTY ANNUALLY AN AMOUNT THAT:

(1) IS AGREED ON BY THE SECRETARY OF TRANSPORTATION AND THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY; AND

(2) DOES NOT EXCEED AN AMOUNT EQUAL TO THE LOCAL PROPERTY TAXES THAT WOULD HAVE BEEN PAID TO ANNE ARUNDEL COUNTY IF THE PRIVATE DEVELOPMENT WERE NOT CONSTRUCTED ON STATE-OWNED LAND.

(C) FUNDING.

TO FUND THE PAYMENTS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE STATE SHALL CHARGE A SPECIAL USER FEE TO THE PRIVATE DEVELOPMENT DESCRIBED IN SUBSECTION (B) OF THIS SECTION.

(D) DEFINITION OF PRIVATE DEVELOPMENT REQUIRED.

THE MARYLAND AVIATION ADMINISTRATION SHALL SPECIFY WHAT CONSTITUTES PRIVATE DEVELOPMENT THAT IS NOT RELATED TO AVIATION ON STATE-OWNED LAND AT BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 9-807 through 9-810.

In subsections (a)(1) and (2) and (d) of this section, the references to "Baltimore-Washington International Thurgood Marshall" Airport are substituted for the former references to "BWI" Airport for accuracy and consistency with subsection (b) of this section.

In subsection (b)(2) of this section, the former reference to the "appropriate" local taxes is deleted as implicit in the reference to taxes that "would have been paid".

Also in subsection (b)(2) of this section, the former reference to the taxes "the private development" would have paid is deleted as implicit.

In subsection (c) of this section, the reference to payments "required" under subsection (b) of this section is added for clarity.

Also in subsection (c) of this section, the reference to private development "described in subsection (b) of this section" is substituted for the former reference to private development "at BWI Airport that this Part II affects" for clarity.

In subsection (d) of this section, the reference to the "Maryland" Aviation Administration is substituted for the former reference to the "State" Aviation Administration to reflect the current name of the unit.

Also in subsection (d) of this section, the former reference to the purpose "[t]o further the intent of this Part II of this subtitle" is deleted as surplusage.

Also in subsection (d) of this section, the former reference to the Administration specifying what constitutes private development "at the earliest possible time" is deleted as implicit.

Defined term: "State" § 1-101

16-503. TEACHER RETIREMENT SUPPLEMENTAL GRANTS.

THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION FOR THE FOLLOWING TEACHER RETIREMENT SUPPLEMENTAL GRANTS TO THE FOLLOWING COUNTIES:

- (1) ALLEGANY COUNTY – \$1,632,106;**
- (2) BALTIMORE CITY – \$10,047,596;**
- (3) BALTIMORE COUNTY – \$3,000,000;**
- (4) CAROLINE COUNTY – \$685,108;**
- (5) DORCHESTER COUNTY – \$308,913;**
- (6) GARRETT COUNTY – \$406,400;**
- (7) PRINCE GEORGE'S COUNTY – \$9,628,702;**
- (8) SOMERSET COUNTY – \$381,999; AND**
- (9) WICOMICO COUNTY – \$1,567,837.**

REVISOR'S NOTE: This section formerly was Art. 24, § 9-1105.

The only changes are in style.

16-504. GRANT TO CALVERT COUNTY ON EXPIRATION OF CALVERT CLIFFS NUCLEAR POWER PLANT LICENSE.

(A) REQUIRED.

IF ON OR BEFORE JANUARY 1, 2020, THE FEDERAL NUCLEAR REGULATORY COMMISSION LICENSE FOR THE CALVERT CLIFFS NUCLEAR POWER PLANT EXPIRES AND IS NOT EXTENDED OR RENEWED, FOR EACH OF THE 5 TAXABLE YEARS FOLLOWING THE EXPIRATION, THE STATE SHALL PAY AS A GRANT TO CALVERT COUNTY AN AMOUNT EQUAL TO THE APPLICABLE PERCENTAGE, SPECIFIED IN SUBSECTION (B) OF THIS SECTION, OF THE DIFFERENCE BETWEEN:

(1) THE PRODUCT OF MULTIPLYING \$14,554,000 TIMES THE PERCENTAGE SPECIFIED FOR THE TAXABLE YEAR UNDER § 7-237(B) OF THE TAX – PROPERTY ARTICLE; AND

(2) THE SUM OF:

(I) \$2,000,000; AND

(II) THE COUNTY’S PROPERTY TAX REVENUE FOR THE TAXABLE YEAR DERIVED FROM PERSONAL PROPERTY THAT IS MACHINERY OR EQUIPMENT USED TO GENERATE ELECTRICITY FOR SALE.

(B) APPLICABLE PERCENTAGES.

FOR PURPOSES OF DETERMINING THE AMOUNT OF A GRANT PROVIDED UNDER SUBSECTION (A) OF THIS SECTION, THE APPLICABLE PERCENTAGE IS:

(1) 100% FOR THE FIRST TAXABLE YEAR;

(2) 80% FOR THE SECOND TAXABLE YEAR;

(3) 60% FOR THE THIRD TAXABLE YEAR;

(4) 40% FOR THE FOURTH TAXABLE YEAR; AND

(5) 20% FOR THE FIFTH TAXABLE YEAR.

(C) PROPERTY TAX REVENUES.

FOR EACH TAXABLE YEAR FOR WHICH A GRANT IS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT OF ASSESSMENTS AND TAXATION SHALL DETERMINE AND CERTIFY TO THE COMPTROLLER CALVERT COUNTY’S PROPERTY TAX REVENUE FOR THE TAXABLE YEAR THAT IS DERIVED FROM PERSONAL PROPERTY THAT IS MACHINERY OR EQUIPMENT USED TO GENERATE ELECTRICITY FOR SALE.

(D) PAYMENT OF GRANTS.

THE COMPTROLLER SHALL PAY TO CALVERT COUNTY THE AMOUNT SPECIFIED IN SUBSECTION (A)(1) OF THIS SECTION IN EQUAL PAYMENTS, AT THE END OF EACH QUARTER OF EACH TAXABLE YEAR FOR WHICH A GRANT IS PAYABLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–1103.

In subsection (a) of this section, the former reference to “property” taxable year is deleted as surplusage.

Also in subsection (a) of this section, the former reference to the “nonrenewal” of the license is deleted as unnecessary in light of the reference to the “expiration” of the license, which can be as a result of either nonrenewal of or failure to extend the license.

In the introductory language of subsection (b) of this section, the former reference to “each property tax year following the expiration and nonrenewal of the Federal Nuclear Regulatory Commission license for the Calvert Cliffs Nuclear Power Plant” is deleted as unnecessary in light of the lead-in language of subsection (b) of this section.

In subsection (b) of this section, the former reference to “0% for each subsequent taxable year” is deleted as unnecessary in light of subsection (a) of this section that provides that the grant is to be paid for 5 taxable years.

In subsection (d) of this section, the reference to “equal payments” at the end of each quarter is substituted for the former reference to “equal amounts for each quarter” at the end of each quarter for brevity.

As to the Federal Nuclear Regulatory Commission licenses for the Calvert Cliffs Nuclear Power Plant, the Local Government Article Review Committee notes that the licenses have been renewed and will expire in 2034 and 2036.

TITLE 17. INVESTMENT BY LOCAL GOVERNMENT.

SUBTITLE 1. IN GENERAL.

17–101. INVESTMENT OR DEPOSIT OF SURPLUS MONEY BY COUNTIES, MUNICIPALITIES, AND OTHER ENTITIES.

(A) “STATE FINANCIAL INSTITUTION” DEFINED.

IN THIS SECTION, “STATE FINANCIAL INSTITUTION” MEANS AN INSTITUTION THAT:

- (1) HAS A BRANCH IN THE STATE THAT TAKES DEPOSITS; AND**

(2) IS:

(I) A BANK INCORPORATED UNDER THE LAWS OF ANY STATE OR THE UNITED STATES;

(II) A TRUST COMPANY OR SAVINGS BANK INCORPORATED UNDER THE LAWS OF THE STATE; OR

(III) A SAVINGS AND LOAN ASSOCIATION INCORPORATED UNDER THE LAWS OF THE STATE OR THE UNITED STATES.

(B) SCOPE OF SECTION.

THIS SECTION APPLIES TO THE FOLLOWING GOVERNMENTAL ENTITIES:

(1) THE GOVERNING BODY OF EACH COUNTY;

(2) THE GOVERNING BODY OF EACH MUNICIPALITY;

(3) EACH COUNTY BOARD OF EDUCATION, INCLUDING THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS;

(4) EACH ROAD, DRAINAGE, IMPROVEMENT, CONSTRUCTION, OR SOIL CONSERVATION DISTRICT OR COMMISSION;

(5) THE UPPER POTOMAC RIVER COMMISSION; AND

(6) ANY OTHER POLITICAL SUBDIVISION OR BODY POLITIC AND CORPORATE OF THE STATE.

(C) REQUIRED.

SUBJECT TO SUBTITLE 2 OF THIS TITLE AND NOTWITHSTANDING ANY PROVISION OF LOCAL LAW OR ORDINANCE, A GOVERNMENTAL ENTITY OR ITS AUTHORIZED AGENT:

(1) IN ACCORDANCE WITH § 6-222 OF THE STATE FINANCE AND PROCUREMENT ARTICLE MAY:

(I) INVEST AND REINVEST IN OBLIGATIONS OR REPURCHASE AGREEMENTS ALL UNEXPENDED MONEY IN ANY FUND OR ACCOUNT OF WHICH THE GOVERNMENTAL ENTITY OR ITS AUTHORIZED AGENT HAS CUSTODY OR CONTROL; AND

(II) SELL, REDEEM, OR EXCHANGE AN INVESTMENT OR REINVESTMENT MADE UNDER THIS ITEM; OR

(2) MAY DEPOSIT UNEXPENDED MONEY IN:

(I) AN INTEREST-BEARING TIME DEPOSIT ACCOUNT OR SAVINGS ACCOUNT AT A FEDERALLY INSURED BANK OR FEDERALLY INSURED SAVINGS AND LOAN ASSOCIATION IN THE STATE; OR

(II) THE LOCAL GOVERNMENT INVESTMENT POOL ESTABLISHED UNDER § 17-302 OF THIS TITLE.

(D) REQUIRED SECURITY FOR DEPOSITS.

EXCEPT AS PROVIDED IN SUBSECTIONS (E) AND (F) OF THIS SECTION, A GOVERNMENTAL ENTITY OR ITS AUTHORIZED AGENT MAY DEPOSIT UNEXPENDED MONEY IN A FEDERALLY INSURED BANK OR FEDERALLY INSURED SAVINGS AND LOAN ASSOCIATION UNDER SUBSECTION (B)(2)(I) OF THIS SECTION ONLY IF THE BANK OR SAVINGS AND LOAN ASSOCIATION GIVES AS SECURITY FOR THE DEPOSIT COLLATERAL OF A TYPE SPECIFIED IN § 6-202 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(E) EXCEPTION FOR DEPOSITS IN STATE FINANCIAL INSTITUTIONS — GENERALLY.

A GOVERNMENTAL ENTITY OR ITS AUTHORIZED AGENT MAY DEPOSIT UNEXPENDED MONEY IN A FEDERALLY INSURED BANK OR FEDERALLY INSURED SAVINGS AND LOAN ASSOCIATION WITHOUT THE SECURITY REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IF:

(1) THE MONEY IS INITIALLY DEPOSITED IN A STATE FINANCIAL INSTITUTION CHOSEN BY THE DEPOSITOR;

(2) THE STATE FINANCIAL INSTITUTION ARRANGES FOR THE FURTHER DEPOSIT OF THE MONEY INTO ONE OR MORE CERTIFICATES OF DEPOSIT IN AN AMOUNT NOT EXCEEDING THE APPLICABLE FEDERAL DEPOSIT INSURANCE CORPORATION MAXIMUM INSURANCE COVERAGE LIMIT, ISSUED BY ONE OR MORE FEDERALLY INSURED BANKS OR FEDERALLY INSURED SAVINGS AND LOAN ASSOCIATIONS FOR THE ACCOUNT OF THE DEPOSITOR;

(3) WHEN THE MONEY IS DEPOSITED AND THE CERTIFICATES OF DEPOSIT ARE ISSUED, THE STATE FINANCIAL INSTITUTION RECEIVES DEPOSITS

FROM CUSTOMERS OF OTHER BANKS OR SAVINGS AND LOAN ASSOCIATIONS IN AN AMOUNT AT LEAST EQUAL TO THE AMOUNT OF MONEY INITIALLY DEPOSITED BY THE DEPOSITOR;

(4) EACH CERTIFICATE OF DEPOSIT ISSUED FOR THE DEPOSITOR'S ACCOUNT IS INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR 100% OF THE PRINCIPAL OF AND ACCRUED INTEREST ON THE CERTIFICATE OF DEPOSIT; AND

(5) THE STATE FINANCIAL INSTITUTION ACTS AS CUSTODIAN FOR THE DEPOSITOR WITH RESPECT TO THE CERTIFICATES OF DEPOSIT ISSUED FOR THE DEPOSITOR'S ACCOUNT.

(F) EXCEPTION FOR DEPOSITS IN STATE FINANCIAL INSTITUTIONS — DEPOSIT PLACEMENT PROGRAM.

A GOVERNMENTAL ENTITY OR ITS AUTHORIZED AGENT MAY DEPOSIT UNEXPENDED MONEY IN A FEDERALLY INSURED BANK OR FEDERALLY INSURED SAVINGS AND LOAN ASSOCIATION WITHOUT THE SECURITY REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IF:

(1) THE MONEY IS INITIALLY PLACED FOR DEPOSIT WITH A STATE FINANCIAL INSTITUTION CHOSEN BY THE DEPOSITOR TO ARRANGE FOR THE REDEPOSIT OF THE MONEY THROUGH A DEPOSIT PLACEMENT PROGRAM THAT MEETS THE REQUIREMENTS UNDER THIS SUBSECTION;

(2) ON OR AFTER THE DATE THAT THE MONEY OF THE GOVERNMENTAL ENTITY IS RECEIVED, THE STATE FINANCIAL INSTITUTION:

(I) ARRANGES FOR THE REDEPOSIT OF THE MONEY INTO ONE OR MORE DEPOSIT ACCOUNTS, EACH IN AN AMOUNT OF NOT MORE THAN THE APPLICABLE FEDERAL DEPOSIT INSURANCE CORPORATION MAXIMUM INSURANCE COVERAGE LIMIT, IN ONE OR MORE FEDERALLY INSURED BANKS OR FEDERALLY INSURED SAVINGS AND LOAN ASSOCIATIONS FOR THE ACCOUNT OF THE DEPOSITOR; AND

(II) ACTS AS CUSTODIAN FOR THE DEPOSITOR WITH RESPECT TO THE MONEY DEPOSITED INTO THE ACCOUNTS;

(3) ANY MONEY OF A GOVERNMENTAL ENTITY DEPOSITED INTO A STATE FINANCIAL INSTITUTION IN ACCORDANCE WITH THIS SUBSECTION AND HELD BY THAT STATE FINANCIAL INSTITUTION AT THE CLOSE OF A BUSINESS

DAY THAT IS IN EXCESS OF THE AMOUNT INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION IS SECURED IN ACCORDANCE WITH THIS TITLE;

(4) THE FULL AMOUNT OF THE MONEY OF THE GOVERNMENTAL ENTITY REDEPOSITED BY THE STATE FINANCIAL INSTITUTION INTO DEPOSIT ACCOUNTS IN FEDERALLY INSURED BANKS OR FEDERALLY INSURED SAVINGS AND LOAN ASSOCIATIONS UNDER THIS SUBSECTION IS INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION; AND

(5) ON THE SAME DATE THAT THE MONEY OF THE GOVERNMENTAL ENTITY IS REDEPOSITED UNDER THIS SUBSECTION, THE STATE FINANCIAL INSTITUTION RECEIVES AN AMOUNT OF DEPOSITS FROM CUSTOMERS OF OTHER BANKS OR SAVINGS AND LOANS IN ACCORDANCE WITH THE DEPOSIT PLACEMENT PROGRAM THAT IS AT LEAST EQUAL TO THE AMOUNT OF THE MONEY OF THE GOVERNMENTAL ENTITY REDEPOSITED BY THE STATE FINANCIAL INSTITUTION.

(G) INCOME FROM INVESTMENTS AND DEPOSITS.

(1) THE INTEREST OR INCOME FROM AN INVESTMENT OR DEPOSIT MADE UNDER THIS SECTION:

(I) SHALL BE CREDITED TO THE FUND FROM WHICH THE INVESTMENT OR DEPOSIT WAS MADE; AND

(II) MAY BE INVESTED OR DEPOSITED AS PROVIDED IN THIS SECTION.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, IF THE MONEY INVESTED OR DEPOSITED UNDER THIS SECTION IS FROM A FUND THAT CONTAINS THE PROCEEDS OF THE ISSUANCE OF BONDS OR OTHER OBLIGATIONS, THE ISSUER MAY USE THE INTEREST OR INCOME FROM THE INVESTMENT OR DEPOSIT TO REPAY THE PRINCIPAL OF OR INTEREST ON THE BONDS OR OTHER OBLIGATIONS.

(H) WITHDRAWAL OR ALTERATION OF INVESTMENTS AND DEPOSITS.

A GOVERNMENTAL ENTITY OR ITS AUTHORIZED AGENT MAY WITHDRAW OR ALTER AN INVESTMENT OR DEPOSIT MADE UNDER THIS SECTION:

(1) TO MEET THE REQUIREMENTS FOR WHICH THE MONEY IS HELD; OR

(2) FOR REINVESTMENT IN ACCORDANCE WITH THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22–O(b), (c), and (a)(1), (3), and (4) and, except as it provided an exception from former Art. 95, § 22(a).

Subsection (b) of this section is revised as a scope provision for clarity and because the definition of “local government”, from which this subsection is derived in part, served only to delineate the types of entities covered by this section.

In subsection (b)(3) of this section, the reference to the “Baltimore City Board of School Commissioners” is added for clarity.

In subsection (b)(4) of this section, the former references to “[t]he governing body of” each road, drainage, improvement, construction, or soil conservation district or commission are deleted to avoid the use of the defined term in a manner inconsistent with its definition.

Also in subsection (b)(4) of this section, the former references to a district or commission “in the State” are deleted as surplusage.

In subsection (b)(6) of this section, the reference to a body politic “and corporate” is added for accuracy.

In subsections (c), (e), and (f) of this section, the former references to “surplus” money are deleted as included in the references to “unexpended” money.

In the introductory language of subsection (c) of this section, the former reference to an “acknowledged” agent is deleted as included in the reference to an “authorized” agent.

Subsection (c)(1) of this section is patterned after SF §§ 6–222 and 6–223. See General Revisor's Note to title.

Subsection (d) of this section is revised in the active voice to clarify that it is a governmental entity to which this section applies or its authorized agent that is subject to the security requirement for depositing money provided in subsection (d) of this section.

In subsection (d) of this section, the reference to depositing “unexpended money” is added for clarity. Similarly, in subsection (d) of this section, the references to a “federally insured” bank or savings and loan association are added.

In the introductory language of subsection (e)(2) of this section, the reference to a governmental entity “or its authorized agent” is added for consistency with subsection (c) of this section.

In subsections (e)(1) and (f)(1) of this section, the former references to “unexpended” money are deleted as surplusage.

In subsections (e)(2), (3), and (5) and (f)(5) of this section and the introductory language of subsection (f)(2) of this section, the former references to the State financial institution “selected by the depositor” are deleted as unnecessary in light of the references in subsections (e)(1) and (f)(1) of this section to a State financial institution “chosen by the depositor”.

In subsections (e)(3) and (f)(5) of this section, the phrase “at least” equal to is added for clarity.

In subsection (e)(3) of this section, the former reference to money deposited and certificates of deposit issued “for the benefit of the depositor by other banks or savings and loan associations” is deleted as surplusage.

In subsection (g)(1)(i) of this section, the reference to interest or income “be[ing] credited to” the fund is substituted for the former reference to the interest or income “becom[ing] a part of” the fund for clarity.

In subsection (g)(2) of this section, the reference to the investment “or deposit” is added for consistency with subsection (e) of this section.

Also in subsection (g)(2) of this section, the reference to the “money invested or deposited under this section [being] from a fund that contains” certain proceeds is substituted for the former reference to the “fund so invested or deposited constitut[ing]” certain proceeds for accuracy and consistency within this section.

Also in subsection (g)(2) of this section, the former reference to bonds or other obligations “the principal of or interest on which the issuer is obligated to repay to the holders thereof” is deleted as implicit in the authorization given to the issuer to repay these obligations under subsection (g)(2) of this section.

In the introductory language of subsection (h) of this section, the reference to “[a] governmental entity or its authorized agent” is substituted for the former reference to “the investing or depositing officer or governing body” for clarity and consistency within this section.

Also in the introductory language of subsection (h) of this section, the former reference to an investment or deposit being altered “from time to time” is deleted as surplusage.

In subsection (h)(1) of this section and throughout this title, the references to “money” are substituted for the former references to “funds” for consistency within this article and with other revised articles of the Code.

Former Art. 95, § 22–O(a)(2), which defined “depositor” to mean a local government or its authorized agent making a deposit of certain money, is deleted as unnecessary. The meaning of the term, which is used only in subsections (e) and (f) of this section, is clear from its context.

Defined terms: “County” § 1–101
 “Governing body” § 1–101
 “Municipality” § 1–101
 “State” § 1–101

17–102. POSTEMPLOYMENT BENEFITS FUNDS.

(A) “OTHER POSTEMPLOYMENT BENEFITS” DEFINED.

IN THIS SECTION, “OTHER POSTEMPLOYMENT BENEFITS” MEANS:

- (1) POSTEMPLOYMENT HEALTH CARE BENEFITS; AND**
- (2) POSTEMPLOYMENT BENEFITS PROVIDED SEPARATELY FROM A PENSION PLAN.**

(B) INVESTMENT AUTHORITY OF TRUSTEES AND OFFICERS.

NOTWITHSTANDING § 17–101 OF THIS SUBTITLE, THE TRUSTEES OR OTHER OFFICERS IN CHARGE OF A PENSION OR RETIREMENT SYSTEM OR FUND OR OTHER POSTEMPLOYMENT BENEFITS FUND OF A POLITICAL SUBDIVISION OF THE STATE OR A UNIT OF A POLITICAL SUBDIVISION OF THE STATE:

- (1) MAY:**
 - (i) INVEST AND REINVEST MONEY IN THEIR CUSTODY OR CONTROL AS PROVIDED BY A LAW ENACTED BY THE GOVERNING BODY OF THE POLITICAL SUBDIVISION; AND**

(II) SELL, REDEEM, OR EXCHANGE AN INVESTMENT OR REINVESTMENT MADE UNDER THIS ITEM; AND

(2) SHALL COMPLY WITH FIDUCIARY STANDARDS THAT AT LEAST MEET THE STANDARDS IN TITLE 21, SUBTITLE 2 OF THE STATE PERSONNEL AND PENSIONS ARTICLE IN CONNECTION WITH MONEY IN THEIR CUSTODY OR CONTROL.

(C) THIRD PARTY AGREEMENTS.

(1) NOTWITHSTANDING ANY OTHER LAW, A POLITICAL SUBDIVISION OF THE STATE OR A UNIT OF A POLITICAL SUBDIVISION OF THE STATE MAY ENTER INTO AN AGREEMENT WITH A THIRD PARTY CONTRACTOR OR VENDOR FOR THE MANAGEMENT OR INVESTMENT OF MONEY INTENDED FOR OTHER POSTEMPLOYMENT BENEFITS.

(2) AN AGREEMENT ENTERED INTO UNDER THIS SUBSECTION INCLUDES THE AUTHORITY TO:

(I) CREATE POOLED INVESTMENTS UNDER THE STEWARDSHIP OF:

1. A POLITICAL SUBDIVISION OF THE STATE OR A UNIT OF A POLITICAL SUBDIVISION OF THE STATE; OR

2. A SEPARATE BODY UNDER AN AGREEMENT WITH A POLITICAL SUBDIVISION OF THE STATE;

(II) CREATE ONE OR MORE ACCOUNTS TO BE MANAGED IN COORDINATION WITH OTHER FUNDS OR INVESTMENTS BY A THIRD PARTY UNDER AN AGREEMENT WITH A POLITICAL SUBDIVISION OF THE STATE; AND

(III) CREATE DISTINCT FUNDING ACCOUNTS FOR PAYMENT ON BEHALF OF EMPLOYEES OF A UNIT OF A POLITICAL SUBDIVISION OF THE STATE UNDER AN AGREEMENT WITH THE POLITICAL SUBDIVISION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22(b) and, as it related to this section's exception from § 17-101 of this subtitle, the first sentence of (a).

In subsection (a)(1) of this section, the former reference to benefits “, regardless of the type of plan that provides them,” is deleted as surplusage.

In the introductory language of subsection (b) of this section and throughout this title, the term “unit” is substituted for the former terms “agency” and “department” for consistency within this article and with other revised articles of the Code.

Subsection (b)(1) of this section is patterned after SF §§ 6–222 and 6–223. See General Revisor’s Note to title.

Defined terms: “Governing body” § 1–101
 “State” § 1–101

17–103. CHARTER COUNTIES AND BALTIMORE CITY.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO BOND SALE PROCEEDS AND OTHER MONEY THAT ARE:

(1) SUBJECT TO ARBITRAGE, REBATE, OR SIMILAR LIMITATIONS UNDER FEDERAL TAX LAW; AND

(2) IN THE CUSTODY OR CONTROL OF THE CONTROLLER, DIRECTOR OF FINANCE, OR SIMILAR OFFICIAL OF A CHARTER COUNTY OR BALTIMORE CITY.

(B) AUTHORIZED INVESTMENTS.

NOTWITHSTANDING ANY OTHER LAW, THE CONTROLLER, DIRECTOR OF FINANCE, OR SIMILAR OFFICIAL OF A CHARTER COUNTY OR BALTIMORE CITY MAY:

(1) INVEST AND REINVEST BOND PROCEEDS AND OTHER MONEY TO WHICH THIS SECTION APPLIES:

(I) IN BONDS, NOTES, OR OTHER OBLIGATIONS THAT ARE:

1. OF INVESTMENT GRADE QUALITY AS ESTABLISHED BY A NATIONALLY RECOGNIZED RATING AGENCY; AND

2. ISSUED BY OR ON BEHALF OF A STATE OR A UNIT, POLITICAL SUBDIVISION, PUBLIC CORPORATION, SPECIAL DISTRICT, OR AUTHORITY OF A STATE; AND

(II) DIRECTLY OR THROUGH A TRUST OR FUND THAT RESTRICTS INVESTMENTS TO OBLIGATIONS OF INVESTMENT GRADE QUALITY; AND

(2) SELL, REDEEM, OR EXCHANGE AN INVESTMENT OR REINVESTMENT MADE UNDER ITEM (1) OF THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22M.

Subsection (a) of this section is revised as a scope provision for clarity.

In subsection (a) of this section, the former reference to "unexpended" bond sale proceeds is deleted as implicit in the reference to bond sale proceeds "in the custody or control of the controller, director of finance, or similar official" in subsection (a)(2) of this section.

Subsection (b) of this section is patterned after SF §§ 6-222 and 6-223. See General Revisor's Note to title.

In the introductory language of subsection (b) of this section, the former phrase "and in addition to any other authority provided by law" is deleted as surplusage.

In subsection (b)(1)(i)2 of this section, the former references to a "county" and a "municipal" corporation are deleted as included in the reference to a "political subdivision".

In subsection (b)(1)(ii) of this section, the former reference to a trust or fund that restricts investments "of the trust or fund" is deleted as implicit.

Defined terms: "Charter county" § 1-101
"State" § 1-101

17-104. INVESTMENT IN OPEN-END AND CLOSED-END INVESTMENT COMPANIES AND TRUSTS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO THE FOLLOWING GOVERNMENTAL ENTITIES:

(1) THE GOVERNING BODY OF EACH COUNTY;

(2) THE GOVERNING BODY OR CHIEF FISCAL OR ADMINISTRATIVE OFFICER OF EACH MUNICIPALITY;

(3) THE GOVERNING BODY OR CHIEF FISCAL OR ADMINISTRATIVE OFFICER OF:

(I) EACH ROAD, DRAINAGE, IMPROVEMENT, CONSTRUCTION, OR SOIL CONSERVATION DISTRICT OR COMMISSION; OR

(II) THE UPPER POTOMAC RIVER COMMISSION;

(4) EACH COUNTY BOARD OF EDUCATION, INCLUDING THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS;

(5) ANY OTHER POLITICAL SUBDIVISION OR BODY POLITIC AND CORPORATE OF THE STATE;

(6) A UNIT OF A POLITICAL SUBDIVISION OF THE STATE; AND

(7) THE TRUSTEES OR OTHER OFFICERS IN CHARGE OF A PENSION OR RETIREMENT SYSTEM OR FUND OF:

(I) THE STATE;

(II) A POLITICAL SUBDIVISION OF THE STATE; OR

(III) A UNIT OF THE STATE OR OF A POLITICAL SUBDIVISION OF THE STATE.

(B) AUTHORIZED.

NOTWITHSTANDING ANY OTHER LAW, WHEN A GOVERNMENTAL ENTITY IS REQUIRED OR AUTHORIZED TO INVEST IN, PURCHASE, OR TAKE AS COLLATERAL A BOND, AN OBLIGATION, OR ANY OTHER EVIDENCE OF INDEBTEDNESS OF THE UNITED STATES, THE GOVERNMENTAL ENTITY MAY INVEST IN, PURCHASE, OR TAKE AS COLLATERAL AN OBLIGATION OR SECURITY OF OR OTHER INTEREST IN AN OPEN-END OR CLOSED-END MANAGEMENT TYPE INVESTMENT COMPANY OR INVESTMENT TRUST REGISTERED UNDER THE FEDERAL INVESTMENT COMPANY ACT OF 1940, 15 U.S.C. § 80A-1 ET SEQ., IF:

(1) THE PORTFOLIO OF THE INVESTMENT COMPANY OR INVESTMENT TRUST IS LIMITED TO:

(I) DIRECT OBLIGATIONS OF THE UNITED STATES; AND**(II) REPURCHASE AGREEMENTS THAT ARE FULLY COLLATERALIZED BY OBLIGATIONS OF THE UNITED STATES; AND****(2) THE INVESTMENT COMPANY OR INVESTMENT TRUST TAKES DELIVERY OF THE COLLATERAL DIRECTLY OR THROUGH AN AUTHORIZED CUSTODIAN.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22N.

Subsection (a) of this section is revised as a scope provision for clarity.

In subsection (a)(2) and in the introductory language of subsection (a)(3) of this section, the former references to "officers" are deleted in light of the reference to an "officer" and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (a)(3)(i) of this section, the former reference to each "school" district is deleted as unnecessary in light of the reference to "each county board of education" in subsection (a)(4) of this section.

Also in subsection (a)(3)(i) of this section, the former phrase "including, by way of enumeration and not in limitation" is deleted for accuracy since the Upper Potomac River Commission is not within any of the categories of entities listed in subsection (a)(3)(i). The Commission is listed separately in subsection (a)(3)(ii) of this section.

Also in subsection (a)(3)(i) of this section, the former reference to a district or commission "in the State" is deleted as surplusage.

In subsection (a)(4) of this section, the reference to the "Baltimore City Board of School Commissioners" is added for clarity.

In subsection (a)(5) of this section, the reference to a "body politic and corporate" is substituted for the former references to "body politic", "bodies politic", and "public body corporate" for consistency with terminology used in this article and other revised articles of the Code.

In the introductory language of subsection (b) of this section, the former reference to law "to the contrary or any limitation or restriction contained in any other law" is deleted as surplusage.

Defined terms: “County” § 1–101
 “Governing body” § 1–101
 “Municipality” § 1–101
 “State” § 1–101

SUBTITLE 2. LOCAL GOVERNMENT INVESTMENT GUIDELINES.

17–201. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This subsection formerly was Art. 95, § 22F(a)(1).

The only change is in style.

(B) FINANCIAL OFFICER.

“FINANCIAL OFFICER” MEANS THE TREASURER OR OTHER FINANCIAL OFFICER OF A GOVERNMENTAL ENTITY WHO IS RESPONSIBLE FOR THE INVESTMENT OF PUBLIC FUNDS OR THE ISSUANCE AND MANAGEMENT OF DEBT OF THE GOVERNMENTAL ENTITY.

REVISOR’S NOTE: This subsection formerly was Art. 95, § 22F(a)(4).

The only changes are in style.

(C) GOVERNING AUTHORITY.

“GOVERNING AUTHORITY” MEANS:

- (1) FOR BALTIMORE CITY, THE BALTIMORE CITY BOARD OF ESTIMATES;**
- (2) FOR A COMMISSION COUNTY, THE COUNTY COMMISSIONERS;**
- (3) FOR A CHARTER COUNTY, AS PROVIDED BY LOCAL LAW, THE COUNTY COUNCIL OR THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL;**
- (4) FOR A CODE COUNTY, THE COUNTY COMMISSIONERS;**

(5) FOR A COMMUNITY COLLEGE, THE BOARD OF TRUSTEES;

(6) FOR A MUNICIPALITY, THE BODY PROVIDED BY THE MUNICIPAL CHARTER;

(7) FOR THE WASHINGTON SUBURBAN SANITARY COMMISSION, THE COMMISSION;

(8) FOR A PUBLIC CORPORATION, THE BOARD OF DIRECTORS;
AND

(9) FOR AN AUTHORITY, THE BOARD OF THE AUTHORITY.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 95, § 22F(a)(5).

In this subsection and throughout this subtitle, the defined term "governing authority" is substituted for the former defined term "governing body" to avoid confusion with the article-wide defined term "governing body", which does not include the entities described in items (1), (5), (7), (8), and (9) of this subsection.

Defined terms: "Charter county" § 1-101

"Code county" § 1-101

"Commission county" § 1-101

"Municipality" § 1-101

(D) PUBLIC MONEY.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, "PUBLIC MONEY" MEANS ANY MONEY HELD BY A GOVERNMENTAL ENTITY.

(2) "PUBLIC MONEY" DOES NOT INCLUDE MONEY HELD AS PART OF A PENSION FUND, A FUND FOR OTHER POSTEMPLOYMENT BENEFITS, AS DEFINED IN § 17-102(A) OF THIS TITLE, OR A TRUST FUND ACCOUNT OR FOR SELF-INSURANCE PURPOSES.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 95, § 22F(a)(7).

In paragraphs (1) and (2) of this subsection, the references to "money" are substituted for the former references to "revenue[s]" for consistency within this article and with other revised articles of the Code.

In paragraph (1) of this subsection, the former references to a “general fund”, “special fund”, “capital improvement fund”, “debt service fund”, “enterprise fund”, “internal service fund”, and “any other account of the local government unit” are deleted as included in the reference to “any money held by a government entity”.

In paragraph (2) of this subsection, the reference to a fund for other postemployment benefits “as defined in § 17–102(a) of this title” is added to clarify that the meaning of the term “other postemployment benefits” under § 17–102(a) and this subsection is identical. This addition is consistent with Chapter 543 of the Acts of 2006, which defined the term “other postemployment benefits” for purposes of former Art. 95, § 22(b) (revised as § 17–102 of this title), but also amended the definition of “public funds”, revised in this subsection, to exclude “other postemployment benefits”. In the latter case, however, the term “other postemployment benefits” was not defined.

17–202. CONFLICT WITH OTHER LAWS.

TO THE EXTENT OF ANY CONFLICT, THIS SUBTITLE AND THE LOCAL GOVERNMENT INVESTMENT GUIDELINES ADOPTED BY THE STATE TREASURER UNDER THIS SUBTITLE SUPERSEDE:

- (1) ANY LOCAL LAW, INCLUDING A CHARTER PROVISION; AND**
- (2) ANY OTHER PUBLIC GENERAL LAW.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 95, § 22F(b).

In item (1) of this section, the conjunctive “and” is substituted for the former disjunctive “or” to clarify that both local laws and other public general laws are superseded as provided in this section.

17–203. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES TO THE FOLLOWING GOVERNMENTAL ENTITIES:

- (1) EACH COUNTY;**
- (2) EACH MUNICIPALITY;**

(3) EACH COMMUNITY COLLEGE OTHER THAN THE BALTIMORE CITY COMMUNITY COLLEGE;

(4) EACH REGIONAL COMMUNITY COLLEGE ESTABLISHED UNDER TITLE 16, SUBTITLE 2 OF THE EDUCATION ARTICLE.

(5) THE WASHINGTON SUBURBAN SANITARY COMMISSION;

(6) A PUBLIC CORPORATION AUTHORIZED TO ISSUE DEBT; AND

(7) AN AUTHORITY OF THE STATE AUTHORIZED TO ISSUE DEBT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22F(a)(3) and (6).

This section is revised as a scope provision, rather than as a definition of "local government unit", because the former definition served only to delineate the types of entities that are covered by this subtitle.

In this section, the former reference to "Baltimore City" is deleted as included in the defined term "county".

Defined terms: "County" § 1-101

"Municipality" § 1-101

"State" § 1-101

17-204. ADOPTION AND REQUIREMENTS.

(A) ADOPTION.

AFTER CONSULTING WITH THE GOVERNMENTAL ENTITIES, THE STATE TREASURER SHALL ADOPT BY REGULATION LOCAL GOVERNMENT INVESTMENT GUIDELINES TO GOVERN THE INVESTMENT OF PUBLIC MONEY BY THE ENTITIES IN A MANNER THAT:

(1) FACILITATES SOUND CASH MANAGEMENT;

(2) PROTECTS THE PUBLIC; AND

(3) ENSURES THAT EACH ENTITY HAS ACCESS TO ITS PUBLIC MONEY.

(B) REQUIREMENTS.

THE LOCAL GOVERNMENT INVESTMENT GUIDELINES SHALL:

- (1) SPECIFY THE TYPES OF INVESTMENTS IN WHICH PUBLIC MONEY MAY BE INVESTED;**
- (2) INCLUDE GUIDANCE FOR THE PRUDENT INVESTMENT OF PUBLIC MONEY BASED ON CASH FLOW PROJECTIONS, INCOME, LIQUIDITY, INVESTMENT RATINGS, AND RISK;**
- (3) REQUIRE THAT INVESTMENTS BY A COUNTY BOARD OF EDUCATION AND A COUNTY BOARD OF LIBRARY TRUSTEES COMPLY WITH THE LOCAL INVESTMENT POLICY OF THE COUNTY; AND**
- (4) PROHIBIT THE BORROWING OF MONEY FOR THE EXPRESS PURPOSE OF INVESTMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22F(c)(1).

In subsection (a)(3) of this section, the former reference to an entity having access to its public money "as required" is deleted as implicit.

Defined terms: "County" § 1-101
 "Public money" § 17-201

17-205. LOCAL INVESTMENT POLICY.**(A) ADOPTION REQUIRED.**

THE GOVERNING AUTHORITY OF EACH GOVERNMENTAL ENTITY SHALL ADOPT BY RESOLUTION A LOCAL INVESTMENT POLICY THAT:

- (1) MEETS THE NEEDS OF THE GOVERNMENTAL ENTITY; AND**
- (2) IS CONSISTENT WITH THE LOCAL GOVERNMENT INVESTMENT GUIDELINES ADOPTED BY THE STATE TREASURER UNDER § 17-204 OF THIS SUBTITLE.**

(B) COPY TO STATE TREASURER.

PROMPTLY AFTER THE ADOPTION OF A LOCAL INVESTMENT POLICY, THE GOVERNMENTAL ENTITY SHALL MAIL A CERTIFIED COPY TO THE STATE TREASURER.

(C) DETERMINATION BY STATE TREASURER.

IF THE STATE TREASURER DETERMINES THAT THE LOCAL INVESTMENT POLICY IS NOT CONSISTENT WITH THE LOCAL GOVERNMENT INVESTMENT GUIDELINES ADOPTED BY THE STATE TREASURER UNDER § 17-204 OF THIS SUBTITLE:

(1) THE STATE TREASURER SHALL NOTIFY THE GOVERNMENTAL ENTITY; AND

(2) THE GOVERNING AUTHORITY SHALL PREPARE AND SUBMIT A REVISED LOCAL INVESTMENT POLICY THAT IS CONSISTENT WITH THE LOCAL GOVERNMENT INVESTMENT GUIDELINES.

(D) AMENDMENTS.

IF THE GOVERNING AUTHORITY AMENDS THE GOVERNMENTAL ENTITY'S LOCAL INVESTMENT POLICY, THE GOVERNMENTAL ENTITY SHALL SUBMIT THE NEW LOCAL INVESTMENT POLICY TO THE STATE TREASURER IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22F(c)(2) and (3).

In subsection (a)(1) of this section, the former reference to the "individual" needs of the entity is deleted as surplusage.

In subsection (a)(2) and the introductory language of subsection (c) of this section, the references to the local government investment guidelines adopted by the State Treasurer "under § 17-204 of this subtitle" are added for clarity.

In subsection (c)(2) of this section, the reference to the "local government investment guidelines" is substituted for the former reference to the "State Treasurer's guidelines" for clarity and consistency within this subtitle.

Defined term: "Governing authority" § 17-201

17-206. RESTRICTION ON INVESTMENTS.

A FINANCIAL OFFICER MAY NOT INVEST PUBLIC MONEY OF A GOVERNMENTAL ENTITY IN A MANNER THAT IS INCONSISTENT WITH THE ENTITY'S LOCAL INVESTMENT POLICY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22F(c)(4).

Defined terms: "Financial officer" § 17-201
"Public money" § 17-201

17-207. LOCAL DEBT POLICY.

(A) ADOPTION.

(1) EACH GOVERNMENTAL ENTITY SHALL ADOPT BY RESOLUTION, MOTION, OR ORDINANCE A LOCAL DEBT POLICY THAT:

(i) IS CONSISTENT WITH THE MARYLAND CONSTITUTION AND ALL APPLICABLE STATE AND LOCAL LAWS; AND

(ii) MEETS THE NEEDS OF THE GOVERNMENTAL ENTITY.

(2) PROMPTLY AFTER THE ADOPTION OF A LOCAL DEBT POLICY, THE GOVERNMENTAL ENTITY SHALL MAIL A CERTIFIED COPY TO THE STATE TREASURER.

(3) IF THE STATE TREASURER DETERMINES THAT THE LOCAL DEBT POLICY IS NOT CONSISTENT WITH THE MARYLAND CONSTITUTION OR ANY APPLICABLE STATE OR LOCAL LAW:

(i) THE STATE TREASURER SHALL NOTIFY THE GOVERNMENTAL ENTITY; AND

(ii) THE GOVERNMENTAL ENTITY SHALL PREPARE AND SUBMIT A REVISED LOCAL DEBT POLICY.

(B) REVISION.

IF THE GOVERNMENTAL ENTITY AMENDS ITS LOCAL DEBT POLICY, THE GOVERNMENTAL ENTITY SHALL SUBMIT ITS REVISED POLICY TO THE STATE TREASURER IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22F(d).

In the introductory language of subsection (a) of this section, the former phrase “[o]n or before September 1, 2009” is deleted as obsolete.

In subsection (a)(1)(i) and (3) of this section, the former references to “Articles 23A, 24, and 31 of the Code” are deleted as included in the references to “all applicable State and local laws” and “any applicable State or local law”.

In subsection (a)(1)(ii) of this section, the former reference to the “individual” needs of a governmental entity is deleted as surplusage.

17–208. ENFORCEMENT.

(A) IN GENERAL.

THE STATE TREASURER SHALL CONTACT THE GOVERNMENTAL ENTITY TO SEEK COMPLIANCE IF A GOVERNMENTAL ENTITY DOES NOT MAINTAIN A LOCAL INVESTMENT POLICY OR LOCAL DEBT POLICY AS REQUIRED BY THIS SUBTITLE.

(B) REPORTS REQUIRED.

ON REQUEST OF THE STATE TREASURER, A FINANCIAL OFFICER SHALL PROVIDE TO THE STATE TREASURER, IN THE FORMAT AND TIME FRAME REQUESTED:

(1) A REPORT OF THE INVESTMENT PORTFOLIO OF THE GOVERNMENTAL ENTITY; OR

(2) A REPORT OF THE DEBT PORTFOLIO OF THE GOVERNMENTAL ENTITY IN THE FORMAT REQUIRED UNDER § 16–103 OF THIS ARTICLE.

(C) NOTICE TO JOINT COMMITTEE ON THE MANAGEMENT OF PUBLIC FUNDS.

IF, AFTER BEING CONTACTED BY THE STATE TREASURER, A GOVERNMENTAL ENTITY DOES NOT COMPLY WITH THIS SECTION, THE STATE TREASURER SHALL NOTIFY THE JOINT COMMITTEE ON THE MANAGEMENT OF PUBLIC FUNDS IN WRITING.

(D) ACTION BY ATTORNEY GENERAL.

THE JOINT COMMITTEE ON THE MANAGEMENT OF PUBLIC FUNDS MAY REQUEST THE ATTORNEY GENERAL TO SEEK JUDICIAL ENFORCEMENT OF THIS SUBTITLE AGAINST THE GOVERNMENTAL ENTITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22F(e).

In subsection (a) of this section, the reference to “maintain[ing]” a local investment policy or local debt policy is substituted for the former references to “[a]dopt[ing]” a local investment policy or local debt policy to reflect that the obligation of a governmental entity does not end with the adoption of a policy.

Also in subsection (a) of this section, the phrase “as required by this subtitle” is substituted for the former phrases “that is consistent with the local government investment guidelines adopted by the State Treasurer” and “in accordance with (d)(1)(i) of this section” for brevity.

In subsection (c) of this section, the phrase “after being contacted by the State Treasurer” is added to clarify when the State Treasurer is required to give notice under subsection (b) of this section.

Also in subsection (c) of this section, the reference to this “subtitle” is substituted for the former reference to this “subsection” for accuracy.

In subsection (d) of this section, the reference to judicial enforcement “of this subtitle” is added for clarity.

Defined term: “Financial officer” § 17–201

GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 95, § 22F(a)(2), which defined “chief executive” to mean, for certain governmental entities, specified individuals, is deleted as unnecessary because it is not used in this subtitle.

SUBTITLE 3. INVESTMENT POOLS.

PART I. LOCAL GOVERNMENT INVESTMENT POOL.

17–301. DEFINITIONS.

(A) IN GENERAL.

IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 95, § 22G(a)(1)(i).

The only changes are in style.

(B) AUTHORIZED PARTICIPANT.

“AUTHORIZED PARTICIPANT” MEANS:

- (1) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPALITY;**
- (2) A COUNTY BOARD OF EDUCATION;**
- (3) THE GOVERNING BODY OF EACH ROAD, DRAINAGE, IMPROVEMENT, CONSTRUCTION, OR SOIL CONSERVATION DISTRICT OR COMMISSION IN THE STATE;**
- (4) THE UPPER POTOMAC RIVER COMMISSION;**
- (5) ANY OTHER POLITICAL SUBDIVISION OR BODY POLITIC AND CORPORATE OF THE STATE;**
- (6) A LOCAL GOVERNMENT INSURANCE POOL FORMED UNDER TITLE 19, SUBTITLE 6 OF THE INSURANCE ARTICLE; OR**
- (7) ON APPROVAL OF THE STATE TREASURER, A UNIT OF STATE GOVERNMENT OR AN ENTITY CREATED BY THE STATE IF THE FUNDS OF THE UNIT OR ENTITY ARE NOT STATE MONEY OVER WHICH THE TREASURER HAS INVESTMENT AUTHORITY.**

REVISOR'S NOTE: This subsection formerly was Art. 95, § 22G(a)(1)(ii).

Defined terms: “County” § 1–101
 “Governing body” § 1–101
 “Municipality” § 1–101
 “State” § 1–101

(C) POOL.

“POOL” MEANS THE LOCAL GOVERNMENT INVESTMENT POOL.

REVISOR'S NOTE: This subsection formerly was Art. 95, § 22G(a)(1)(iii).

The only changes are in style.

17-302. ESTABLISHED.

THERE IS A LOCAL GOVERNMENT INVESTMENT POOL.

REVISOR'S NOTE: This section formerly was Art. 95, § 22G(a)(2).

No changes are made.

17-303. COMPOSITION.

THE POOL CONSISTS OF:

(1) MONEY OF AUTHORIZED PARTICIPANTS THAT IS DEPOSITED IN THE POOL; AND

(2) MONEY OF THE STATE THAT IS DEPOSITED IN THE POOL BY THE STATE TREASURER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22G(a)(3).

In item (1) of this section, the reference to money deposited in the "Pool" is substituted for the former reference to money deposited in the "custody of the State" for accuracy and consistency within this part.

Defined terms: "Authorized participant" § 17-301

"Pool" § 17-301

"State" § 1-101

17-304. ADMINISTRATION.

(A) IN GENERAL.

THE STATE TREASURER SHALL ADMINISTER THE POOL ON BEHALF OF:

(1) AUTHORIZED PARTICIPANTS; AND

(2) TO THE EXTENT THAT STATE MONEY IS INCLUDED IN THE POOL, THE STATE.

(B) PROCEDURES.

THE STATE TREASURER SHALL DEVELOP PROCEDURES NECESSARY TO ADMINISTER THE POOL EFFICIENTLY, INCLUDING:

(1) SPECIFICATION OF THE MINIMUM AND MAXIMUM AMOUNTS THAT MAY BE DEPOSITED BY ANY AUTHORIZED PARTICIPANT IN THE POOL AND MINIMUM PERIODS OF TIME FOR WHICH DEPOSITS MUST BE RETAINED IN THE POOL;

(2) PAYMENT OF ADMINISTRATIVE EXPENSES FROM THE EARNINGS OF THE POOL; AND

(3) DISTRIBUTION OF EARNINGS IN EXCESS OF EXPENSES OR ALLOCATION OF LOSSES TO AUTHORIZED PARTICIPANTS IN A MANNER THAT EQUITABLY REFLECTS THE AMOUNT AND DURATION OF EACH AUTHORIZED PARTICIPANT'S INVESTMENTS IN THE POOL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22G(a)(5) and (6).

In subsection (a)(2) of this section, the reference to money included "in the Pool" is added for clarity.

In subsection (b)(2) of this section, the former reference to payment of "amounts equivalent to" administrative expenses is deleted as surplusage.

In subsection (b)(3) of this section, the reference to the "amount and duration of each authorized participant's investments in" the Pool is substituted for the former reference to the "differing amount of their respective investments and the differing periods of time for which the amounts were in the custody of" the Pool for brevity.

Defined terms: "Authorized participant" § 17-301

"Pool" § 17-301

"State" § 1-101

17-305. INVESTMENTS.

(A) POLICIES.

THE STATE TREASURER SHALL ESTABLISH INVESTMENT POLICIES FOR THE POOL.

(B) PROCEDURES.

SUBJECT TO THE OBJECTIVES AND REQUIREMENTS OF THIS PART, THE STATE TREASURER SHALL ESTABLISH PROCEDURES FOR:

(1) THE INVESTMENT AND REINVESTMENT OF MONEY IN THE POOL; AND

(2) THE ACQUISITION, RETENTION, MANAGEMENT, AND DISPOSITION OF INVESTMENTS OF THE POOL.

(C) GOVERNING LAW.

(1) THE STATE TREASURER SHALL INVEST MONEY IN THE POOL IN ACCORDANCE WITH §§ 6-222 AND 6-223 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) NOTWITHSTANDING ANY OTHER LAW, THE STATE TREASURER MAY:

(I) INVEST AND REINVEST MONEY IN THE POOL IN BANKERS' ACCEPTANCES GUARANTEED BY BANKS; AND

(II) SELL, REDEEM, OR EXCHANGE AN INVESTMENT OR REINVESTMENT MADE UNDER THIS PARAGRAPH.

(D) CUSTODY OF INSTRUMENTS OF TITLE.

EXCEPT AS OTHERWISE PROVIDED IN THIS PART, THE STATE TREASURER SHALL RETAIN CUSTODY OF ALL INSTRUMENTS OF TITLE TO ALL INVESTMENTS OF THE POOL.

(E) DEPOSIT OF INSTRUMENTS OF TITLE.

(1) THE STATE TREASURER MAY DEPOSIT WITH ONE OR MORE FISCAL AGENTS OR BANKS ANY INSTRUMENTS OF TITLE TO INVESTMENTS OF THE POOL THAT THE STATE TREASURER CONSIDERS ADVISABLE.

(2) A FISCAL AGENT OR BANK SHALL HOLD ANY INSTRUMENTS OF TITLE DEPOSITED WITH THE AGENT OR BANK FOR COLLECTION OF:

(I) THE PRINCIPAL OF AND INTEREST OR OTHER INCOME FROM THE INVESTMENTS; OR

(II) THE PROCEEDS OF SALE OF THE INVESTMENTS.

(F) COLLECTION OF PRINCIPAL AND INCOME BY STATE TREASURER.

THE STATE TREASURER SHALL COLLECT THE PRINCIPAL OF AND INTEREST OR OTHER INCOME FROM INVESTMENTS OF THE POOL, THE INSTRUMENTS OF TITLE TO WHICH ARE IN THE STATE TREASURER'S CUSTODY, WHEN DUE AND PAYABLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22G(b), (f), (a)(4), and (h)(1).

Subsection (c)(2) of this section is patterned after SF §§ 6-222 and 6-223. See General Revisor's Note to title.

In the introductory language of subsection (c)(2) of this section, the former reference to law "to the contrary or any limitation or restriction contained in any other law" is deleted as surplusage.

In subsection (e)(1) of this section, the reference to instruments of title "to investments of the Pool" is added for clarity and consistency with subsection (d) of this section.

In the introductory language of subsection (e)(2) of this section, the former reference to holding instruments of title "in safekeeping" is deleted as implicit in the fiduciary duty owed by a fiscal agent or bank.

In subsection (e)(2)(i) of this section, the reference to the principal of and income "from the investments" is added for clarity and consistency within this section. Similarly, in subsection (e)(2)(ii) of this section, the reference to the proceeds of sale "of the investments" is added.

Defined term: "Pool" § 17-301

17-306. EMPLOYMENT OF FISCAL AGENT.

(A) AUTHORIZED.

THE STATE TREASURER MAY:

- (1) CONTRACT WITH A QUALIFIED MARYLAND FISCAL AGENT;**
 - (2) COMPENSATE THE FISCAL AGENT FOR SERVICES RENDERED.**
- AND

(B) SCOPE OF SERVICES.

THE FISCAL AGENT MAY PERFORM ADMINISTRATIVE AND INVESTMENT SERVICES THAT THE STATE TREASURER PERFORMS UNDER THIS PART.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22G(h)(2).

In subsection (a)(1) of this section, the reference to “contract[ing]” is substituted for the former reference to “enter[ing] into a contractual agreement” for brevity.

In subsection (b) of this section, the reference to services that the State Treasurer “performs” is substituted for the former reference to service that the State Treasurer “is authorized ... to perform” for brevity.

17-307. STATUS OF MONEY IN POOL.

EXCEPT FOR STATE MONEY, MONEY DEPOSITED IN THE POOL IS NOT MONEY OF THE STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22G(i).

Defined terms: “Pool” § 17-301
“State” § 1-101

17-308. PROCEDURES FOR PARTICIPATION.**(A) IN GENERAL.**

THE GOVERNING AUTHORITY OF AN AUTHORIZED PARTICIPANT MAY DIRECT ITS FINANCIAL OFFICER TO REMIT TO THE STATE TREASURER FOR INVESTMENT IN THE POOL MONEY THAT:

(1) IS AVAILABLE FOR INVESTMENT; AND

(2) IS NOT REQUIRED, BY LAW OR A COVENANT OR AGREEMENT WITH BONDHOLDERS OR OTHERS, TO BE SEGREGATED AND INVESTED IN A DIFFERENT MANNER.

(B) OTHER POSTEMPLOYMENT BENEFIT FUNDS.

THE GOVERNING AUTHORITY OF AN AUTHORIZED PARTICIPANT HAVING MONEY INTENDED FOR OTHER POSTEMPLOYMENT BENEFITS THAT ARE AVAILABLE FOR INVESTMENT, AS AUTHORIZED UNDER § 17-102 OF THIS TITLE, MAY DIRECT ITS FINANCIAL OFFICER TO REMIT THAT MONEY TO THE STATE TREASURER FOR INVESTMENT IN THE POOL.

(C) RESOLUTION OR ORDINANCE REQUIRED.

(1) IF THE GOVERNING AUTHORITY OF AN AUTHORIZED PARTICIPANT DETERMINES THAT IT IS IN THE BEST INTEREST OF THE AUTHORIZED PARTICIPANT TO DEPOSIT MONEY IN THE POOL, THE GOVERNING AUTHORITY SHALL:

(I) ADOPT A RESOLUTION OR ORDINANCE AUTHORIZING THE DEPOSIT; AND

(II) FILE A CERTIFIED COPY OF THE RESOLUTION OR ORDINANCE WITH THE STATE TREASURER ACCOMPANIED BY A STATEMENT OF THE APPROXIMATE CASH FLOW REQUIREMENTS OF THE AUTHORIZED PARTICIPANT FOR THE INVESTED MONEY.

(2) THE RESOLUTION OR ORDINANCE SHALL INDICATE THE OFFICIAL OF THE AUTHORIZED PARTICIPANT WHO IS RESPONSIBLE FOR DEPOSITING MONEY IN AND WITHDRAWING MONEY FROM THE POOL.

(D) REQUIRED STATEMENTS.

EACH SUBSEQUENT DEPOSIT OF MONEY INTO THE POOL SHALL BE ACCOMPANIED BY A STATEMENT OF:

(1) THE INTENDED DURATION OF THE INVESTMENT; OR

(2) THE ANTICIPATED DATE OF WITHDRAWAL OF THE MONEY FROM THE POOL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22G(c).

In subsection (c)(1)(i) of this section, the reference to the "deposit" is substituted for the former reference to the "investment" for consistency within this section.

In subsection (c)(2) of this section, the former reference to investment "of its funds in the Pool" is deleted as implicit.

In the introductory language of subsection (d) of this section, the reference to each deposit “of money” into the Pool is added for consistency with subsection (d)(2) of this section.

Defined terms: “Authorized participant” § 17–301
“Pool” § 17–301

17–309. PARTICIPANT ACCOUNTS.

(A) REQUIRED.

THE STATE TREASURER SHALL MAINTAIN A SEPARATE ACCOUNT DESIGNATED BY NAME OR NUMBER FOR EACH AUTHORIZED PARTICIPANT IN THE POOL, INCLUDING THE STATE, TO RECORD THE INDIVIDUAL TRANSACTIONS AND TOTALS OF ALL INVESTMENTS OF EACH AUTHORIZED PARTICIPANT.

(B) ACCUMULATED INCOME.

AT LEAST MONTHLY, THE STATE TREASURER SHALL CREDIT ACCUMULATED INCOME TO EACH AUTHORIZED PARTICIPANT’S ACCOUNT.

(C) REPORTS.

(1) THE STATE TREASURER SHALL PROVIDE TO EACH AUTHORIZED PARTICIPANT A MONTHLY REPORT OF THE CHANGES IN INVESTMENTS MADE DURING THE PRECEDING MONTH.

(2) ON REQUEST, THE STATE TREASURER SHALL PROVIDE A DETAILED REPORT OF ANY TRANSACTION RELATING TO AN INVESTMENT OF AN AUTHORIZED PARTICIPANT.

(D) PAYMENTS FROM ACCOUNTS.

ON REQUEST, THE STATE TREASURER SHALL PAY FROM THE POOL THE PRINCIPAL AND CREDITED INCOME OF AN ACCOUNT MAINTAINED FOR AN AUTHORIZED PARTICIPANT IF THE REQUEST CONFORMS TO THE TERMS OF THE DEPOSIT.

(E) LIMIT ON PAYMENTS.

(1) THE STATE TREASURER MAY NOT MAKE A PAYMENT FROM AN ACCOUNT OF AN AUTHORIZED PARTICIPANT IN AN AMOUNT THAT EXCEEDS THE TOTAL AMOUNT OF MONEY IN THE ACCOUNT.

(2) THE PAYEE SHALL REFUND ANY EXCESS AMOUNT PAID.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22G(d), (e), and (g).

In subsections (a), (b), (c), (d), and (e)(1) of this section, the references to the "State Treasurer" are added to clarify that it is the State Treasurer, as the administrator of the Local Government Investment Pool, who is required to perform the duties and prohibited from taking the action described in those subsections.

In subsection (a) of this section, the defined term "Pool" is substituted for the former word "fund" for consistency within this part.

In subsection (c)(2) of this section, the reference to a detailed report of any "transaction relating to an investment of an authorized participant" is substituted for the former reference to the details of any "investment transaction" to clarify the scope of the information that the State Treasurer must provide.

In subsection (e)(1) of this section, the reference to an account "of an authorized participant" is added for clarity and consistency within this section.

Also in subsection (e)(1) of this section, the reference to the total "amount of money in the account" is substituted for the former reference to the total "of the particular account to which it applies" for brevity and clarity.

In subsection (e)(2) of this section, the reference to the "payee" is substituted for the former reference to the "distributee" for clarity and consistency with subsection (e)(1) of this section.

Also in subsection (e)(2) of this section, the reference to "any excess amount paid" is substituted for the former reference to "such payment [being] issued" for clarity and consistency with subsection (e)(1) of this section.

Defined terms: "Authorized participant" § 17-301

"Pool" § 17-301

"State" § 1-101

17-310. RESERVED.

17-311. RESERVED.**PART II. MONTGOMERY COUNTY INVESTMENT POOL.****17-312. ESTABLISHED.****THERE IS A MONTGOMERY COUNTY INVESTMENT POOL.**

REVISOR'S NOTE: This section formerly was Art. 95, § 22H(a), as it related to the establishment of the Montgomery County Investment Pool.

No changes are made.

17-313. COMPOSITION.**(A) IN GENERAL.**

THE MONTGOMERY COUNTY INVESTMENT POOL CONSISTS OF MONEY DEPOSITED IN THE POOL FOR INVESTMENT PURPOSES BY:

- (1) MONTGOMERY COUNTY;**
- (2) OTHER LOCAL GOVERNMENTS; AND**
- (3) PUBLIC AND NONPROFIT ENTITIES.**

(B) LIMITATION.

THE MONTGOMERY COUNTY INVESTMENT POOL MAY NOT ACCEPT MONEY FROM AN ENTITY THAT WAS NOT A PARTICIPANT IN THE POOL ON JULY 1, 1996.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22H(c) and, as it related to the composition of the Montgomery County Investment Pool, (a).

Subsection (a) of this section is revised to clarify that the purpose for which money is deposited in the Montgomery County Investment Pool, *i.e.*, "investment", applies to all of the entities listed in subsection (a) of this section.

17-314. ADMINISTRATION AND MANAGEMENT.

THE MONTGOMERY COUNTY INVESTMENT POOL SHALL BE:

(1) ADMINISTERED BY THE MONTGOMERY COUNTY DIRECTOR OF FINANCE; AND

(2) MANAGED IN ACCORDANCE WITH THE LOCAL INVESTMENT POLICY ADOPTED BY MONTGOMERY COUNTY UNDER § 17-205 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 22H(b).

In item (2) of this section, the reference to the "local" investment policy adopted by Montgomery County is added for consistency with § 17-205 of this title.

GENERAL REVISOR'S NOTE TO TITLE

Sections 17-101(b)(1), 17-102(b)(1), 17-103(b), and 17-305(c)(2) of this title are patterned after SF §§ 6-222 and 6-223, which were revisions of former Art. 95, § 22F, and which provided in part that the State Treasurer "may invest, redeem, sell, exchange, and reinvest any unexpended or surplus money of any fund or account" over which the State Treasurer has custody in specified types of securities. The revisions in SF §§ 6-222 and 6-223 break up the language into two parts. The first part authorizes the State Treasurer "to invest and reinvest" the money and the second part authorizes the State Treasurer "to sell, redeem, or exchange an investment or reinvestment" authorized in the first part. The revisions in this title follow this pattern since the source law was similar and it is reasonable to assume that the intent was to give the same type of authority to, and impose the same restrictions on, the State Treasurer and the entities subject to §§ 17-101, 17-102, 17-103, and 17-305 of this title.

TITLE 18. LOCAL ECONOMIC DEVELOPMENT.

SUBTITLE 1. PARKING AUTHORITIES ACT.

18-101. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was the introductory language to Art. 41, § 14-302.

No changes are made.

(B) AUTHORITY.

“AUTHORITY” MEANS A PARKING AUTHORITY ESTABLISHED UNDER THIS SUBTITLE.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 14–302(1).

Former Art. 41, § 14–307, which stated that an authority is not a municipal corporation as defined in Article XI–E of the Constitution of Maryland, is deleted as unnecessary in light of the definition of “municipality” in § 1–101 of this article.

(C) BOND.

“BOND” MEANS A REVENUE BOND ISSUED BY AN AUTHORITY UNDER THIS SUBTITLE.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 14–302(2).

The former reference to “bonds” is deleted in light of the reference to “[b]ond” and Art. 1, § 8, which provides that the singular generally includes the plural.

Defined term: “Authority” § 18–101

(D) PROPERTY.

“PROPERTY” INCLUDES ANY INTEREST IN REAL OR PERSONAL PROPERTY.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 14–302(5).

The former reference to property “mean[ing] any real or personal property” is deleted as included in the reference to “any interest in real or personal property”.

The former reference to any “franchise or easement” is deleted as included in the reference to any “interest in real or personal property”.

REVISOR'S NOTE TO SECTION: Former Art. 41, § 14-302(4), which defined "local law" as a legislative act of the county in which an authority is located, is deleted as unnecessary because the meaning is clear from its context.

18-102. LEGISLATIVE FINDINGS; PURPOSES OF SUBTITLE.

(A) LEGISLATIVE FINDINGS.

THE GENERAL ASSEMBLY FINDS THAT:

(1) UNEMPLOYMENT CONDITIONS EXIST IN CERTAIN AREAS OF THE STATE;

(2) THE ESTABLISHMENT OF VEHICLE PARKING FACILITIES UNDER THIS SUBTITLE IS NECESSARY TO RELIEVE THE UNEMPLOYMENT CONDITIONS AND ESTABLISH A BALANCED ECONOMY IN THESE AREAS; AND

(3) THE PRESENT AND PROSPECTIVE HEALTH, HAPPINESS, SAFETY, RIGHT OF GAINFUL EMPLOYMENT, AND GENERAL WELFARE IN THESE AREAS WILL BE PROMOTED BY THE ESTABLISHMENT OF VEHICLE PARKING FACILITIES UNDER THIS SUBTITLE.

(B) PURPOSES OF SUBTITLE.

THE GENERAL ASSEMBLY RECOGNIZES THAT, FOR CERTAIN AREAS OF THE STATE, THIS SUBTITLE IS NECESSARY TO:

(1) RELIEVE UNEMPLOYMENT CONDITIONS;

(2) ENCOURAGE INDUSTRIAL GROWTH AND A BALANCED ECONOMY;

(3) HELP RETAIN EXISTING INDUSTRIES;

(4) PROMOTE ECONOMIC DEVELOPMENT; AND

(5) PROMOTE HEALTH, WELFARE, AND SAFETY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14-303.

In this section and throughout this subtitle, the references to “these areas” or “certain areas” are substituted for the former references to “the counties” for clarity.

In the introductory language of subsection (a) of this section, the former reference to the General Assembly “determin[ing]” is deleted as included in the reference to the General Assembly “find[ing]”.

In subsection (a)(1) of this section, the reference to “certain” areas is added for consistency throughout this subtitle.

In subsection (a)(2) of this section, the term “establishment” is substituted for the former term “development” for clarity and consistency within this section.

In subsection (a)(3) of this section, the former reference to the “citizens” of the counties is deleted as surplusage. Similarly, in subsection (b)(5) of this section, the former reference to “residents” is deleted.

In the introductory language of subsection (b) of this section, the former phrase “through the provision of vehicle parking facilities by public parking authorities that are responsive to local needs” is deleted as duplicative of subsection (a) of this section.

In subsection (b)(2) of this section, the reference to “industrial growth” is substituted for the former reference to “the increase of industry” for clarity and brevity.

Defined term: “State” § 1–101

18–103. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES ONLY TO BALTIMORE CITY, MONTGOMERY COUNTY, AND PRINCE GEORGE’S COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 41, § 14–302(3). It is revised as a scope provision rather than as a definition of “county” for clarity and accuracy.

18–104. POWERS OF COUNTIES — IN GENERAL.

A COUNTY MAY CREATE A BODY POLITIC AND CORPORATE KNOWN AS THE “PARKING AUTHORITY OF (INSERT NAME OF COUNTY)”.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 41, § 14–304(a).

18–105. AUTHORITY ESTABLISHED.

TO CREATE AN AUTHORITY, A COUNTY SHALL:

(1) PASS A LOCAL LAW THAT ESTABLISHES THE CHARTER FOR THE AUTHORITY; AND

(2) FILE THE CHARTER WITH THE DEPARTMENT OF ASSESSMENTS AND TAXATION, THE DEPARTMENT OF LEGISLATIVE SERVICES, AND THE SECRETARY OF STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 41, § 14–304(a).

In item (1) of this section, the reference to a local law that “establishes” a charter is substituted for the former reference to a local law that “provide[s] and constitute[s]” a charter for clarity and brevity.

Also in item (1) of this section, the former reference to the “terms of” the charter are deleted as surplusage.

Defined term: “Authority” § 18–101

18–106. POWERS OF COUNTIES — AMENDMENTS.

A COUNTY MAY:

(1) AMEND THE AUTHORITY'S CHARTER THROUGH LOCAL LAW IF THE AMENDMENT IS FILED WITH THE DEPARTMENT OF ASSESSMENTS AND TAXATION, THE DEPARTMENT OF LEGISLATIVE SERVICES, AND THE SECRETARY OF STATE; OR

(2) CHANGE THE STRUCTURE OR ACTIVITY OF OR TERMINATE THE AUTHORITY, UNLESS THE CHANGE OR TERMINATION WOULD IMPAIR AN OBLIGATION OF THE AUTHORITY UNDER A PRE-EXISTING CONTRACT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14–304(b).

In item (2) of this section, the reference to a “pre-existing” contract is substituted for the former references to a contract “the authority entered

into before the change” and a contract “the authority entered into before the termination” for clarity and brevity.

Also in item (2) of this section, the former references to “organization” and “program” are deleted as included in the references to “structure” and “activity”.

Defined term: “Authority” § 18–101

18–107. MEMBERSHIP.

(A) IN GENERAL.

AN AUTHORITY CONSISTS OF FIVE MEMBERS.

(B) QUALIFICATIONS.

BY LOCAL LAW, A COUNTY SHALL ESTABLISH RESIDENCY REQUIREMENTS, MEANS OF APPOINTMENT, QUALIFICATIONS, AND TERMS OF OFFICE FOR A MEMBER.

(C) OFFICERS AND EMPLOYEES.

OFFICERS AND EMPLOYEES OF AN AUTHORITY SHALL BE APPOINTED AS PROVIDED BY LOCAL LAW.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 41, § 14–305(a), (b), and (c).

In subsection (b) of this section, the reference to “a county” is added for clarity.

Defined term: “Authority” § 18–101

18–108. POWERS OF AUTHORITY — IN GENERAL.

(A) POWERS GRANTED BY LOCAL LAW.

AN AUTHORITY HAS THE POWERS GRANTED TO IT BY LOCAL LAW, CONSISTENT WITH THIS SUBTITLE, TO ALLOW IT TO CARRY OUT THIS SUBTITLE.

(B) GENERAL POWERS.

AN AUTHORITY MAY:

- (1) USE A COMMON SEAL;
- (2) SUE AND BE SUED; AND
- (3) PERFORM CORPORATE ACTS NECESSARY TO CARRY OUT THIS SUBTITLE.

(C) BUDGETARY AND FINANCIAL PROCEDURES.

BY LOCAL LAW, A COUNTY SHALL ESTABLISH THE BUDGETARY AND FINANCIAL PROCEDURES OF AN AUTHORITY.

(D) REGULATIONS; PENALTIES.

(1) AN AUTHORITY MAY ADOPT, IN THE MANNER PROVIDED BY LOCAL LAW, RULES AND REGULATIONS FOR THE OPERATION AND USE OF PROPERTY AND FACILITIES UNDER ITS JURISDICTION.

(2) A PERSON WHO VIOLATES A RULE OR REGULATION ADOPTED BY AN AUTHORITY IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 180 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14–308 and the second and third sentences of former Art. 41, § 14–306 and, as it related to the general powers of an authority, the first sentence.

In subsection (a) of this section, the former reference to an authority carrying out “its purposes under” this subtitle is deleted as surplusage.

In subsection (b)(3) of this section, the former reference to “any and all” corporate acts is deleted as surplusage.

In subsection (c) of this section, the reference to “a county” is added for clarity.

Defined terms: “Authority” § 18–101

“Person” § 1–101

“Property” § 18–101

18–109. POWERS OF AUTHORITY — ENACTMENT BY COUNTY.

A COUNTY MAY AUTHORIZE AN AUTHORITY TO:

(1) ACQUIRE BY PURCHASE, LEASE, OR OTHER LEGAL MEANS, BUT NOT BY EMINENT DOMAIN, PROPERTY OF ANY KIND IN THE COUNTY;

(2) ESTABLISH, CONSTRUCT, ALTER, IMPROVE, EQUIP, REPAIR, MAINTAIN, OPERATE, AND REGULATE A FACILITY FOR PARKING VEHICLES THAT IS ON, UNDER, OR IN ANY PROPERTY OWNED BY THE COUNTY OR THE AUTHORITY; AND

(3) ESTABLISH AND COLLECT FEES FOR THE USE OF THE PROPERTY.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 41, § 14-306, as it related to the specific powers of an authority.

This section is revised to state expressly that which was only implied in the former law, *i.e.*, that a county may authorize an authority to acquire land and property to establish parking facilities.

In this section and throughout this subtitle, the former references to property in the county "in which the authority is located" are deleted as surplusage.

In this section, the former references to "land" are deleted as included in the references to "property".

In item (2) of this section, the former reference to the authority to "erect" facilities is deleted as implicit in the reference to the authority to "construct" facilities. Similarly, in item (2) of this section, the former references to the authority to "expand" and "enlarge" a facility are deleted as implicit in the reference to the authority to "improve" a facility and the former reference to the authority to "control" a facility is deleted as implicit in the reference to the authority to "operate" a facility.

Also in item (2) of this section, the former reference to property "that is now or may hereafter be" owned by the county is deleted as unnecessary as it would encompass any property owned by the county.

Also in item (2) of this section, the former references to "buildings" and "structures" are deleted as included in the reference to a "facility".

In item (3) of this section, the former reference to "charges" is deleted as included in the reference to "fees".

Defined terms: "Authority" § 18-101
"Property" § 18-101

18-110. AUTHORITY PROPERTY EXEMPT FROM TAXATION.

PROPERTY OWNED OR CONTROLLED BY AN AUTHORITY IS EXEMPT FROM ALL TAXATION BY THE STATE, A POLITICAL SUBDIVISION, OR ANY OTHER PUBLIC UNIT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14-311.

The reference to "all" taxation is substituted for the former reference to taxation "of every kind and nature whatsoever" for brevity.

The former reference to "municipal corporations" is deleted as included in the reference to a "political subdivision".

Defined terms: "Authority" § 18-101
"Property" § 18-101
"State" § 1-101

18-111. EARNINGS OF AUTHORITY.

THE NET EARNINGS OF AN AUTHORITY, OTHER THAN THOSE NECESSARY TO PAY DEBT SERVICES OR IMPLEMENT THE PUBLIC PURPOSES OF THIS SUBTITLE, MAY NOT BE USED FOR THE BENEFIT OF A PERSON.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 41, § 14-312.

The reference stating that earnings may not "be used for" the benefit of a person is substituted for the former reference that earnings may not "inure to" the benefit of a person for clarity.

The former phrase "other than the county" is deleted as unnecessary in light of the definition of "person", which does not include a government entity.

Defined terms: "Authority" § 18-101
"Person" § 1-101

18-112. TERMINATION OF AUTHORITY.

ON TERMINATION OF AN AUTHORITY, ALL PROPERTY, OBLIGATIONS, AND ASSETS OF THE AUTHORITY BECOME THE PROPERTY, OBLIGATIONS, AND ASSETS OF THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 41, § 14–312.

The reference to property, obligations, and assets of the authority “becom[ing]” the property, obligations, and assets of the county is substituted for the former references to the property “vest[ing] in” and the obligations and assets “be[ing] transferred to and assumed by” the county.

The former reference to “title to” all property is deleted as surplusage.

Defined terms: “Authority” § 18–101

“Property” § 18–101

18–113. ACT OF AUTHORITY NOT SUBJECT TO CHALLENGE.

AN ACT OF AN AUTHORITY MAY NOT BE CHALLENGED ON THE BASIS OF THE ABSENCE OF QUALIFICATIONS OF A MEMBER OF THE AUTHORITY IF THE MEMBER HAS:

(1) BEEN APPOINTED BY THE APPROPRIATE ENTITY DESIGNATED BY LOCAL LAW; AND

(2) TAKEN THE OATH OF OFFICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14–305(d).

In item (1) of this section, the reference to the appropriate “entity” is substituted for the former reference to the appropriate “authority” for clarity.

Defined term: “Authority” § 18–101

18–114. REVENUE BONDS.

(A) AUTHORITY MAY ISSUE REVENUE BONDS.

TO CARRY OUT THE PURPOSES OF THIS SUBTITLE, AN AUTHORITY MAY ISSUE REVENUE BONDS TO FINANCE THE COST OF:

(1) ACQUIRING PROPERTY; OR

(2) ESTABLISHING, CONSTRUCTING, ALTERING, IMPROVING, OR EQUIPPING A FACILITY.

(B) ISSUED BY RESOLUTION.

EACH BOND ISSUE SHALL BE AUTHORIZED BY A RESOLUTION APPROVED BY A VOTE OF AT LEAST FOUR MEMBERS OF THE AUTHORITY.

(C) DETERMINATION.

AN AUTHORITY SHALL DETERMINE THAT A BOND ISSUE IS NECESSARY TO ACHIEVE ONE OR MORE OF THE AUTHORITY'S PURPOSES BEFORE ISSUING BONDS UNDER THIS SECTION.

(D) CONTENTS OF RESOLUTION.

THE RESOLUTION AUTHORIZING THE BOND ISSUE SHALL INCLUDE:

(1) THE DETERMINATION THAT A BOND ISSUE IS NECESSARY;

(2) A STATEMENT THAT THE AUTHORITY WILL ACQUIRE THE VEHICLE PARKING FACILITY OR RELATED PROJECT IN ACCORDANCE WITH THIS SUBTITLE AND LOCAL LAW;

(3) A DETERMINATION OF THE PROBABLE USEFUL LIFE OF THE PROJECT OR AVERAGE PROBABLE USEFUL LIFE OF THE PROJECTS TO BE FINANCED;

(4) AN ESTIMATE OF THE COST OF THE PROJECT TO BE FINANCED AND THE PORTION TO BE DEFRAIDED FROM ANY SOURCES THAT SHALL BE SPECIFICALLY NAMED, OTHER THAN THE PROPOSED BOND ISSUE;

(5) THE PROCEDURE FOR THE SALE OF THE PROPOSED BOND ISSUE;

(6) A DESCRIPTION SUFFICIENT FOR PURPOSES OF IDENTIFICATION OF EACH OF THE PROJECTS TO BE FINANCED BY THE BOND ISSUE; AND

(7) A FINDING THAT THE AMOUNT OF THE PROPOSED BOND ISSUE IS SUFFICIENT TO COMPLETE AT LEAST A USEFUL PORTION OF EACH PROJECT TO BE FINANCED.

(E) NEGOTIABLE INSTRUMENTS.

NOTWITHSTANDING ANY OTHER PROVISION OF THE CODE OR ANY RECITALS OF THE BOND, THE BONDS ARE NEGOTIABLE INSTRUMENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14–309(a), (d), and, except as it related to probable useful life of a project, (b).

In the introductory language of subsection (a) of this section, the former reference to issuing bonds “from time to time” is deleted as surplusage.

In subsection (a)(2) of this section, the former references to “erecting”, “expanding”, and “enlarging” a facility are deleted as included in the references to “constructing” and “improving” a facility.

Also in subsection (a)(2) of this section, the former references to “buildings” and “structures” are deleted as included in the reference to a “facility”.

In subsection (b) of this section, the former reference to authority approval by a vote of four “of the five” members is deleted as surplusage.

In subsection (e) of this section, the former reference to negotiable instruments “under Maryland law” is deleted as implicit.

Defined terms: “Authority” § 18–101

“Bond” § 18–101

“Property” § 18–101

18–115. REVENUE BONDS — PROBABLE USEFUL LIFE OF PROJECT.

(A) PROJECTS HAVING DIFFERENT PROBABLE USEFUL LIVES.

IF BONDS ARE ISSUED FOR PROJECTS HAVING DIFFERENT PROBABLE USEFUL LIVES, THE AUTHORITY SHALL CONSIDER THE AMOUNT OF THE BONDS TO BE ISSUED FOR EACH PROJECT WHEN IT DETERMINES THE AVERAGE PROBABLE USEFUL LIFE OF THE PROJECTS.

(B) DETERMINATION BY AUTHORITY CONCLUSIVE.

THE DETERMINATION UNDER THIS SECTION BY AN AUTHORITY OF PROBABLE USEFUL LIFE OF THE PROJECT OR AVERAGE PROBABLE USEFUL LIFE OF THE PROJECTS IS CONCLUSIVE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14-309(b)(1), as it related to determining probable useful lives for projects.

Defined terms: "Authority" § 18-101
"Bond" § 18-101

18-116. REVENUE BONDS — MATTERS DETERMINED BY LOCAL LAW.

BY LOCAL LAW CONSISTENT WITH THIS SUBTITLE, A COUNTY SHALL DETERMINE MATTERS RELATED TO THE AUTHORIZATION, ISSUANCE, SALE, DELIVERY, AND PAYMENT OF BONDS, INCLUDING:

- (1) ISSUE DATE;**
- (2) MATURITY;**
- (3) INTEREST RATE;**
- (4) TERMS;**
- (5) FORM;**
- (6) DENOMINATION;**
- (7) MANNER OF EXECUTION;**
- (8) PLACE OF PAYMENT;**
- (9) REDEMPTION;**
- (10) REFUNDING;**
- (11) SALE PRICE;**
- (12) MANNER OF SALE; AND**
- (13) SECURITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14–309(c).

In the introductory language of this section, the reference to “a county” determining matters is added for clarity.

Also in the introductory language of this section, the former reference to matters related to bonds, including “, without limitation,” specific matters is deleted in light of Art. 1, § 30, which provides that “includes” is used by way of illustration and not by way of limitation.

In item (1) of this section, the former reference to “dates” is deleted in light of the reference to “date” and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in item (2) of this section, the former reference to “maturities” is deleted in light of the reference to “maturity”. Similarly, in item (3) of this section, the former reference to “rates” is deleted as included in the reference to “rate”. Similarly, in item (5) of this section, the former reference to “forms” is deleted in light of the reference to “form”. Similarly, in item (6) of this section, the former reference to “denominations” is deleted in light of the reference to “denomination”. Similarly, in item (8) of this section, the former reference to “places” is deleted in light of the reference to “place”.

Defined term: “Bond” § 18–101

18–117. REVENUE BONDS — GUARANTEE.

BY LOCAL LAW, A COUNTY MAY GUARANTEE THE BONDS AS TO PAYMENT OF PRINCIPAL, INTEREST, AND ANY REDEMPTION PREMIUM BY THE FULL FAITH AND CREDIT OF THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14–309(f).

The reference to “a county” guaranteeing the bonds is added for clarity.

The former reference to “upon” the full faith and credit is deleted as surplusage.

Defined term: “Bond” § 18–101

18–118. REVENUE BONDS — REFERENDUM PROVISIONS INAPPLICABLE.

BONDS, THE BORROWING THAT THEY REPRESENT, THE PROJECT BEING FINANCED, OR THE GUARANTEE OF THE COUNTY WITH RESPECT TO PAYMENT OF THE PRINCIPAL, INTEREST, AND REDEMPTION PREMIUM ARE NOT SUBJECT TO ANY REFERENDUM REQUIREMENTS UNDER A COUNTY CHARTER OR LOCAL LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14-309(g).

Defined term: "Bond" § 18-101

18-119. REVENUE BONDS — APPLICATION OF CONDITIONS OF SALE REQUIREMENTS.

BONDS ARE EXEMPT FROM THE CONDITIONS OF SALE REQUIREMENTS UNDER §§ 19-205 AND 19-206 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14-309(e).

The reference to "conditions of sale requirements under" specific law is substituted for the former reference to "provisions of" specific law for clarity.

Defined term: "Bond" § 18-101

18-120. REVENUE BONDS — EXEMPT FROM TAXATION.

BONDS, TRANSFER OF THE BONDS, AND THE INTEREST PAYABLE AND INCOME DERIVED FROM THE BONDS ARE EXEMPT FROM ALL STATE, COUNTY, AND MUNICIPAL TAXATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14-310.

The reference to the bonds being exempt from "all" taxation is substituted for the former references to bonds being exempt from taxation "of every kind and nature whatever in this State" and "at all times" for clarity and brevity.

Defined terms: "Bond" § 18-101
"State" § 1-101

18-121. SHORT TITLE.

THIS SUBTITLE IS THE PARKING AUTHORITIES ACT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14–301.

GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 41, § 14–304(c), which authorized a county to ratify a parking authority created before July 1, 1984, and all acts and contracts of the authority which were in accord with the authority's charter and the law by filing the authority's charter with the Department of Assessments and Taxation, the Department of Legislative Services, and the Secretary of State, is not retained in the Code because it was likely of limited application. It is transferred to the Session Laws to avoid any inadvertent substantive effect that its repeal might have. *See* § 9 of Ch. 119, Acts of 2013.

SUBTITLE 2. OCEAN CITY CONVENTION CENTER.**18–201. “CONVENTION CENTER” DEFINED.**

IN THIS SUBTITLE, “CONVENTION CENTER” MEANS THE ROLAND E. POWELL CONVENTION CENTER.

REVISOR'S NOTE: This section is new language added to avoid repetition of the phrase “Roland E. Powell Convention Center” and for consistency within this subtitle.

The defined term “Convention Center” reflects the current name of the former “Ocean City Convention Hall” and is substituted throughout this subtitle for the former references to the “Ocean City Convention Hall” and the “Convention Hall” for accuracy.

18–202. OPERATION.

THE MAYOR AND CITY COUNCIL OF OCEAN CITY SHALL OPERATE THE CONVENTION CENTER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14–701(a).

In this section and throughout this subtitle, references to the “City” Council of Ocean City are added for clarity and accuracy.

The former reference to the Mayor and City Council of Ocean City “administer[ing]” the Convention Center is deleted as included in the reference to “operat[ing]” the Convention Center.

Defined term: “Convention Center” § 18–201

18–203. POWERS AND DUTIES OF MAYOR AND CITY COUNCIL.

(A) POWERS.

THE MAYOR AND CITY COUNCIL OF OCEAN CITY MAY:

(1) EMPLOY AND SET THE SALARIES FOR A CONVENTION CENTER MANAGER AND OTHER NECESSARY PERSONNEL;

(2) ACCEPT DONATIONS OR GRANTS FOR THE MAINTENANCE AND OPERATION OF THE CONVENTION CENTER;

(3) RECEIVE AID FOR THE CONVENTION CENTER FROM THE FEDERAL GOVERNMENT, THE STATE, COUNTIES, OR MUNICIPALITIES;

(4) SET REASONABLE FEES FOR THE USE OF THE CONVENTION CENTER FACILITIES;

(5) GRANT, ON THE BASIS OF COMPETITIVE BIDDING, CONCESSIONS ON THE PREMISES OF THE CONVENTION CENTER FOR THE SALE OF FOOD OR BEVERAGES, INCLUDING, SUBJECT TO ARTICLE 2B OF THE CODE, ALCOHOLIC BEVERAGES; AND

(6) PERFORM ANY ACT NECESSARY TO OPERATE THE CONVENTION CENTER.

(B) DUTIES.

THE MAYOR AND CITY COUNCIL OF OCEAN CITY SHALL:

(1) KEEP RECORDS OF THE CONVENTION CENTER CONSISTENT WITH SOUND BUSINESS PRACTICE;

(2) CONDUCT AN AUDIT OF THE ACCOUNTS OF THE CONVENTION CENTER AT THE END OF EACH CALENDAR OR FISCAL YEAR; AND

(3) SUBMIT TO THE BOARD OF PUBLIC WORKS A DETAILED ANNUAL REPORT ON THE ACTIVITIES AND FINANCES OF THE CONVENTION CENTER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14-701(b) and (c).

In subsection (a)(3) of this section, the reference to receiving aid "for the Convention Center" is added for clarity.

Also in subsection (a)(3) of this section, the reference to "counties, or municipalities" is substituted for the former reference to "local governments" for clarity.

In subsection (a)(4) of this section, the former reference to the "rental" of the Convention Center facilities is deleted as included in the reference to the "use" of the Convention Center facilities.

In subsection (a)(5) of this section, the former reference to granting concessions "to concessionaires" is deleted as implicit.

In subsection (a)(6) of this section, the former reference to any act that is "proper" is deleted as implicit in the reference to any act that is "necessary".

Also in subsection (a)(6) of this section, the former reference to any act to "administ[er]" the Convention Center is deleted as included in the reference to any act to "operate" the Convention Center.

In subsection (b)(1) of this section, the reference to keeping records "of the Convention Center" is added for clarity.

In subsection (b)(2) of this section, the reference to an audit of "the accounts of the Convention Center" is substituted for the former reference to an audit of "its accounting" for clarity.

In subsection (b)(3) of this section, the reference to the "finances" of the Convention Center is substituted for the former reference to the "financial standing" of the Convention Center for brevity.

Defined terms: "Convention Center" § 18-201

"County" § 1-101

"Municipality" § 1-101

"State" § 1-101

18-204. TAX-EXEMPT STATUS.

THE CONVENTION CENTER IS EXEMPT FROM STATE AND LOCAL TAXES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14-701(d).

Defined terms: "Convention Center" § 18-201
 "State" § 1-101

18-205. STATE FUNDS.**THE STATE MAY NOT SPEND ANY MONEY FOR CAPITAL IMPROVEMENTS OR CAPITAL REPAIRS TO THE CONVENTION CENTER.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 41, § 14-702(b).

The former prohibition on spending money "after December 31, 1985" is deleted as obsolete.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the second sentence of former Art. 41, § 14-702(b) of the Code prohibits State capital funding for the Convention Center after 1985. This provision of law and other similar codified provisions, however, are often overridden in future supplemental or capital budget bills, which overriding provisions are considered "exceptions" to the underlying codifications. *See, e.g., Mayor and City Council of Baltimore v. State*, 281 Md. 217, 227-229 (1977). For example, in 1994 and 1995, the General Assembly provided a total of over \$15 million in State capital funding for the expansion of the Convention Center. In a practical sense this provision merely states the intent of the General Assembly in 1980, which intent has clearly changed and may change again. As a result, the General Assembly may wish to repeal the prohibition against State capital funding for the Convention Center.

Defined terms: "Convention Center" § 18-201
 "State" § 1-101

18-206. NAMES OF SECTIONS OF CONVENTION CENTER.**A NAME GIVEN TO A SECTION OF THE CONVENTION CENTER BY THE BOARD OF PUBLIC WORKS MAY BE CHANGED ONLY BY THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14-702(c).

The former reference to a name given to a section of the Convention Center by “official action of” the Board of Public Works is deleted as implicit. Similarly, the former reference to any name being changed only by “action of” the Board is deleted.

The former reference to a name being changed “subsequently” is deleted as surplusage.

Defined term: “Convention Center” § 18–201

GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 25, § 3(x–1), which authorized the County Commissioners of Worcester County to contribute funds to construct a parking lot to serve the Ocean City Convention Hall, is deleted as obsolete because the contribution has been made.

Former Art. 41, § 14–701(e), which required the Mayor and Council of Ocean City to contract with the State to take title of the Convention Hall, is deleted as obsolete because this action already has occurred.

Former Art. 41, § 14–702(a), which required the Board of Public Works to pay certain sums of money to the Mayor and Council of Ocean City for the Convention Hall during fiscal years 1981 through 1985, is deleted as obsolete because the payments for those fiscal years have been made.

The first sentence of former Art. 41, § 14–702(b), which required the Board of Public Works to approve funds for capital improvements and capital repairs to the Convention Hall, is deleted as obsolete because the State funding for the improvements and repairs ended in fiscal year 1985.

SUBTITLE 3. COMMERCIAL OR INDUSTRIAL DEVELOPMENT PROJECTS.

18–301. COMMERCIAL OR INDUSTRIAL DEVELOPMENT.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A POLITICAL SUBDIVISION MAY USE FEDERAL OR STATE FINANCIAL ASSISTANCE FOR COMMERCIAL OR INDUSTRIAL REDEVELOPMENT PROJECTS TO MAKE GRANTS OR LOANS, OR TO GUARANTEE LOANS, TO PRIVATE ENTITIES.

(B) LIMITATIONS.

THE AUTHORITY GRANTED UNDER THIS SECTION:

(1) MAY BE USED ONLY FOR COMMERCIAL OR INDUSTRIAL REDEVELOPMENT PROJECTS; AND

(2) MAY NOT BE USED FOR A RESIDENTIAL OR HOUSING PROJECT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 2(b)(31) and the introductory language of (b), Art. 25, § 3(kk), and Art. 25A, § 5(DD) and the introductory language of § 5.

In subsection (a) of this section, the former phrase "including the counties excepted in subsection (a) of this section" is deleted as unnecessary in light of the reorganization of this revised article.

Also in subsection (a) of this section, the former reference to financial assistance "available" for redevelopment projects is deleted as surplusage.

Defined term: "State" § 1-101

TITLE 19. PUBLIC DEBT.

SUBTITLE 1. GENERAL PROVISIONS.

19-101. CONSOLIDATED PUBLIC IMPROVEMENT BONDS.

(A) AUTHORIZED.

(1) IN AUTHORIZING THE SALE OF MUNICIPAL BONDS, THE GOVERNING BODY OF A COUNTY, THE COMMISSIONERS OF FINANCE FOR BALTIMORE CITY, AND THE COMMISSIONERS OF THE WASHINGTON SUBURBAN SANITARY COMMISSION, BY RESOLUTION, MAY PROVIDE THAT LOANS AUTHORIZED TO BE INCURRED AND BONDS AUTHORIZED TO BE SOLD BY SEPARATE ACTS OF ENABLING LEGISLATION BE CONSOLIDATED FOR SALE AND ISSUED, SOLD, AND DELIVERED AS A SINGLE ISSUE OF BONDS, REGARDLESS OF WHEN THE ENABLING LEGISLATION AUTHORIZING ANY LOAN OR THE SALE OF ANY BONDS EVIDENCING A LOAN WAS ENACTED.

(2) A RESOLUTION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT A LEGISLATIVE ACT.

(B) AUTHORIZING RESOLUTION.

(1) A CONSOLIDATED ISSUE OF MUNICIPAL BONDS MADE UNDER THIS SECTION SHALL BE DESIGNATED AS CONSOLIDATED PUBLIC IMPROVEMENT BONDS OF THE ISSUING AUTHORITY OF THE YEAR IN WHICH THE BONDS ARE TO BE DATED.

(2) A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF CONSOLIDATED PUBLIC IMPROVEMENT BONDS MAY SPECIFY ALL MATTERS RELATING TO THE ADVERTISEMENT, SALE, ISSUANCE, DELIVERY, AND PAYMENT OF THE BONDS, INCLUDING:

(I) THE FORMS, DATES, AND DENOMINATIONS OF THE BONDS;

(II) THE PRINCIPAL MATURITIES;

(III) THE METHODS TO BE USED IN DETERMINING INTEREST PAYABLE ON THE BONDS; AND

(IV) ANY PROVISIONS FOR:

1. REGISTRATION;

2. REDEMPTION BEFORE STATED MATURITY; AND

3. THE USE OF FACSIMILE SIGNATURES OR SEALS.

(C) NOTICE.

(1) NOTICE OF THE PUBLIC SALE OF CONSOLIDATED PUBLIC IMPROVEMENT BONDS:

(I) SHALL BE MADE AT LEAST ONCE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY, BALTIMORE CITY, OR THE WASHINGTON SUBURBAN SANITARY DISTRICT; AND

(II) ALSO MAY BE MADE IN A NEWSPAPER WHICH CIRCULATES PRIMARILY AMONG BANKERS AND INVESTORS.

(2) AT LEAST ONE NOTICE OF PUBLIC SALE SHALL BE MADE AT LEAST 10 DAYS BEFORE THE SALE.

(D) APPLICATION OF NET PROCEEDS.

AFTER DEDUCTION OF THE EXPENSES OF THE SALE OF CONSOLIDATED PUBLIC IMPROVEMENT BONDS, THE NET PROCEEDS SHALL BE APPLIED IN THE MANNER AND FOR THE PURPOSES DESIGNATED IN THE SEPARATE UNDERLYING ACTS OF ENABLING LEGISLATION.

(E) INCONSISTENT LAWS.

THE PROVISIONS OF THIS SECTION SUPERSEDE ANY INCONSISTENT PROVISION OF LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 2C.

In subsection (a)(1) of this section, the reference to the "governing body of a county" is substituted for the former reference to the "county council of any charter county [and] the county commissioners of any noncharter county" for brevity.

Also in subsection (a)(1) of this section, the reference to the commissioners of finance "for Baltimore City" is substituted for the former reference to the commissioners of finance "of the Mayor and City Council of Baltimore" for brevity.

Also in subsection (a)(1) of this section, the former reference to "providing for" the sale of municipal bonds is deleted as included in the reference to "authorizing" the sale of municipal bonds.

Also in subsection (a)(1) of this section, the former reference to authorizing the sale of bonds "from time to time" is deleted as surplusage.

Also in subsection (a)(1) of this section, the reference to the issue of bonds regardless of "when" the legislation was enacted is substituted for the former reference to regardless of whether the enabling legislation "was enacted before or after July 1, 1972", for brevity.

In subsection (c) of this section, the former phrase "[u]nless the bonds are authorized to be sold at private sale" is deleted as unnecessary in light of the limitation to public sales.

In the introductory language of subsection (c)(1) of this section, the former reference to "advertisement" of the public sale is deleted as included in the reference to "[n]otice" of the public sale.

In subsection (c)(1)(i) of this section, the former reference to providing notice “prior to sale” is deleted as implicit in the requirement to provide notice.

Also in subsection (c)(1)(i) of this section, the former phrase “as the case may be” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “notice” is substituted for the former reference to “advertisement” for consistency within this subsection.

In subsection (d) of this section, the former reference to enabling legislation “providing authority for the loan evidenced by such bonds” is deleted as surplusage.

Defined terms: “County” § 1–101

“Governing body” § 1–101

19–102. DUTIES OF COUNTY FINANCIAL OFFICER.

(A) APPLICATION OF SECTION.

THIS SECTION APPLIES TO A FINANCIAL OFFICER WHO IS ENTRUSTED WITH THE DUTY OF INVESTING THE SINKING FUNDS OR OTHER FUNDS ACCUMULATED OR TO BE ACCUMULATED FOR THE RETIREMENT OF DEBTS OR OTHER OBLIGATIONS OF A COUNTY, MUNICIPALITY, PUBLIC CORPORATION, SPECIAL DISTRICT, OR POLITICAL SUBDIVISION OF THE STATE.

(B) INVESTMENT OF SECURITIES.

IF A STATE OR LOCAL LAW REQUIRES A FINANCIAL OFFICER TO INVEST ANY PORTION OF A SINKING FUND OR OTHER FUNDS ACCUMULATED OR TO BE ACCUMULATED FOR THE RETIREMENT OF DEBTS OR OTHER OBLIGATIONS, THE FINANCIAL OFFICER SHALL INVEST THE FUNDS IN THE FOLLOWING CLASSES OF SECURITIES:

(1) THE BONDS OR OTHER OBLIGATIONS FOR THE RETIREMENT OF WHICH THE SINKING FUND IS OR WILL BE CREATED;

(2) THE BONDS, STOCK, OR OTHER VALID OBLIGATIONS OF THE STATE OR OF ANY COUNTY, MUNICIPALITY, PUBLIC CORPORATION, SPECIAL DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE STATE;

(3) THE BONDS OR OTHER OBLIGATIONS OF THE UNITED STATES;

(4) UNITED STATES TREASURY CERTIFICATES; OR

(5) BONDS OF ANY PUBLIC CORPORATION OR OTHER BODY, GUARANTEED AS TO PAYMENT OF PRINCIPAL AND INTEREST BY THE UNITED STATES.

(C) REIMBURSEMENT OF FUND WHEN SECURITIES PURCHASED AT PREMIUM.

IF A FINANCIAL OFFICER PURCHASES A SECURITY UNDER SUBSECTION (B) OF THIS SECTION AT A PREMIUM, THE FINANCIAL OFFICER SHALL MAKE ADJUSTMENTS OUT OF THE INTEREST RECEIVED FROM THE SECURITY TO REIMBURSE ANY SINKING FUND IN THE CUSTODY OF THE FINANCIAL OFFICER FOR THE PREMIUM PAID BEFORE THE MATURITY OF THE SECURITY.

(D) REGISTRATION OF SECURITY.

A SECURITY PURCHASED UNDER SUBSECTION (B) OF THIS SECTION THAT MAY BE REGISTERED SHALL BE REGISTERED IN THE NAME OF THE FINANCIAL OFFICER FOR THE PURPOSE FOR WHICH THE SECURITY IS PURCHASED.

(E) DEPOSIT OF UNINVESTED FUNDS; SECURITY FOR DEPOSIT.

(1) PENDING INVESTMENT OR REINVESTMENT, A FINANCIAL OFFICER SHALL DEPOSIT ANY UNINVESTED MONEY OR OTHER FUNDS BELONGING TO A SINKING FUND DESCRIBED IN SUBSECTION (A) OF THIS SECTION IN A BANKING INSTITUTION OR TRUST COMPANY LOCATED IN THE STATE.

(2) THE FINANCIAL OFFICER SHALL DEMAND ADEQUATE SECURITY FROM THE BANKING INSTITUTION OR TRUST COMPANY FOR THE AMOUNT OF THE DEPOSIT IN EXCESS OF THE GUARANTEE OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.

(3) THE SECURITY MAY CONSIST OF:

(I) ANY OF THE CLASSES OF SECURITIES LISTED IN SUBSECTION (B) OF THIS SECTION; OR

(II) A SURETY BOND OF A CORPORATE SURETY COMPANY QUALIFIED TO DO BUSINESS IN THE STATE.

(4) A DEPOSIT MAY NOT BE MADE UNLESS SECURITY IS PROVIDED IN ACCORDANCE WITH THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, §§ 6 and 7.

Throughout this section, the references to a "financial officer" are substituted for the former references to a "treasurer or other [authorized] financial officer" for consistency with other similar provisions of this article.

In subsection (a) of this section, the former reference to a financial officer "of any county, municipal or public corporation, special district, and/or political subdivision of this State" is deleted as implicit in being entrusted with the funds of a county, municipality, public corporation, special district, or political subdivision.

In the introductory language of subsection (b) of this section, the former reference to funds "in his custody" is deleted as surplusage.

In subsection (c) of this section, the former references to the security "so purchased" are deleted as surplusage.

In subsection (d) of this section, the former reference to securities being registered "officially" is deleted as surplusage.

Also in subsection (d) of this section, the former reference to securities registered "as held by him" is deleted as implicit in the reference to registering securities "in the name of the financial officer".

In subsection (e)(1) of this section, the former reference to the financial officer "hav[ing] in his possession" uninvested money is deleted as implicit in the officer's ability to invest money.

Also in subsection (e)(1) of this section, the former reference to a "safe" banking institution is deleted as implicit.

In subsection (e)(3)(i) of this section, the former reference to the class of securities "as suitable for investment of such sinking fund" is deleted as unnecessary in light of the cross-reference to the list of securities.

In subsection (e)(3)(ii) of this section, the former reference to a "responsible" corporate surety company is deleted as implicit in the requirement that the company be qualified to do business in the State.

Defined terms: "County" § 1-101

“Municipality” § 1-101
“State” § 1-101

19-103. SECURITY FOR BORROWING IN ANNE ARUNDEL AND PRINCE GEORGE’S COUNTIES.

(A) LIMITATION ON EFFECT OF CHARTER PROVISION REQUIRING PLEDGING OF TAXING POWERS.

(1) ANY CHARTER PROVISION OF ANNE ARUNDEL COUNTY OR PRINCE GEORGE’S COUNTY THAT REQUIRES OR HAS THE EFFECT OF REQUIRING THE COUNTY TO PLEDGE UNLIMITED TAXING POWERS, AS TO EITHER THE RATE OR AMOUNT, FOR THE REPAYMENT OF COUNTY DEBT MAY NOT BE GIVEN EFFECT IF ANY LATER ADOPTED CHARTER PROVISION IS INCONSISTENT WITH THE PLEDGE.

(2) PARAGRAPH (1) OF THIS SUBSECTION APPLIES TO ALL BONDS ISSUED BY ANNE ARUNDEL COUNTY OR PRINCE GEORGE’S COUNTY BEFORE JUNE 30, 1981.

(B) PAYMENT OF PRINCIPAL OF AND INTEREST ON DEBT.

TO SECURE THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON DEBT, ANNE ARUNDEL COUNTY OR PRINCE GEORGE’S COUNTY, BY CHARTER PROVISION OR LEGISLATIVE ACT, MAY:

(1) CREATE, PLEDGED FOR PAYMENT OF PRINCIPAL OF AND INTEREST ON DEBT:

(I) A SINKING FUND;

(II) A DEBT SERVICE FUND;

(III) A DEBT SERVICE RESERVE FUND; OR

(IV) ANY OTHER TRUST FUND, INCLUDING A FUND HELD BY A CORPORATE TRUSTEE;

(2) IF SUFFICIENT MONEY FOR THE TIMELY PAYMENT OF PRINCIPAL OF AND INTEREST ON DEBT IS NOT AVAILABLE OR IF THERE IS A DEFAULT IN PAYMENT, PROVIDE THAT THE FIRST RECEIVED GENERAL FUND REVENUES OF THE COUNTY SHALL BE APPLIED TO PAYMENT OF PRINCIPAL OF AND INTEREST ON DEBT IN AN AMOUNT SUFFICIENT TO:

(I) MAKE A PAYMENT WHEN DUE; OR

(II) CURE THE DEFAULT; AND

(3) PLEDGE ANY COUNTY REVENUE TO PAY PRINCIPAL OF AND INTEREST ON THE DEBT.

(C) LIMITATION ON EFFECT OF CHARTER PROVISION IMPAIRING OBLIGATION TO IMPOSE OR COLLECT TAXES.

A CHARTER PROVISION OF ANNE ARUNDEL COUNTY OR PRINCE GEORGE’S COUNTY MAY NOT IMPAIR OR BE CONSTRUED TO IMPAIR THE OBLIGATION OF THE COUNTY TO IMPOSE AND COLLECT TAXES TO PROVIDE FOR THE PAYMENT WHEN DUE OF PRINCIPAL OF AND INTEREST ON BONDS OF THE COUNTY, OR ON BONDS GUARANTEED BY THE COUNTY, IF:

(1) THE COUNTY HAS PLEDGED UNLIMITED TAXING POWERS TO THE BONDS; AND

(2) THE BONDS ARE OUTSTANDING ON THE EFFECTIVE DATE OF THE CHARTER PROVISION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 31, § 2D.

In subsection (a)(1) of this section, the reference to “[a]ny” charter provision is substituted for the former reference to “[a] present or future” charter provision for brevity.

Also in subsection (a)(1) of this section, the reference to a “later adopted charter provision” is substituted for the former reference to “any other provision of the charter of that county adopted after the provision thereof requiring such pledge” for brevity.

In the introductory language of subsection (b) of this section, the reference to “debt” is substituted for the former reference to “borrowings” for consistency with other similar provisions of the Code.

Also in the introductory language of subsection (b) of this section, the former phrase “the borrowing county” is deleted as unnecessary in light of the reference to the specific counties.

In subsection (b)(2) of this section, the former reference to the first general fund revenues received “thereafter” is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to payment of principal and interest “when due” is deleted as unnecessary in light of the reference to “timely payment”.

Also in subsection (b)(2) of this section, the former phrase “as the case may be” is deleted as surplusage.

In subsection (b)(3) of this section, the former reference to pledging county revenue “to the extent provided by said charter provision or legislative act” is deleted as implicit.

In the introductory language of subsection (c) of this section, the reference to the county “impos[ing]” taxes is substituted for the former reference to the county “levy[ing]” taxes for consistency with other similar provisions of the Code.

19-104. CALVERT COUNTY — PRIVATE ACTIVITY BOND ISSUANCE FEE.

THE COUNTY COMMISSIONERS OF CALVERT COUNTY:

(1) MAY CHARGE A FEE FOR THE ISSUANCE OF TAX-EXEMPT PRIVATE ACTIVITY BONDS; AND

(2) SHALL DEDICATE THE PROCEEDS OF THE FEE TO THE ECONOMIC DEVELOPMENT LOAN FUND OF THE COUNTY.

REVISOR’S NOTE: This section formerly was Art. 25, § 3(1-2).

The only changes are in style.

19-105. FREDERICK COUNTY — BOND RATING ENHANCEMENT RESERVE.

THE COUNTY COMMISSIONERS OF FREDERICK COUNTY SHALL ESTABLISH AND MAINTAIN A BOND RATING ENHANCEMENT RESERVE.

REVISOR’S NOTE: This section formerly was Art. 25, § 221B.

The only change is in style.

19-106. HARFORD COUNTY — COLLATERAL FOR DEPOSIT OF FUNDS.

NOTWITHSTANDING ANY OTHER LAW, THE PLEDGE OF ANY BONDS OR OBLIGATIONS ISSUED ON THE FULL FAITH AND CREDIT OF HARFORD COUNTY OR ANY GENERAL OBLIGATION BONDS OF THE STATE SHALL BE ACCEPTED AS SUFFICIENT COLLATERAL FOR THE DEPOSIT OF ANY MONEY OF HARFORD COUNTY.

REVISOR'S NOTE: This section formerly was Art. 24, § 7–101.

The only changes are in style.

Defined term: “State” § 1–101

GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 31, § 1, which provided that former Article 31 did not apply to the State or any of its units or instrumentalities, is deleted as unnecessary in light of the scope of the provisions of this subtitle.

SUBTITLE 2. PUBLIC SECURITIES.

PART I. DEFINITIONS.

19–201. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 31, §§ 29(a)(1), 30(a)(1), 31(a)(1), and 34(a)(1) and the introductory language of § 9.

The former reference to terms “wherever used or referred to in this subtitle” is deleted as surplusage.

The former reference to a term having a specific meaning “unless a different meaning clearly appears from the context” is deleted as implicit.

(B) BOND.

(1) “BOND” MEANS AN OBLIGATION FOR THE PAYMENT OF MONEY, BY WHATEVER NAME KNOWN OR SOURCE OF FUNDS SECURED, ISSUED

BY A GOVERNMENTAL ENTITY UNDER GENERAL OR SPECIAL STATUTORY AUTHORITY.

(2) “BOND” INCLUDES:

(I) A BOND;

(II) A CERTIFICATE OF INDEBTEDNESS;

(III) AN INTERIM CERTIFICATE; AND

(IV) A NOTE.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 31, §§ 29(a)(2), 30(a)(2), 31(a)(2), and 34(a)(2), the first clause of § 9(b), and, as it related to what constitutes a bond, the first sentence of § 24(a).

The former separate definitions of “bonds” in Art. 31, § 9(b) (applicable only to former Art. 31, §§ 10 through 12), § 29(a)(2) (applicable only to § 29), and § 30(a)(2) (applicable only to § 30) and the parenthetical clause in the first sentence of former § 24(a) (applicable only to § 24) are combined into one definition made applicable to this entire subtitle for consistency. The exclusions from the definition of “bonds” under former § 9(b) are revised in this subtitle where appropriate as scope provisions.

The reference to an obligation “for the payment of money”, formerly occurring only in the definition of “bonds” under Art. 31, § 29(a)(2), is made applicable to other provisions of this subtitle for consistency and in light of references in former law such as the reference to the power “to borrow money and to evidence the borrowing” by bonds in former § 24(a).

The phrase “by whatever name known or source of funds secured”, formerly occurring only in Art. 31, §§ 30(a)(2), 31(a)(2), and 34(a)(2) and in the parenthetical clause in the first sentence of former § 24(a)(1), is made applicable to other provisions of this subtitle for consistency and to avoid the need to repeat throughout this subtitle former references such as “bonds, interim certificates, revenue bonds or other obligations limited as to source of payment, notes, certificates of indebtedness or other obligations” and “bond, note, certificate of indebtedness, or other obligation”.

The reference to “general or special statutory authority”, formerly occurring only in Art. 31, § 9(b), is made applicable to other provisions of this subtitle for consistency and to avoid the need to repeat throughout

this subtitle references such as “under any public general or public local law” and “authorized by law” occurring in former §§ 24, 29, and 30.

In paragraph (1) of this subsection, the former reference to obligations “sold or offered for sale” is deleted as included in the reference to an obligation “issued”.

Also in paragraph (1) of this subsection, the former reference to statutory authority “heretofore or hereafter granted” is deleted as surplusage.

(C) ENABLING ACT.

“ENABLING ACT” MEANS A LAW THAT AUTHORIZES A GOVERNMENTAL ENTITY TO CREATE A DEBT AND SELL BONDS TO EVIDENCE THAT DEBT.

REVISOR’S NOTE: This subsection is new language added to provide a concise reference to a law that authorizes the issuance of bonds.

Defined term: “Bond” § 19–201

REVISOR’S NOTE TO SECTION:

Former Art. 31, § 34(a)(3), which defined “county” to mean any county in the State or Baltimore City, is deleted in light of the definition of “county” in § 1–101 of this article.

19–202. RESERVED.

19–203. RESERVED.

PART II. CONDITIONS ON SALE OF PUBLIC SECURITIES.

19–204. FORM OF BONDS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO THE FOLLOWING GOVERNMENTAL ENTITIES:

- (1) A COUNTY;**
- (2) A MUNICIPALITY;**
- (3) A PUBLIC CORPORATION OF THE STATE;**

(4) A SANITARY COMMISSION OR DISTRICT; AND

(5) A UNIT, PUBLIC CORPORATION, OR OTHER INSTRUMENTALITY OF A COUNTY OR A MUNICIPALITY.

(B) GENERAL AUTHORITY.

NOTWITHSTANDING ANY OTHER LAW, A GOVERNMENTAL ENTITY AUTHORIZED TO ISSUE BONDS MAY ISSUE BONDS IN A FORM THAT QUALIFIES AS A REGISTERED FORM UNDER §§ 103 AND 149 OF THE INTERNAL REVENUE CODE OR A REGULATION ADOPTED UNDER THOSE SECTIONS.

(C) ANCILLARY POWERS.

WHENEVER A GOVERNMENTAL ENTITY PROVIDES FOR THE SALE OF BONDS IN REGISTERED FORM, THE GOVERNMENTAL ENTITY MAY:

(1) ESTABLISH PROCEDURES FOR THE REGISTRATION AND TRANSFER OF THE BONDS;

(2) APPOINT ANY AGENT, INCLUDING AN AUTHENTICATING TRUSTEE, CORPORATE TRUSTEE, PAYING AGENT, REGISTRAR, OR TRANSFER AGENT;

(3) IN CONNECTION WITH THE ESTABLISHMENT AND MAINTENANCE OF A CENTRAL DEPOSITORY SYSTEM FOR THE TRANSFER OR PLEDGE OF THE BONDS, MAKE AGREEMENTS WITH:

(I) CUSTODIAN BANKS AND THEIR NOMINEES; OR

(II) FINANCIAL INTERMEDIARIES AND THEIR NOMINEES;

AND

(4) EXERCISE ANY OTHER POWER THAT RELATES TO ISSUANCE OF BONDS IN REGISTERED FORM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 30(b), (a)(3) and (4).

In this section and throughout this subtitle, the references to "governmental entity" are substituted for the former references to "public

body” for clarity and consistency with other similar provisions of this article.

In subsection (a) of this section, the former definition of “public body” is restated as a scope provision for clarity.

In subsection (a)(1) of this section, the former reference to a county “whether subject to the provisions of Article 25, Article 25A, or Article 25B, the Mayor and City Council of Baltimore” and the former phrase “including Baltimore City” are deleted as unnecessary in light of the definition of “county” in § 1–101 of this article.

In subsection (a)(2) of this section, the former reference to a municipality “subject to the provisions of Article 23A” is deleted in light of the definition of municipality in § 1–101 of this article.

In subsection (a)(4) of this section, the former reference to a sanitary commission or district “whether organized under the provisions of public general or public local law” is deleted as surplusage.

In subsection (a)(5) of this section, the reference to a “unit” of a county or municipality is substituted for the former references to a “department”, “commission”, “authority”, and “agency” of a county or municipality for brevity and consistency with other revised articles of the Code.

In subsection (b) of this section, the reference to “any other law” is substituted for the former reference to “any public general law, public local law, charter or code of any public body, or other provision of law to the contrary” for brevity.

Also in subsection (b) of this section, the former reference to “sell[ing]” bonds is deleted as included in the reference to “issu[ing]” bonds.

Also in subsection (b) of this section, the former references to the Internal Revenue Code “as amended” and regulations “as amended from time to time” are deleted as unnecessary in light of Art. 1, § 21 of the Code, which states that a reference to the Code or other law includes any subsequent amendment to the Code or other law.

Also in subsection (b) of this section, the former reference to regulations “proposed” is deleted as surplusage.

In the introductory language to subsection (c) of this section, the phrase “[w]henever a governmental entity provides for the sale ..., the governmental entity” is added for clarity.

In subsection (c)(1) of this section, the former phrase “as it may find necessary or appropriate” is deleted as surplusage.

In subsection (c)(4) of this section, the reference to the governmental entity “exercis[ing] any other power that relates to issuance of bonds in registered form” is substituted for the former reference to the “power to issue bonds in registered form includ[ing], without limitation” certain powers for clarity.

Defined terms: “Bond” § 19–201

“County” § 1–101

“Municipality” § 1–101

“State” § 1–101

19–205. PUBLIC AND PRIVATE SALE.

(A) SCOPE OF SECTION.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES ONLY TO THE FOLLOWING GOVERNMENTAL ENTITIES:

(I) A COUNTY;

(II) A PUBLIC CORPORATION OR OTHER POLITICAL SUBDIVISION OF THE STATE; OR

(III) AN INSTRUMENTALITY OR AGENCY OF A COUNTY, PUBLIC CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE.

(2) THIS SECTION DOES NOT APPLY TO THE FOLLOWING GOVERNMENTAL ENTITIES:

(I) BALTIMORE CITY;

(II) A MUNICIPALITY; OR

(III) A HOUSING AUTHORITY UNDER DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(B) APPLICATION OF SECTION.

(1) THIS SECTION DOES NOT APPLY IF THE TOTAL PRINCIPAL AMOUNT OF THE AUTHORIZED ISSUE IS \$25,000 OR LESS.

(2) THIS SECTION DOES NOT APPLY TO A BOND THAT:

(I) MATURES WITHIN 1 YEAR AFTER THE DATE OF ISSUE AND IS ISSUED:

- 1. IN ANTICIPATION OF TAXES;**
- 2. TO MEET CURRENT EXPENSES; OR**
- 3. TO MEET AN EMERGENCY;**

(II) IS SOLD TO THE UNITED STATES OR A UNIT OR INSTRUMENTALITY OF THE UNITED STATES;

(III) IS ISSUED UNDER A PLAN OF COMPOSITION APPROVED IN A PROCEEDING UNDER CHAPTER IX OF THE UNITED STATES BANKRUPTCY ACT; OR

(IV) IS ISSUED UNDER ANY OTHER PLAN TO REFUND OR REFINANCE IN EXCHANGE, BOND FOR BOND, FOR AN OUTSTANDING MATURING DEBT, OTHER THAN:

- 1. A CURRENT OR FLOATING DEBT; OR**
- 2. A BOND UNDER ITEM (I) OF THIS PARAGRAPH.**

(3) THIS SECTION DOES NOT APPLY IF:

(I) THE PROCEEDS OF THE SALE OF BONDS ARE TO BE USED WITH A GRANT FROM THE UNITED STATES OR A UNIT OR INSTRUMENTALITY OF THE UNITED STATES TO FINANCE PUBLIC WORKS; AND

(II) IN THE OPINION OF THE ATTORNEY GENERAL, THE AGREEMENT OR OTHER WRITING REFERRING TO THE GRANT CONDITIONS THE GRANT ON THE PRIOR EXECUTION, BY THE GOVERNMENTAL ENTITY AND A PROSPECTIVE BUYER, OF A CONTRACT FOR THE SALE OF THE BONDS WHEN ISSUED.

(4) THIS SECTION DOES NOT APPLY TO BOND OR GRANT ANTICIPATION NOTES ISSUED UNDER PART III OF THIS SUBTITLE.

(5) THIS SECTION DOES NOT APPLY TO A BOND ISSUED UNDER AN ENABLING ACT THAT:

(I) STATES THAT THIS SECTION DOES NOT APPLY; OR

(II) PROVIDES A DIFFERENT METHOD FOR THE SALE OF THE BONDS.

(C) PUBLIC SALE REQUIRED.

A GOVERNMENTAL ENTITY SHALL OFFER BONDS AT A PUBLIC SALE.

(D) NOTICE OF PUBLIC SALE.

(1) A GOVERNMENTAL ENTITY SHALL GIVE NOTICE OF A PUBLIC SALE OF BONDS AT LEAST TWICE IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE AREA IN WHICH THE GOVERNMENTAL ENTITY IS LOCATED.

(2) THE FIRST PUBLICATION SHALL APPEAR AT LEAST 10 DAYS BEFORE THE DATE OF THE SALE.

(3) THE NOTICE SHALL:

(I) BE IN THE FORM REQUIRED IN THE ORDINANCE OR RESOLUTION THAT AUTHORIZES THE ISSUANCE OF THE BONDS;

(II) STATE THE DATE, TIME, AND PLACE OF THE PUBLIC SALE;

(III) REFERENCE THE ENABLING ACT THAT AUTHORIZED THE BONDS;

(IV) STATE THE DATE OF ISSUE;

(V) STATE THE TOTAL PRINCIPAL AMOUNT;

(VI) STATE THE SCHEDULE OF MATURITIES;

(VII) STATE THE INTEREST PAYABLE OR THE MANNER OF DETERMINING THE INTEREST;

(VIII) STATE THE PURPOSE FOR WHICH THE PROCEEDS WILL BE USED;

(IX) DESCRIBE THE GENERAL FORM OF THE BONDS, INCLUDING WHETHER THE BONDS WILL BE:

- 1. IN COUPON OR REGISTERED FORM; AND**
- 2. REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH;**

(X) STATE THAT EACH BID MUST BE MADE IN WRITING BY SEALED PROPOSAL; AND

(XI) STATE THE AMOUNT OF THE GOOD FAITH DEPOSIT THAT THE GOVERNMENTAL ENTITY HAS DETERMINED MUST ACCOMPANY THE BID.

(4) THE NOTICE MAY RESERVE TO THE GOVERNMENTAL ENTITY THE RIGHT TO REJECT ANY OR ALL BIDS.

(E) AWARD.

EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE GOVERNMENTAL ENTITY SHALL SELL THE BONDS TO THE HIGHEST BIDDER OR BIDDERS AT THE PUBLIC SALE.

(F) SALE AFTER REJECTION OF ALL BIDS.

(1) IF THE GOVERNMENTAL ENTITY HAS RESERVED THE RIGHT TO REJECT BIDS AND DOES REJECT ALL BIDS, THE GOVERNMENTAL ENTITY, WITHIN 30 DAYS AFTER REJECTING ALL THE BIDS, MAY SELL THE BONDS AT A PRIVATE SALE FOR NOT LESS THAN THE HIGHEST AMOUNT BID BY AN ACCEPTABLE BIDDER AT THE PUBLIC SALE.

(2) IF THE GOVERNMENTAL ENTITY FAILS TO SELL THE BONDS AT A PRIVATE SALE WITHIN THE 30-DAY PERIOD UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE GOVERNMENTAL ENTITY MAY SELL THE BONDS ONLY AT ANOTHER PUBLIC SALE AFTER NOTICE AS REQUIRED IN SUBSECTION (D) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, §§ 10, 9(a) and, as it related to the application of this section to certain bonds, (b), and the fourth sentence of (i) and, as it related to the inapplicability of § 10 to bond and grant anticipation notes, (e). The exemption under former law for bond and

grant anticipation notes from the provisions of § 10 is included within the scope provisions in subsection (b) of this section.

In subsection (a) of this section, the former definition of “public body” is restated as a scope provision for clarity.

In subsection (a)(2)(i) of this section, the reference to “Baltimore City” is substituted for the former reference to “the Mayor and City Council of Baltimore” for consistency with other similar provisions of this article.

In subsection (a)(2)(ii) of this section, the former reference to a municipality “subject to the provisions of Article XI–E of the Maryland Constitution” is deleted as unnecessary in light of the definition of “municipality” in § 1–101 of this article.

In subsections (b)(1) and (d)(3)(v) of this section, the references to “principal” amount are substituted for the former references to “par” amount for clarity and consistency with other similar provisions of the Code.

In subsection (b)(2) of this section, the former references to “notes” and “other securities” are deleted as unnecessary in light of the definition of “bond” in § 19–201 of this subtitle.

In subsection (b)(2)(ii) of this section, the former reference to bonds sold “by any public body” is deleted as surplusage.

In subsection (b)(2)(iii) of this section, the former references to a plan “adopted” is deleted as included in the reference to a plan “approved”.

In subsection (b)(3) of this section, the former references to “financial assistance, allocated” and the former word “allocation” are deleted as unnecessary in light of the word “grant”.

In subsection (b)(3)(i) of this section, the reference to the writing “condition[ing]” the grant on the execution of a contract is substituted for the former reference to the writing “contain[ing] a stipulation that said grant or allocation is conditioned” on the execution of a contract for brevity.

Also in subsection (b)(3)(ii) of this section, the former reference to a “contract” is deleted as included in the reference to an “agreement or other writing”.

In subsection (c) of this section, the former reference to bonds offered for sale “pursuant to general or special authority heretofore or hereafter granted” is deleted as surplusage.

In subsection (d) of this section, the references to “notice” are substituted for the former references to “advertisement” for consistency with other similar provisions of this article.

In subsection (d)(1) of this section, the former reference to “daily or weekly” newspapers is deleted as unnecessary in light of the definition of the word “newspaper” in Art. 1, § 28 of the Code.

In subsection (d)(3)(i) of this section, the former reference to “the sale thereof at public sale pursuant to the requirements of this section” is deleted as surplusage.

In subsection (d)(3)(ii) of this section, the reference to the date, time, and place of the “public sale” is substituted for the former reference to the date, time, and place “at which proposals will be received and opened and the bonds awarded” for brevity.

In subsection (d)(3)(iii) of this section, the defined term “enabling act” is substituted for the former reference to “act of Assembly” for clarity.

Subsection (d)(3)(xi) of this section is revised to require that the notice state the amount of good faith deposit for clarity.

In subsection (d)(4) of this section, the former reference to bids “made pursuant to said advertisement” is deleted as surplusage.

In subsection (e) of this section, the former reference to a sale “pursuant to general or special authority heretofore or hereafter granted” is deleted as surplusage.

In subsection (f)(1) of this section, the former reference to authority to “offer to sell” bonds within 30 days after the rejection of all bids is deleted as included in the reference to the authority to “sell” bonds. This deletion also clarifies that the bonds must be sold within the 30-day period, not just offered for sale within that period.

Defined terms: “Bond” § 19–201

“County” § 1–101

“Enabling act” § 19–201

“Municipality” § 1–101

“State” § 1–101

19-206. MATURITY OF BOND ISSUE.

(A) SCOPE OF SECTION.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES ONLY TO THE FOLLOWING GOVERNMENTAL ENTITIES:

(I) A COUNTY;

(II) A PUBLIC CORPORATION OR OTHER POLITICAL SUBDIVISION OF THE STATE; OR

(III) AN AGENCY OR INSTRUMENTALITY OF A COUNTY, PUBLIC CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE.

(2) THIS SECTION DOES NOT APPLY TO THE FOLLOWING GOVERNMENTAL ENTITIES:

(I) BALTIMORE CITY;

(II) A MUNICIPALITY; OR

(III) A HOUSING AUTHORITY UNDER DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(B) APPLICATION OF SECTION.

(1) THIS SECTION DOES NOT APPLY TO A BOND THAT:

(I) MATURES WITHIN 1 YEAR AFTER THE DATE OF ISSUE AND IS ISSUED:

1. IN ANTICIPATION OF TAXES;

2. TO MEET CURRENT EXPENSES; OR

3. TO MEET AN EMERGENCY;

(II) IS SOLD TO THE UNITED STATES OR A UNIT OR INSTRUMENTALITY OF THE UNITED STATES;

(III) IS ISSUED UNDER A PLAN OF COMPOSITION APPROVED IN A PROCEEDING UNDER CHAPTER IX OF THE UNITED STATES BANKRUPTCY ACT; OR

(IV) IS ISSUED UNDER ANY OTHER PLAN TO REFUND OR REFINANCE IN EXCHANGE, BOND FOR BOND, FOR AN OUTSTANDING MATURING DEBT, OTHER THAN:

- 1. A CURRENT OR FLOATING DEBT; OR**
- 2. A BOND UNDER ITEM (I) OF THIS PARAGRAPH.**

(2) THIS SECTION DOES NOT APPLY TO BOND OR GRANT ANTICIPATION NOTES ISSUED UNDER PART III OF THIS SUBTITLE.

(3) THIS SECTION DOES NOT APPLY TO A BOND ISSUED UNDER AN ENABLING ACT THAT:

(I) STATES THAT THIS SECTION DOES NOT APPLY; OR

(II) PROVIDES A DIFFERENT METHOD FOR ESTABLISHING THE MATURITY OF THE BOND.

(C) SERIAL MATURITY REQUIRED.

(1) A GOVERNMENTAL ENTITY SHALL ISSUE BONDS ON A SERIAL MATURITY PLAN.

(2) THE GOVERNMENTAL ENTITY MAY:

(I) VARY THE AMOUNTS OF THE SERIES; AND

(II) PROVIDE FOR THE MATURITY OF A SERIES IN CONSECUTIVE ANNUAL INSTALLMENTS OR AT LONGER INTERVALS.

(D) MAXIMUM MATURITY.

(1) THE MATURITY DATE OF THE FINAL SERIES SHALL BE BASED ON THE PURPOSE FOR WHICH THE BONDS ARE ISSUED:

(I) WITHIN THE TIME LIMIT THAT APPLIES UNDER THE SCHEDULE IN PARAGRAPH (2) OF THIS SUBSECTION; OR

(II) IF MORE THAN ONE TIME LIMIT APPLIES, WITHIN THE SHORTEST APPLICABLE TIME LIMIT.

(2) THE SCHEDULE OF MATURITY DATES IS AS FOLLOWS:

PURPOSE OF ISSUE	LIMIT ON MATURITY OF ISSUE
PAVING EXISTING HIGHWAYS OR STREETS	10 YEARS
AIRPORTS AND BUILDINGS CONSTRUCTED OR TO BE CONSTRUCTED THEREON	15 YEARS
HIGHWAY CONSTRUCTION	20 YEARS
ELECTRIC LIGHT AND POWER SYSTEMS	25 YEARS
GAS SYSTEMS	25 YEARS
GRADE CROSSING ELIMINATIONS	25 YEARS
HARBOR IMPROVEMENTS	25 YEARS
SCHOOL CONSTRUCTION	25 YEARS
ALL OTHER PERMANENT STRUCTURES OF DURABLE MATERIALS	25 YEARS
BRIDGES	30 YEARS
LAND ACQUIRED FOR PERMANENT IMPROVEMENTS	40 YEARS
SEWERAGE INSTALLATION	40 YEARS
WATER SYSTEMS	40 YEARS

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, §§ 11, 9(a) and, as they related to the application of this section to certain bonds, (b)(1), (2), and (4), and the fourth sentence of § 12(i) and, as it related to the inapplicability of § 11 to bond and grant anticipation notes, (e). The exemption under former law

for bond and grant anticipation notes from the provisions of § 11 is included within the scope provisions of subsection (b) of this section.

In subsection (a) of this section, the former definition of “public body” and the part of the former definition of “bonds” that relates to the sale of bonds to Baltimore City, a municipality, or a housing authority are restated as scope provisions for clarity.

In subsection (a)(2)(i) of this section, the reference to “Baltimore City” is substituted for the former reference to “the Mayor and City Council of Baltimore” for consistency with other similar provisions of this article.

In subsection (a)(2)(ii) of this section, the former reference to a municipality “subject to the provisions of Article XI–E of the Maryland Constitution” is deleted as unnecessary in light of the definition of “municipality” in § 1–101 of this article.

In subsection (b)(1) of this section, the former references to “notes” and “other securities” are deleted as unnecessary in light of the definition of “bond” in § 19–201 of this subtitle.

In subsection (b)(1)(ii) of this section, the former reference to bonds sold “by any public body” is deleted as surplusage.

In subsection (b)(1)(iii) of this section, the former reference to a plan “adopted” is deleted as included in the reference to a plan “approved”.

In subsection (c) of this section, the former reference to issuing bonds “pursuant to any such general or special authority heretofore or hereafter granted,” is deleted as surplusage.

In the introductory language of subsection (d) of this section, the reference to “final series” is substituted for the former reference to “last of such series” for brevity.

In subsection (d) of this section, the third sentence of former Art. 31, § 11 (“No bonds ... shall be issued to mature at a date later than [the time limit specified] ... and in no event shall bonds be issued ... to mature more than forty (40) years from date of issue”.) is deleted as unnecessary in light of the requirement that the maturity date be within the applicable time limit provided in subsection (d)(2) of this section and the fact that the maximum limit on maturity provided in subsection (d)(2) of this section is 40 years.

Defined terms: “Bond” § 19–201
“County” § 1–101

“Enabling act” § 19–201
“Municipality” § 1–101
“State” § 1–101

19–207. REFUNDING BONDS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO THE FOLLOWING GOVERNMENTAL ENTITIES:

- (1) A COUNTY;**
- (2) A MUNICIPALITY;**
- (3) A PUBLIC CORPORATION OF THE STATE;**
- (4) A SANITARY COMMISSION OR DISTRICT, BUT NOT INCLUDING THE WASHINGTON SUBURBAN SANITARY COMMISSION; AND**
- (5) A UNIT, PUBLIC CORPORATION, OR OTHER INSTRUMENTALITY OF A COUNTY OR MUNICIPALITY.**

(B) AUTHORIZED.

(1) SUBJECT TO THE LIMITATIONS IN THIS SECTION, A GOVERNMENTAL ENTITY AUTHORIZED TO ISSUE BONDS MAY ISSUE NEW BONDS TO REFUND ITS OUTSTANDING BONDS.

(2) A SINGLE COUNTY, BICOUNTY, OR MULTICOUNTY AGENCY OR INSTRUMENTALITY MAY NOT ISSUE REFUNDING BONDS WITHOUT THE PRIOR APPROVAL OF THE GOVERNING BODY OF EACH COUNTY INVOLVED.

(C) ADDITIONAL POWERS.

(1) THE POWER TO ISSUE BONDS UNDER THIS SECTION IS IN ADDITION TO ANY OTHER POWER TO BORROW.

(2) IF BONDS TO BE REFUNDED ARE SECURED AS UNCONDITIONAL GENERAL OBLIGATIONS WITH A PLEDGE OF THE FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER OF THE GOVERNMENTAL ENTITY, THE GOVERNMENTAL ENTITY MAY SECURE AN ISSUE OF REFUNDING BONDS AS UNCONDITIONAL GENERAL OBLIGATIONS WITH A PLEDGE OF THE FULL FAITH

AND CREDIT AND UNLIMITED TAXING POWER OF THE GOVERNMENTAL ENTITY IN THE SAME MANNER AND, WITH RESPECT TO THE APPLICATION OF ANY PUBLIC GENERAL AND PUBLIC LOCAL LAW AND OTHERWISE, WITH THE SAME FORCE AND EFFECT AS THE ORIGINAL PLEDGE.

(D) PUBLIC PURPOSE.

A GOVERNMENTAL ENTITY MAY ISSUE BONDS UNDER THIS SECTION ONLY FOR THE PUBLIC PURPOSE OF:

(1) REALIZING FOR THE GOVERNMENTAL ENTITY A SAVINGS IN THE TOTAL COST OF DEBT SERVICE ON A DIRECT COMPARISON OR PRESENT VALUE BASIS;

(2) DEBT RESTRUCTURING THAT REDUCES THE TOTAL COST OF DEBT SERVICE; OR

(3) DEBT RESTRUCTURING THAT THE GOVERNMENTAL ENTITY DETERMINES:

(I) IS IN ITS BEST INTERESTS;

(II) IS CONSISTENT WITH ITS LONG-TERM FINANCIAL PLAN;

AND

(III) REALIZES A FINANCIAL OBJECTIVE OF THE GOVERNMENTAL ENTITY, INCLUDING IMPROVEMENT OF THE RELATIONSHIP OF DEBT SERVICE TO ANY SOURCE OF PAYMENT SUCH AS TAXES, ASSESSMENTS, OR OTHER CHARGES.

(E) SERIES.

A GOVERNMENTAL ENTITY MAY:

(1) PROVIDE THAT BONDS UNDER THIS SECTION BE IN ONE OR MORE SERIES; AND

(2) VARY THE AMOUNT OF THE SERIES.

(F) AMOUNT.

(1) THE TOTAL PRINCIPAL AMOUNT OF THE BONDS ISSUED UNDER THIS SECTION MAY EXCEED THE TOTAL PRINCIPAL AMOUNT OF THE BONDS THAT ARE BEING REFUNDED.

(2) TO DETERMINE WHETHER THE BONDS UNDER THIS SECTION ARE WITHIN ANY LIMIT ON DEBT THAT APPLIES TO THE GOVERNMENTAL ENTITY:

(I) THE AMOUNT OF THE BONDS THAT ARE BEING REFUNDED SHALL BE SUBTRACTED FROM ITS TOTAL OUTSTANDING DEBT; AND

(II) THE AMOUNT OF THE BONDS ISSUED UNDER THIS SECTION SHALL BE ADDED TO THE DIFFERENCE.

(G) PROCEDURES FOR ISSUANCE.

(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A GOVERNMENTAL ENTITY SHALL ISSUE BONDS UNDER THIS SECTION IN ACCORDANCE WITH THE PROCEDURES THAT APPLIED TO ISSUANCE OF THE BONDS THAT ARE BEING REFUNDED.

(2) IF, AT A PUBLIC MEETING, THE GOVERNMENTAL ENTITY DETERMINES THAT IT WOULD BE IN THE PUBLIC INTEREST, THE GOVERNMENTAL ENTITY MAY SELL BONDS ISSUED UNDER THIS SECTION AT A PRIVATE SALE, WITHOUT SOLICITING BIDS.

(3) BALTIMORE CITY MAY ISSUE BONDS TO THE EXTENT AUTHORIZED BY THE MARYLAND CONSTITUTION, TO REFUND OBLIGATIONS PREVIOUSLY ISSUED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN ARTICLE XI, § 7 OF THE MARYLAND CONSTITUTION WITHOUT REPEATING OR FURTHER COMPLYING WITH THOSE PROCEDURES IN THE ISSUANCE OF THE REFUNDING BONDS.

(H) REDEMPTION OF OUTSTANDING BONDS.

BONDS THAT ARE BEING REFUNDED AND THAT ARE SUBJECT TO REDEMPTION BEFORE THEIR STATED DATES OF MATURITY MAY BE CALLED FOR REDEMPTION:

(1) ON THE EARLIEST REDEMPTION DATE; OR

(2) AT A LATER DATE THAT THE GOVERNMENTAL ENTITY DETERMINES.

(I) PROCEEDS.

(1) A GOVERNMENTAL ENTITY SHALL INVEST AND APPLY PROCEEDS OF A SALE OF BONDS ISSUED UNDER THIS SECTION TO ENSURE THAT THE PRINCIPAL AND REDEMPTION PREMIUM OF, AND INTEREST ON, THE BONDS THAT ARE BEING REFUNDED WILL BE PAID IN FULL WHEN DUE.

(2) THE GOVERNMENTAL ENTITY MAY DEPOSIT ANY PART OF THE PROCEEDS OF THE SALE OF BONDS ISSUED UNDER THIS SECTION IN A TRUST FUND WITH A TRUST COMPANY OR OTHER BANKING INSTITUTION, IN THE NAME OF THE GOVERNMENTAL ENTITY.

(3) THE TRUSTEE MAY INVEST AND REINVEST MONEY IN THE TRUST FUND IN:

(I) OBLIGATIONS OF THE UNITED STATES;

(II) OBLIGATIONS GUARANTEED BY THE UNITED STATES;

(III) CERTIFICATES OF DEPOSIT OR TIME DEPOSITS SECURED BY AN OBLIGATION OF THE UNITED STATES; OR

(IV) CERTIFICATES OF DEPOSIT OR TIME DEPOSITS SECURED BY AN OBLIGATION GUARANTEED BY THE UNITED STATES.

(4) INTEREST, INCOME, AND PROFITS ON THE INVESTMENT MAY BE:

(I) CONSIDERED TO BE REVENUE OF A REVENUE PROJECT;

AND

(II) APPLIED IN ANY LAWFUL MANNER, INCLUDING TO THE

PAYMENT OF:

1. THE BONDS THAT ARE BEING REFUNDED; AND

2. THE BONDS ISSUED UNDER THIS SECTION.

(5) THE TRUSTEE SHALL MAKE MONEY IN THE TRUST FUND AVAILABLE, AS THE GOVERNMENTAL ENTITY REQUIRES, FOR THE PAYMENT OF:

(I) THE PRINCIPAL AND REDEMPTION PREMIUM OF, AND INTEREST ON, THE BONDS THAT ARE BEING REFUNDED;

(II) THE PRINCIPAL AND REDEMPTION PREMIUM OF, AND INTEREST ON, THE BONDS ISSUED UNDER THIS SECTION; OR

(III) ANY OTHER RELATED COSTS.

(J) PAYMENT.

ALL OR ANY PART OF THE BONDS ISSUED UNDER THIS SECTION MAY BE MADE PAYABLE FROM AND SECURED BY:

(1) MONEY IN THE TRUST FUND; OR

(2) OTHER MONEY OR SECURITY THAT THE GOVERNMENTAL ENTITY PROVIDES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 24.

In this section and throughout this subtitle, the references to "governmental entity" are substituted for the former references to "issuer" for clarity and consistency with other similar provisions of this article.

Subsection (a) of this section is revised as a scope provision for clarity and consistency throughout this part.

In subsection (a)(1) of this section, the former reference to a county " , whether subject to the provisions of Article 25, Article 25A, or Article 25B," and the former references to "Baltimore City" are deleted as unnecessary in light of the definition of "county" in § 1-101 of this article.

In subsection (a)(2) of this section, the former reference to a municipality "subject to the provisions of Article 23A" is deleted in light of the definition of "municipality" in § 1-101 of this article.

In subsection (a)(4) of this section, the former reference to a sanitary commission or district "whether organized under the provisions of public general or public local law" is deleted as surplusage.

In subsection (a)(5) of this section, the reference to a "unit" of a county or municipality is substituted for the former references to a "department",

“commission”, and “authority” of a county or municipality for brevity and consistency with other revised articles of the Code.

In subsections (b), (f), and (h) of this section, the defined term “bond” is substituted for the former reference to “general obligation bonds, revenue bonds or other evidences of obligation by whatever name known or source of funds secured” and “[b]onds or other obligations” for brevity and consistency with other similar provisions of the Code.

In subsection (b)(1) of this section, the reference to “new” bonds is added for clarity.

Also in subsection (b)(1) of this section, the reference to a governmental entity “authorized to issue bonds” is substituted for the former reference to a governmental entity “that has power under any public general or public local law to borrow money and to evidence the borrowing by the issuance of its” bonds for brevity and clarity.

Also in subsection (b)(1) of this section, the former references to payment of “redemption premium” and “interest accrued or to accrue” are deleted as implicit in the authority to issue bonds to “refund” outstanding bonds and duplicative of provisions in subsection (i) of this section regarding application of the proceeds of refund bonds issued under this section.

In subsection (c) of this section, the former reference to “[t]his paragraph may not be construed to in any way limit the authority granted under this section” is deleted as surplusage.

In subsections (c)(1), (i)(1), and (j) of this section, the former references to “refunding” bonds are deleted as unnecessary in light of the references to bonds “under this section” because the only bonds referenced under this section are refunding bonds.

In subsection (e)(2) of this section, the reference to “vary[ing] the amount of the series” is substituted for the former reference to “each series being in whatever principal amount the issuer determines shall be required to achieve the purpose of the issuance of the refunding bonds” for brevity.

In subsection (f)(1) of this section, the reference to “[t]he total principal amount of the bonds issued under this section” is substituted for the former phrase “which amount” for clarity and accuracy.

In subsection (g)(2) of this section, the reference to “a private sale” is substituted for the former reference to “a negotiated basis” for clarity and consistency with other similar provisions in this subtitle.

In subsection (i)(1) of this section, the reference to bonds being paid “when due” is substituted for the former reference to bonds being paid “on their respective maturity, redemption or interest payment dates” for brevity.

In subsection (i)(2) of this section, the reference to “any part of the proceeds” is substituted for the former reference to “[t]he proceeds ... in amount determined by the issuer” for brevity and clarity.

In subsection (i)(3) of this section, the former references to obligations or certificates of deposit or time deposits “the principal of” and “the interest on which” are guaranteed by the United States are deleted as surplusage.

In the introductory language of subsection (i)(4) of this section, the former reference to interest, income, and profits “if any, earned or realized” is deleted as surplusage.

In subsection (j) of this section, the former reference to money or security provided “for the payment or security of the refunding bonds.” is deleted as surplusage.

Defined terms: “Bonds” § 19–201
 “County” § 1–101
 “Governing body” § 1–101
 “Municipality” § 1–101
 “State” § 1–101

19–208. SMALL DENOMINATIONS.

(A) SCOPE OF SECTION.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES ONLY TO THE FOLLOWING GOVERNMENTAL ENTITIES:

- (I) A COUNTY;**
- (II) A MUNICIPALITY;**
- (III) A PUBLIC CORPORATION OF THE STATE; AND**
- (IV) A POLITICAL SUBDIVISION OR AN AGENCY OR INSTRUMENTALITY OF A POLITICAL SUBDIVISION OF THE STATE.**

(2) THIS SECTION DOES NOT APPLY TO BALTIMORE CITY.

(B) AUTHORIZED.

A GOVERNMENTAL ENTITY AUTHORIZED TO ISSUE BONDS:

(1) SUBJECT TO THE LIMITATIONS IN THIS SECTION AND NOTWITHSTANDING ANY OTHER LAW, IF THE GOVERNMENTAL ENTITY DETERMINES THAT IT IS IN THE PUBLIC INTEREST, MAY ISSUE AND SELL BONDS IN DENOMINATIONS OF \$1,000 OR LESS, IN ANY FORM;

(2) MAY SELL THE BONDS IN INTEGRAL MULTIPLES; AND

(3) SUBJECT TO ANY OTHER PROVISION OF LAW, MAY SET THE PRICES FOR AND THE INTEREST RATES TO BE PAID ON THE BONDS.

(C) TOTAL INDEBTEDNESS.

(1) A GOVERNMENTAL ENTITY MAY NOT HAVE BONDS OUTSTANDING UNDER THIS SECTION IN EXCESS OF A TOTAL PRINCIPAL AMOUNT OF THE GREATER OF:

(I) \$1,000,000; OR

(II) 10% OF THE TOTAL OUTSTANDING BONDED INDEBTEDNESS OF THE GOVERNMENTAL ENTITY AT THE TIME THE BONDS ARE ISSUED.

(2) THE TOTAL DEBTS OF A GOVERNMENTAL ENTITY, INCLUDING BONDS UNDER THIS SECTION, MAY NOT EXCEED A LIMIT SET BY LAW.

(D) MANNER OF SALE.

A GOVERNMENTAL ENTITY MAY SELL BONDS ISSUED UNDER THIS SECTION IN ANY MANNER THAT THE GOVERNMENTAL ENTITY CONSIDERS APPROPRIATE, NOTWITHSTANDING §§ 19-205 AND 19-206 OF THIS SUBTITLE OR ANY OTHER LAW THAT REQUIRES THE SOLICITATION OF COMPETITIVE BIDS OR THE PUBLIC SALE OF BONDS TO THE HIGHEST BIDDER OR BIDDERS OR THAT REGULATES THE MANNER IN WHICH THE SALE SHALL BE ADVERTISED OR THE BONDS SOLD.

(E) DISCLOSURE DOCUMENT.

(1) A GOVERNMENTAL ENTITY THAT ISSUES BONDS UNDER THIS SECTION SHALL APPROVE A DISCLOSURE DOCUMENT THAT INCLUDES:

(I) A DESCRIPTION OF THE SECURITY FOR THE BONDS;

(II) A STATEMENT OF THE PURPOSES FOR WHICH THE PROCEEDS OF THE BONDS WILL BE USED;

(III) A DESCRIPTION OF THE FINANCIAL CONDITION OF THE GOVERNMENTAL ENTITY;

(IV) A STATEMENT OF THE PRICES FOR AND THE INTEREST RATES TO BE PAID ON THE BONDS; AND

(V) A STATEMENT OF THE TIMES AND PLACES OF PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS.

(2) A GOVERNMENTAL ENTITY SHALL MAKE THE DISCLOSURE DOCUMENT AVAILABLE TO BUYERS OF THE BONDS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 29(b) through (g) and (a)(3).

In subsection (a) of this section, the former definition of "public body" is restated as a scope provision for clarity.

In subsection (a)(1)(ii) of this section, the former reference to a municipality "subject to the provisions of Article XI–E of the Maryland Constitution" is deleted in light of the definition of municipality in § 1–101 of this article.

In subsections (c)(2) and (d) of this section, the former specific references to "State law, county charter, county code" and "public general law, public local law, or the charter of any public body" are deleted as unnecessary in light of the reference to "law".

In the introductory language of subsection (e)(1) of this section, the former reference to an "official statement or other" disclosure document is deleted as surplusage.

Defined terms: "Bond" § 19–201

"County" § 1–101

"Municipality" § 1–101

"State" § 1–101

19-209. RESERVED.

19-210. RESERVED.

PART III. BOND AND GRANT ANTICIPATION NOTES.

19-211. SCOPE OF PART.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS PART APPLIES ONLY TO THE FOLLOWING GOVERNMENTAL ENTITIES:

(1) A COUNTY;

(2) A MUNICIPALITY;

(3) A PUBLIC CORPORATION OR OTHER POLITICAL SUBDIVISION OF THE STATE; OR

(4) AN INSTRUMENTALITY OR AGENCY OF A COUNTY, PUBLIC CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE.

(B) EXCEPTION.

THIS PART DOES NOT APPLY TO A HOUSING AUTHORITY UNDER DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 9(a), except as it applied to Baltimore City and municipalities, the first clause of the first sentence of § 12(a), and the first clause of the first sentence of § 12(i).

In this section, the former definition of "public body" is revised as a scope provision for clarity.

In subsection (a)(1) of this section, the former references to "the Mayor and City Council of Baltimore" are deleted as unnecessary in light of the definition of "county" in § 1-101 of this article.

In subsection (a)(2) of this section, the former references to a municipality "subject to the provisions of Article XI-E of the ... Constitution" are deleted as unnecessary in light of the definition of "municipality" in § 1-101 of this article.

Defined terms: "County" § 1-101

"Municipality" § 1-101

"State" § 1-101

19-212. AUTHORITY TO ISSUE.

(A) BOND ANTICIPATION NOTES.

A GOVERNMENTAL ENTITY AUTHORIZED TO ISSUE BONDS MAY ISSUE AND SELL BOND ANTICIPATION NOTES IF, IN THE ORDINANCE, RESOLUTION, OR OTHER FORM OF OFFICIAL ACTION THAT AUTHORIZES THE NOTES, THE GOVERNMENTAL ENTITY COVENANTS TO:

(1) PAY FROM THE PROCEEDS OF THE BONDS IN ANTICIPATION OF THE SALE OF WHICH THE NOTES ARE ISSUED:

(I) THE PRINCIPAL OF THE NOTES; AND

(II) TO THE EXTENT THAT THE INTEREST ON THE NOTES IS NOT PAID FROM THE PROCEEDS OF THE SALE OF THE NOTES, THE INTEREST ON THE NOTES; AND

(2) ISSUE THE BONDS AS SOON AS THERE IS NO LONGER A REASON FOR DEFERRING THEIR ISSUANCE.

(B) GRANT ANTICIPATION NOTES.

A GOVERNMENTAL ENTITY MAY ISSUE AND SELL GRANT ANTICIPATION NOTES IN ANTICIPATION OF THE RECEIPT OF A GRANT FROM THE UNITED STATES, THE STATE, OR ANY OF THEIR UNITS IF, IN THE ORDINANCE, RESOLUTION, OR OTHER FORM OF OFFICIAL ACTION THAT AUTHORIZES THE NOTES, THE GOVERNMENTAL ENTITY COVENANTS TO PAY FROM THE PROCEEDS OF THE GRANT IN ANTICIPATION OF THE RECEIPT OF WHICH THE NOTES ARE ISSUED:

(1) THE PRINCIPAL OF THE NOTES; AND

(2) THE INTEREST ON THE NOTES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 12(b), the second clause of the first

sentence of (a), and the second sentence and the first clause of the first sentence of (i).

In subsection (a) of this section, the broadly defined term “bond[s]” is used and the exclusions listed in the former narrower definition of “bonds” under former Art. 31, § 9(b) are not set forth in this section in light of the use of the phrase “bonds or other obligations” in former Art. 31, § 12(a) and the fact that former Art. 31, § 12(a) was specifically applicable to “[a]ny public body and any municipal corporation, including the Mayor and City Council of Baltimore and those municipal corporations subject to the provisions of Article XI–E of the Maryland Constitution”, revised in § 19–211 of this subtitle as a scope provision for this part.

In the introductory language of subsection (a) of this section, the reference to the ordinance, resolution, or “other form of official action” that authorizes the notes is added for consistency with § 19–213 of this subtitle. Similarly, in the introductory language of subsection (b) of this section, the reference to the “ordinance, resolution, or other form of official action” that authorizes the notes is added.

Also in the introductory language of subsection (a) of this section, the former reference to issuing bonds “for any proper public purpose” is deleted as surplusage.

In subsection (a)(1)(i) of this section, the reference to “the principal of the notes” is substituted for the former reference to “the same” for clarity and accuracy.

In subsection (b) of this section, the former requirement that “the issuer shall ... covenant” that the “principal of and interest on the notes shall be payable out of the proceeds of the grant or grants” is restated as a condition on the governmental entity’s authority to issue grant anticipation notes for consistency with subsection (a) of this section and in light of the requirement under the former law that the “[a]uthorization ... of grant anticipation notes shall be undertaken on substantially the same ... conditions ... with respect to bond anticipation notes”.

Also in subsection (b) of this section and throughout this subtitle, the former phrase “from time to time” is deleted as surplusage.

Defined terms: “Bond” § 19–201
“State” § 1–101

19–213. ORDINANCE OR RESOLUTION.

(A) REQUIRED.

BOND AND GRANT ANTICIPATION NOTES ISSUED UNDER THIS PART SHALL BE AUTHORIZED BY ORDINANCE, RESOLUTION, OR OTHER FORM OF OFFICIAL ACTION CUSTOMARILY USED BY THE GOVERNMENTAL ENTITY.

(B) CONTENTS.

(1) THE ORDINANCE, RESOLUTION, OR OTHER FORM OF OFFICIAL ACTION THAT AUTHORIZES THE BOND OR GRANT ANTICIPATION NOTES SHALL STATE:

(I) THE AUTHORITY FOR THE NOTES AND, IF THE NOTES ARE BOND ANTICIPATION NOTES, THE AUTHORITY FOR THE BONDS;

(II) THE AMOUNT OF NOTES AUTHORIZED; AND

(III) THE TERMS OF THE NOTES.

(2) THE ORDINANCE, RESOLUTION, OR OTHER FORM OF OFFICIAL ACTION SHALL SPECIFY THAT THE NOTES:

(I) BE SOLD IN A CERTAIN MANNER, AT PUBLIC SALE OR, IF THE GOVERNMENTAL ENTITY CONSIDERS PRIVATE NEGOTIATION TO BE IN ITS BEST INTEREST, AT PRIVATE SALE;

(II) MATURE AT CERTAIN TIMES;

(III) BEAR INTEREST AT CERTAIN RATES OR AT RATES TO BE DETERMINED IN THE MANNER STATED IN THE ORDINANCE, RESOLUTION, OR OTHER FORM OF OFFICIAL ACTION; AND

(IV) BE SOLD FOR CERTAIN PRICES OR FOR PRICES TO BE DETERMINED IN THE MANNER STATED IN THE ORDINANCE, RESOLUTION, OR OTHER FORM OF OFFICIAL ACTION, WHICH MAY BE AT, ABOVE, OR BELOW PAR.

(3) THE ORDINANCE, RESOLUTION, OR OTHER FORM OF OFFICIAL ACTION MAY PROVIDE THAT THE NOTES:

(I) BE IN ONE OR MORE SERIES, AS MONEY IS REQUIRED;

AND

(II) BE RENEWABLE AT MATURITY WITH OR WITHOUT RESALE.

REVISOR'S NOTE: This section is new language derived without substantive change from the fourth and fifth sentences of former Art. 31, § 12(a) and the fourth sentence of (i).

In this section, the requirements for bond anticipation notes under former Art. 31, § 12(a) are restated as expressly applicable to grant anticipation notes, in light of the requirement of the fourth sentence of former § 12(i) that “[a]uthorization, issuance, sale, and delivery of grant anticipation notes shall be undertaken on substantially the same procedure, terms, conditions, and covenants provided in this section with respect to bond anticipation notes”.

In subsection (a) of this section, the phrase “under this part” is added to clarify that this section does not apply to notes issued under other authority.

In subsection (b)(1)(i) of this section, the reference to the authority for the notes and, “if the notes are bond anticipation notes,” the authority for the bonds is added for clarity.

In subsection (b)(2)(i) of this section, the reference to “at public sale” is added for clarity.

Defined term: “Bond” § 19–201

19–214. AMOUNT OF NOTES.

(A) BOND ANTICIPATION NOTES.

A GOVERNMENTAL ENTITY MAY NOT ISSUE BOND ANTICIPATION NOTES UNDER THIS PART IN A TOTAL PRINCIPAL AMOUNT THAT EXCEEDS THE AUTHORIZED AMOUNT OF THE BONDS IN ANTICIPATION OF THE SALE OF WHICH THE NOTES ARE ISSUED AND SOLD.

(B) GRANT ANTICIPATION NOTES.

A GOVERNMENTAL ENTITY MAY NOT ISSUE GRANT ANTICIPATION NOTES UNDER THIS PART IN A TOTAL AMOUNT, INCLUDING INTEREST, THAT EXCEEDS THE AMOUNT OF THE GRANT IN ANTICIPATION OF THE RECEIPT OF WHICH THE NOTES ARE ISSUED AND SOLD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 12(c) and, as they related to amount, the first sentence of (a) and the first sentence of (i).

In subsection (a) of this section, the former reference to the "maximum amount of bonds for the issuance of which said public body has authority at the time said notes are issued" is deleted as unnecessary in light of the requirement that a governmental entity not issue bond anticipation notes in a total principal amount that exceeds the authorized amount of the bonds in anticipation of the sale of which the notes are issued.

Defined term: "Bond" § 19–201

19–215. WRITTEN COMMITMENT.

GRANT ANTICIPATION NOTES MAY NOT BE SOLD UNDER THIS PART UNTIL THE GOVERNMENTAL ENTITY RECEIVES FROM THE GRANTOR A WRITTEN COMMITMENT FOR THE GRANT.

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 31, § 12(i).

The reference to grant anticipation notes sold "under this part" is added to clarify that this section does not apply to notes issued under other authority.

The reference to "the governmental entity" receiving the written commitment is added for clarity.

The reference to the "grantor" is substituted for the former reference to the "federal or State government or agency or agencies making the grant or grants" for brevity.

19–216. SIGNING OF NOTES.

(A) GENERAL REQUIREMENT FOR BOND ANTICIPATION NOTES.

A BOND ANTICIPATION NOTE MAY NOT BE ISSUED UNDER THIS PART UNLESS IT IS SIGNED, ENDORSED, OR GUARANTEED IN THE MANNER REQUIRED BY LAW FOR THE BONDS IN ANTICIPATION OF WHICH THE NOTE IS ISSUED.

(B) OFFICIAL.

A BOND OR GRANT ANTICIPATION NOTE IS VALID AND BINDING IN ACCORDANCE WITH ITS TERMS NOTWITHSTANDING THAT:

(1) AN OFFICIAL WHOSE SIGNATURE APPEARS ON THE NOTE IS NO LONGER AN OFFICIAL WHEN THE NOTE IS DELIVERED; OR

(2) AN OFFICIAL WHOSE SIGNATURE APPEARS ON THE NOTE BECAME AN OFFICIAL AFTER THE NOTE WAS ISSUED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 12(f), the sixth sentence of (a), and the fourth sentence of (i).

In subsection (b) of this section, former Art. 31, § 12(f) is made expressly applicable to grant anticipation notes in light of the requirement of the fourth sentence of former § 12(i) that “[a]uthorization, issuance, sale, and delivery of grant anticipation notes shall be undertaken on substantially the same procedure, terms, conditions, and covenants provided in this section with respect to bond anticipation notes”.

Defined term: “Bond” § 19–201

19–217. PAYMENT OF PRINCIPAL AND INTEREST.

(A) BOND ANTICIPATION NOTES.

(1) THE PRINCIPAL OF AND INTEREST ON BOND ANTICIPATION NOTES UNDER THIS PART SHALL BE PAYABLE FROM:

(I) THE FIRST PROCEEDS OF SALE OF THE BONDS; OR

(II) THE TAX OR OTHER REVENUE THAT THE GOVERNMENTAL ENTITY HAS PLEDGED TO THE PAYMENT OF THE BONDS.

(2) ONE YEAR'S INTEREST ON THE NOTES, OR ON ANY RENEWAL OF THE NOTES, ACCOUNTING FROM THE DATE OF THE INITIAL ISSUE OF THE NOTES, MAY BE PAID FROM THE PROCEEDS OF SALE OF THE NOTES.

(B) GRANT ANTICIPATION NOTES.

(1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE PRINCIPAL OF AND INTEREST ON GRANT ANTICIPATION NOTES UNDER THIS PART SHALL BE PAYABLE FROM THE PROCEEDS OF THE GRANT.

(2) THE GOVERNMENTAL ENTITY MAY MAKE THE GRANT ANTICIPATION NOTES PAYABLE ONLY FROM THE PROCEEDS OF THE GRANT AND NEED NOT PLEDGE THE FAITH AND CREDIT OR TAXING POWER OF THE GOVERNMENTAL ENTITY.

(3) IF THE GOVERNMENTAL ENTITY DOES NOT PLEDGE ITS FAITH AND CREDIT OR TAXING POWER, THE GRANT ANTICIPATION NOTES ARE NOT A DEBT OR CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWER OF THE GOVERNMENTAL ENTITY UNDER ANY CONSTITUTIONAL PROVISION, CHARTER PROVISION, OR STATUTORY LIMITATION.

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence and the second clause of the first sentence of former Art. 31, § 12(a) and the second and fifth sentences of (i).

In the introductory language of subsection (a)(1) of this section, the former reference to payment "to the bearer or registered holder thereof" is deleted as surplusage.

In subsection (a)(1)(ii) of this section, the reference to revenue "pledged" to payment of the bonds is substituted for the former reference to revenue "previously determined to apply" for brevity.

Also in subsection (a)(1)(ii) of this section, the former reference to payment of "the interest thereon" is deleted as included in the reference to payment of the bonds.

In subsection (a)(2) of this section, the former reference to payment "from the proceeds of the sale of the bonds" is deleted to clarify that subsection (a)(2) of this section states an exception that allows 1 year's interest to be paid from the proceeds of the notes, notwithstanding the general rule under subsection (a)(1) of this section that requires interest to be paid from the proceeds of the bonds.

In subsection (b)(1) of this section, the phrase "[s]ubject to paragraphs (2) and (3) of this subsection," is added for clarity.

Also in subsection (b)(1) of this section, the former reference to "grants" is deleted in light of the reference to "grant" and Art. 1, § 8, which states that the singular generally includes the plural.

Defined term: "Bond" § 19–201

19–218. PROCEEDS OF SALE OF BOND ANTICIPATION NOTES.

THE PROCEEDS OF SALE OF BOND ANTICIPATION NOTES SHALL BE SPENT:

(1) FIRST, FOR PAYMENT OF THE EXPENSES OF ISSUANCE OF THE NOTES; AND

(2) THEN, SUBJECT TO § 19–217(A)(2) OF THIS SUBTITLE, ONLY FOR THE PUBLIC PURPOSES FOR WHICH THE BONDS ARE AUTHORIZED.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 31, § 12(a).

In item (2) of this section, the phrase “subject to § 19–217(a)(2) of this subtitle” is added for clarity.

Defined term: “Bond” § 19–201

19–219. INTEREST RATE LIMIT ON BONDS.**(A) IN GENERAL.**

(1) EXCEPT FOR THE PROVISIONS OF THIS SECTION, EACH GOVERNMENTAL ENTITY SHALL COMPLY WITH THE PROVISIONS, REQUIREMENTS, AND LIMITATIONS IN THE ENABLING ACT.

(2) IF A GOVERNMENTAL ENTITY IS UNABLE TO SELL BONDS TO PAY THE BOND ANTICIPATION NOTES UNDER THIS PART WHEN DUE BECAUSE OF AN INTEREST RATE LIMITATION IN THE ENABLING ACT, THE GOVERNMENTAL ENTITY MAY:

(I) ISSUE BONDS IN A TOTAL PRINCIPAL AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF AND NOT MORE THAN 1 YEAR'S INTEREST ON THE NOTES; AND

(II) PROVIDE FOR PAYMENT OF INTEREST ON THE BONDS AT A RATE THAT IS HIGHER THAN THE INTEREST RATE LIMITATION IN THE ENABLING ACT.

(3) THIS SECTION IS SUPPLEMENTAL AUTHORITY FOR A GOVERNMENTAL ENTITY TO ISSUE BONDS FREE OF AN INTEREST RATE LIMITATION TO PAY OUTSTANDING BOND ANTICIPATION NOTES UNDER THIS PART.

(B) CITATION OF AUTHORITY.

THE ORDINANCE, RESOLUTION, OR OTHER FORM OF OFFICIAL ACTION THAT AUTHORIZES THE ISSUANCE OF BONDS UNDER SUBSECTION (A)(2) OF THIS SECTION SHALL REFER TO:

- (1) THE ENABLING ACT; AND**
- (2) THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 12(h).

In subsection (a)(1) of this section, the former phrase “to provide for the payment of such interest rate or rates as bond market conditions may then require” is deleted in light of the phrase “[e]xcept for the provisions of this section” for brevity.

Also in subsection (a)(1) of this section, the former reference to provisions, requirements, and limitations “with regard to the issuance of any such bonds” is deleted as surplusage.

In the introductory language of subsection (a)(2) of this section, the former reference to “bond anticipation notes [being] issued by any public body pursuant to the authority of this section” is deleted as implicit in the authority to sell bonds.

In subsection (a)(2)(ii) of this section, the former reference to “rates” is deleted as unnecessary in light of the reference to “rate” and Art. 1, § 8, which states that the singular generally includes the plural.

In subsection (a)(3) of this section, the former reference to the section being “additional” authority is deleted as included in the reference to “supplemental” authority.

Also in subsection (a)(3) of this section, the former reference to a governmental entity “so authorized to issue bonds” is deleted as surplusage.

Defined terms: “Bond” § 19–201
 “Enabling act” § 19–201

19–220. COMMERCIAL PAPER.

- (A) IN GENERAL.**

A GOVERNMENTAL ENTITY MAY ISSUE BOND OR GRANT ANTICIPATION NOTES UNDER THIS PART AS NOTES IN THE NATURE OF COMMERCIAL PAPER.

(B) SECURITY.

A BOND OR GRANT ANTICIPATION NOTE ISSUED AS A NOTE IN THE NATURE OF COMMERCIAL PAPER MAY BE SECURED BY:

(1) A TRUST INDENTURE WITH A TRUST COMPANY, OR A BANK WITH POWERS OF A TRUST COMPANY, IN OR OUTSIDE THE STATE; AND

(2) A LETTER OF CREDIT, LINE OF CREDIT, OR OTHER CREDIT ARRANGEMENT FROM OR WITH A LENDING INSTITUTION.

(C) PAYMENT OF CREDIT ARRANGEMENT.

(1) FOR BOND ANTICIPATION NOTES, THE CREDIT ARRANGEMENT MAY BE MADE PAYABLE OUT OF:

(I) THE FIRST PROCEEDS OF SALE OF THE BONDS; OR

(II) THE TAX OR OTHER REVENUE THAT THE GOVERNMENTAL ENTITY HAS PLEDGED TO PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS.

(2) FOR GRANT ANTICIPATION NOTES, THE CREDIT ARRANGEMENT MAY BE MADE PAYABLE OUT OF THE PROCEEDS OF THE GRANT.

REVISOR'S NOTE: This section is new language derived without substantive change from the seventh and eighth sentences of former Art. 31, § 12(a) and the sixth and seventh sentences of (i).

In subsection (b)(1) of this section, the former references to "a corporate trustee or trustees" are deleted as surplusage.

In subsection (c)(1) and (2) of this section, the former references to the "letter of credit" and "line of credit" are deleted as included in the references to the "credit arrangement".

In subsection (c)(1)(ii) of this section, the reference to revenue "pledged" is substituted for the former reference to revenue "previously determined to apply" for brevity.

Defined terms: "Bond" § 19–201

“State” § 1–101

19–221. EXEMPTION FROM TAXATION.

THE FOLLOWING OBLIGATIONS ARE EXEMPT FROM STATE AND LOCAL TAXATION:

- (1) A BOND OR GRANT ANTICIPATION NOTE ISSUED UNDER THIS PART;**
- (2) A BOND ISSUED TO PAY THE NOTES ISSUED UNDER ITEM (1) OF THIS SECTION; AND**
- (3) THE INTEREST ON THE OBLIGATIONS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 31, § 12(g), except as it related to notes issued under the authority of Title 8, Subtitle 2, Part III of the State Finance and Procurement Article.

Defined terms: “Bond” § 19–201
“State” § 1–101

19–222. RESERVED.

19–223. RESERVED.

PART IV. MISCELLANEOUS PROVISIONS.

19–224. BONDS TO BE CONSIDERED INVESTMENT SECURITIES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO THE FOLLOWING GOVERNMENTAL ENTITIES:

- (1) A COUNTY;**
- (2) A MUNICIPALITY;**
- (3) A PUBLIC CORPORATION OR OTHER POLITICAL SUBDIVISION OF THE STATE; AND**

(4) ANY INSTRUMENTALITY OR AGENCY OF A COUNTY, MUNICIPALITY, PUBLIC CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE.

(B) EFFECT OF COMPLIANCE WITH COMMERCIAL LAW ARTICLE.

(1) A BOND OR GRANT ANTICIPATION NOTE ISSUED UNDER PART III OF THIS SUBTITLE SHALL BE CONSIDERED INVESTMENT SECURITIES TO THE EXTENT SET FORTH IN THIS SECTION.

(2) IF A BOND ISSUED BY A GOVERNMENTAL ENTITY OTHERWISE COMPLIES WITH THE REQUIREMENTS OF THE COMMERCIAL LAW ARTICLE FOR INVESTMENT SECURITIES, THE BOND SHALL BE CONSIDERED TO BE AN INVESTMENT SECURITY NOTWITHSTANDING THAT:

(I) THE ORDINANCE, RESOLUTION, OR OTHER AUTHORITY UNDER WHICH THE BOND IS ISSUED SUBJECTS THE BOND TO AN INDENTURE OR AGREEMENT THAT IS SEPARATE FROM THE ORDINANCE, RESOLUTION, OR AUTHORITY;

(II) THE ORDINANCE, RESOLUTION, OR OTHER AUTHORITY UNDER WHICH THE BOND IS ISSUED LIMITS PAYMENT OF PRINCIPAL AND INTEREST TO:

1. THE PROCEEDS OF LIMITED SOURCES OF REVENUE; OR

2. A SPECIAL FUND ESTABLISHED FOR THAT PURPOSE;

(III) ANY LAW LIMITS PAYMENT OF PRINCIPAL AND INTEREST TO A CERTAIN AMOUNT OR RATE OF TAX THAT MAY BE IMPOSED; OR

(IV) PRINCIPAL OR INTEREST ARE REGISTRABLE.

(C) ATTRIBUTES OF BOND.

A BOND THAT IS CONSIDERED TO BE AN INVESTMENT SECURITY UNDER SUBSECTION (B) OF THIS SECTION HAS ALL THE ATTRIBUTES OF AN INVESTMENT SECURITY THAT ARE POSSESSED BY A BOND THAT IS:

(1) ISSUED ON THE FULL FAITH AND CREDIT OF THE GOVERNMENTAL ENTITY;

(2) PAYABLE TO BEARER; AND

(3) SECURED AS TO THE PAYMENT OF PRINCIPAL AND INTEREST BY THE UNLIMITED TAXING POWER OF THE GOVERNMENTAL ENTITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, §§ 8 and 12(d).

Throughout this section, the defined term "bond" is substituted for the former word "securities" for clarity and consistency with other similar provisions of this article.

In subsection (a) of this section, the introductory language of former Art. 31, § 8 is revised as a scope provision for clarity and consistency with other similar provisions of this subtitle.

In subsection (b)(1) of this section, the reference to bond or grant anticipation notes being "considered investment securities" is substituted for the former reference to notes "pass[ing] as negotiable instruments" for accuracy.

In the introductory language of subsection (b)(2) of this section, the reference to bonds being "considered to be an investment security" is substituted for the former reference to bonds "pass[ing] as negotiable instruments". Under the Uniform Negotiable Instruments Law, it was correct to provide that bonds were "negotiable instruments". Nevertheless, with the adoption of the Uniform Commercial Code, it is no longer appropriate to refer to these bonds as negotiable instruments under Maryland law (*see* CL §§ 3–102 and 3–104(a)). Instead, under Title 8 of the U.C.C., the appropriate term is "investment securities" (*see* CL § 8–102(a)(15)).

In subsection (b)(2)(i) of this section, the reference to an indenture or agreement separate "from the ordinance, resolution, or authority" is added for clarity.

In subsection (b)(2)(ii)1 of this section, the former reference to "collection of special assessments, tolls, rents, special taxes" is deleted as included in the reference to "limited sources of revenue".

In subsection (b)(2)(iii) of this section, the former reference to a rate of tax "levied" is deleted as included in the reference to the rate of tax "imposed".

Defined terms: “Bond” § 19–201
“County” § 1–101
“Municipality” § 1–101
“State” § 1–101

19–225. RESERVED.

19–226. RESERVED.

PART V. BOND PROCEEDS MANAGEMENT.

19–227. DEFINITIONS.

(A) IN GENERAL.

IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This subsection formerly was Art. 31, § 31(a)(1).

The only changes are in style.

(B) CHIEF EXECUTIVE OFFICER.

“CHIEF EXECUTIVE OFFICER” MEANS THE COUNTY EXECUTIVE, MAYOR, PRESIDENT, CHAIRMAN, OR SIMILAR OFFICIAL OF A GOVERNMENTAL ENTITY.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 31, § 31(a)(3).

(C) FINANCIAL OFFICER.

“FINANCIAL OFFICER” MEANS THE CONTROLLER, THE DIRECTOR OF FINANCE, OR SIMILAR OFFICIAL OF A GOVERNMENTAL ENTITY.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 31, § 31(a)(5).

(D) INTERNAL REVENUE CODE.

“INTERNAL REVENUE CODE” MEANS THE INTERNAL REVENUE CODE OF 1986 AND INCLUDES REGULATIONS AND RULINGS ISSUED UNDER THAT CODE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 31, § 31(a)(4).

(E) PROCEEDS.

(1) "PROCEEDS" MEANS MONEY RECEIVED FROM THE SALE OF BONDS.

(2) "PROCEEDS" INCLUDES ANY MONEY DEEMED TO BE PROCEEDS OF BONDS UNDER THE INTERNAL REVENUE CODE.

REVISOR'S NOTE: This subsection formerly was Art. 31, § 31(a)(7).

The only changes are in style.

Defined terms: "Bond" § 19-201
"Internal Revenue Code" § 19-227

19-228. SCOPE OF PART.

THIS PART APPLIES ONLY TO THE FOLLOWING GOVERNMENTAL ENTITIES:

- (1) A COUNTY;**
- (2) A MUNICIPALITY;**
- (3) A PUBLIC CORPORATION OF THE STATE;**
- (4) A SANITARY COMMISSION OR DISTRICT; AND**
- (5) A UNIT, PUBLIC CORPORATION, OR OTHER INSTRUMENTALITY OF A COUNTY OR A MUNICIPALITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 31(a)(6).

In this section, the former definition of "public body" is restated as a scope provision for clarity and consistency with other similar provisions in this subtitle.

In item (1) of this section, the former reference to a county "whether subject to the provisions of Article 25, Article 25A, or Article 25B, the Mayor and City Council of Baltimore" and the former reference to

“Baltimore City” are deleted as unnecessary in light of the definition of “county” in § 1–101 of this article.

In item (2) of this section, the former reference to a municipality “subject to the provisions of Article 23A” is deleted in light of the definition of “municipality” in § 1–101 of this article.

In item (4) of this section, the former reference to a sanitary commission or district “whether organized under the provisions of public general or public local law” is deleted as surplusage.

In item (5) of this section, the reference to a “unit” of a county or municipality is substituted for the former references to a “department”, “commission”, “authority”, and “agency” of a county or municipality for brevity and consistency with other revised articles of the Code.

Defined terms: “County” § 1–101

“Municipality” § 1–101

“State” § 1–101

19–229. ESTABLISHMENT OF FUNDS; MANAGEMENT OF PROCEEDS.

(A) FUNDS AND ACCOUNTS FOR ADMINISTRATION, INVESTMENT, ETC.

THE FINANCIAL OFFICER MAY ESTABLISH AND MAINTAIN FUNDS AND ACCOUNTS FOR THE ADMINISTRATION, MANAGEMENT, INVESTMENT, AND ACCOUNTING OF PROCEEDS, INCLUDING ANY INVESTMENT EARNINGS ON PROCEEDS, THAT MAY BE NECESSARY OR APPROPRIATE TO COMPLY WITH THE INTERNAL REVENUE CODE AND TO ESTABLISH OR MAINTAIN THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON THE BONDS.

(B) MANAGEMENT AND INVESTMENT OF PROCEEDS.

(1) THE FINANCIAL OFFICER MAY MANAGE AND INVEST PROCEEDS, INCLUDING ANY INVESTMENT EARNINGS ON PROCEEDS, IN A MANNER SO AS TO MAINTAIN THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON THE BONDS.

(2) THE FINANCIAL OFFICER MAY RESTRICT THE YIELDS ON INVESTMENTS OF PROCEEDS IF AND TO THE EXTENT NECESSARY TO MAINTAIN THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON THE BONDS.

(C) RECORDS.

THE FINANCIAL OFFICER MAY PREPARE AND MAINTAIN RECORDS OF THE RECEIPT, DEPOSIT, INVESTMENT, MANAGEMENT, DISBURSEMENT, AND APPLICATION OF PROCEEDS, INCLUDING ANY INVESTMENT EARNINGS ON PROCEEDS, THAT MAY BE NECESSARY OR APPROPRIATE FROM TIME TO TIME TO COMPLY WITH THE INTERNAL REVENUE CODE AND TO MAINTAIN OR VERIFY THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON THE BONDS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 31(b), (c), and (d).

Defined terms: "Bond" § 19-201
"Financial officer" § 19-227
"Internal Revenue Code" § 19-227
"Proceeds" § 19-227

19-230. REBATE FUND.

(A) IN GENERAL.

THE FINANCIAL OFFICER MAY ESTABLISH A SEPARATE REBATE FUND TO BE USED TO MAKE ANY PAYMENTS TO THE UNITED STATES WITH RESPECT TO INVESTMENT EARNINGS ON PROCEEDS THAT MAY BE REQUIRED BY THE INTERNAL REVENUE CODE.

(B) SEPARATE ACCOUNTS.

THERE MAY BE SEPARATE ACCOUNTS WITHIN THE REBATE FUND.

(C) USE OF AMOUNTS DEPOSITED.

AMOUNTS DEPOSITED TO THE REBATE FUND SHALL BE USED ONLY FOR THE PURPOSE OF MAKING REBATE PAYMENTS, AND NO APPROPRIATION WILL BE REQUIRED BEFORE PAYMENT OF ANY REQUIRED REBATES FROM THE REBATE FUND TO THE UNITED STATES.

(D) PAYMENTS BY THE FINANCIAL OFFICER.

THE FINANCIAL OFFICER MAY MAKE PAYMENTS FROM THE REBATE FUND AS REQUIRED IN ORDER TO:

(1) COMPLY WITH THE INTERNAL REVENUE CODE; AND

(2) MAINTAIN THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON THE BONDS.

(E) EXCESS MONEY.

ANY EXCESS MONEY HELD IN THE REBATE FUND WITH RESPECT TO AN ISSUE OF BONDS AFTER ALL REQUIRED REBATE PAYMENTS FOR THAT ISSUE HAVE BEEN MADE, AS CERTIFIED BY THE FINANCIAL OFFICER, SHALL BE APPLIED IN A MANNER CONSISTENT WITH THE INTERNAL REVENUE CODE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 31(e).

Defined terms: "Bond" § 19-201
 "Financial officer" § 19-227
 "Internal Revenue Code" § 19-227
 "Proceeds" § 19-227

19-231. FILING OF REPORTS.

THE FINANCIAL OFFICER MAY PREPARE AND FILE WITH THE APPROPRIATE AGENCY OF THE UNITED STATES ANY FORMS, INFORMATION, AND REPORTS WITH RESPECT TO THE BONDS AND THE EXPENDITURE AND INVESTMENT OF PROCEEDS THAT MAY BE REQUIRED UNDER THE INTERNAL REVENUE CODE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 31(f).

Defined terms: "Bond" § 19-201
 "Financial officer" § 19-227
 "Internal Revenue Code" § 19-227
 "Proceeds" § 19-227

19-232. ADDITIONAL AUTHORITY.

FOR PURPOSES OF DOING WHATEVER IS NECESSARY OR APPROPRIATE TO COMPLY WITH THE INTERNAL REVENUE CODE AND TO ESTABLISH OR MAINTAIN THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON THE BONDS, THE FINANCIAL OFFICER AND THE CHIEF EXECUTIVE OFFICER MAY EACH:

(1) TAKE ANY OTHER OR FURTHER ACTIONS;

(2) ENTER INTO ANY AGREEMENT OR COVENANT REGARDING THE USE OF PROCEEDS, INCLUDING ANY INVESTMENT EARNINGS ON PROCEEDS, THE DEPOSIT OF MONEY TO THE REBATE FUND, AND THE MAKING OF REBATE PAYMENTS; AND

(3) PROVIDE CERTIFICATIONS OF FACTS AND ESTIMATES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 31(g).

The former reference to doing whatever "may be necessary or appropriate from time to time to comply with the Code and to establish or maintain the exclusion from gross income for federal income tax purposes of interest on the bonds" is restated as introductory language to clarify that it is applicable to items (1) and (2), as well as item (3), of this section.

Defined terms: "Bond" § 19-201

"Chief executive officer" § 19-227

"Financial officer" § 19-227

"Internal Revenue Code" § 19-227

"Proceeds" § 19-227

19-233. BONDS WITH NONEXCLUDABLE INTEREST.

THIS PART DOES NOT PREVENT THE GOVERNING AUTHORITY OF A GOVERNMENTAL ENTITY FROM AUTHORIZING THE ISSUANCE AND SALE OF BONDS THE INTEREST ON WHICH IS NOT EXCLUDABLE FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 31(h).

Defined term: "Bond" § 19-201

19-234. RESERVED.

19-235. RESERVED.

PART VI. INTEREST RATE EXCHANGE AGREEMENTS.

19-236. INTEREST RATE EXCHANGE AGREEMENT OR CONTRACTS.

(A) IN GENERAL.

NOTWITHSTANDING ANY OTHER LAW AND IN ADDITION TO ANY OTHER AUTHORITY, TO IMPROVE THE MANAGEMENT OF DEBT SERVICE OR INTEREST RATE RISKS ON ITS BONDS OR TO REDUCE THE COST OF SERVICING ITS BONDS, THE GOVERNING BODY OF A COUNTY MAY ENACT, BY LOCAL LAW OR RESOLUTION, AUTHORITY FOR THE COUNTY TO:

(1) ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS PROVIDING FOR PAYMENTS BASED ON LEVELS OF OR CHANGES IN INTEREST RATES; AND

(2) APPOINT ANY AGENTS NECESSARY TO IMPLEMENT AND ADMINISTER THE AGREEMENTS.

(B) TERMS AND CONDITIONS.

(1) A COUNTY THAT PROPOSES TO ENTER INTO ONE OR MORE INTEREST RATE EXCHANGE AGREEMENTS SHALL ENACT A LOCAL LAW OR RESOLUTION THAT AUTHORIZES THE TRANSACTION ON THE TERMS AND CONDITIONS ESTABLISHED BY THE COUNTY IN THE LOCAL LAW OR RESOLUTION.

(2) (I) IN THE LOCAL LAW OR RESOLUTION THAT AUTHORIZES THE TRANSACTION OR IN A SEPARATE RESOLUTION, THE COUNTY MAY PROVIDE FOR THE FINAL FORM AND THE FINAL TERMS AND PROVISIONS OF THE AGREEMENT, AFTER GIVING DUE CONSIDERATION TO THE CREDITWORTHINESS OF THE COUNTERPARTY.

(II) THE COUNTY MAY DELEGATE TO AN OFFICER, AN OFFICIAL, A BOARD, OR AN AGENCY OF THE COUNTY SPECIFIED IN THE LOCAL LAW OR RESOLUTION THE POWER TO PROVIDE FOR THE FINAL FORM AND THE FINAL TERMS AND PROVISIONS OF THE AGREEMENT, AFTER GIVING DUE CONSIDERATION TO THE CREDITWORTHINESS OF THE COUNTERPARTY.

(C) ADDITIONAL TO BOND ISSUANCES.

AN INTEREST RATE EXCHANGE AGREEMENT MAY BE ENTERED INTO IN CONNECTION WITH, OR INCIDENTAL TO, ANY BONDS OF THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 34(b).

In this section, the former references to “contract[s]” are deleted as included in the references to “agreement[s]”.

In the introductory language of subsection (a) of this section, the former reference to “the Mayor and City Council of Baltimore City” is deleted as included in the reference to “the governing body of a county”.

In subsection (a)(1) of this section, the former reference to “combinations of the foregoing” is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to “counterparties” is deleted in light of the references to “counterparty” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (c) of this section, the former reference to bonds “prior to, at the time of, or subsequent to, the issuance of any of those bonds” is deleted because that encompasses all possibilities.

Defined terms: “Bond” § 19–201

“County” § 1–101

“Governing body” § 1–101

SUBTITLE 3. CREATION OF PUBLIC DEBT — MUNICIPALITIES.

19–301. CONFLICT WITH CHARTER; AUTHORITY TO ADOPT CHARTER AMENDMENTS AND TO EXERCISE POWERS.

(A) AUTHORITY TO ADOPT CHARTER AMENDMENTS.

IN ITS CHARTER, EACH MUNICIPALITY MAY PROVIDE A PROCEDURE TO BORROW MONEY FOR ANY PUBLIC PURPOSE THAT IS DIFFERENT FROM THE PROCEDURE DESCRIBED IN THIS SUBTITLE.

(B) CONFLICT WITH CHARTER.

IF A CONFLICT EXISTS BETWEEN THIS SUBTITLE AND THE CHARTER OF A MUNICIPALITY, THE CHARTER CONTROLS.

(C) AUTHORITY TO EXERCISE POWERS.

NOTWITHSTANDING THIS SUBTITLE OR THE CHARTER OF THE MUNICIPALITY, EACH MUNICIPALITY MAY EXERCISE ALL POWERS GRANTED TO MUNICIPALITIES UNDER TITLE 9 OF THE ENVIRONMENT ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the second, third, and sixth sentences of former Art. 23A, § 31 and the first sentence, as it related to the authority to adopt charter amendments.

In subsection (a) of this section, the former reference to the charter "be[ing] amended so to provide" is deleted as surplusage. Similarly, in subsection (a) of this section, the former reference to "[c]harter amendments for such purpose" being amended is deleted.

Also in subsection (a) of this section, the former reference to a "proper" public purpose is deleted as implicit.

Defined term: "Municipality" § 1-101

19-302. AUTHORITY TO BORROW MONEY AND ISSUE BONDS AND TAX ANTICIPATION NOTES.

(A) GENERAL OBLIGATION BONDS.

A MUNICIPALITY MAY:

(1) BORROW MONEY FOR ANY PUBLIC PURPOSE; AND

(2) ISSUE AND SELL GENERAL OBLIGATION BONDS TO EVIDENCE THE BORROWING.

(B) REVENUE BONDS.

IN ITS CHARTER, A MUNICIPALITY MAY PROVIDE FOR THE ISSUANCE OF REVENUE BONDS PAYABLE AS TO PRINCIPAL AND INTEREST SOLELY FROM THE REVENUES OF ONE OR MORE REVENUE-PRODUCING PROJECTS OF THE MUNICIPALITY.

(C) TAX ANTICIPATION NOTES.

(1) UNLESS THE CHARTER OF THE MUNICIPALITY PROVIDES OTHERWISE, IN ANTICIPATION OF THE RECEIPT OF CURRENT TAXES, A MUNICIPALITY MAY:

(I) BORROW MONEY FOR ANY PUBLIC PURPOSE; AND

(II) ISSUE AND SELL TAX ANTICIPATION NOTES TO EVIDENCE THE BORROWING.

(2) THE MUNICIPALITY SHALL PAY THE PRINCIPAL OF AND INTEREST ON TAX ANTICIPATION NOTES WHEN CURRENT TAXES ARE RECEIVED.

(3) TAX ANTICIPATION NOTES:

(I) SHALL BE ISSUED IN ACCORDANCE WITH § 19-303 OF THIS SUBTITLE; BUT

(II) MAY BE SOLD BY PRIVATE NEGOTIATIONS.

REVISOR'S NOTE: This section is new language derived without substantive change from the first clause of former Art. 23A, § 38 and the fourth and fifth sentences of Art. 23A, § 31 and, as it related to the general authority to issue general obligation bonds, the first sentence.

In subsection (a)(1) of this section, the former reference to a "proper" public purpose is deleted as implicit.

In subsection (a)(2) of this section, the former phrase "in the manner herein prescribed" is deleted as surplusage.

In subsection (b) of this section, the reference to "revenue" bonds is added for clarity.

Also in subsection (b) of this section, the former phrase "by amendment of its charter" is deleted as implicit in the phrase "[i]n its charter".

Also in subsection (b) of this section, the former phrase "in the manner prescribed in this subtitle" is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a municipality providing for the issuance "by such municipal corporation" of revenue bonds is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase "unless any such charter shall be amended pursuant to this subtitle so to provide otherwise" is deleted as implicit in the reference to the charter "provid[ing]" otherwise.

In subsection (c)(1)(i) of this section, the phrase "for any public purpose" is added for consistency with subsection (a) of this section.

Defined term: "Municipality" § 1-101

19-303. PROCEDURES FOR ISSUING BONDS.

(A) AUTHORIZATION BY RESOLUTION OR ORDINANCE REQUIRED.

THE ISSUANCE OF ALL BONDS OF A MUNICIPALITY SHALL BE AUTHORIZED BY A RESOLUTION ADOPTED OR AN ORDINANCE ENACTED BY THE LEGISLATIVE BODY OF THE MUNICIPALITY.

(B) REQUIRED CONTENT OF RESOLUTION OR ORDINANCE.

(1) A RESOLUTION OR AN ORDINANCE AUTHORIZING MUNICIPAL BONDS SHALL CONTAIN:

(i) A STATEMENT OF THE PUBLIC PURPOSE FOR WHICH THE BOND PROCEEDS ARE TO BE SPENT;

(ii) THE FORM OF THE BONDS, INCLUDING:

1. THE PLACE AT WHICH THE BONDS WILL BE PAYABLE;

2. THE TIME AT WHICH THE BONDS WILL BE PAYABLE;

3. THE INTEREST RATE ON THE BONDS OR A SPACE TO INSERT THE INTEREST RATE WHEN DETERMINED;

4. THE TITLE OF EACH OFFICIAL WHOSE SIGNATURE MUST BE AFFIXED TO OR IMPRINTED ON THE BONDS;

5. THE AUTHORITY FOR ISSUANCE OF THE BONDS;
AND

6. THE REVENUES FROM WHICH THE PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE PAYABLE;

(iii) SPECIFIC PROVISION FOR THE APPROPRIATION AND DISPOSAL OF THE BOND PROCEEDS;

(IV) SPECIFIC PROVISION FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS, INCLUDING THE SOURCE OF PAYMENT; AND

(V) THE FORM OF THE NOTICE SOLICITING BIDS FOR THE PURCHASE OF THE BONDS, INCLUDING:

1. THE DATE, PLACE, AND TIME FOR RECEIVING AND OPENING BIDS;

2. A BRIEF DESCRIPTION OF THE PURPOSE FOR WHICH THE BONDS WILL BE ISSUED;

3. A BRIEF DESCRIPTION OF THE DENOMINATIONS, MATURITIES, TERMS, AND CONDITIONS OF THE BONDS;

4. A STATEMENT OF THE INTEREST RATE OF THE BONDS OR THE MANNER OF DETERMINING THE RATE;

5. A PRECISE STATEMENT OF THE MANNER IN WHICH THE BEST OFFER FOR THE BONDS WILL BE DETERMINED; AND

6. A REFERENCE TO THE RESOLUTION OR ORDINANCE AUTHORIZING THE BONDS.

(2) THE PROVISION MADE FOR PAYMENT OF THE BONDS UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION IS A COVENANT BINDING THE MUNICIPALITY TO PROVIDE MONEY FROM THE SOURCE DESCRIBED TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WHEN DUE.

(c) PERMITTED CONTENT OF RESOLUTION OR ORDINANCE.

(1) A RESOLUTION OR AN ORDINANCE AUTHORIZING ANY MUNICIPAL BONDS MAY CONTAIN ANY OTHER PROVISION NOT INCONSISTENT WITH THIS SUBTITLE THAT THE LEGISLATIVE BODY OF THE MUNICIPALITY CONSIDERS APPROPRIATE, INCLUDING A PROVISION THAT:

(I) THE PRINCIPAL OF AND INTEREST ON THE BONDS SHALL BE PAYABLE AT ONE OR MORE BANKS OR TRUST COMPANIES IN OR OUTSIDE THE STATE;

(II) EXCEPT FOR THE SIGNATURE OF THE CLERK OR SECRETARY WHICH MUST BE MANUALLY AFFIXED, THE SIGNATURES OF

OFFICIALS OF THE MUNICIPALITY AND OFFICIAL SEALS TO BE AFFIXED TO THE BONDS OR ANY COUPONS ATTACHED TO THE BONDS SHALL BE IMPRINTED ON THE BONDS OR COUPONS IN FACSIMILE;

(III) AT THE OPTION OF THE MUNICIPALITY, SOME OR ALL OF THE BONDS SHALL BE MADE REDEEMABLE BEFORE MATURITY, AT OR ABOVE PAR VALUE AS REQUIRED IN THE ENABLING RESOLUTION OR ORDINANCE IF:

1. THE BONDS CONTAIN A STATEMENT OF THE REDEMPTION PROVISIONS; AND

2. THE ENABLING RESOLUTION OR ORDINANCE PROVIDES FOR PUBLISHED NOTICE BEFORE A REDEMPTION;

(IV) THE ISSUE OF BONDS SHALL BE IN VARYING DENOMINATIONS AND IN COUPON FORM REGISTRABLE AS TO PRINCIPAL ONLY, IN FULLY REGISTERED FORM, OR BOTH FORMS IF THEY ARE INTERCHANGEABLE; AND

(V) A BOND IS A VALID AND BINDING OBLIGATION OF THE MUNICIPALITY IN ACCORDANCE WITH THE TERMS OF THE BOND EVEN IF AN OFFICIAL WHOSE SIGNATURE APPEARS ON THE BOND:

1. CEASES TO BE AN OFFICIAL BEFORE THE DELIVERY OF THE BOND; OR

2. BECOMES AN OFFICIAL AFTER THE DATE OF ISSUE OF THE BOND.

(2) EACH RESOLUTION OR ORDINANCE MAY AUTHORIZE THE EXECUTIVE OF THE MUNICIPALITY TO MODIFY THE FORMS ADOPTED BY THE RESOLUTION OR ORDINANCE IF THE MODIFICATIONS DO NOT ALTER THE SUBSTANCE OF THE FORMS.

(D) PERMITTED CONTENT OF NOTICE.

(1) THE NOTICE SOLICITING BIDS FOR THE PURCHASE OF THE BONDS MAY:

(I) REQUIRE PROSPECTIVE PURCHASERS TO SUBMIT BIDS ON SPECIFIED FORMS;

(II) REQUIRE PROSPECTIVE PURCHASERS TO ACCOMPANY THEIR BIDS WITH GOOD FAITH DEPOSITS IN SPECIFIED AMOUNTS;

(III) PROVIDE FOR APPROVAL OF THE LEGALITY OF THE BONDS; AND

(IV) CONTAIN A FINANCIAL STATEMENT OF THE MUNICIPALITY.

(2) THE PROVISIONS IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE INCLUDED IN THE NOTICE OF SALE OR SEPARATELY SET FORTH IN A CIRCULAR OR AN OFFICIAL STATEMENT, THE FORM OF WHICH MUST BE ADOPTED BY A RESOLUTION OR AN ORDINANCE OF THE MUNICIPALITY.

(E) ADOPTION OF RESOLUTION OR ORDINANCE.

UNLESS THE RESOLUTION, ORDINANCE, OR MUNICIPAL CHARTER REQUIRES A REFERENDUM, NEITHER A RESOLUTION OR AN ORDINANCE AUTHORIZING ANY BONDS OF A MUNICIPALITY NOR THE QUESTION OF THE ISSUANCE OF THE BONDS NEED BE SUBMITTED TO REFERENDUM OF THE VOTERS OF THE MUNICIPALITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, §§ 32 and 33.

In the introductory language of subsection (b)(1)(ii) of this section, the former reference to the "complete" form of the bonds is deleted as surplusage.

In subsection (b)(1)(ii)1 of this section, the former reference to "places" is deleted in light of the reference to "place" and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in subsection (b)(1)(ii)2 of this section, the former reference to "times" is deleted as included in light of the reference to "time"; in subsections (b)(1)(ii)3 and (v)4 of this section, the former references to "rates" are deleted in light of the references to "rate"; in subsections (b)(1)(iv) and (2) of this section, the former references to "sources" are deleted in light of the references to "source"; and in subsection (b)(1)(v)2 of this section, the former reference to "purposes" is deleted in light of the reference to "purpose".

In subsection (b)(1)(ii)6 of this section, the former reference to "taxes" is deleted as included in the reference to "revenues".

Also in subsection (b)(1)(ii)6 of this section, the former reference to "special" revenues is deleted as surplusage.

In subsection (b)(1)(v)6 of this section, the reference to the “ordinance” is added for consistency with other similar provisions of this subtitle.

In the introductory language of subsection (c)(1) of this section, the reference to a resolution or local law “authorizing any municipal bonds” is added for clarity.

In the introductory language of subsection (c)(1)(iii) of this section, the former references to redeeming bonds “at any time” before maturity and “at such price or prices” are deleted as surplusage.

In subsection (c)(1)(iii)2 of this section, the former reference to “due and proper” notice is deleted as surplusage.

In subsection (c)(1)(iv) of this section, the former reference to both forms being “authorized” is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to “expressly” authorizing modifications in the forms is deleted as surplusage.

In subsection (d)(1) of this section, the reference to “[t]he notice soliciting bids for the purchase of bonds” is substituted for the former reference to “[s]aid notice of sale” for clarity.

In subsection (e) of this section, the former requirement that “[e]ach such resolution shall be adopted by the legislative body of the municipal corporation in the manner prescribed by the charter of said municipal corporation for the adoption of ordinances and resolutions having the force of law” is deleted as unnecessary in light of the fact that any resolution would be adopted in the same manner and for consistency with other similar provisions of this article.

Also in subsection (e) of this section, the former reference to “qualified” voters is deleted as implicit in the reference to “voters”.

Defined term: “Municipality” § 1–101

19–304. LIMITATIONS ON AUTHORITY TO ISSUE BONDS AND TAX ANTICIPATION NOTES.

(A) MATURITY DATE.

(1) A MUNICIPALITY MAY NOT ISSUE BONDS THAT MATURE LATER THAN 40 YEARS AFTER THE DATE OF ISSUE.

(2) A MUNICIPALITY MAY NOT ISSUE TAX ANTICIPATION NOTES THAT MATURE LATER THAN 18 MONTHS AFTER THE DATE OF ISSUE.

(B) CONSIDERATION.

A MUNICIPALITY MAY ISSUE BONDS AND TAX ANTICIPATION NOTES ONLY FOR CASH.

(C) SALE AT PAR VALUE.

A MUNICIPALITY MAY NOT SELL BONDS OR TAX ANTICIPATION NOTES AT LESS THAN PAR VALUE.

(D) APPROVAL BY VOTERS.

(1) IF THE CHARTER OF A MUNICIPALITY REQUIRES A REFERENDUM ON THE ISSUANCE OF MUNICIPAL BONDS, THE BONDS MAY BE ISSUED ONLY IF THE BONDS ARE APPROVED BY A MAJORITY OF VOTERS VOTING ON THE QUESTION.

(2) IF THE REFERENDUM FAILS, ANOTHER REFERENDUM MAY NOT BE HELD ON THE QUESTION OF ISSUING BONDS FOR THE SAME PUBLIC PURPOSE UNTIL 1 YEAR AFTER THE ELECTION.

(E) NOTICE.

A MUNICIPALITY MAY NOT SELL BONDS UNLESS THE MUNICIPALITY:

(1) SOLICITS COMPETITIVE BIDS AT A PUBLIC SALE; AND

(2) PUBLISHES NOTICE OF THE BOND SALE:

(I) IN THE FORM REQUIRED BY THE RESOLUTION OR ORDINANCE;

(II) IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY AND ANY OTHER PUBLICATION THAT IS SPECIFIED IN THE RESOLUTION OR ORDINANCE; AND

(III) TWO TIMES OVER A PERIOD OF AT LEAST 10 DAYS BEFORE THE DATE SPECIFIED FOR THE BOND SALE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 34(1) through (4).

In subsection (a) of this section, the former references to bonds and tax anticipation notes maturing later than a certain number of years from "their respective" dates of issue are deleted as surplusage.

In subsection (d)(1) of this section, the reference to the issue of "municipal bonds" is substituted for the former reference to the issue of "all or any particular type of bonds of such municipal corporation" for brevity.

Also in subsection (d)(1) of this section, the reference to the bonds being issued only if "the bonds are approved by a majority of the voters voting on the question" is substituted for the former reference to the bonds being issued only if "a majority of the qualified voters voting on the referendum held on such issuance shall favor the same" for brevity and clarity.

In subsection (d)(2) of this section, the reference to "the referendum fail[ing]" is substituted for the former phrase "if the majority of said qualified voters shall vote against such issuance" for brevity and clarity.

Also in subsection (d)(2) of this section, the reference to the "election" is substituted for the former reference to the "date upon which the issuance of said bonds shall have been so approved" for brevity and clarity.

In subsection (e)(2)(i) of this section, the former reference to the "enabling" resolution or ordinance is deleted as surplusage.

In subsection (e)(2)(iii) of this section, the reference to the publication of notice "at least 10 days before" the date is substituted for the former reference to the publication of notice "not less than ten days next preceding" the date for clarity.

The introductory language to former Art. 23A, § 34, which provided an introduction to a list of limitations, is deleted as unnecessary in light of the organization of this section.

Defined term: "Municipality" § 1-101

19-305. NEGOTIABILITY OF BONDS AND TAX ANTICIPATION NOTES.

ALL BONDS AND TAX ANTICIPATION NOTES ISSUED IN ACCORDANCE WITH THE CHARTER OF A MUNICIPALITY OR THIS SUBTITLE SHALL BE CONSIDERED INVESTMENT SECURITIES AS PROVIDED IN § 19-224 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 23A, § 35.

The reference to bonds and notes "be[ing] considered investment securities" is substituted for the former reference to bonds and notes "hav[ing] and possess[ing] all the attributes of negotiable instruments" because former Art. 31, § 8 referred to securities, not negotiable instruments.

The former reference to bonds and tax anticipation notes issued "by any municipal corporation" is deleted as implicit in the bonds and tax anticipation notes being issued "in accordance with the charter of a municipality or this subtitle".

Defined term: "Municipality" § 1-101

19-306. TAX STATUS OF BONDS AND TAX ANTICIPATION NOTES.

THE PRINCIPAL OF AND INTEREST ON BONDS OR TAX ANTICIPATION NOTES ISSUED IN ACCORDANCE WITH THE CHARTER OF A MUNICIPALITY OR THIS SUBTITLE ARE EXEMPT FROM STATE AND LOCAL TAXES.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 23A, § 35.

The phrase "are exempt from State and local taxes" is substituted for the former phrase "shall be and remain exempt from taxation of any kind or nature whatsoever by the State of Maryland and by any county, municipal corporation or other political subdivision thereof" for brevity.

The former reference to the principal of and interest on bonds "in the hands of the owner or owners thereof from time to time" being exempt from certain taxes is deleted as unnecessary because only an owner would be subject to tax liability.

Defined terms: "Municipality" § 1-101
"State" § 1-101

19-307. INVESTMENT OF SINKING FUND AND BOND PROCEEDS.

(A) AUTHORITY TO INVEST SINKING FUND.

A FISCAL OFFICER OF A MUNICIPALITY WHO HAS CUSTODY OF A SINKING FUND ESTABLISHED BY THE MUNICIPALITY TO PAY THE PRINCIPAL OF OR THE INTEREST ON BONDS ISSUED IN ACCORDANCE WITH THE CHARTER OF THE

MUNICIPALITY OR THIS SUBTITLE MAY INVEST THE SINKING FUND ONLY AS PROVIDED IN § 19–102 OF THIS TITLE.

(B) AUTHORITY TO INVEST BOND PROCEEDS.

A FISCAL OFFICER OF A MUNICIPALITY WHO HAS CUSTODY OF BOND PROCEEDS MAY INVEST THE PROCEEDS AS PROVIDED IN §§ 17–101 AND 17–102 OF THIS ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 36.

In subsection (a) of this section, the former reference to bonds issued “by any such municipal corporation” is deleted as implicit in the bonds being issued “in accordance with the charter of the municipality or this subtitle”.

In subsection (b) of this section, the former reference to proceeds “pending the expenditure” is deleted as implicit in the ability to invest only funds that have not yet been expended.

Defined term: “Municipality” § 1–101

19–308. LIABILITY FOR BONDS AND TAX ANTICIPATION NOTES; IMPOSITION OF TAXES; LIMITS ON DEBT.

(A) PLEDGE OF FULL FAITH AND CREDIT.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH BOND OR TAX ANTICIPATION NOTE ISSUED IN ACCORDANCE WITH THE CHARTER OF THE MUNICIPALITY OR THIS SUBTITLE IS A PLEDGE OF THE FULL FAITH AND CREDIT OF THE MUNICIPALITY TO THE PROMPT PAYMENT, FROM THE REVENUES DESCRIBED IN THE RESOLUTION OR ORDINANCE, OF THE PRINCIPAL OF AND INTEREST ON THE BOND OR TAX ANTICIPATION NOTE WHEN DUE.

(B) EXCEPTION.

A REVENUE BOND ISSUED IN ACCORDANCE WITH THE CHARTER OF THE MUNICIPALITY IS NOT A DEBT OF THE MUNICIPALITY TO WHICH ITS FAITH AND CREDIT OR TAXING POWER IS PLEDGED.

(C) COVENANT TO IMPOSE TAXES.

(1) IF AT THE TIME BONDS ARE ISSUED THERE IS NO CHARTER OR STATUTORY LIMIT ON THE POWER OF THE MUNICIPALITY TO IMPOSE PROPERTY TAXES, THE PLEDGE UNDER SUBSECTION (A) OF THIS SECTION IS A COVENANT BY THE MUNICIPALITY TO IMPOSE AD VALOREM TAXES:

(I) ON ALL REAL AND TANGIBLE PERSONAL PROPERTY IN THE MUNICIPALITY THAT IS SUBJECT TO ASSESSMENT FOR UNLIMITED MUNICIPAL TAXATION; AND

(II) AT A RATE AND IN AN AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF AND THE INTEREST ON THE BONDS IN EACH YEAR IN WHICH ANY OF THE BONDS ARE OUTSTANDING.

(2) IF AT THE TIME BONDS ARE ISSUED THERE IS A CHARTER OR STATUTORY LIMIT ON THE POWER OF THE MUNICIPALITY TO IMPOSE PROPERTY TAXES, THE PLEDGE UNDER SUBSECTION (A) OF THIS SECTION IS A COVENANT BY THE MUNICIPALITY TO IMPOSE AD VALOREM TAXES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WITHIN THE LIMITS IMPOSED BY LAW.

(D) EFFECT OF LATER STATUTE OR CHARTER PROVISION.

A CHARTER PROVISION OR A STATUTE THAT ESTABLISHES A MAXIMUM LIMIT ON THE RATE AT WHICH A MUNICIPALITY MAY IMPOSE PROPERTY TAXES, OR THAT REMOVES AN EXISTING LIMIT, ENACTED AFTER BONDS ARE ISSUED BY THE MUNICIPALITY DOES NOT AFFECT THE COVENANTS OF THE MUNICIPALITY UNDER SUBSECTION (C) OF THIS SECTION WITH RESPECT TO BONDS OUTSTANDING ON THE EFFECTIVE DATE OF THE CHARTER PROVISION OR STATUTE.

(E) MAXIMUM LIMITS ON DEBT.

(1) A MUNICIPALITY MAY NOT ISSUE A BOND UNDER THE CHARTER OF THE MUNICIPALITY OR THIS SUBTITLE IF, BY ITS ISSUANCE, THE MAXIMUM LIMITS ON THE POWER OF THE MUNICIPALITY TO INCUR DEBT IMPOSED BY CHARTER OR STATUTE WILL BE EXCEEDED.

(2) A MAXIMUM LIMIT IMPOSED AFTER A BOND IS ISSUED DOES NOT AFFECT THE MUNICIPALITY'S OBLIGATION ON THE BOND.

(3) THE OBLIGATION OF A MUNICIPALITY ON AN OUTSTANDING BOND IS NOT AFFECTED BY THE ISSUANCE OF A BOND IN ACCORDANCE WITH AN INCREASE IN THE MAXIMUM LIMIT ON THE POWER OF THE MUNICIPALITY TO

INCUR DEBT, OR THE REMOVAL OF AN EXISTING MAXIMUM LIMIT, ENACTED AFTER THE OUTSTANDING BOND IS ISSUED.

(F) ADDITIONAL REVENUES TO PAY BONDS.

(1) IN ADDITION TO THE PLEDGE OF ITS FULL FAITH AND CREDIT AND TAXING POWER TO PAY THE PRINCIPAL OF AND INTEREST ON BONDS, A MUNICIPALITY MAY SECURE THE PAYMENT BY THE PLEDGE OF ANY OTHER REVENUES, INCLUDING:

(I) PAYMENTS TO THE MUNICIPALITY FROM THE STATE OR FEDERAL GOVERNMENT; AND

(II) SPECIAL BENEFIT ASSESSMENTS, TAXES, FEES, OR SERVICE CHARGES.

(2) TO THE EXTENT THAT THE ADDITIONAL REVENUES ARE SUFFICIENT IN ANY YEAR TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS TO WHICH THEY ARE PLEDGED, THE MUNICIPALITY IS NOT OBLIGATED IN THAT YEAR TO IMPOSE PROPERTY TAXES ALSO PLEDGED TO PAY THE BONDS.

(3) IF THE ADDITIONAL REVENUES ARE SUFFICIENT IN ANY YEAR TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS TO WHICH THEY ARE PLEDGED, THE FAILURE OF THE MUNICIPALITY TO IMPOSE PROPERTY TAXES IN THAT YEAR IS NOT IN BREACH OF ANY OF THE MUNICIPAL COVENANTS DESCRIBED IN SUBSECTION (C) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 37 and the first and second clauses of § 38.

In subsection (a) and in the introductory language of subsection (f)(1) of this section, the reference to "full" faith and credit is added for consistency with other similar provisions of the Code.

In subsection (a) of this section, the reference to an "ordinance" is added for consistency with other similar provisions of this subtitle.

Also in subsection (a) of this section, the former reference to "tax[es]" is deleted as included in the reference to "revenues".

Also in subsection (a) of this section, the former reference to the "enabling" resolution or ordinance is deleted as surplusage.

Also in subsection (a) of this section, the former reference to a bond issued “by any municipal corporation” is deleted as implicit in the bonds being issued “in accordance with the charter of the municipality or this subtitle”.

Also in subsection (a) of this section, the former reference to the “issuing” municipality is deleted as implicit.

In subsections (c) and (f) of this section, the references to “impos[ing]” taxes are substituted for the former references to “levy[ing]” taxes for consistency with other similar provisions of this article.

In subsection (c) of this section, the references to “the pledge under subsection (a) of this section” are substituted for the former references to “such pledge” for clarity.

In the introductory language of subsection (c)(1) of this section, the former reference to a covenant on the part of the municipality “issuing any such bonds” is deleted as surplusage.

In subsections (d) and (e)(2) of this section, the references to “affect[ing]” covenants or the municipalities’ obligations are substituted for the former phrases “shall be taken or construed as impairing or in any manner affecting” for brevity. Similarly, in subsection (e)(3) of this section, the reference to “affected” is substituted for the former phrase “be taken or construed as having been impaired or in any manner affected”.

In subsection (d) of this section, the reference to covenants of the municipality “under subsection (c) of this section” is added for clarity.

Also in subsection (d) of this section, the former reference to a statute “adopted” is deleted as included in the reference to a statute “enacted”.

Also in subsection (d) of this section, the former reference to bonds “of the types described in subparagraphs (b) and (c) above” is deleted for accuracy. Those subsections, revised as subsection (c) of this section, do not describe types of bonds, but rather establish certain covenants of a municipality relating to general obligation bonds it has issued.

In subsection (e)(1) of this section, the former reference to exceeding an “existing” maximum limit is deleted as surplusage.

In subsection (e)(2) of this section, the reference to “the municipality’s obligation on the bond” is substituted for the former reference to “the obligation thereof” for clarity.

In subsection (e)(3) of this section, the reference to the power “of the municipality” to incur debt is added for clarity.

Also in subsection (e)(3) of this section, the reference to the removal of an “existing” maximum limit is added for clarity and consistency with subsection (d) of this section.

In the introductory language of subsection (f)(1) of this section, the former reference to any revenues “of said municipal corporation” is deleted as surplusage.

In subsection (f)(1)(ii) of this section, the former reference to taxes, fees, or service charges “which such municipal corporation is authorized and empowered to impose, levy or charge” is deleted as surplusage.

In subsection (f)(2) of this section, the reference to “additional” revenues is added for clarity and consistency with subsection (f)(3) of this section.

In subsection (f)(3) of this section, the references to revenues sufficient “in any year” and the imposition of taxes “in that year” are added for clarity and consistency with subsection (f)(2) of this section.

Also in subsection (f)(3) of this section, the reference to revenues sufficient to “pay the principal of and interest on the bonds to which they are pledged” is substituted for the former reference to revenues sufficient to “satisfy said pledge” for clarity.

Also in subsection (f)(3) of this section, the reference to “covenants described in subsection (c) of this section” is substituted for the former reference to “above-described covenants” for clarity. The “above-described covenants” included former subsections (b) through (e). However, only former subsections (b) and (c) are included here because former subsections (d) and (e) are not covenants that can be breached.

Defined terms: “Municipality” § 1-101
“State” § 1-101

19-309. EFFECT OF SUBTITLE.

THIS SUBTITLE DOES NOT IMPAIR ANY TERM OR CONDITION OF ANY BOND, NOTE, OR OTHER OBLIGATION OF A MUNICIPALITY ISSUED BY THE MUNICIPALITY BEFORE ARTICLE XI-E OF THE MARYLAND CONSTITUTION TOOK EFFECT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 39 and the third clause of § 38.

Former Art. 23A, § 38, as it referred to the subheading not being construed as a limitation on authority, is deleted as unnecessary in light of the statement that this subtitle does not impair any term or condition of a bond, note, or obligation of a municipality.

Defined term: "Municipality" § 1-101

SUBTITLE 4. CREATION OF PUBLIC DEBT — CHARTER COUNTIES.

19-401. IN GENERAL.

SECTION 10-203 OF THIS ARTICLE APPLIES TO THE CREATION OF PUBLIC DEBT BY A CHARTER COUNTY.

REVISOR'S NOTE: This section is new language added to provide a convenient cross-reference to the revision of former Art. 25A, § 5(P), which provides authority to charter counties relating to the creation of public debt.

Defined term: "Charter county" § 1-101

SUBTITLE 5. CREATION OF PUBLIC DEBT — CODE COUNTIES.

19-501. "PUBLIC LOCAL LAW" DEFINED.

IN THIS SUBTITLE, "PUBLIC LOCAL LAW" HAS THE MEANING STATED IN ARTICLE XI-F, § 1 OF THE MARYLAND CONSTITUTION.

REVISOR'S NOTE: This section is new language added to clarify the meaning of the term "public local law" as it applies to a code county.

19-502. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES ONLY TO CODE COUNTIES.

REVISOR'S NOTE: This section is new language added to clarify the scope of this subtitle.

Defined term: "Code county" § 1-101

19-503. AUTHORITY TO BORROW MONEY AND ISSUE BONDS.

(A) GENERAL OBLIGATION BONDS.**A COUNTY MAY:**

- (1) BORROW MONEY FOR ANY PUBLIC PURPOSE; AND**
- (2) ISSUE AND SELL GENERAL OBLIGATION BONDS TO EVIDENCE THE BORROWING.**

(B) REVENUE BONDS.

BY LOCAL LAW, A COUNTY MAY PROVIDE FOR THE ISSUANCE OF REVENUE BONDS PAYABLE AS TO PRINCIPAL AND INTEREST SOLELY FROM THE REVENUES OF ONE OR MORE REVENUE-PRODUCING PROJECTS OF THE COUNTY.

(C) BONDS FOR SANITARY FACILITIES AND BONDS AUTHORIZED BY LOCAL LAW.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A COUNTY MAY ISSUE BONDS:

- (1) FOR SANITARY FACILITIES AS PROVIDED IN THE ENVIRONMENT ARTICLE; AND**
- (2) AS AUTHORIZED BY LOCAL LAW IN EFFECT ON THE DATE THE COUNTY ADOPTS CODE HOME RULE.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence and the first clause of the second sentence of former Art. 25B, § 14 and, as it related to the authority of a code county to provide for the issuance of revenue bonds, § 20.

In subsection (a)(1) of this section, the former reference to any "proper" public purpose is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to "its" general obligation bonds is deleted as surplusage.

Also in subsection (a)(2) of this section, the former reference to issuing and selling bonds "in the manner herein prescribed" is deleted as surplusage. Similarly, in subsection (b) of this section, the former reference to "enactment of" a local law "in the manner prescribed in this article" is deleted.

In subsection (b) of this section, the reference to “revenue” bonds is added for clarity.

Also in subsection (b) of this section, the former reference to a code county providing for the issuance “by the county” of revenue bonds is deleted as surplusage.

In subsection (c)(2) of this section, the reference to a local law “in effect” on a certain date is substituted for the former reference to a local law “existing” on that date for accuracy.

19-504. PROCEDURES FOR ISSUING BONDS.

(A) AUTHORIZATION BY PUBLIC LOCAL LAW REQUIRED.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE ISSUANCE OF ALL BONDS OF A COUNTY SHALL BE AUTHORIZED BY PUBLIC LOCAL LAW ENACTED IN ACCORDANCE WITH §§ 9-308 THROUGH 9-315 OF THIS ARTICLE.

(B) EXCEPTION.

TO ISSUE BONDS DESCRIBED IN § 19-503(C) OF THIS SUBTITLE, A COUNTY:

(1) NEED NOT ENACT A PUBLIC LOCAL LAW; AND

(2) SHALL COMPLY WITH THE LAW AUTHORIZING ISSUANCE OF THE BONDS.

(C) CONTENT OF PUBLIC LOCAL LAW.

THE PUBLIC LOCAL LAW REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL CONTAIN:

(1) A STATEMENT OF:

(I) THE AGGREGATE AMOUNT OF BONDS AUTHORIZED BY THE PUBLIC LOCAL LAW;

(II) THE PUBLIC PURPOSE FOR WHICH THE BOND PROCEEDS ARE TO BE SPENT; AND

(III) THE REVENUES FROM WHICH THE PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE PAYABLE; AND

(2) A REQUIREMENT THAT THE COUNTY COMMISSIONERS, BEFORE ISSUING ANY OF THE BONDS, ADOPT A RESOLUTION CONTAINING THE INFORMATION SPECIFIED IN SUBSECTION (D) OF THIS SECTION.

(D) REQUIRED CONTENT OF RESOLUTION.

(1) A RESOLUTION ADOPTED UNDER SUBSECTION (C)(2) OF THIS SECTION SHALL CONTAIN:

(I) A STATEMENT OF:

- 1. THE AMOUNT OF BONDS TO BE ISSUED; AND**
- 2. THE PUBLIC PURPOSE FOR WHICH THE BOND PROCEEDS ARE TO BE SPENT;**

(II) THE FORM OF THE BONDS, INCLUDING:

- 1. THE PLACE AT WHICH THE BONDS WILL BE PAYABLE;**
 - 2. THE TIME AT WHICH THE BONDS WILL BE PAYABLE;**
 - 3. THE INTEREST RATE ON THE BONDS OR A SPACE TO INSERT THE INTEREST RATE WHEN DETERMINED;**
 - 4. THE TITLE OF EACH OFFICIAL WHOSE SIGNATURE MUST BE AFFIXED TO OR IMPRINTED ON THE BONDS;**
 - 5. THE AUTHORITY FOR ISSUANCE OF THE BONDS;**
- AND**
- 6. THE REVENUES FROM WHICH THE PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE PAYABLE;**

(III) SPECIFIC PROVISION FOR THE APPROPRIATION AND DISPOSAL OF THE BOND PROCEEDS;

(IV) SPECIFIC PROVISION FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS, INCLUDING THE SOURCE OF PAYMENT; AND

(V) THE FORM OF THE NOTICE SOLICITING BIDS FOR THE PURCHASE OF THE BONDS.

(2) THE PROVISION MADE FOR PAYMENT OF THE BONDS UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION IS A COVENANT BINDING THE COUNTY TO PROVIDE MONEY FROM THE SOURCE DESCRIBED TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WHEN DUE.

(E) FORM OF NOTICE.

(1) IF THE PUBLIC LOCAL LAW AUTHORIZING THE BONDS DOES NOT EXEMPT THEM FROM §§ 19-205 AND 19-206 OF THIS TITLE, THE FORM OF THE NOTICE SOLICITING BIDS FOR THE PURCHASE OF THE BONDS SHALL INCLUDE THE INFORMATION REQUIRED BY § 19-205 OF THIS TITLE.

(2) THE NOTICE OF SALE ALSO MAY:

(I) REQUIRE PROSPECTIVE PURCHASERS TO SUBMIT BIDS ON SPECIFIED FORMS;

(II) PROVIDE FOR APPROVAL OF THE LEGALITY OF THE BONDS; AND

(III) CONTAIN A FINANCIAL STATEMENT OF THE COUNTY.

(3) ANY OF THE ITEMS UNDER PARAGRAPH (2) OF THIS SUBSECTION ALSO MAY BE SEPARATELY SET FORTH IN A CIRCULAR OR OFFICIAL STATEMENT.

(F) PERMITTED CONTENT OF RESOLUTION.

A RESOLUTION AUTHORIZING ANY BONDS OF A COUNTY MAY CONTAIN ANY OTHER PROVISION NOT INCONSISTENT WITH THIS SUBTITLE THAT THE COUNTY COMMISSIONERS CONSIDER APPROPRIATE, INCLUDING A PROVISION THAT:

(1) THE PRINCIPAL OF AND INTEREST ON THE BONDS SHALL BE PAYABLE AT ONE OR MORE BANKS OR TRUST COMPANIES IN OR OUTSIDE THE STATE;

(2) EXCEPT FOR THE SIGNATURE OF THE CLERK OR SECRETARY, WHICH MUST BE MANUALLY AFFIXED, THE SIGNATURES OF OFFICIALS OF THE COUNTY AND OFFICIAL SEALS TO BE AFFIXED TO THE BONDS OR ANY COUPONS ATTACHED TO THE BONDS SHALL BE IMPRINTED ON THE BONDS OR COUPONS IN FACSIMILE;

(3) AT THE OPTION OF THE COUNTY, SOME OR ALL OF THE BONDS SHALL BE MADE REDEEMABLE, BEFORE MATURITY, AT OR ABOVE PAR VALUE AS REQUIRED IN THE RESOLUTION IF:

(I) THE BONDS CONTAIN A STATEMENT OF THE REDEMPTION PROVISIONS; AND

(II) THE RESOLUTION PROVIDES FOR PUBLISHED NOTICE BEFORE A REDEMPTION;

(4) THE ISSUE OF BONDS SHALL BE IN VARYING DENOMINATIONS AND IN COUPON FORM REGISTRABLE AS TO PRINCIPAL ONLY, IN FULLY REGISTERED FORM, OR BOTH FORMS IF THEY ARE INTERCHANGEABLE; AND

(5) A BOND IS A VALID AND BINDING OBLIGATION OF THE COUNTY IN ACCORDANCE WITH THE TERMS OF THE BOND EVEN IF AN OFFICIAL WHOSE SIGNATURE APPEARS ON THE BOND:

(I) CEASES TO BE AN OFFICIAL BEFORE THE DELIVERY OF THE BOND; OR

(II) BECOMES AN OFFICIAL AFTER THE DATE OF ISSUE OF THE BOND.

(G) ADOPTION OF RESOLUTION.

SUBJECT TO § 19-505(D) OF THIS SUBTITLE, NEITHER A RESOLUTION AUTHORIZING ANY BONDS OF A COUNTY NOR THE QUESTION OF THE ISSUANCE OF BONDS AUTHORIZED BY THE RESOLUTION NEED BE SUBMITTED TO REFERENDUM OF THE VOTERS OF THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 15, § 8, as it related to the issuance of bonds, and the second and third clauses of the second sentence of § 14.

In subsection (a) of this section, the former reference to a public local law enacted “by the board of county commissioners of the county” is deleted in light of the reference to a public local law enacted “in accordance with §§ 9–308 through 9–315 of this article”. Those sections establish the procedures under which public local laws are enacted by the county commissioners of a code county.

In the introductory language of subsection (b) of this section, the former phrase “in exercising the power” to issue bonds is deleted as surplusage.

In subsection (b)(1) of this section, the reference to a “public” local law is added for consistency within this section.

Also in subsection (b)(1) of this section, the former reference to enacting a public local law “as provided in this subtitle” is deleted in light of subsection (a) of this section, which establishes the manner in which a public local law must be enacted.

In subsection (b)(2) of this section, the reference to the law “authorizing issuance of the bonds” is substituted for the former reference to the law “conferring the borrowing power to be exercised” for consistency with the introductory language of subsection (b) of this section.

In subsections (c)(1)(ii) and (d)(1)(i)2 of this section, the former references to the public “purposes” are deleted in light of the references to the public “purpose” and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in subsection (d)(1)(ii)1 of this section, the former reference to “places” is deleted in light of the reference to “place”; in subsection (d)(1)(ii)2 of this section, the former reference to “times” is deleted in light of the reference to “time”; in subsection (d)(1)(ii)3 of this section, the former references to “rates” are deleted in light of the references to “rate”; and in subsection (d)(1)(iv) and (2) of this section, the former references to “sources” are deleted in light of the references to “source”.

In subsections (c)(1)(iii) and (d)(1)(ii)6 of this section, the former references to “taxes” are deleted as included in the references to “revenues”.

In subsection (c)(2) of this section, the reference to “any” of the bonds is substituted for the former reference to “all or any part” of the bonds for brevity.

Also in subsection (c)(2) of this section, the former reference to the bonds “authorized” is deleted in light of the reference in subsection (c)(1)(i) of this section to bonds “authorized by the public local law”.

In the introductory language of subsection (d)(1) of this section, the reference to a resolution adopted “under subsection (c)(2) of this section” is added for clarity.

In the introductory language of subsection (d)(1)(ii) of this section, the former reference to the “complete” form of the bonds is deleted as surplusage.

In subsection (d)(1)(ii)6 of this section, the former reference to “special” revenues is deleted as surplusage.

In subsection (d)(1)(v) of this section, the reference to “the form of the notice soliciting bids for the purchase of the bonds” is added to state explicitly that which was only implied in the former law.

In subsection (d)(2) of this section, the reference to the source “described” is added for clarity.

In subsection (e)(2)(ii) of this section, the former reference to making “appropriate” provisions for approval of the legality of the bonds is deleted as surplusage.

In subsection (e)(3) of this section, the reference to “[a]ny of the items under paragraph (2) of this subsection” is substituted for the former reference to “[a]ll or any of the foregoing provisions which may be included in any such notice of sale” for brevity and clarity.

In the introductory language of subsection (f) and in subsection (g) of this section, the references to a resolution “authorizing any bonds of a county” are added for clarity.

In the introductory language of subsection (f)(3) of this section, the former references to redeeming bonds “at any time” before maturity and “at a price” at or above par value “of the bonds” are deleted as surplusage.

In subsection (f)(3)(ii) of this section, the former reference to “due and proper” notice is deleted as surplusage.

In subsection (f)(4) of this section, the former reference to both forms being “authorized” is deleted as surplusage.

In subsection (g) of this section, the phrase “[s]ubject to § 19–505(d) of this subtitle” is added for clarity.

Also in subsection (g) of this section, the former requirement that a resolution “shall be adopted by the board of county commissioners of the code county in the manner followed in the usual course of considering resolutions in the government of the county” is deleted as unnecessary in light of the fact that any resolution would be adopted in the same manner and for consistency with other similar provisions of this article.

Also in subsection (g) of this section, the former reference to “registered” voters is deleted as implicit in the reference to “voters”.

Defined terms: “Public local law” § 19–501
“State” § 1–101

19–505. LIMITATIONS ON AUTHORITY TO ISSUE BONDS.

(A) MATURITY DATE.

A COUNTY MAY NOT ISSUE BONDS THAT MATURE LATER THAN 40 YEARS AFTER THE DATE OF ISSUE.

(B) CONSIDERATION.

A COUNTY MAY ISSUE BONDS ONLY FOR CASH.

(C) SALE AT PAR VALUE.

A COUNTY MAY NOT SELL BONDS AT LESS THAN PAR VALUE.

(D) APPROVAL BY VOTERS.

IF A LEGALLY SUFFICIENT REFERENDUM PETITION ON A PUBLIC LOCAL LAW AUTHORIZING THE ISSUANCE OF BONDS IS PROPERLY FILED WITH THE COUNTY BOARD OF ELECTIONS, THE BONDS MAY BE ISSUED ONLY IF THE PUBLIC LOCAL LAW IS APPROVED BY A MAJORITY OF THE VOTERS VOTING ON THE QUESTION.

(E) CONDITIONS OF SALE.

ANY BONDS SOLD BY A COUNTY ARE SUBJECT TO §§ 19–205 AND 19–206 OF THIS TITLE, UNLESS THE PUBLIC LOCAL LAW AUTHORIZING THE BONDS PROVIDES A SPECIFIC EXEMPTION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25B, § 16(1) through (4).

In subsection (a) of this section, the former reference to bonds maturing later than a certain number of years from “their respective” date of issue is deleted as surplusage.

In subsection (d) of this section, the reference to a “legally sufficient referendum petition” on a local law is substituted for the former reference to a “valid petition for referendum” on a local law for consistency with § 9–313(e)(1) of this article. Similarly, the reference to voting on the “question” is substituted for the former reference to voting on the “public local law”.

Also in subsection (d) of this section, the reference to the “county board of elections” is substituted for the former reference to the “board of supervisors of elections” to conform to terminology used in the Election Law Article. *See* EL § 2–201(a)(1).

Also in subsection (d) of this section, the former reference to a public local law “enacted by the board of county commissioners of a code county” is deleted as unnecessary since only the county commissioners of a code county can enact a public local law authorizing a bond issuance under this subtitle.

Also in subsection (d) of this section, the former reference to “registered” voters is deleted as implicit in the reference to “voters”.

In subsection (e) of this section, the former reference to an exemption for bonds “from the provisions of these sections” is deleted as surplusage.

Also in subsection (e) of this section, the former phrase “as amended from time to time”, which formerly modified “§§ 9 to 11 ... of Article 31 of this Code”, is deleted as unnecessary in light of Art. 1, § 21, which provides that any reference to a law also applies to any subsequent amendment of that law.

The introductory language of former Art. 25B, § 16, which established that the authority conferred on code counties under that section was subject to specified limitations, is deleted as unnecessary in light of the reorganization of this subtitle.

Defined term: “Public local law” § 19–501

19–506. NEGOTIABILITY OF BONDS.

ANY BONDS ISSUED IN ACCORDANCE WITH THIS SUBTITLE SHALL BE CONSIDERED INVESTMENT SECURITIES AS PROVIDED IN § 19–224 OF THIS TITLE AND TITLE 8 OF THE MARYLAND UNIFORM COMMERCIAL CODE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 25B, § 17.

The reference to the "Maryland Uniform Commercial Code" is substituted for the former reference to the "Commercial Law Article" for accuracy.

The reference to bonds "be[ing] considered investment securities" is substituted for the former reference to bonds "hav[ing] and possess[ing] all the attributes of negotiable instruments" because former Art. 31, § 8 referred to securities, not negotiable instruments.

The former reference to bonds issued "by any code county" is deleted as implicit in the bonds being issued "in accordance with this subtitle".

19–507. TAX STATUS OF BONDS.

THE PRINCIPAL OF AND INTEREST ON BONDS ISSUED IN ACCORDANCE WITH THIS SUBTITLE ARE EXEMPT FROM STATE AND LOCAL TAXES.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 25B, § 17.

The phrase "are exempt from State and local taxes" is substituted for the former phrase "shall be and remain exempt from taxation of any kind or nature whatsoever by the State of Maryland and by any county, municipal corporation, or other political subdivision thereof" for brevity.

The former reference to the principal of and interest on bonds "in the hands of the owner or owners thereof from time to time" being exempt from certain taxes is deleted as unnecessary because only an owner would be subject to tax liability.

Defined term: "State" § 1–101

19–508. INVESTMENT OF SINKING FUND AND BOND PROCEEDS.

(A) AUTHORITY TO INVEST SINKING FUND.

A COUNTY FISCAL OFFICER WHO HAS CUSTODY OF A SINKING FUND ESTABLISHED BY THE COUNTY TO PAY THE PRINCIPAL OF OR THE INTEREST ON

BONDS ISSUED IN ACCORDANCE WITH THIS SUBTITLE MAY INVEST THE SINKING FUND ONLY AS PROVIDED IN § 19–102 OF THIS TITLE.

(B) AUTHORITY TO INVEST BOND PROCEEDS.

A COUNTY FISCAL OFFICER WHO HAS CUSTODY OF BOND PROCEEDS MAY INVEST THE PROCEEDS AS PROVIDED IN §§ 17–101 AND 17–102 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 18.

In subsection (a) of this section, the former reference to bonds issued “by the code county” is deleted as implicit in the bonds being issued “in accordance with this subtitle”.

In subsection (b) of this section, the reference to a “county” fiscal officer is added for clarity.

Also in subsection (b) of this section, the former reference to investing proceeds “pending the expenditure thereof” is deleted as implicit in the ability to invest only money that has not yet been expended.

19–509. LIABILITY FOR BONDS; IMPOSITION OF TAXES; LIMITS ON DEBT.

(A) PLEDGE OF FULL FAITH AND CREDIT.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH BOND ISSUED IN ACCORDANCE WITH THIS SUBTITLE IS A PLEDGE OF THE FULL FAITH AND CREDIT OF THE COUNTY TO THE PROMPT PAYMENT, FROM THE REVENUES DESCRIBED IN THE PUBLIC LOCAL LAW AUTHORIZING THE BOND, OF THE PRINCIPAL OF AND INTEREST ON THE BOND WHEN DUE.

(B) EXCEPTION.

A REVENUE BOND ISSUED IN ACCORDANCE WITH THIS SUBTITLE IS NOT A DEBT OF THE COUNTY TO WHICH ITS FAITH AND CREDIT OR TAXING POWER IS PLEDGED.

(C) COVENANT TO IMPOSE TAXES.

(1) IF AT THE TIME BONDS ARE ISSUED THERE IS NO STATUTORY LIMIT ON THE POWER OF THE COUNTY TO IMPOSE PROPERTY TAXES, THE

PLEDGE UNDER SUBSECTION (A) OF THIS SECTION IS A COVENANT BY THE COUNTY TO IMPOSE AD VALOREM TAXES:

(I) ON ALL REAL AND TANGIBLE PERSONAL PROPERTY IN THE COUNTY THAT IS SUBJECT TO ASSESSMENT FOR UNLIMITED COUNTY TAXATION; AND

(II) AT A RATE AND IN AN AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF AND THE INTEREST ON THE BONDS IN EACH YEAR IN WHICH ANY OF THE BONDS ARE OUTSTANDING.

(2) IF AT THE TIME BONDS ARE ISSUED THERE IS A STATUTORY LIMIT ON THE POWER OF THE COUNTY TO IMPOSE PROPERTY TAXES, THE PLEDGE UNDER SUBSECTION (A) OF THIS SECTION IS A COVENANT BY THE COUNTY TO IMPOSE THE AD VALOREM TAXES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WITHIN THE LIMITS IMPOSED BY LAW.

(D) EFFECT OF LATER STATUTE.

A STATUTE THAT ESTABLISHES A MAXIMUM LIMIT ON THE RATE AT WHICH A COUNTY MAY IMPOSE PROPERTY TAXES, OR THAT REMOVES AN EXISTING LIMIT, ENACTED AFTER BONDS ARE ISSUED BY THE COUNTY DOES NOT AFFECT THE COVENANTS OF THE COUNTY UNDER SUBSECTION (C) OF THIS SECTION WITH RESPECT TO BONDS OUTSTANDING ON THE EFFECTIVE DATE OF THE STATUTE.

(E) STATUTORY LIMITS ON DEBT.

(1) A COUNTY MAY NOT ISSUE A BOND UNDER THIS SUBTITLE IF, BY ITS ISSUANCE, A STATUTORY MAXIMUM LIMIT IMPOSED BY STATUTE ON THE POWER OF THE COUNTY TO INCUR DEBT WILL BE EXCEEDED.

(2) A STATUTORY MAXIMUM LIMIT IMPOSED AFTER A BOND IS ISSUED DOES NOT AFFECT THE COUNTY'S OBLIGATION ON THE BOND.

(3) THE OBLIGATION OF A COUNTY ON AN OUTSTANDING BOND IS NOT AFFECTED BY THE ISSUANCE OF A BOND IN ACCORDANCE WITH AN INCREASE IN THE STATUTORY MAXIMUM LIMIT ON THE POWER OF THE COUNTY TO INCUR DEBT, OR THE REMOVAL OF AN EXISTING MAXIMUM LIMIT, ENACTED AFTER THE OUTSTANDING BOND IS ISSUED.

(F) ADDITIONAL REVENUES TO PAY BONDS.

(1) IN ADDITION TO THE PLEDGE OF ITS FULL FAITH AND CREDIT AND TAXING POWER TO PAY THE PRINCIPAL OF AND INTEREST ON BONDS, A COUNTY MAY SECURE THE PAYMENT BY THE PLEDGE OF ANY OTHER REVENUES, INCLUDING:

(I) PAYMENTS TO THE COUNTY FROM THE STATE OR FEDERAL GOVERNMENT; AND

(II) SPECIAL BENEFIT ASSESSMENTS, TAXES, FEES, OR SERVICE CHARGES.

(2) TO THE EXTENT THAT THE ADDITIONAL REVENUES ARE SUFFICIENT IN ANY YEAR TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS TO WHICH THEY ARE PLEDGED, THE COUNTY IS NOT OBLIGATED IN THAT YEAR TO IMPOSE PROPERTY TAXES ALSO PLEDGED TO PAY THE BONDS.

(3) IF THE ADDITIONAL REVENUES ARE SUFFICIENT IN ANY YEAR TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS TO WHICH THEY ARE PLEDGED, THE FAILURE OF THE COUNTY TO IMPOSE PROPERTY TAXES PLEDGED TO PAY THE BONDS IN THAT YEAR IS NOT A BREACH OF ANY PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 19 and, as it related to the obligation of a code county on its revenue bonds, § 20.

In subsection (a) and in the introductory language of subsection (f)(1) of this section, the reference to "full" faith and credit is added for consistency with other similar provisions of the Code.

In subsection (a) of this section, the former reference to a bond issued "by any code county" is deleted as implicit in the bonds being issued "in accordance with this subtitle".

Also in subsection (a) of this section, the former reference to the "issuing" county is deleted as implicit.

Also in subsection (a) of this section, the former reference to "taxes" is deleted as included in the reference to "revenues".

In subsection (b) of this section, the reference to "[a] revenue bond issued in accordance with this subtitle" is substituted for the former reference to "which bonds" for clarity.

In subsections (c) and (f) of this section, the references to “impos[ing]” taxes are substituted for the former references to “levy[ing]” taxes for consistency with other similar provisions of the Code.

In the introductory language of subsection (c)(1) of this section, the former reference to a covenant by the county “issuing the bonds” is deleted as surplusage.

In subsections (d) and (e)(2) of this section, the references to “affect[ing]” covenants or the county’s obligations are substituted for the former phrases “shall be taken or construed as impairing or in any manner affecting” for brevity. Similarly, in subsection (e)(3) of this section, the reference to “affected” is substituted for the former phrase “be taken or construed as having been impaired or in any manner affected”.

In subsection (d) of this section, the reference to covenants of the county “under subsection (c) of this section” is added for clarity.

Also in subsection (d) of this section, the former reference to a statute “adopted” is deleted as included in the reference to a statute “enacted”.

Also in subsection (d) of this section, the former reference to bonds “of the types described in subsections (b) and (c) above” is deleted for accuracy. Those subsections, revised as subsection (c) of this section, do not describe types of bonds, but rather establish certain covenants of a county relating to general obligation bonds it has issued.

In subsection (e)(1) of this section, the former reference to exceeding an “existing” maximum limit is deleted as surplusage.

In subsection (e)(2) of this section, the reference to “the county’s obligation on the bond” is substituted for the former reference to the “obligation thereof” for clarity.

In subsection (e)(3) of this section, the reference to the power “of the county” to incur debt is added for clarity.

Also in subsection (e)(3) of this section, the reference to the removal of an “existing” maximum limit is added for clarity and consistency with subsection (d) of this section.

In the introductory language of subsection (f)(1) of this section and in subsection (f)(3) of this section, the former references to any revenues and payment “of the county” are deleted as surplusage.

In subsection (f)(1)(ii) of this section, the former reference to assessments, taxes, fees, or service charges “which the county is authorized and empowered to impose, levy, or charge” is deleted as implicit.

In subsection (f)(2) of this section, the reference to “additional” revenues is added for clarity and consistency with subsection (f)(3) of this section.

In subsection (f)(3) of this section, the references to revenues sufficient “in any year” and the imposition of taxes “in that year” are added for clarity and consistency with subsection (f)(2) of this section.

Also in subsection (f)(3) of this section, the reference to revenues sufficient to “pay the principal of and interest on the bonds to which they are pledged” is substituted for the former reference to revenues sufficient to “satisfy the pledge” for clarity.

Also in subsection (f)(3) of this section, the reference to a breach of any “payment of the principal of and interest on the bonds” is substituted for the former reference to a breach of any “of the above-described payments” for clarity.

As to the authority of the General Assembly to impose limits on the rate of property taxes a code county may impose and the amount of debt a code county may incur, *see* § 11–103 of this article.

Defined terms: “Public local law” § 19–501
“State” § 1–101

19–510. EFFECT OF SUBTITLE.

THIS SUBTITLE DOES NOT IMPAIR ANY TERM OR CONDITION OF ANY BOND, NOTE, OR OTHER OBLIGATION OF A COUNTY ISSUED OR AUTHORIZED TO BE ISSUED BY THE COUNTY BEFORE ADOPTION OF CODE HOME RULE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25B, § 21 and, as it related to the effect of this subtitle on the power of a code county to issue revenue bonds, § 20.

Former Art. 25B, § 20, as it referred to the subtitle not being constructed as a limitation on authority, is deleted as unnecessary in light of the statement that this subtitle does not impair any term or condition of a bond, a note, or an obligation of a municipality.

SUBTITLE 6. CREATION OF PUBLIC DEBT — PUBLIC SCHOOLS.

PART I. PUBLIC SCHOOLS — IN GENERAL.

19-601. DEFINITIONS.

(A) IN GENERAL.

IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 31, § 33(a)(1).

The only change is in style.

(B) AUTHORIZING RESOLUTION.

“AUTHORIZING RESOLUTION” MEANS AN ADMINISTRATIVE RESOLUTION ADOPTED BY THE LEGISLATIVE BODY OF A COUNTY.

REVISOR'S NOTE: This subsection formerly was Art. 31, § 33(a)(2).

No changes are made.

Defined term: “County” § 1-101

(C) COUNTY.

“COUNTY” INCLUDES A COMBINATION OF TWO OR MORE COUNTIES THAT HAVE ENTERED INTO AN AGREEMENT UNDER THIS SECTION.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 31, § 33(a)(3).

The reference to two or more “counties” is substituted for the former reference to two or more “of the jurisdictions specified in item (i) of this paragraph” for brevity and clarity.

The former reference to county meaning “[a]ny county in the State or the Mayor and City Council of Baltimore” is deleted in light of the definition of “county” in § 1-101 of this article to include a county or Baltimore City.

Defined term: “County” § 1-101

(D) NOTE.

(1) “NOTE” MEANS AN EVIDENCE OF INDEBTEDNESS OF A COUNTY ISSUED UNDER THIS PART.

(2) “NOTE” INCLUDES:

- (I) A BOND;**
- (II) COMMERCIAL PAPER;**
- (III) A REFUNDING BOND;**
- (IV) A REFUNDING NOTE; AND**
- (V) ANY OTHER OBLIGATION.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 31, § 33(a)(4).

In paragraph (2) of this subsection, the former reference to “a note that is classified as” commercial paper, etc. is deleted as surplusage.

Defined term: “County” §§ 1–101, 19–601

(E) STATE SHARE.

“STATE SHARE”, WITH REFERENCE TO A PARTICULAR COUNTY ON A PARTICULAR DATE, MEANS THE AGGREGATE AMOUNT OF THE ANTICIPATED STATE SHARE OF THE COSTS OF PUBLIC SCHOOL CONSTRUCTION AND CAPITAL IMPROVEMENTS UNDER § 5–301 OF THE EDUCATION ARTICLE THAT:

- (1) HAS BEEN APPROVED BY THE BOARD OF PUBLIC WORKS; AND**
- (2) HAS NOT BEEN ADVANCED TO THE COUNTY.**

REVISOR’S NOTE: This subsection formerly was Art. 31, § 33(a)(5).

The only change is in style.

Defined term: “County” §§ 1–101, 19–601

19–602. COUNTY BORROWING AUTHORITY.

(A) AUTHORIZATION; MAXIMUM AMOUNT.

(1) A COUNTY MAY BORROW MONEY AND INCUR INDEBTEDNESS THROUGH THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE RECEIPT OF ANY OF THE COUNTY'S STATE SHARE.

(2) THE AMOUNT BORROWED MAY NOT EXCEED AT ANY ONE TIME THE COUNTY'S STATE SHARE.

(3) IN CALCULATING THE MAXIMUM PRINCIPAL AMOUNT OF NOTES THAT MAY BE OUTSTANDING, THE STATE SHARE MAY NOT BE REDUCED WITH RESPECT TO ANY OUTSTANDING NOTES EXCEPT ON RECEIPT BY THE COUNTY OF MONEY ADVANCED BY THE STATE WITH RESPECT TO THE STATE SHARE AND PAYMENT OF NOTES WITH THE MONEY.

(B) MULTIPLE COUNTY CONSOLIDATION.

A COUNTY MAY ENTER INTO AN AGREEMENT WITH ONE OR MORE COUNTIES TO PROVIDE FOR THE ISSUANCE AND SALE OF CONSOLIDATED NOTES IN ANTICIPATION OF THE RECEIPT OF ANY OF THE AGGREGATE STATE SHARES OF THE PARTICIPATING COUNTIES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 33(b).

In this section and throughout this part, the word "any" is substituted for the former phrase "all or part" for brevity.

In this section, the former phrase "from time to time" is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to the amount borrowed "in anticipation of the receipt of which the county sells the notes" is deleted as surplusage.

In subsection (b) of this section, the reference to "consolidated notes" is substituted for the former reference to the sale "on a consolidated basis" of note for brevity.

Also in subsection (b) of this section, the former reference to "agreements" is deleted in light of the reference to "agreement" and Art. 1, § 8, which provides that the singular generally includes the plural.

Defined terms: "County" §§ 1-101, 19-601

"Note" § 19-601

"State" § 1-101

“State share” § 19–601

19–603. AUTHORIZED USE OF PROCEEDS.

A COUNTY MAY EXPEND THE NET PROCEEDS OF THE SALE OF AN ISSUE OF NOTES ONLY TO:

(1) PAY THE COSTS OF PUBLIC SCHOOL CONSTRUCTION OR CAPITAL IMPROVEMENTS APPROVED AT ANY TIME BY THE BOARD OF PUBLIC WORKS IN ANTICIPATION OF STATE MONEY FOR ANY OF THE CONSTRUCTION OR IMPROVEMENTS; OR

(2) REFUND ONE OR MORE ISSUES OF NOTES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 31, § 33(d).

In item (1) of this section, the former references to construction or improvement “projects” is deleted as surplusage.

Defined terms: “County” §§ 1–101, 19–601
 “Note” § 19–601
 “State” § 1–101

19–604. PAYMENT.

(A) PRINCIPAL.

THE PRINCIPAL OF THE NOTES MAY BE PAID FROM:

(1) THE PROCEEDS OF ANY OF THE STATE SHARE FOR A COUNTY;

(2) ANY OTHER REVENUES THAT ARE PLEDGED TO THE PAYMENT OF THE NOTES IN THE AUTHORIZING RESOLUTION; OR

(3) MONEY MADE AVAILABLE TO THE COUNTY TO FINANCE THE PUBLIC SCHOOL CONSTRUCTION AND CAPITAL IMPROVEMENTS FROM:

(I) THE STATE OR UNIT OF THE STATE;

(II) THE FEDERAL GOVERNMENT OR A UNIT OF THE FEDERAL GOVERNMENT; OR

(III) ANY OTHER SOURCE.

(B) INTEREST.

THE INTEREST ON THE NOTES MAY BE PAID FROM:

(1) ANY REVENUES, OTHER THAN THE PROCEEDS OF THE STATE SHARE FOR A COUNTY, THAT ARE PLEDGED TO THE PAYMENT OF THE NOTES IN THE AUTHORIZING RESOLUTION; OR

(2) MONEY MADE AVAILABLE TO THE COUNTY TO FINANCE PUBLIC SCHOOL CONSTRUCTION AND CAPITAL IMPROVEMENTS FROM:

(I) THE STATE OR A UNIT OF THE STATE, EXCEPT FOR THE STATE SHARE ALLOCATED UNDER THIS PART FOR PUBLIC SCHOOL CONSTRUCTION AND CAPITAL IMPROVEMENTS;

(II) THE FEDERAL GOVERNMENT OR A UNIT OF THE FEDERAL GOVERNMENT; OR

(III) ANY OTHER SOURCE.

(C) COUNTY'S FULL FAITH AND CREDIT.

(1) A COUNTY MAY PLEDGE ITS FULL FAITH AND CREDIT AND TAXING POWER TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTES IN THE AUTHORIZING RESOLUTION.

(2) A COUNTY THAT MAKES A PLEDGE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL, IN EACH FISCAL YEAR THAT ANY OF THE NOTES ARE OUTSTANDING, IMPOSE AD VALOREM TAXES ON ALL ASSESSABLE PROPERTY IN THE COUNTY AT A RATE AND AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE NOTES MATURING IN THAT FISCAL YEAR.

(3) IF THE PROCEEDS FROM THE TAXES IMPOSED IN ANY FISCAL YEAR PROVE INADEQUATE FOR THE PAYMENT, THE COUNTY SHALL IMPOSE ADDITIONAL TAXES IN THE SUCCEEDING FISCAL YEAR TO MAKE UP THE DEFICIENCY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 33(c).

In subsections (a)(3) and (b)(2) of this section, the former references to money “granted” are deleted as included in the references to money “made available”.

In subsection (a)(3) of this section, the former phrase “[i]n addition to the State share allocated under this section for public school construction and public school capital improvements” is deleted as surplusage.

In subsection (c)(2) and (3) of this section, the references to “impos[ing]” taxes are substituted for the former references to “lev[ying]” taxes for consistency with other similar provisions of the Code.

Also in subsection (c)(2) and (3) of this section, the former references to “caus[ing] to be levied” ad valorem taxes are deleted as surplusage.

In subsection (c)(2) of this section, the reference to “pay[ing]” principal and interest is substituted for the former reference to “provid[ing] for or assur[ing] the payment of” principal and interest for brevity.

Also in subsection (c)(2) of this section, the former reference to paying “when due” is deleted as implicit.

Also in subsection (c)(2) of this section, the former reference to assessable property within “the corporate limits of” the county is deleted as surplusage.

Defined terms: “Authorizing resolution” § 19–601

“County” §§ 1–101, 19–601

“Note” § 19–601

“State” § 1–101

“State share” § 19–601

19–605. AUTHORIZING RESOLUTION.

(A) REQUIRED.

THE NOTES SHALL BE AUTHORIZED BY A RESOLUTION.

(B) REQUIRED PROVISIONS.

THE AUTHORIZING RESOLUTION SHALL:

(1) CITE THE AUTHORITY TO ISSUE THE NOTES AND THE AMOUNT AUTHORIZED; AND

(2) SPECIFY:

(I) THE MATURITY;

(II) THE INTEREST RATE OR MANNER OF DETERMINING THE RATE, WHICH MAY INCLUDE A VARIABLE RATE;

(III) 1. THE PRICE AT WHICH THE NOTES WILL BE SOLD, WHICH MAY BE AT, ABOVE, OR BELOW THE FACE VALUE OF THE NOTES; OR

2. THE MANNER OF DETERMINING THE PRICE AT WHICH THE NOTES WILL BE SOLD;

(IV) THE MANNER OF THE SALE OF THE NOTES, WHICH MAY BE BY PRIVATE NEGOTIATION BY THE COUNTY WITH A PROSPECTIVE PURCHASER, IF DETERMINED BY THE COUNTY TO BE IN THE COUNTY'S BEST INTEREST;

(V) THE TERMS OR CONDITIONS, IF ANY, UNDER WHICH NOTES MAY OR SHALL BE REDEEMED PRIOR TO THEIR STATED MATURITY; AND

(VI) OTHER TERMS ON THE NOTES.

(C) PERMISSIBLE PROVISIONS.

THE AUTHORIZING RESOLUTION MAY PROVIDE FOR:

(1) THE ISSUANCE OF THE NOTES IN SERIES, AS MONEY IS REQUIRED; AND

(2) THE RENEWAL OF THE NOTES AT MATURITY, WITH OR WITHOUT RESALE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 33(e).

In subsection (b)(2)(i) of this section, the former reference to "maturities" is deleted in light of the reference to "maturity" and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in subsection (b)(2)(ii) of this section, the former references to "rates" are deleted in light of the references to "rate"; in subsection (b)(2)(iii) of this section, the former references to "prices" are deleted in light of the references to "price"; and in subsection (b)(2)(iv) of this section, the

former reference to “purchasers” is deleted in light of the reference to “purchaser”.

In subsection (c)(1) of this section, the former reference to issuing notes “from time to time” is deleted as surplusage.

Defined terms: “Authorizing resolution” § 19–601

“County” §§ 1–101, 19–601

“Note” § 19–601

19–606. SECURITY.

(A) AUTHORITY.

IF THE AUTHORIZING RESOLUTION PROVIDES, NOTES MAY BE SECURED BY:

(1) A TRUST INDENTURE WITH A CORPORATE TRUSTEE, WHICH MAY BE ANY TRUST COMPANY OR BANK HAVING THE POWERS OF A TRUST COMPANY IN OR OUTSIDE THE STATE; AND

(2) A LETTER OF CREDIT, LINE OF CREDIT, OR OTHER CREDIT OR LIQUIDITY INSTRUMENT FROM OR WITH A BANK OR OTHER LENDING INSTITUTION.

(B) SECURITY GIVEN.

A SECURITY PROVIDED BY AN AUTHORIZING RESOLUTION UNDER THIS SECTION MAY BE SECURED BY THE SAME SECURITY GIVEN TO HOLDERS OF THE NOTES FOR THE PERFORMANCE BY A COUNTY OF THE COUNTY’S MONETARY OBLIGATIONS UNDER THE NOTES.

REVISOR’S NOTE: This section formerly was Art. 31, § 33(f).

In subsection (a)(1) of this section, the former reference to “trustees” is deleted in light of the reference to “trustee” and Art. 1, § 8, which states that the singular generally includes the plural.

The only other changes are in style.

Defined terms: “Authorizing resolution” § 19–601

“County” §§ 1–101, 19–601

“Note” § 19–601

“State” § 1–101

19-607. EXEMPTION FROM SPECIFIC PROVISIONS.

A NOTE IS NOT SUBJECT TO §§ 19-205 AND 19-206 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 33(g).

Defined term: "Note" § 19-601

19-608. VALID AND BINDING OBLIGATIONS.

A NOTE IS A VALID AND BINDING OBLIGATION OF THE ISSUING COUNTY IN ACCORDANCE WITH THE TERMS OF THE NOTE EVEN IF AN OFFICIAL WHOSE SIGNATURE APPEARS ON THE NOTE:

(1) CEASES TO BE AN OFFICIAL BEFORE THE DELIVERY OF THE NOTE; OR

(2) BECOMES AN OFFICIAL AFTER THE DATE OF ISSUE OF THE NOTE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 33(h).

Defined terms: "County" §§ 1-101, 19-601
"Note" § 19-601

19-609. TAX EXEMPTION.

THE NOTES, THE TRANSFER OF THE NOTES, THE INTEREST PAYABLE ON THE NOTES, AND ANY INCOME DERIVED FROM THE NOTES, INCLUDING PROFIT REALIZED IN THE SALE OR EXCHANGE OF THE NOTES, ARE EXEMPT FROM STATE AND LOCAL TAXES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 33(i).

The reference to "State and local taxes" is substituted for the former reference to "taxation of any kind and nature by the State of Maryland and by any county, municipal corporation, or other political subdivision of the State" for brevity.

The former references to the notes being “at all times” and “remain[ing]” exempt from taxes are deleted as surplusage.

Defined terms: “Note” § 19–601
 “State” § 1–101

19–610. EXEMPTIONS AND TERMS.

(A) RESOLUTION, NOTES, AND AGREEMENTS.

THE AUTHORIZING RESOLUTION, AND NOTES AND AGREEMENTS AUTHORIZED UNDER THE AUTHORIZING RESOLUTION, ARE NOT SUBJECT TO:

- (1) PROCEDURES REQUIRED FOR LEGISLATIVE ACTS; OR**
- (2) REFERENDUM.**

(B) COVENANTS REGARDING PAYMENT.

THE AUTHORIZING RESOLUTION MAY INCLUDE COVENANTS REGARDING THE PAYMENT OF PRINCIPAL OF AND INTEREST ON THE NOTES, NOTWITHSTANDING ANY:

- (1) LIMITATION IN THE COUNTY CHARTER;**
- (2) OTHER PUBLIC GENERAL LAW; OR**
- (3) PUBLIC LOCAL LAW.**

(C) AUTHORIZING RESOLUTION; CAPITAL PROJECTS.

(1) A COUNTY MAY ADOPT AN AUTHORIZING RESOLUTION WITHOUT COMPLYING WITH ANY PROCEDURES IN:

- (I) THE COUNTY CHARTER;**
- (II) ANY PUBLIC GENERAL LAW; OR**
- (III) A PUBLIC LOCAL LAW.**

(2) PUBLIC SCHOOL CONSTRUCTION AND CAPITAL IMPROVEMENTS FINANCED BY A COUNTY UNDER THIS PART ARE NOT A CAPITAL

PROJECT OF A COUNTY FOR PURPOSES OF ANY CONSTITUTIONAL, CHARTER, STATUTORY, OR OTHER LIMITATION.

(D) LIMITATIONS ON ISSUANCE OF INDEBTEDNESS.

ANY NOTES OR AGREEMENTS ISSUED OR ENTERED INTO UNDER THIS PART MAY NOT BE SUBJECT TO OR INCLUDED IN ANY CONSTITUTIONAL, CHARTER, STATUTORY, OR OTHER LIMITATION FOR THE ISSUANCE OF INDEBTEDNESS BY A COUNTY.

(E) SELF-EXECUTING.

THE PROVISIONS OF THIS PART ARE SELF-EXECUTING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 33(j).

In the introductory language of subsection (a) of this section, the references to an "authorizing" resolution are added for consistency throughout this part.

In the introductory language of subsection (b) of this section, the former phrase "[u]nless a State constitutional provision otherwise requires" is deleted as unnecessary because a constitutional provision always prevails when in conflict with a statute.

In subsection (e) of this section, the former phrase "[i]t is the intent of the General Assembly" is deleted as surplusage.

Defined terms: "Authorizing resolution" § 19-601

"County" §§ 1-101, 19-601

"Note" § 19-601

19-611. AGREEMENTS BETWEEN COUNTIES.

(A) PROVISIONS, TERMS, AND CONDITIONS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN AGREEMENT ENTERED UNDER § 19-602(B) OF THIS SUBTITLE MAY INCLUDE THE PROVISIONS THAT THE COUNTIES ADOPT IN THE AUTHORIZING RESOLUTION.

(2) AN AGREEMENT MAY NOT EXPIRE BEFORE THE REDEMPTION OR MATURITY OF THE NOTES ISSUED UNDER THE AGREEMENT.

(B) MULTIPLE COUNTY TRUST.

BY AGREEMENT, TWO OR MORE COUNTIES MAY ESTABLISH A TRUST OR SIMILAR ARRANGEMENT AUTHORIZED TO SELL NOTES ON THE SAME TERMS AND IN THE SAME MANNER AS COUNTIES MAY SELL NOTES UNDER THIS PART AND LOAN THE PROCEEDS OF THE NOTES TO THE COUNTIES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 33(k).

In subsection (a)(1) of this section, the former reference to an agreement entered "into by counties" under this subtitle is deleted as surplusage.

Also in subsection (a)(1) of this section, the former references to "terms" and "conditions" are deleted as included in the reference to "provisions".

Also in subsection (a)(1) of this section, the former reference to provisions "that the counties set forth" is deleted as surplusage.

Defined terms: "Authorizing resolution" § 19-601
 "County" §§ 1-101, 19-601
 "Note" § 19-601

19-612. NATURE OF BORROWING AUTHORITY.

THE AUTHORITY TO BORROW MONEY AND ISSUE NOTES GRANTED TO COUNTIES BY THIS PART IS:

(1) SUPPLEMENTAL TO ANY OTHER POWER GRANTED TO A COUNTY BY ANY OTHER LAW; AND

(2) NOT IN DEROGATION OF ANY OTHER EXISTING POWER OF A COUNTY TO BORROW MONEY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 33(l).

In item (1) of this section, the former reference to authority being "[i]n addition" to other power is deleted as included in the reference to the authority being "supplemental" to other power.

Defined terms: "County" §§ 1-101, 19-601
 "Note" § 19-601

19-613. RESERVED.

19-614. RESERVED.

PART II. CHARLES COUNTY NEW SCHOOL CAPACITY CONSTRUCTION BONDS.

19-615. "NEW SCHOOL CAPACITY CONSTRUCTION BONDS" DEFINED.

"NEW SCHOOL CAPACITY CONSTRUCTION BONDS" MEANS 10-YEAR BONDS ISSUED UNDER THIS PART.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-10B-01(a)(5).

The former reference to bonds issued "by the County Commissioners" is deleted as surplusage.

19-616. ISSUANCE OF BONDS.

(A) AUTHORIZATION.

(1) THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY ISSUE NEW SCHOOL CAPACITY CONSTRUCTION BONDS AT ANY TIME ON THE FULL FAITH AND CREDIT OF THE COUNTY TO FUND THE COSTS INCURRED TO CONSTRUCT NEW CAPACITY FOR PUBLIC ELEMENTARY, MIDDLE, AND HIGH SCHOOL FACILITIES IN THE COUNTY, INCLUDING:

(I) COSTS FOR LAND ACQUISITION, ARCHITECTURAL AND ENGINEERING DESIGN, INFRASTRUCTURE, NEW CLASSROOMS, EQUIPMENT, INTEREST ON BOND PRINCIPAL, AND BOND ISSUANCE; AND

(II) AN AMOUNT EQUAL TO THE TOTAL SQUARE FOOTAGE OF NEW PUBLIC ELEMENTARY, MIDDLE, AND HIGH SCHOOL FACILITIES IN THE COUNTY MULTIPLIED BY THE STATE SQUARE FOOT CONSTRUCTION ALLOWANCE, LESS THE STATE FUNDING SHARE.

(2) THE NEW SCHOOL CAPACITY CONSTRUCTION BONDS SHALL CONSTITUTE SECURITIES:

(I) IN WHICH ALL PUBLIC OFFICERS, PUBLIC BODIES OF THE STATE AND ITS POLITICAL SUBDIVISIONS, INSURANCE COMPANIES, STATE BANKS AND TRUST COMPANIES, NATIONAL BANKING ASSOCIATIONS, SAVINGS

BANKS, SAVINGS AND LOAN ASSOCIATIONS, INVESTMENT COMPANIES, EXECUTORS, ADMINISTRATORS, TRUSTEES, AND OTHER FIDUCIARIES MAY PROPERLY AND LEGALLY INVEST MONEY, INCLUDING CAPITAL IN THEIR CONTROL OR BELONGING TO THEM; AND

(II) WHICH MAY BE PROPERLY AND LEGALLY DEPOSITED WITH AND RECEIVED BY ANY STATE OR COUNTY OFFICER, STATE UNIT, OR POLITICAL SUBDIVISION OF THE STATE FOR ANY PURPOSE FOR WHICH THE DEPOSIT OF BONDS OR OBLIGATIONS OF THE STATE MAY BE AUTHORIZED BY LAW.

(B) HEARING REQUIRED.

THE COUNTY COMMISSIONERS OF CHARLES COUNTY SHALL HOLD A PUBLIC HEARING AND PROVIDE REASONABLE NOTICE OF THE HEARING BEFORE ISSUING NEW SCHOOL CAPACITY CONSTRUCTION BONDS.

(C) EXEMPTIONS.

THE ISSUANCE AND SALE OF NEW SCHOOL CAPACITY CONSTRUCTION BONDS UNDER THIS PART IS EXEMPT FROM § 19-205 AND § 19-206 OF THIS TITLE.

(D) TAX EXEMPTION.

THE TRANSFER OF, INTEREST ON, AND ANY INCOME DERIVED FROM NEW SCHOOL CAPACITY CONSTRUCTION BONDS ARE EXEMPT FROM STATE AND LOCAL TAXES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-10B-01(c), (a)(2) and (6), and (e)(1).

In subsection (a)(1) of this section, the former definitions of "all county costs" and "public school facilities" are revised as part of the substantive provision because each of those definitions appeared only once in the former law revised in this section.

Also in subsection (a)(1) of this section, the former reference to the issuance of "10-year" new school capacity construction bonds is deleted in light of the definition of "new school capacity construction bonds" in § 19-615 of this subtitle to mean 10-year bonds.

Also in subsection (a)(1) of this section, the former reference to bonds issued “from time to time” is deleted as included in the reference to bonds issued “at any time”.

Former Art. 24, § 9–10B–01(b), which stated that this section applied only in Charles County, is deleted as unnecessary in light of the references to Charles County throughout this section.

Defined terms: “New school capacity construction bonds” § 19–615
“State” § 1–101

SUBTITLE 7. CREATION OF PUBLIC DEBT — PUBLIC LIBRARIES IN CALVERT COUNTY, HARFORD COUNTY, AND ST. MARY’S COUNTY.

19–701. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES ONLY TO:

- (1) CALVERT COUNTY;**
- (2) HARFORD COUNTY; AND**
- (3) ST. MARY’S COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first clauses of former Art. 25, §§ 233, 234, and 235, as they related to the scope of those sections.

19–702. AUTHORITY TO BORROW MONEY FOR PUBLIC LIBRARIES.

(A) IN GENERAL.

THE GOVERNING BODY OF A COUNTY MAY BORROW MONEY TO PAY ANY OF THE CAPITAL CONSTRUCTION COSTS OF PUBLIC LIBRARY BUILDINGS IN THE COUNTY.

(B) PRESERVATION OF LIBRARIES IN ST. MARY’S COUNTY.

THE COUNTY COMMISSIONERS OF ST. MARY’S COUNTY MAY BORROW MONEY TO PAY ANY OF THE COSTS OF PRESERVATION FOR PUBLIC LIBRARIES IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from the first clauses of former Art. 25, §§ 233, 234, and 235, as they related to authority to borrow money for public libraries.

In this section, the references to paying “any” of the capital construction costs for public libraries are substituted for the former references to paying “part or all” of the costs for brevity.

Defined term: “Governing body” § 1–101

19–703. EVIDENCE OF INDEBTEDNESS.

THE GOVERNING BODY OF A COUNTY MAY:

(1) ISSUE BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS TO REPAY MONEY BORROWED UNDER THIS SUBTITLE; AND

(2) IMPOSE A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON THE EVIDENCES OF INDEBTEDNESS.

REVISOR'S NOTE: This section is new language derived without substantive change from the second clauses of former Art. 25, §§ 233, 234, and 235.

In item (1) of this section, the reference to money borrowed “under this subtitle” is substituted for the former reference to “any such” borrowed money for clarity.

In item (2) of this section, the reference to “impos[ing] a tax to pay” principal and interest on indebtedness is substituted for the former reference to “levy[ing] for payments” for consistency with other similar provisions of the Code.

Defined term: “Governing body” § 1–101

SUBTITLE 8. CREATION OF PUBLIC DEBT — FINANCING RESIDENTIAL MORTGAGES IN CECIL COUNTY.

19–801. “PROGRAM” DEFINED.

IN THIS SUBTITLE, “PROGRAM” MEANS A RESIDENTIAL MORTGAGE PROGRAM AUTHORIZED UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language added to avoid repetition of the phrase "a residential mortgage program authorized under this subtitle".

19-802. CONSTRUCTION OF SUBTITLE.

A TRANSACTION UNDER THIS SUBTITLE IS NOT A CAPITAL PROJECT WITHIN THE MEANING OF ANY STATUTORY OR CHARTER PROVISION.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 25, § 11D(h).

The reference to a transaction "not" being a capital project is substituted for the former reference to a transaction "in no event constitut[ing]" a capital project for brevity.

19-803. LEGISLATIVE FINDINGS; PURPOSE OF SUBTITLE.

(A) LEGISLATIVE FINDINGS.

THE GENERAL ASSEMBLY FINDS THAT:

(1) PERSONS AND FAMILIES IN MANY AREAS IN CECIL COUNTY, INCLUDING AREAS THAT CONTAIN PRESENTLY STABLE NEIGHBORHOODS AND MIDDLE CLASS RESIDENTIAL HOUSING, ARE UNABLE TO PURCHASE, REHABILITATE, AND MAINTAIN DECENT, SAFE, AND SANITARY HOUSING THAT PROVIDES AN OPPORTUNITY FOR HOME OWNERSHIP EITHER DIRECTLY OR THROUGH A CONDOMINIUM OR COOPERATIVE FORM OF OWNERSHIP DUE TO CONTINUING INCREASES IN THE COST OF CONSTRUCTION AND REHABILITATION, COUNTY TAXES, HEATING AND ELECTRICITY EXPENSES, MAINTENANCE AND REPAIR EXPENSES, INFLATION, THE COST OF LAND, THE COST OF ENERGY CONSERVATION MEASURES, AND THE LEVELS OF BORROWING COSTS;

(2) THE INABILITY OF FAMILIES TO PURCHASE AND MAINTAIN HOUSING IN THE COUNTY RESULTS IN:

(I) THE DECLINE OF NEW HOUSING;

(II) THE DECAY OF EXISTING HOUSING AND NEIGHBORHOODS; AND

(III) INCREASES IN COSTS FOR WELFARE, POLICE, AND FIRE PROTECTION;

(3) THE DECLINE IN NEW HOUSING CONSTRUCTION, AND THE DECAY OF EXISTING HOUSING, HAS PRODUCED A CRITICAL SHORTAGE OF ADEQUATE HOUSING IN THE COUNTY THAT HARMS THE ECONOMY OF THE COUNTY AND THE WELL-BEING OF COUNTY RESIDENTS;

(4) WITHOUT A PROGRAM, PRIVATE ENTERPRISE CANNOT CONSTRUCT OR REHABILITATE ADEQUATE HOUSING FOR PERSONS AND FAMILIES IN THE COUNTY;

(5) FORCING FAMILIES TO LIVE IN SUBSTANDARD HOUSING IS UNDESIRABLE BECAUSE IT TENDS TO DECREASE THE INTEREST OF FAMILIES IN THEIR COMMUNITIES, THE MAINTENANCE OF THEIR PROPERTY, AND THE PRESERVATION OF THEIR NEIGHBORHOODS;

(6) THE COUNTY HAS A BASIC PUBLIC INTEREST IN:

(I) PROVIDING A SUPPLEMENTAL SOURCE OF SINGLE-FAMILY RESIDENTIAL MORTGAGE FUNDS AT A COST LOWER TO THE BORROWER THAN PREVAILING RATES FOR RESIDENTIAL MORTGAGES; AND

(II) STIMULATING A STEADY FLOW OF MONEY FOR RESIDENTIAL HOUSING TO HELP IN MAINTAINING A WELL-BALANCED SOCIETY, EXISTING HOUSING, A SOUND TAX BASE, AND ESTABLISHED NEIGHBORHOODS;

(7) UNLESS NEW FACILITIES ARE CONSTRUCTED AND EXISTING HOUSING, WHERE APPROPRIATE, IS REHABILITATED, A LARGE NUMBER OF COUNTY RESIDENTS HAVE BEEN AND WILL BE SUBJECT TO HARDSHIP IN FINDING DECENT, SAFE, AND SANITARY HOUSING;

(8) UNLESS THE SUPPLY OF HOUSING AND THE ABILITY OF PERSONS AND FAMILIES TO OBTAIN MORTGAGE FINANCING IS INCREASED SIGNIFICANTLY AND EXPEDITIOUSLY, MANY COUNTY RESIDENTS MAY BE COMPELLED TO LIVE IN UNSANITARY, OVERCROWDED, OR UNSAFE CONDITIONS TO THE DETRIMENT OF THE HEALTH AND WELFARE OF THE RESIDENTS AND OF THEIR COMMUNITY;

(9) INCREASING THE HOUSING SUPPLY OF THE COUNTY AND THE ABILITY OF PERSONS AND FAMILIES TO OBTAIN MORTGAGE FINANCING WILL:

(I) AID THE CLEARANCE, REPLANNING, DEVELOPMENT, AND REDEVELOPMENT OF BLIGHTED AREAS;

(II) ALLEVIATE THE CRITICAL SHORTAGE OF ADEQUATE HOUSING; AND

(III) GREATLY ENHANCE THE ABILITY OF THE COUNTY TO PRESERVE AND UTILIZE EXISTING HOUSING AND NEIGHBORHOODS;

(10) A MAJOR CAUSE OF THE HOUSING CRISIS IS THE LACK OF AFFORDABLE LOANS SO THAT PERSONS AND FAMILIES CAN OWN AND MAINTAIN DECENT, SAFE, AND SANITARY HOUSING;

(11) AN ADDITIONAL MAJOR CAUSE OF THE HOUSING CRISIS IS THE LACK OF MONEY AVAILABLE TO FINANCE HOUSING BY THE PRIVATE MORTGAGE LENDING INSTITUTIONS OF THE STATE, FRUSTRATING THE MAINTENANCE, SALE, AND PURCHASE OF EXISTING HOUSING IN THE COUNTY;

(12) THE POWERS AUTHORIZED UNDER THIS SUBTITLE AND THE EXPENDITURE OF PUBLIC MONEY NECESSARY AND APPROPRIATE TO CARRY OUT A PROGRAM ARE A VALID PUBLIC PURPOSE; AND

(13) THE ENACTMENT OF THIS SUBTITLE IS IN THE PUBLIC INTEREST.

(B) PURPOSE OF SUBTITLE.

THE LEGISLATIVE PURPOSE OF THIS SUBTITLE IS TO EXPAND MONEY AVAILABLE AT BORROWING COSTS THAT ARE LOWER THAN PREVAILING COSTS FOR RESIDENTIAL MORTGAGES FOR PERSONS AND FAMILIES TO ALLEVIATE THE SHORTAGE OF ADEQUATE HOUSING IN CECIL COUNTY AND TO PRESERVE EXISTING HOUSING AND NEIGHBORHOODS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 11D(a) and (b).

In subsection (a)(1) of this section, the former reference to "interest" is deleted as included in the reference to "levels of borrowing costs".

In the introductory language of subsection (a)(2) of this section, the reference to "maintain[ing]" housing is substituted for the former reference to "hold[ing]" housing for clarity.

In subsection (a)(5) of this section, the former reference to "[t]he alternative of" forcing families to live in substandard housing is deleted as surplusage.

In subsection (a)(8) of this section, the reference to “their community” is substituted for the former reference to “the whole community of which they are a part” for brevity.

Also in subsection (a)(8) of this section, the reference to “many” county residents is substituted for the former reference to “a large number of” county residents for brevity.

Also in subsection (a)(8) of this section, the former reference to “well-being” is deleted as included in the reference to “health and welfare”.

In subsection (a)(9)(iii) of this section, the reference to the ability of “the county” is added for clarity.

In subsection (a)(10) of this section, the reference to the lack of “affordable loans” is substituted for the former reference to the lack of “funds at borrowing costs which are at a level whereby ... can afford” for brevity.

In subsection (a)(12) of this section, the former reference to “authority” is deleted as included in the reference to “powers”.

In subsection (b) of this section, the reference to the purpose “of this subtitle” is added for clarity.

Also in subsection (b) of this section, the reference to adequate housing “in Cecil County” is added for clarity.

Also in subsection (b) of this section, the reference to “expand[ing] money available” is substituted for the former reference to “promot[ing] the expansion of the supply of funds” for brevity.

Also in subsection (b) of this section, the former phrase “aid[ing] in remedying these conditions” is deleted as included in the phrase “alleviat[ing] the shortage of adequate housing”.

Also in subsection (b) of this section, the former reference to “otherwise” prevailing costs is deleted as surplusage.

Defined terms: “Person” § 1-101

“Program” § 19-801

“State” § 1-101

19-804. ENACTMENT OF ORDINANCE OR RESOLUTION REQUIRED.

(A) IN GENERAL.

BY ORDINANCE OR RESOLUTION, THE GOVERNING BODY OF CECIL COUNTY SHALL SPECIFY:

- (1) THE PROGRAM;**
- (2) THE AMOUNT OF BONDS TO BE ISSUED UNDER THE PROGRAM;**
- (3) THE INTEREST RATE OF THE BONDS, OR THE MANNER OF DETERMINING THE RATE; AND**
- (4) OTHER PROVISIONS NOT INCONSISTENT WITH THIS SUBTITLE TO EFFECT THE FINANCING OF THE MORTGAGE LOANS.**

(B) FINDINGS REQUIRED.

IN THE ORDINANCE OR RESOLUTION ADOPTED UNDER THIS SUBTITLE, THE GOVERNING BODY OF CECIL COUNTY SHALL MAKE FINDINGS REGARDING:

- (1) THE NEED FOR THE FINANCING AUTHORIZED UNDER THIS SUBTITLE;**
- (2) THE TYPES OF HOUSING AVAILABLE AND NEEDED IN THE COUNTY; AND**
- (3) OTHER FACTORS THAT THE GOVERNING BODY FINDS APPROPRIATE TO ESTABLISH A PROGRAM.**

(C) PROCESS FOR ADOPTION.

AN ORDINANCE OR RESOLUTION ADOPTED UNDER THIS SUBTITLE IS NOT SUBJECT TO:

- (1) REFERENDUM; OR**
- (2) OTHER PROCEDURES THAT DO NOT APPLY TO ALL ORDINANCES OR RESOLUTIONS ENACTED BY CECIL COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 11D(d), the third sentence of (h), and the first sentence of (e)(1).

In subsection (a)(1) of this section, the former reference to a “proposed” program is deleted as surplusage.

In subsection (a)(2) of this section, the reference to bonds issued “under the program” is added for clarity.

In subsection (a)(3) of this section, the former references to “rates” of interest are deleted in light of the references to the “rate” of interest and Art. 1, § 8, which provides that the singular generally includes the plural.

Also in subsection (a)(3) of this section, the former reference to the interest rate the bonds “are to bear” is deleted as surplusage.

In subsection (a)(4) of this section, the former reference to provisions “determined by the county to be necessary or desirable” is deleted as surplusage.

In subsection (c) of this section, the former reference to “[t]he transaction [being] authorized” is deleted as surplusage.

Defined terms: “Governing body” § 1–101
 “Program” § 19–801

19–805. POWERS OF CECIL COUNTY.

(A) AUTHORIZATION TO ISSUE BONDS.

(1) NOTWITHSTANDING ANY OTHER LAW, CECIL COUNTY MAY ISSUE REVENUE BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS TO ACCOMPLISH THE PURPOSES OF THIS SUBTITLE.

(2) THE COUNTY MAY USE MONEY BORROWED UNDER THIS SUBTITLE TO MAKE FUNDS AVAILABLE, DIRECTLY OR THROUGH MORTGAGE LENDING INSTITUTIONS, FOR RESIDENTIAL MORTGAGE LOANS BY:

- (I) FORWARD COMMITMENT MORTGAGE PURCHASES;**
- (II) EXISTING MORTGAGE PURCHASES;**
- (III) LOANS TO LENDERS;**
- (IV) A REVOLVING MORTGAGE FUND; OR**

(V) ANY OTHER MANNER THE COUNTY CONSIDERS APPROPRIATE.

(3) (I) THE COUNTY MAY ISSUE NEW BONDS TO PROVIDE FUNDS FOR THE PAYMENT OF ANY OUTSTANDING BONDS IN ACCORDANCE WITH THIS SUBTITLE AND § 19–207 OF THIS TITLE.

(II) THE NEW BONDS SHALL BE SECURED TO THE SAME EXTENT AND HAVE THE SAME SOURCE OF PAYMENT AS THE REFUNDED BONDS.

(B) LIMIT ON AMOUNT OF BONDS.

THE AMOUNT BORROWED UNDER THIS SUBTITLE MAY NOT EXCEED \$35,000,000 IN THE TOTAL AGGREGATE AMOUNT.

(C) AUTHORIZATION TO CHARGE PARTICIPATION CHARGES.

CECIL COUNTY MAY COLLECT PARTICIPATION CHARGES TO COVER LOAN PROCESSING, LOAN ADMINISTRATION, MORTGAGE INSURANCE, AND OTHER COSTS AND EXPENSES OF A PROGRAM FROM A BORROWER PARTICIPATING IN THE PROGRAM.

(D) AUTHORIZATION TO INCLUDE PROVISIONS EFFECTING FINANCING.

A PROGRAM MAY PROVIDE FOR:

- (1) LOAN AGREEMENTS;**
- (2) SECURITY AGREEMENTS;**
- (3) LOAN SERVICING AGREEMENTS;**
- (4) FORMS OF MORTGAGES, NOTES, AND DEEDS OF TRUST; AND**
- (5) OTHER APPROPRIATE SECURITIES, DOCUMENTS, AGREEMENTS, AND PROVISIONS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 11D(c), (g), and the first sentence of (h).

In subsection (a)(1) of this section, the reference to "issu[ing]" bonds is substituted for the former reference to "borrow[ing] money by issuing" bonds for brevity.

Also in subsection (a)(1) of this section, the reference to “indebtedness” is substituted for the former reference to “obligation” for consistency with other similar provisions of this title.

Also in subsection (a)(1) of this section, the former phrase “in addition to whatever other powers it may have” is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to the county making funds available “to persons and families” is deleted as implicit in making funds available for residential mortgage loans.

In subsection (c) of this section, the former phrase “in connection with any program” is deleted as surplusage.

Also in subsection (c) of this section, the former reference to charges “deemed necessary or appropriate by the county” is deleted as implicit.

In subsection (d) of this section, the former reference to a program “effecting the financing under this section” is deleted as surplusage.

Also in subsection (d) of this section, the former reference to “other matter as the county may deem necessary ... to effect the financing of the program” is deleted as included in the reference to “other appropriate ... provisions”.

Defined term: “Program” § 19-801

19-806. INDIVIDUAL MORTGAGE LOANS.

(A) DOWN PAYMENT.

(1) A PROGRAM SHALL REQUIRE A DOWN PAYMENT OF AT LEAST 10% OF THE PURCHASE PRICE OF THE DWELLING.

(2) (I) THE DOWN PAYMENT MAY BE IN THE FORM OF CASH OR REAL PROPERTY OWNED BY A MORTGAGOR ON WHICH A DWELLING HAS BEEN CONSTRUCTED.

(II) IF THE DOWN PAYMENT IS IN THE FORM OF REAL PROPERTY, THE PROPERTY SHALL BE VALUED AT THE LESSER OF ITS PURCHASE PRICE OR APPRAISED VALUE.

(B) MAXIMUM AMOUNT.

AN INDIVIDUAL MORTGAGE LOAN AUTHORIZED UNDER A PROGRAM MAY NOT EXCEED \$90,000.

REVISOR'S NOTE: This section is new language derived without substantive change from the third and fourth sentences of former Art. 25, § 11D(e)(1).

In subsection (a)(2)(ii) of this section, the phrase “[i]f the down payment is in the form of real property” is substituted for the former reference to “which real property” for clarity.

Defined term: “Program” § 19–801

19–807. BONDS; USE OF REVENUE.

(A) FORM; EXECUTION; MATURITY.

(1) A BOND ISSUED UNDER THIS SUBTITLE:

(I) SHALL BE NEGOTIABLE;

(II) MAY BE ISSUED IN COUPON FORM OR REGISTRABLE AS TO PRINCIPAL OR AS TO BOTH PRINCIPAL AND INTEREST;

(III) MAY BE ISSUED TO BEAR INTEREST, PAYABLE ANNUALLY, SEMIANNUALLY, OR OTHERWISE; AND

(IV) MAY BE EXECUTED, ISSUED, OR DELIVERED AT ANY TIME.

(2) (I) A BOND ISSUED UNDER THIS SUBTITLE SHALL BE SIGNED BY THE PRESIDENT OF THE GOVERNING BODY OF CECIL COUNTY.

(II) THE SEAL OF THE COUNTY SHALL BE AFFIXED TO THE BOND AND ATTESTED TO BY THE CLERK OR THE OFFICER PERFORMING THE FUNCTIONS OF THE CLERK.

(III) AN OFFICER'S SIGNATURE OR COUNTERSIGNATURE ON A BOND OR COUPON REMAINS VALID EVEN IF THE OFFICER CEASES TO BE AN OFFICER BEFORE THE DELIVERY OF THE BOND.

(3) (I) THE COUNTY MAY NOT ISSUE A BOND UNDER THIS SUBTITLE THAT MATURES LATER THAN 40 YEARS FROM THE DATE OF ISSUE.

(II) THE COUNTY SHALL PAY FOR A MATURE BOND AT THE PLACE THAT THE COUNTY DETERMINES.

(B) PLEDGE OF SECURITY FOR BONDS.

BONDS ISSUED UNDER THIS SUBTITLE MAY BE SECURED BY A PLEDGE OF MORTGAGES OR NOTES SECURED BY DEEDS OF TRUST ON ANY TYPE OF INTEREST IN REAL OR OTHER PROPERTY, INCLUDING:

(1) REAL PROPERTY OR OTHER INTERESTS HELD BY STOCK COOPERATIVES AND CONDOMINIUMS AND THEIR UNIT OWNERS;

(2) SERVICING AGREEMENTS;

(3) CONDEMNATION PROCEEDS;

(4) PROCEEDS OF PRIVATE MORTGAGE INSURANCE OR CASUALTY AND SPECIAL HAZARD INSURANCE; OR

(5) ANY OTHER SECURITY THAT CECIL COUNTY DETERMINES IS APPROPRIATE.

(C) REDEMPTION OF BONDS BEFORE MATURITY.

BONDS ISSUED UNDER THIS SUBTITLE MAY PROVIDE THAT THE BONDS MAY BE REDEEMED, AT THE OPTION OF CECIL COUNTY, BEFORE MATURITY, AT THE PRICE AND UNDER THE TERMS AND CONDITIONS THAT THE COUNTY SETS BEFORE THE BONDS ARE ISSUED.

(D) USE OF REVENUE FROM BONDS.

MONEY RECEIVED FROM BONDS ISSUED UNDER THIS SUBTITLE MAY BE USED ONLY TO:

(1) MAKE RESIDENTIAL MORTGAGE LOANS IN CECIL COUNTY, EITHER DIRECTLY OR THROUGH MORTGAGE LENDING INSTITUTIONS;

(2) ESTABLISH RESERVE FUNDS;

(3) PAY NECESSARY FINANCING EXPENSES; OR

(4) ADVANCE THE PAYMENT OF INTEREST ON THE BONDS DURING THE 3 YEARS AFTER THE DATE OF THE BONDS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 11D(e)(2) through (4) and (f)(1), (2), and (5).

In subsection (a) of this section, the former reference to bonds being “in a form and denomination, of a tenor” is deleted as surplusage.

In subsection (a)(1)(iv) of this section, the former reference to bonds being executed, issued, and delivered “from time to time” is deleted as included in the reference to “at any time”.

In subsection (a)(2)(ii) of this section, the reference to affixing the seal to “the bond” is added for clarity.

In subsection (a)(2)(iii) of this section, the former reference to a signature remaining “sufficient for all purposes the same as if he had remained in office until delivery” is deleted as included in the reference to the signature remaining “valid even if the officer ceases to be an officer before the delivery of the bond”.

In subsection (a)(3) of this section, the references to a bond “matur[ing]” are substituted for the former reference to a bond being “payable in amounts at times” for clarity and consistency with other similar provisions of the Code.

In subsection (a)(3)(ii) of this section, the former reference to “places” is deleted in light of the reference to “place” and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in subsection (c) of this section, the former reference to “prices” is deleted in light of the reference to “price”.

In subsection (c) of this section, the former reference to the bonds “or any of them” is deleted as surplusage.

In subsection (d)(1) of this section, the reference to loans “in Cecil County” is added for clarity.

Also in subsection (d)(1) of this section, the former reference to making funds available “to persons and families” is deleted as implicit in the reference to making funds available “for residential mortgage loans”.

In subsection (d)(4) of this section, the former reference to the “first” 3 years is deleted as implicit in the reference to the 3 years “after” the date of the bonds.

Defined term: “Governing body” § 1–101

19-808. MANNER AND PRICE OF SALE OF BONDS; EXEMPTIONS.**(A) BOND SALES.**

CECIL COUNTY SHALL SELL BONDS AUTHORIZED UNDER THIS SUBTITLE AT PUBLIC OR PRIVATE SALE AND ON THE TERMS THAT THE COUNTY CONSIDERS BEST.

(B) EXEMPTION FROM CERTAIN PROVISIONS.

BONDS ISSUED UNDER THIS SUBTITLE ARE EXEMPT FROM §§ 19-205 AND 19-206 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 11D(f)(3).

In subsection (a) of this section, the former reference to bonds being sold "in a manner" is deleted as surplusage.

19-809. PAYMENT OF BONDS.**(A) LIMITED OBLIGATIONS.**

A BOND ISSUED UNDER THIS SUBTITLE AND THE INTEREST ON THE BOND ARE LIMITED OBLIGATIONS OF CECIL COUNTY.

(B) FUNDING SOURCES.

CECIL COUNTY MAY PAY THE PRINCIPAL OF AND INTEREST ON A BOND ISSUED UNDER THIS SUBTITLE ONLY FROM:

(1) REVENUES DERIVED FROM INTEREST, MORTGAGE INSURANCE PROCEEDS, CASUALTY OR SPECIAL HAZARD INSURANCE PROCEEDS, OTHER INSURANCE PROCEEDS, OR CONDEMNATION PROCEEDS; OR

(2) OTHER REVENUES DERIVED FROM OR RELATED TO LOANS MADE UNDER A PROGRAM.

(C) LIMITED LIABILITY OF CECIL COUNTY.

BONDS AND INTEREST COUPONS ISSUED UNDER THIS SUBTITLE:

(1) ARE NOT DEBTS OR CHARGES AGAINST THE GENERAL CREDIT OR TAXING POWERS OF CECIL COUNTY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR COUNTY CODE PROVISION OR STATUTORY LIMITATION; AND

(2) DO NOT GIVE RISE TO ANY PECUNIARY LIABILITY OF THE COUNTY.

(D) STATEMENT ON BONDS.

ON THE ADVICE OF COUNSEL, CECIL COUNTY MAY STATE ON THE FACE OF A BOND THAT THE BOND:

(1) IS ISSUED UNDER THIS SUBTITLE; AND

(2) IS NOT AN INDEBTEDNESS TO WHICH THE FAITH AND CREDIT OF THE COUNTY IS PLEDGED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 11D(f)(4).

In subsection (b)(2) of this section, the reference to loans "made under a program" is added for clarity.

Also in subsection (b)(2) of this section, the former reference to "other revenues derived from the mortgage loans, property securing the loans, or other payments" is deleted as included in the reference to "other revenues derived from or related to loans".

In subsection (c)(2) of this section, the former reference to bonds and interest coupons "shall [not] ever constitute" a pecuniary liability is deleted as included in the reference to bonds and coupons "do not give rise to" a pecuniary liability.

In the introductory language of subsection (d) of this section, the former reference to items being "plainly" stated on the face of a bond is deleted as surplusage.

Defined term: "Program" § 19-801

19-810. CONCLUSIVE PRESUMPTION OF FINDING BY CECIL COUNTY.

A FINDING MADE BY CECIL COUNTY REGARDING A PROGRAM OR THE QUALIFICATION OF A PERSON OR FAMILY TO PARTICIPATE IN A PROGRAM IS

CONCLUSIVE IN A PROCEEDING INVOLVING THE VALIDITY OR ENFORCEABILITY OF A BOND, OR SECURITY FOR A BOND, ISSUED UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 25, § 11D(e)(1).

The former reference to a "suit" or "action" is deleted as included in the reference to a "proceeding".

Defined terms: "Person" § 1-101
"Program" § 19-801

19-811. TAX STATUS.

THE PRINCIPAL AMOUNT OF THE BONDS ISSUED UNDER THIS SUBTITLE, THE TRANSFER OF THE BONDS, THE INTEREST PAYABLE ON THE BONDS, AND ANY INCOME DERIVED FROM THE BONDS, INCLUDING PROFIT REALIZED IN THE SALE OR EXCHANGE OF THE BONDS, ARE EXEMPT FROM STATE AND LOCAL TAXES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 11D(e)(5).

The reference to "State and local taxes" is substituted for the former reference to "taxation by the State of Maryland and by the several counties and municipalities of this State" for brevity.

The reference to profit realized in the "exchange" of bonds is substituted for the former reference to profit realized in the "transfer" of bonds for consistency with other similar provisions of this title.

The former reference to the bonds "remain[ing]" exempt from taxes is deleted as surplusage.

Defined term: "State" § 1-101

SUBTITLE 9. PENSION LIABILITY FUNDING BONDS.

19-901. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection is new language added as the standard introductory language to a definition section.

(B) BOND.

(1) "BOND" MEANS AN OBLIGATION FOR THE PAYMENT OF MONEY, BY WHATEVER NAME KNOWN OR SOURCE OF FUNDS SECURED, ISSUED BY A GOVERNMENTAL ENTITY UNDER GENERAL OR SPECIAL STATUTORY AUTHORITY.

(2) "BOND" INCLUDES:

(I) A BOND;

(II) A CERTIFICATE OF INDEBTEDNESS;

(III) AN INTERIM CERTIFICATE; AND

(IV) A NOTE.

REVISOR'S NOTE: This subsection is new language added to provide a concise and consistent reference to bonds and in order to avoid repeated references to "general obligation bonds, revenue bonds, or other evidences of obligation" and to conform to § 19–201 of this title and § 8–201 of the State Finance and Procurement Article.

(C) PENSION LIABILITY FUNDING BOND.

"PENSION LIABILITY FUNDING BOND" MEANS A BOND AUTHORIZED TO BE ISSUED UNDER THIS SUBTITLE.

REVISOR'S NOTE: This subsection is new language added to provide a concise reference to bonds authorized to be issued under this subtitle.

Defined term: "Bond" § 19–901

19–902. SCOPE OF SUBTITLE; APPLICATION OF SUBTITLE.

(A) SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES ONLY TO:

(1) CHARTER COUNTIES;

(2) CODE COUNTIES; AND

(3) MUNICIPALITIES.

(B) APPLICATION OF SUBTITLE.

THIS SUBTITLE APPLIES ONLY TO A PENSION OR RETIREMENT PLAN OR SYSTEM:

(1) THAT IS CLOSED TO NEW MEMBERSHIP; AND

(2) UNDER WHICH A COUNTY OR MUNICIPALITY IS DIRECTLY OR INDIRECTLY OBLIGATED TO PAY OR CAUSE TO BE PAID RETIREMENT, DISABILITY, DEATH, OR OTHER BENEFITS.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 31, § 32(b) and, as it related to the types of governmental entities to which this section applies, the first sentence.

In subsection (a) of this section, the references to "charter counties", "code counties", and "municipalities" are substituted for the former references to "[a] municipal corporation subject to the provisions of Article 23A or a county subject to the provisions of Article 25A or Article 25B" for brevity and in light of the use of the defined terms.

Subsection (b) of this section is revised as a substantive provision rather than as a definition of "pension plan" for clarity.

In the introductory language of subsection (b) of this section, the former reference to an "existing" pension or retirement plan or system is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "a county or municipality" is substituted for the former reference to "the public body" for clarity in light of the scope of this subtitle.

Defined terms: "Charter county" § 1-101

"Code county" § 1-101

"Municipality" § 1-101

19-903. LEGISLATIVE FINDINGS.

THE GENERAL ASSEMBLY FINDS THAT IT IS IN THE BEST INTERESTS OF THE CHARTER COUNTIES, CODE COUNTIES, AND MUNICIPALITIES AND THE RESIDENTS OF THE STATE TO AUTHORIZE EACH CHARTER COUNTY, CODE COUNTY, OR MUNICIPALITY TO ISSUE BONDS IN ORDER TO FUND ANY UNFUNDED LIABILITY OF THE COUNTY OR MUNICIPALITY WITH RESPECT TO ANY PENSION OR RETIREMENT PLAN OR SYSTEM TO:

(1) USE FAVORABLE MARKET CONDITIONS THAT MAY EXIST TO REDUCE THE COST OF THE PENSION OR RETIREMENT PLAN OR SYSTEM TO THE COUNTY OR MUNICIPALITY; OR

(2) OTHERWISE STRUCTURE AND PROVIDE FOR PENSION PLAN LIABILITY FUNDING IN A MANNER CONSISTENT WITH THE FINANCIAL PLANS OF THE COUNTY OR MUNICIPALITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 32(a).

Throughout this section and this subtitle, the references to a "pension or retirement plan or system" are substituted for the former references to a "pension plan" for clarity and consistency with § 19-902(b) of this subtitle.

Throughout this section, the references to the "charter county, code county, or municipality" and the "county or municipality" are substituted for the former references to the "public body" for clarity in light of the scope of this subtitle.

In the introductory language of this section, the reference to the "charter counties, code counties, and municipalities" is substituted for the former reference to the "various municipal corporations subject to the provisions of Article 23A and counties subject to the provisions of Article 25A or Article 25B" for brevity and in light of the use of the defined terms.

Also in the introductory language of this section, the reference to the "residents" of the State is substituted for the former reference to the "citizens" of the State for consistency with other similar provisions of the Code.

Also in the introductory language of this section, the former reference to issuing bonds "at the times it shall determine to be appropriate" is deleted as surplusage.

Also in the introductory language of this section, the former reference to the General Assembly “determin[ing]” is deleted as included in the reference to the General Assembly “find[ing]”.

In item (1) of this section, the former reference to favorable market conditions that exist “from time to time” is deleted as surplusage.

Defined terms: “Bond” § 19–901

“Charter county” § 1–101

“Code county” § 1–101

“Municipality” § 1–101

“State” § 1–101

19–904. AUTHORITY TO ISSUE PENSION LIABILITY FUNDING BONDS.

(A) IN GENERAL.

A COUNTY OR MUNICIPALITY THAT IS AUTHORIZED UNDER LAW TO BORROW MONEY AND ISSUE BONDS MAY ISSUE PENSION LIABILITY FUNDING BONDS TO FUND ANY UNFUNDED PRESENT OR CONTINGENT LIABILITY OF ANY KIND UNDER A PENSION OR RETIREMENT PLAN OR SYSTEM.

(B) PURPOSES FOR WHICH BONDS MAY BE ISSUED.

PENSION LIABILITY FUNDING BONDS MAY BE ISSUED FOR THE PUBLIC PURPOSES OF:

(1) REALIZING SAVINGS WITH RESPECT TO THE AGGREGATE COST OF THE PENSION OR RETIREMENT PLAN OR SYSTEM BEING FUNDED, ON EITHER A DIRECT COMPARISON OR PRESENT VALUE BASIS; OR

(2) STRUCTURING OR RESTRUCTURING PENSION OR RETIREMENT PLAN OR SYSTEM COSTS IN A MANNER THAT:

(i) IN THE AGGREGATE EFFECTS A REDUCTION IN THE TOTAL COST OF THE PENSION OR RETIREMENT PLAN OR SYSTEM AS PROVIDED IN ITEM (1) OF THIS SUBSECTION; OR

(ii) IS DETERMINED BY THE COUNTY OR MUNICIPALITY:

1. TO BE IN THE BEST INTERESTS OF THE COUNTY OR MUNICIPALITY;

2. TO BE CONSISTENT WITH THE COUNTY'S OR MUNICIPALITY'S LONG-TERM FINANCIAL PLAN; AND

3. TO REALIZE A FINANCIAL OBJECTIVE OF THE COUNTY OR MUNICIPALITY, INCLUDING:

A. IMPROVING THE RELATIONSHIP OF PENSION OR RETIREMENT PLAN OR SYSTEM COSTS TO A SOURCE OF PAYMENT SUCH AS TAXES, ASSESSMENTS, OR OTHER CHARGES; OR

B. IMPROVING THE BENEFITS PAYABLE UNDER THE PENSION OR RETIREMENT PLAN OR SYSTEM.

(C) SUPPLEMENTAL AUTHORITY.

THE AUTHORITY TO ISSUE PENSION LIABILITY FUNDING BONDS UNDER THIS SUBTITLE IS SUPPLEMENTAL TO ANY AUTHORITY TO BORROW MONEY OR ISSUE BONDS GRANTED TO A COUNTY OR MUNICIPALITY UNDER ANY OTHER LAW.

(D) APPLICABLE REQUIREMENTS.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, PENSION LIABILITY FUNDING BONDS ARE SUBJECT TO ANY REQUIREMENT THAT APPLIES TO THE ISSUANCE OF THE COUNTY'S OR MUNICIPALITY'S BONDS THAT HAVE THE SAME SOURCE OF PAYMENT AS THE PENSION LIABILITY FUNDING BONDS REGARDING:

(1) THE TERMS, CONDITIONS, AND COVENANTS OF THE BONDS;

(2) THE TAXES OR OTHER SOURCES OF MONEY FOR PAYMENT OF THE BONDS; AND

(3) THE PROCEDURES FOR ISSUANCE OF THE BONDS.

REVISOR'S NOTE: This section is new language derived without substantive change from the third, fourth, and fifth sentences of former Art. 31, § 32(b) and, except as it related to the types of governmental entities to which this section applies, the first sentence.

In subsection (a) of this section, the reference to a county or municipality "that is authorized under law" to borrow money and issue bonds is substituted for the former reference to a county or municipality "that has power under any public general or public local law or charter" to borrow money and issue bonds for brevity and clarity.

Also in subsection (a) of this section, the former reference to “evidenc[ing] the borrowing” of money is deleted as surplusage.

In subsection (b)(2)(ii) and the introductory language of subsection (d) of this section and throughout this subtitle, the references to the “county or municipality” are substituted for the former references to the “issuer” for clarity.

In subsection (c) of this section, the reference to “any authority to borrow money or issue bonds granted to a county or municipality under any other law” is substituted for the former reference to “the issuer’s existing borrowing power” for clarity.

Also in subsection (c) of this section, the former reference to authority being “additional” to other authority is deleted as included in the reference to authority being “supplemental” to other authority.

In the introductory language of subsection (d) of this section, the former reference to procedures “generally made applicable to” bonds is deleted as surplusage.

Defined terms: “Bond” § 19–901

“Municipality” § 1–101

“Pension liability funding bond” § 19–901

19–905. CONDITIONS FOR ISSUANCE.

(A) IN GENERAL.

NOTWITHSTANDING ANY STATE OR LOCAL LAW TO THE CONTRARY, A COUNTY OR MUNICIPALITY MAY:

(1) ISSUE PENSION LIABILITY FUNDING BONDS:

(I) WITHOUT REGARD TO:

1. ANY PROVISION OF THE COUNTY’S OR MUNICIPALITY’S CHARTER OR ANY OTHER LAW THAT:

A. REQUIRES A PUBLIC REFERENDUM BEFORE THE ISSUANCE OF PUBLIC DEBT BY THE COUNTY OR MUNICIPALITY; OR

B. REQUIRES THAT DEBT BE ISSUED ONLY TO FINANCE CERTAIN PROJECTS SUCH AS CAPITAL PROJECTS DEFINED IN A CHARTER; OR

2. ANY OTHER PROVISION THAT IS INCONSISTENT WITH THIS SUBTITLE;

(II) IN ONE OR MORE SERIES, EACH SERIES BEING IN THE PRINCIPAL AMOUNT THAT THE COUNTY OR MUNICIPALITY DETERMINES TO BE REQUIRED TO ACHIEVE THE PURPOSE FOR THE ISSUANCE OF THE PENSION LIABILITY FUNDING BONDS; AND

(III) AS SERIAL BONDS OR AS TERM BONDS WITH PROVISIONS FOR MANDATORY SINKING FUND OR OTHER ANNUAL PRINCIPAL REDEMPTION;

(2) SELL PENSION LIABILITY FUNDING BONDS ON A NEGOTIATED BASIS WITHOUT SOLICITATION OF BIDS AT A PRICE AT, ABOVE, OR BELOW PAR;

(3) PROVIDE FOR PENSION LIABILITY FUNDING BONDS TO BEAR INTEREST AT FIXED RATES DETERMINED BY THE COUNTY OR MUNICIPALITY OR AT FLOATING OR VARIABLE RATES ESTABLISHED BY A METHOD OF DETERMINATION APPROVED BY THE COUNTY OR MUNICIPALITY; AND

(4) PROVIDE FOR THE PRINCIPAL AND INTEREST INSTALLMENTS ON PENSION LIABILITY FUNDING BONDS TO BE UNEQUAL FROM YEAR TO YEAR AND TO BE CONSISTENT WITH THE GENERAL FINANCIAL PLAN OF THE COUNTY OR MUNICIPALITY.

(B) MAXIMUM MATURITY.

A COUNTY OR MUNICIPALITY MAY NOT ISSUE PENSION LIABILITY FUNDING BONDS THAT MATURE LATER THAN 30 YEARS FROM THE DATE OF ISSUE.

(C) INITIAL PAYMENT.

THE FIRST PRINCIPAL INSTALLMENT PAYMENT OR MANDATORY REDEMPTION OF ANY PENSION LIABILITY FUNDING BONDS MAY NOT BE LATER THAN 3 YEARS FROM THE DATE OF ISSUE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 32(c).

In the introductory language of subsection (a) of this section, the reference to the “county or municipality” is substituted for the former reference to the “legislative or other governing body of the issuer” for clarity.

Also in the introductory language of subsection (a) of this section, the phrase “[n]otwithstanding any State or local law to the contrary” is substituted for the former phrase “[n]otwithstanding any limitations or other provisions to the contrary of Articles 23A, 25A, or 25B of the Annotated Code of Maryland, the charter or other authorizing legislation of the issuer, or any other local or general laws within the State, and without in any way limiting the generality of the foregoing” for brevity and clarity.

In subsection (a)(3) of this section, the former reference to establishing rates “from time to time” is deleted as surplusage.

Defined terms: “Bond” § 19–901

“Municipality” § 1–101

“Pension liability funding bond” § 19–901

“State” § 1–101

19–906. DEPOSIT OF FUNDS.

(A) TRUST FUND.

THE PROCEEDS OF PENSION LIABILITY FUNDING BONDS MAY BE DEPOSITED, IN AMOUNTS DETERMINED BY THE COUNTY OR MUNICIPALITY, IN TRUST WITH A TRUST COMPANY OR OTHER BANKING INSTITUTION AS TRUSTEE, IN A TRUST FUND ESTABLISHED IN THE NAME OF THE COUNTY OR MUNICIPALITY.

(B) INVESTMENT OF TRUST ASSETS.

MONEY IN THE TRUST FUND MAY BE INVESTED AND REINVESTED IN ANY TAXABLE OR TAX-EXEMPT SECURITIES, OBLIGATIONS, OR OTHER INVESTMENTS AND AT ANY YIELDS THAT ARE DETERMINED BY THE COUNTY OR MUNICIPALITY TO BE CONSISTENT WITH THE PURPOSES FOR WHICH THE PENSION LIABILITY FUNDING BONDS WERE ISSUED AND WITH THE FINANCIAL PLAN OF THE COUNTY OR MUNICIPALITY.

(C) USE OF EARNINGS FROM THE TRUST.

THE INTEREST, INCOME, AND PROFITS EARNED OR REALIZED ON ANY INVESTMENT MAY BE:

(1) APPLIED TO THE PAYMENT OF A PORTION OF THE BENEFITS UNDER THE PENSION OR RETIREMENT PLAN OR SYSTEM TO BE FUNDED;

(2) APPLIED TO THE PAYMENT OF THE PENSION LIABILITY FUNDING BONDS; OR

(3) OTHERWISE APPLIED IN ANY LAWFUL MANNER.

(D) USE OF PROCEEDS FROM PENSION LIABILITY FUNDING BONDS.

MONEY IN THE TRUST FUND SHALL BE AVAILABLE TO PAY:

(1) THE BENEFITS UNDER THE PENSION OR RETIREMENT PLAN OR SYSTEM BEING FUNDED;

(2) THE PENSION LIABILITY FUNDING BONDS; AND

(3) ANY OTHER RELATED COSTS, AS THE COUNTY OR MUNICIPALITY REQUIRES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 32(d).

In subsection (c) of this section, the former reference to profits "if any" earned or realized is deleted as surplusage.

In subsection (d)(1) of this section, the former reference to paying "all or any part of" the benefits is deleted as surplusage.

In subsection (d)(2) of this section, the former phrase "or any of them" is deleted as surplusage.

Defined terms: "Municipality" § 1-101

"Pension liability funding bond" § 19-901

19-907. FINDINGS OF PUBLIC PURPOSE.

IN ANY PROCEEDING INVOLVING THE VALIDITY OR ENFORCEABILITY OF PENSION LIABILITY FUNDING BONDS OR ANY SECURITY FOR THE BONDS, A FINDING BY THE LEGISLATIVE OR OTHER GOVERNING BODY OF THE COUNTY OR MUNICIPALITY AS TO THE PUBLIC PURPOSE OF ANY ACTIONS TAKEN UNDER

THIS SUBTITLE OR AS TO OTHER MATTERS RELATING TO THE ISSUANCE OF THE BONDS IS CONCLUSIVE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 32(e).

The former references to "suit" and "action" are deleted as included in the reference to "proceeding".

Defined terms: "Governing body" § 1-101

"Municipality" § 1-101

"Pension liability funding bond" § 19-901

19-908. EXEMPTIONS.

(A) ASSETS EXEMPT FROM STATE AND LOCAL TAXES.

PENSION LIABILITY FUNDING BONDS, THE TRANSFER OF THE BONDS, THE INTEREST PAYABLE ON THE BONDS, AND ANY INCOME DERIVED FROM THE BONDS, INCLUDING ANY PROFIT REALIZED IN THE SALE AND EXCHANGE OF THE BONDS, ARE EXEMPT FROM STATE AND LOCAL TAXES.

(B) BONDS ON WHICH INTEREST IS NOT EXCLUDABLE FROM GROSS INCOME.

THIS SUBTITLE DOES NOT PREVENT A COUNTY OR MUNICIPALITY FROM AUTHORIZING THE ISSUANCE AND SALE OF PENSION LIABILITY FUNDING BONDS, THE INTEREST ON WHICH IS NOT EXCLUDABLE FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31, § 32(f).

In subsection (a) of this section, the phrase "are exempt from State and local taxes" is substituted for the former phrase "shall be exempt at all times from every kind and nature of taxation by this State or by any of its political subdivisions, municipal corporations, or public agencies of any kind" for brevity.

In subsection (b) of this section, the reference to a "county or municipality" is substituted for the former reference to a "public body described in paragraph (b) above" for clarity.

Defined terms: "Municipality" § 1-101

“Pension liability funding bond” § 19–901
“State” § 1–101

TITLE 20. TAXES AND DEVELOPMENT IMPACT FEES.

SUBTITLE 1. TAX PROCEDURES.

PART I. GENERAL PROVISIONS.

20–101. PRIORITY OF UNPAID TAXES.

(A) IN GENERAL.

THE PROCEEDS OF A SALE OF ANY PROPERTY OF A PERSON LIABLE FOR A TAX SHALL BE APPLIED IN THE FOLLOWING ORDER:

(1) TO THE CLAIM OF ANY PURCHASER, HOLDER OF A SECURITY INTEREST, OR MECHANICS’ LIENOR, AS THOSE TERMS ARE DEFINED IN § 6323(H) OF THE INTERNAL REVENUE CODE, OR TO THE CLAIM OF A JUDGMENT CREDITOR WHOSE LIEN ATTACHED BEFORE A CLAIM FOR UNPAID TAX, INTEREST, AND PENALTIES;

(2) TO ANY CLAIM DESCRIBED IN § 6323(B), (C), OR (D) OF THE INTERNAL REVENUE CODE; AND

(3) TO A CLAIM FOR ANY UNPAID TAX, INTEREST, AND PENALTIES.

(B) LIABILITY OF JUDICIAL OFFICER.

(1) A JUDICIAL OFFICER WHO MAKES A SALE OF PROPERTY SHALL DETERMINE FROM THE TAX COLLECTOR WHETHER THE OWNER OF THE PROPERTY OWES ANY TAX, INTEREST, OR PENALTIES.

(2) THE JUDICIAL OFFICER IS PERSONALLY LIABLE AND THE BOND OF THE OFFICER IS LIABLE FOR ANY TAX, INTEREST, OR PENALTIES NOT PAID TO THE TAX COLLECTOR IN VIOLATION OF THIS SECTION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–701.

In the introductory language of subsection (a) of this section, the reference to “[t]he proceeds of a sale of any property of a person liable for a tax shall be applied in the following order” is substituted for the former references to tax, interest, and penalties “be[ing] first paid and satisfied

from the proceeds of a sale of any property of a person liable for the tax” and a claim of a tax collector for unpaid tax, interest, and penalties “be[ing] subordinate” for clarity.

In subsection (a)(3) of this section, the former reference to a claim “of a tax collector” is deleted as surplusage.

Defined terms: “Person” § 1–101

“Tax collector” § 1–101

20–102. OATHS.

(A) IN GENERAL.

A REQUIREMENT IN THIS TITLE THAT A DOCUMENT BE UNDER OATH MEANS THAT THE DOCUMENT SHALL BE SUPPORTED BY A SIGNED STATEMENT MADE UNDER THE PENALTY OF PERJURY THAT THE CONTENTS OF THE DOCUMENT ARE TRUE TO THE BEST OF THE KNOWLEDGE, INFORMATION, AND BELIEF OF THE INDIVIDUAL MAKING THE STATEMENT.

(B) PROCEDURE.

THE OATH OR AFFIRMATION SHALL BE MADE:

(1) BEFORE AN INDIVIDUAL AUTHORIZED TO ADMINISTER OATHS, WHO SHALL CERTIFY IN WRITING TO HAVE ADMINISTERED THE OATH OR TAKEN THE AFFIRMATION; OR

(2) BY A SIGNED STATEMENT THAT:

(I) IS IN THE DOCUMENT OR ATTACHED TO AND MADE PART OF THE DOCUMENT; AND

(II) IS EXPRESSLY MADE UNDER THE PENALTY OF PERJURY.

(C) EFFECT OF STATEMENT.

IF THE PROCEDURES PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION ARE USED, THE AFFIDAVIT SUBJECTS THE INDIVIDUAL MAKING IT TO THE PENALTIES FOR PERJURY TO THE SAME EXTENT AS AN OATH OR AFFIRMATION MADE BEFORE AN INDIVIDUAL AUTHORIZED TO ADMINISTER OATHS.

(D) SIGNATURE.

A DOCUMENT MADE UNDER OATH SHALL BE SIGNED:

- (1) FOR A CORPORATION, BY AN OFFICER OF THE CORPORATION AUTHORIZED TO DO SO;**
- (2) FOR A SOLE PROPRIETORSHIP, BY ITS OWNER; OR**
- (3) FOR A PARTNERSHIP, BY A PARTNER AUTHORIZED TO DO SO.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 1–105.

In subsection (a) of this section, the reference to this “title” is substituted for the former reference to this “article” because former Art. 24, § 1–105 was revised and transferred from former Article 81 as part of the revision of the Tax – General Article and, thus, only relates to the provisions on taxes revised in this title.

20–103. DUE DATES.

(A) “LEGAL HOLIDAY” DEFINED.

IN THIS SECTION, “LEGAL HOLIDAY” MEANS:

- (1) THE DAY ON WHICH A LEGAL HOLIDAY, AS DEFINED UNDER ARTICLE 1, § 27 OF THE CODE, IS OBSERVED; OR**
- (2) A FEDERAL LEGAL HOLIDAY.**

(B) PERFORMANCE OF TAX-RELATED ACTS.

NOTWITHSTANDING ANY OTHER LAW, WHEN THE LAST DAY TO PAY A TAX, FILE A TAX RETURN, OR PERFORM ANY OTHER ACT THAT RELATES TO TAXES UNDER THIS TITLE FALLS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, PERFORMANCE OF THE ACT IS TIMELY IF THE ACT IS PERFORMED ON THE NEXT SUCCEEDING DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

(C) EXTENSIONS.

THE LAST DAY TO PERFORM AN ACT DESCRIBED UNDER SUBSECTION (B) OF THIS SECTION IS THE LAST DAY OF ANY AUTHORIZED EXTENSION OF TIME.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 1-104.

In subsection (b) of this section, the reference to this "title" is substituted for the former reference to this "article" because former Art. 24, § 1-104 was revised and transferred from former Article 81 as part of the revision of the Tax – General Article and, thus, only relates to the provisions on taxes revised in this title.

Also in subsection (b) of this section, the former phrase "under State or local law" is deleted as implicit.

Also in subsection (b) of this section, the former reference to an act being "considered" timely is deleted as surplusage.

In subsection (c) of this section, the reference to an act "described under subsection (b) of this section" is substituted for the former phrase "[f]or purposes of this section" for accuracy.

20-104. DISCLOSURE OF TAX INFORMATION.

(A) "TAX INFORMATION" DEFINED.

IN THIS SECTION, "TAX INFORMATION" MEANS:

(1) THE AMOUNT OF INCOME OR ANY OTHER PARTICULARS DISCLOSED IN A TAX RETURN REQUIRED UNDER ANY LAW OF THE STATE, IF THE RETURN CONTAINS RETURN INFORMATION, AS DEFINED IN § 6103 OF THE INTERNAL REVENUE CODE; OR

(2) ANY RETURN INFORMATION, AS DEFINED IN § 6103 OF THE INTERNAL REVENUE CODE, REQUIRED TO BE ATTACHED TO OR INCLUDED IN A TAX RETURN REQUIRED UNDER ANY LAW OF THE STATE.

(B) PROHIBITED DISCLOSURES.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN OFFICER, AN EMPLOYEE, A FORMER OFFICER, OR A FORMER EMPLOYEE OF THE STATE OR ITS POLITICAL SUBDIVISIONS MAY NOT DISCLOSE IN ANY MANNER TAX INFORMATION ACQUIRED AS AN OFFICER OR EMPLOYEE.

(C) AUTHORIZED DISCLOSURES.

(1) TAX INFORMATION MAY BE DISCLOSED TO AN EMPLOYEE OR OFFICER OF THE STATE OR ITS POLITICAL SUBDIVISIONS WHO, BY REASON OF THAT EMPLOYMENT OR OFFICE, HAS THE RIGHT TO THE TAX INFORMATION.

(2) TAX INFORMATION MAY BE DISCLOSED IN ACCORDANCE WITH A PROPER JUDICIAL OR LEGISLATIVE ORDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-702.

In subsection (a) of this section, the references to tax returns required under "any law of the State" are substituted for the former references to tax returns required under "this article" to reflect the fact that the revised article does not contain any provisions requiring tax returns and that they are required in other provisions of State law.

In subsection (b) of this section, the reference to tax information "acquired as an officer or employee" is added for clarity.

In subsection (c)(1) of this section, the reference to tax information disclosed to an employee or officer of the State's "political subdivisions" is added for consistency with subsection (b) of this section.

Defined term: "State" § 1-101

20-105. RESERVED.

20-106. RESERVED.

PART II. COLLECTION OF TAXES.

20-107. COLLECTION OF TAXES BY COUNTIES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES, EXCEPT:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE CITY;**
- (3) BALTIMORE COUNTY;**
- (4) CECIL COUNTY;**

- (5) HOWARD COUNTY;
- (6) PRINCE GEORGE'S COUNTY;
- (7) QUEEN ANNE'S COUNTY; AND
- (8) WORCESTER COUNTY.

(B) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(C) IN GENERAL.

A COUNTY MAY PROVIDE FOR THE PROMPT COLLECTION OF TAXES BY AUTHORIZING DISCOUNTS OR IMPOSING PENALTIES.

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(h) and, as it related to the scope of this section, (a).

Subsection (b) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which applied to any act, ordinance, or resolution enacted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

In subsection (a)(2) of this section, the reference to "Baltimore City" is added because former Art. 25, § 3(a), Art. 25A, § 4, and Art. 25B, § 13 made the powers granted in former Art. 25, § 3(h) applicable to commission counties, code counties, and charter counties, except the counties specifically excluded under former Art. 25, § 3(a)(2). There is no similar grant of power for Baltimore City.

In subsection (c) of this section, the former reference to taxes "due the county" is deleted as surplusage.

Defined term: "Commission county" § 1–101

20–108. ACTION TO COLLECT TAXES.

(A) IN GENERAL.

WITHIN THE PERIOD ALLOWED IN § 20-127 OF THIS SUBTITLE, AN ACTION TO COLLECT A TAX IMPOSED UNDER THIS TITLE MAY BE BROUGHT IN A COURT OF COMPETENT JURISDICTION.

(B) REQUEST FOR ACTION.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A TAX UNDER THIS TITLE IS NOT PAID WHEN DUE, THE TAX COLLECTOR SHALL REQUEST THE ATTORNEY FOR THE COUNTY OR MUNICIPALITY TO BRING AN ACTION AGAINST THE PERSON RESPONSIBLE TO PAY THE TAX.

(2) THE TAX COLLECTOR DOES NOT NEED TO TAKE ACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION IF A LIEN ON REAL PROPERTY SUFFICIENTLY SECURES THE TAX OR A JUDGMENT IN THE ACTION WOULD NOT BE COLLECTIBLE.

(C) INITIATION OF ACTION.

(1) IF A REQUEST IS MADE UNDER SUBSECTION (B) OF THIS SECTION, THE ATTORNEY FOR THE COUNTY OR MUNICIPALITY SHALL BRING THE ACTION.

(2) IN AN ACTION UNDER THIS SECTION, THE PLAINTIFF SHALL BE:

(I) THE COUNTY;

(II) THE MUNICIPALITY; OR

(III) THE TAX COLLECTOR AUTHORIZED BY LAW TO COLLECT THE TAX.

(D) COMPROMISE OF CLAIM.

IF THE ATTORNEY FOR THE COUNTY OR MUNICIPALITY AND THE TAX COLLECTOR AGREE THAT THE FULL AMOUNT OF THE CLAIM IS NOT COLLECTIBLE, THE ATTORNEY MAY:

(1) COMPROMISE THE CLAIM;

(2) ACCEPT A LESSER AMOUNT; AND

(3) ISSUE A RELEASE OF THE CLAIM OR A SATISFACTION OF THE JUDGMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 9–704 and 9–705.

In this section, the former references to the “solicitor” for the county or municipality are deleted as included in the references to the “attorney” for the county or municipality.

In subsection (a) of this section, the reference to this “title” is substituted for the former reference to this “article” because former Art. 24, § 9–704 was revised and transferred from former Article 81 as part of the revision of the Tax – General Article and, thus, only relates to the provisions on taxes revised in this title.

In subsection (b)(1) of this section, the reference to this “title” is substituted for the former reference to this “article” because former Art. 24, § 9–705 was revised and transferred from former Article 81 as part of the revision of the Tax – General Article and, thus, only relates to the provisions on taxes revised in this title.

In subsection (c)(2)(i) of this section, the former reference to “the board of county commissioners” is deleted for consistency with subsection (c)(2)(ii) of this section.

Defined terms: “County” § 1–101

“Municipality” § 1–101

“Person” § 1–101

“Tax collector” § 1–101

20–109. ATTACHMENT.

(A) AUTHORIZED.

IN AN ACTION UNDER § 20–108 OF THIS SUBTITLE, A REQUEST FOR ATTACHMENT BEFORE JUDGMENT AGAINST ANY ASSET OF THE DEFENDANT MAY BE FILED IN ACCORDANCE WITH THE MARYLAND RULES.

(B) BOND.

THE PLAINTIFF IN THE ACTION IS NOT REQUIRED TO FILE AN ATTACHMENT BOND.

REVISOR'S NOTE: This section formerly was Art. 24, § 9–706.

The only changes are in style.

20–110. JUDICIAL PROCEEDING.

(A) PRIORITY.

AT THE REQUEST OF THE PLAINTIFF IN AN ACTION UNDER § 20–108 OF THIS SUBTITLE, THE ACTION SHALL BE TRIED AS SOON AS THE ACTION IS AT ISSUE AND SHALL TAKE PRECEDENCE OVER ALL OTHER CIVIL CASES.

(B) CERTIFICATE OF TAX COLLECTOR.

IN AN ACTION UNDER § 20–108 OF THIS SUBTITLE, A CERTIFICATE OF THE TAX COLLECTOR THAT SHOWS THE AMOUNT OF TAX, PENALTY, AND INTEREST DUE:

(1) IS PRIMA FACIE EVIDENCE OF THE AMOUNT OF TAX, PENALTY, AND INTEREST; AND

(2) IMPOSES ON THE DEFENDANT THE BURDEN OF PROVING THAT THE TAX, PENALTY, AND INTEREST HAVE BEEN PAID OR ANY OTHER DEFENSE.

REVISOR'S NOTE: This section formerly was Art. 24, § 9–707.

The only changes are in style.

Defined term: "Tax collector" § 1–101

20–111. RESERVED.

20–112. RESERVED.

PART III. REFUNDS.

20–113. CLAIMANTS.

A CLAIM FOR A REFUND MAY BE FILED WITH THE TAX COLLECTOR WHO COLLECTS THE TAX, FEE, CHARGE, INTEREST, OR PENALTY BY A CLAIMANT WHO:

(1) ERRONEOUSLY PAYS TO A COUNTY OR MUNICIPALITY A GREATER AMOUNT OF TAX, FEE, CHARGE, INTEREST, OR PENALTY THAN IS PROPERLY AND LEGALLY PAYABLE; OR

(2) PAYS TO A COUNTY OR MUNICIPALITY A TAX, FEE, CHARGE, INTEREST, OR PENALTY THAT IS ERRONEOUSLY, ILLEGALLY, OR WRONGFULLY ASSESSED OR COLLECTED IN ANY MANNER.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-710.

The only changes are in style.

Defined terms: "County" § 1-101

"Municipality" § 1-101

"Tax collector" § 1-101

20-114. FORM OF CLAIM.

A CLAIM FOR REFUND SHALL BE:

(1) MADE IN THE FORM AND VERIFIED IN THE MANNER THAT THE TAX COLLECTOR REQUIRES; AND

(2) SUPPORTED BY THE DOCUMENTS THAT THE TAX COLLECTOR REQUIRES.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-711(a).

No changes are made.

Defined term: "Tax collector" § 1-101

20-115. TIME FOR FILING.

A CLAIM FOR REFUND SHALL BE FILED WITHIN 3 YEARS OF THE DATE THAT THE TAX, INTEREST, OR PENALTY WAS PAID.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 9-724 and 9-711(b).

20-116. DETERMINATION OF CLAIM.

(A) INVESTIGATION AND HEARING REQUIRED.

THE TAX COLLECTOR SHALL:

- (1) INVESTIGATE EACH CLAIM FOR A REFUND; AND**
 - (2) AT THE REQUEST OF THE CLAIMANT, CONDUCT A HEARING BEFORE A FINAL DETERMINATION ON THE CLAIM.**
- (B) REQUEST FOR PAYMENT OF APPROVED CLAIM.**
- (1) A CLAIM FOR A REFUND MAY NOT BE ALLOWED UNLESS THE CHIEF FISCAL OFFICER APPROVES THE CLAIM.**
 - (2) A CLAIM FOR REFUND MAY NOT BE APPROVED UNLESS ALL OTHER TAXES, FEES, AND CHARGES DUE TO THE STATE, A COUNTY, OR A MUNICIPALITY BY THE PERSON ENTITLED TO THE REFUND HAVE BEEN PAID.**
- (C) NOTICE OF ACTION TAKEN ON CLAIM FOR REFUND.**

THE TAX COLLECTOR SHALL GIVE THE CLAIMANT WRITTEN NOTICE OF:

- (1) THE FINAL DETERMINATION OF THE CLAIM FOR REFUND; AND**
- (2) ANY DELAY IN THE PAYMENT OF AN ALLOWED CLAIM.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-712(a), (b), and (c).

In subsection (b)(1) of this section, the reference to a "claim for a refund ... not be[ing] allowed unless the chief fiscal officer approves the claim" is substituted for the former requirement that "[i]f the tax collector determines that a claim for refund should be allowed, either in whole or in part, the tax collector shall forward the claim to the chief fiscal officer for approval" and the requirement that "[i]f the chief fiscal officer does not approve the claim, the chief fiscal officer shall give the tax collector notice of the disapproval" for brevity.

In the introductory language of subsection (c) of this section, the requirement that the notice be "written" is added for consistency with other similar provisions of the Code.

In subsection (c)(1) of this section, the reference to the "final" determination of the claim is added for clarity.

Defined terms: “County” § 1–101
 “Municipality” § 1–101
 “Person” § 1–101
 “State” § 1–101
 “Tax collector” § 1–101

20–117. APPEAL.

(A) APPEAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A CLAIMANT MAY APPEAL TO THE MARYLAND TAX COURT, WITHIN 30 DAYS AFTER THE DATE ON WHICH A NOTICE UNDER § 20–116(C) OF THIS SUBTITLE IS GIVEN, IN THE MANNER ALLOWED IN TITLE 13, SUBTITLE 5, PARTS IV AND V OF THE TAX – GENERAL ARTICLE.

(B) CLAIMANT.

IF A CLAIMANT IS NOT GIVEN NOTICE UNDER § 20–116(C) OF THIS SUBTITLE WITHIN 6 MONTHS AFTER THE CLAIM IS FILED, THE CLAIMANT MAY:

- (1) TREAT THE CLAIM AS BEING DISALLOWED; AND**
- (2) APPEAL THE DISALLOWANCE TO THE TAX COURT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–712(d).

In subsection (a) of this section, the reference to a notice “under § 20–116(c) of this subtitle” is added for clarity.

Also in subsection (a) of this section, the reference to a “claimant” is substituted for the former reference to a “person who is aggrieved by the action in the notice” for clarity and brevity.

Also in subsection (a) of this section, the reference to notice “given” is substituted for the former reference to notice “mailed” for consistency with § 20–116(c) of this subtitle.

In the introductory language of subsection (b) of this section, the reference to a “claimant ... not [being] given notice under § 20–116(c) of this subtitle” is substituted for the former reference to a “tax collector ... not mak[ing] a determination on a claim for refund” for clarity.

20-118. PAYMENT.

(A) IN GENERAL.

UNLESS THE CLAIMANT HAS NOT PAID ALL OTHER TAXES, FEES, OR CHARGES PAYABLE TO THE COUNTY OR MUNICIPALITY, A TAX COLLECTOR SHALL PAY ANY CLAIM FOR REFUND THAT HAS BEEN ALLOWED BY THE TAX COLLECTOR.

(B) INTEREST.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A CLAIM FOR REFUND IS ALLOWED, THE TAX COLLECTOR SHALL PAY INTEREST ON THE REFUND AT THE RATE SET UNDER § 13-604(A) OF THE TAX – GENERAL ARTICLE FROM THE DATE ON WHICH THE TAX, FEE, CHARGE, INTEREST, OR PENALTY WAS PAID TO THE DATE THE REFUND IS PAID.

(2) A TAX COLLECTOR MAY NOT PAY INTEREST ON A REFUND IF THE CLAIM FOR REFUND IS BASED ON AN ERROR OR MISTAKE OF THE CLAIMANT NOT ATTRIBUTABLE TO THE COUNTY OR MUNICIPALITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-713(a) and (c).

In subsection (b)(1) of this section, the phrase “[e]xcept as provided in paragraph (2) of this subsection” is added for clarity.

Former Art. 24, § 9-713(b), which specified how certain refunds are to be paid, is deleted as unnecessary in light of the fact that the sources for refund designated in that subsection are the only possible sources.

Defined terms: “County” § 1-101

“Municipality” § 1-101

“Tax collector” § 1-101

20-119. RESERVED.

20-120. RESERVED.

PART IV. PROHIBITED ACTS; PENALTIES.

20-121. FAILURE TO PROVIDE INFORMATION.

(A) NEGLIGENT FAILURE.

A PERSON WHO NEGLIGENTLY OR WITHOUT REASONABLE CAUSE FAILS TO PROVIDE ANY INFORMATION AS REQUIRED UNDER THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.

(B) WILLFUL FAILURE.

(1) A PERSON WHO WILLFULLY OR WITH THE INTENT TO EVADE PAYMENT OR PREVENT THE COLLECTION OF A TAX UNDER THIS TITLE FAILS TO PROVIDE INFORMATION AS REQUIRED UNDER THIS TITLE OR PROVIDES FALSE OR MISLEADING INFORMATION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(2) A PROSECUTION UNDER THIS SUBSECTION DOES NOT BAR A PROSECUTION FOR PERJURY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 9-716 and 9-717.

Defined term: "Person" § 1-101

20-122. ASSAULTING TAX COLLECTOR OR BIDDER.

(A) ASSAULTING TAX COLLECTOR.

A PERSON WHO ASSAULTS A TAX COLLECTOR WHO IS PERFORMING AN OFFICIAL DUTY IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 12 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

(B) ASSAULTING BIDDER.

A PERSON WHO ASSAULTS ANOTHER PERSON TO PREVENT THAT PERSON FROM BIDDING AT A TAX COLLECTOR'S SALE OR BECAUSE THAT PERSON BID AT A TAX COLLECTOR'S SALE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 12 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-718.

In this section, the references to a “misdemeanor” are substituted for the former reference to a “crime” to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Williams v. State*, 4 Md. App 34d, 347 (1968); and *Dutton v. State*, 123 Md. 373, 378 (1914).

Defined terms: “Person” § 1–101

“Tax collector” § 1–101

20–123. FAILURE OF GOVERNMENTAL OFFICER OR EMPLOYEE TO PERFORM DUTY.

(A) NEGLIGENT FAILURE.

AN EMPLOYEE OR OFFICER OF A COUNTY OR MUNICIPALITY WHO NEGLIGENTLY FAILS TO PERFORM A DUTY REQUIRED RELATIVE TO A TAX UNDER THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

(B) WILLFUL FAILURE.

AN EMPLOYEE OR OFFICER OF A COUNTY OR MUNICIPALITY WHO WILLFULLY FAILS TO PERFORM A DUTY REQUIRED UNDER THIS TITLE WITH THE INTENT TO PREVENT THE PAYMENT OR COLLECTION OF A TAX UNDER THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

REVISOR’S NOTE: This section formerly was Art. 24, §§ 9–719 and 9–720.

In subsection (a) of this section, the former reference to an “act” required relative to a tax is deleted as included in the reference to a “duty”.

The only other changes are in style.

Defined terms: “County” § 1–101

“Municipality” § 1–101

20–124. UNLAWFUL DISCLOSURE OF TAX INFORMATION.

A PERSON WHO MAKES A DISCLOSURE OF TAX INFORMATION IN VIOLATION OF § 20–104 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND

ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-721.

The reference to a "person" is substituted for the former reference to an "officer, employee, former officer, or former employee of the State or of a political subdivision of the State" for brevity because § 20-104 of this subtitle only refers to an "officer, employee, former officer, or former employee of the State or of a political subdivision of the State" who can violate this section.

The reference to a disclosure "of tax information" is added for clarity.

Defined term: "Person" § 1-101

20-125. RESERVED.

20-126. RESERVED.

PART V. LIMITATIONS.

20-127. TIME FOR COLLECTIONS.

(A) 7-YEAR LIMIT.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A TAX IMPOSED UNDER THIS TITLE MAY NOT BE COLLECTED AFTER 7 YEARS FROM THE DATE THE TAX IS DUE.

(B) 2-YEAR EXTENSION FOR APPOINTMENT OF RECEIVER OR TRUSTEE.

IF A TAX COLLECTOR FAILS TO COLLECT A TAX AND A RECEIVER OR TRUSTEE IS APPOINTED WITHIN THE PERIOD SPECIFIED IN SUBSECTION (A) OF THIS SECTION TO COMPLETE THE TAX COLLECTION, THE PERIOD FOR COLLECTING THE TAX EXTENDS FOR 2 YEARS FROM THE DATE THAT THE TRUSTEE OR RECEIVER IS APPOINTED.

(C) COLLECTION ACTION AFTER TIMELY ASSESSMENT.

(1) IF THE ASSESSMENT OF ANY TAX UNDER THIS TITLE HAS BEEN MADE WITHIN THE PERIOD OF LIMITATIONS APPLICABLE TO THE ASSESSMENT,

A TAX MAY NOT BE COLLECTED AFTER 7 YEARS FROM THE DATE OF THE ASSESSMENT.

(2) ANY JUDGMENT ENTERED MAY BE ENFORCED OR RENEWED AS ANY OTHER JUDGMENT.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-723.

No changes are made.

Defined term: "Tax collector" § 1-101

GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 24, § 9-901, which prohibited Prince George's County from requiring a refund of overpayments under certain circumstances, is deleted as obsolete. Prince George's County is not authorized to require a refund of overpayments under § 2-606(b) or § 2-607(a) of the Tax – General Article.

SUBTITLE 2. LIMITATIONS ON AUTHORITY TO TAX ADVERTISING.

20-201. SALES TAX ON ADVERTISING TRANSACTIONS OR ADVERTISERS RESTRICTED.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO A POLITICAL SUBDIVISION OF THE STATE THAT IS AUTHORIZED TO IMPOSE A SALES TAX.

(B) IN GENERAL.

EXCEPT AS PART OF THE IMPOSITION OF A SALES TAX GENERALLY ON BUSINESS TRANSACTIONS AND BUSINESSES, A POLITICAL SUBDIVISION MAY NOT IMPOSE A SALES TAX ON ADVERTISING TRANSACTIONS OR ADVERTISERS.

(C) LIMIT ON RATE OF TAX.

A POLITICAL SUBDIVISION MAY NOT IMPOSE A SALES TAX ON ADVERTISING TRANSACTIONS OR ADVERTISERS AT A RATE THAT EXCEEDS THE RATE UNDER A SALES TAX IMPOSED GENERALLY ON OTHER BUSINESS TRANSACTIONS OR OTHER BUSINESSES BY THE POLITICAL SUBDIVISION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-201.

In subsection (a) of this section, the reference to a political subdivision of the State that “is authorized” to impose a sales tax is substituted for the former reference to a political subdivision that “at any time, has the power” to impose a sales tax for brevity.

Also in subsection (a) of this section, the former reference to the authority to “collect” a sales tax is deleted as implicit in the authority to “impose” a sales tax.

In subsection (b) of this section, the former reference to business transactions and businesses “in the subdivision” is deleted as surplusage.

In subsection (c) of this section, the former phrase “[m]ay not thereby be construed to have the power to impose” is deleted in light of the phrase “may not impose”.

Also in subsection (c) of this section, the former references to “rates” are deleted in light of the references to “rate” and Art. 1, § 8, which provides that the singular generally includes the plural.

Defined term: “State” § 1–101

20–202. GROSS RECEIPTS TAX ON ADVERTISING SPACE AND TIME PROHIBITED.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO A POLITICAL SUBDIVISION OF THE STATE THAT IS AUTHORIZED TO IMPOSE A GROSS RECEIPTS TAX.

(B) IN GENERAL.

A POLITICAL SUBDIVISION OF THE STATE MAY NOT IMPOSE A GROSS RECEIPTS TAX ON THE GROSS RECEIPTS OF ANY PERSON THAT ARE RECEIVED FROM A SALE OF:

(1) ADVERTISING SPACE:

(I) IN ANY NEWSPAPER, MAGAZINE, PERIODICAL, PROGRAM, DIRECTORY, OR OTHER PRINTED MATTER PUBLISHED IN THE STATE; OR

(II) ON ANY BILLBOARD, STRUCTURE, VEHICLE, OR AIRBORNE DEVICE LOCATED IN THE STATE; OR

(2) ADVERTISING TIME ON OR IN CONNECTION WITH ANY RADIO OR TELEVISION BROADCAST ORIGINATING IN THE STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–202.

In subsection (a) of this section, the reference to a political subdivision of the State that “is authorized” to impose a gross receipts tax is substituted for the former reference to a political subdivision that “at any time, has the power” to impose a gross receipts tax for brevity.

Also in subsection (a) of this section, the former reference to the authority to “collect” a gross receipts tax is deleted as implicit in the authority to “impose” a gross receipts tax.

In the introductory language of subsection (b) of this section, the former phrase “may not thereby be construed to have the power to impose” is deleted in light of the phrase “may not impose”.

Defined terms: “Person” § 1–101
“State” § 1–101

SUBTITLE 3. COAL TAXES.

20–301. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES ONLY TO CODE COUNTIES AND GARRETT COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–501, as it related to the counties to which this subtitle applies.

This section is revised as a scope provision for clarity.

Defined term: “Code county” § 1–101

20–302. IMPOSITION OF TAX.

FOR EACH FISCAL YEAR, A COUNTY SHALL IMPOSE A TAX ON EVERY PERSON ENGAGED IN THE BUSINESS OF SURFACE MINING COAL IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–501, as it related to imposing a coal tax.

The reference to a person “engaged” in the business of surface mining coal is substituted for the former reference to a person “exercising the privilege of engaging in or continuing” in the business for brevity.

The reference to the business of “surface mining coal” is substituted for the former reference to the business of “severing coal by the surface mining method” for brevity.

Defined term: “Person” § 1–101

20–303. TAX RATE.

THE TAX RATE IS 30 CENTS FOR EACH TON OF SURFACE MINED COAL THAT IS REPORTED TO THE BUREAU OF MINES UNDER § 15–508 OF THE ENVIRONMENT ARTICLE.

REVISOR’S NOTE: This section formerly was Art. 24, § 9–502.

No changes are made.

20–304. EXEMPTION.

(A) IN GENERAL.

(1) IN THIS SUBSECTION, “SURFACE MINING RELATED ACTIVITIES” DOES NOT INCLUDE THE ACTIVITIES OF ANY COAL WASHING PREPARATION COAL PLANT.

(2) A COUNTY SHALL EXEMPT FROM ANY COUNTY TAX PERSONAL PROPERTY THAT IS:

(I) USED PRIMARILY IN SURFACE MINING RELATED ACTIVITIES, HOWEVER OPERATED AND WHETHER OR NOT IN USE; AND

(II) 1. OWNED BY A PERSON SUBJECT TO THE TAX IMPOSED UNDER § 20–302 OF THIS SUBTITLE; OR

2. LEASED BY A PERSON SUBJECT TO THE TAX IMPOSED UNDER § 20–302 OF THIS SUBTITLE IF, UNDER THE TERMS OF THE LEASE, THE LESSOR IS RESPONSIBLE FOR THE PERSONAL PROPERTY TAX.

(B) EFFECT.

NOTWITHSTANDING THE EXEMPTION OF ANY PERSONAL PROPERTY FROM COUNTY TAXATION UNDER THIS SECTION, THE PROPERTY EXEMPTED IN A COUNTY SHALL CONTINUE TO BE INCLUDED IN THE ASSESSABLE BASE OF THE COUNTY FOR THE PURPOSES OF ANY OTHER LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-503.

In subsection (b) of this section, the reference to "personal" property is added for consistency with subsection (a) of this section.

Also in subsection (b) of this section, the former reference to any other law "including State aid for education and State aid for police protection" is deleted as unnecessary in light of the reference to "any other law".

Defined term: "Person" § 1-101

20-305. DEPOSIT OF TAX REVENUE.

A COUNTY TAX COLLECTOR SHALL DEPOSIT IN THE GENERAL FUND OF THE COUNTY TAXES COLLECTED UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-504.

Defined term: "Tax collector" § 1-101

20-306. MUNICIPALITY SHARE.

(A) ANNUAL MEETING ON REQUEST.

(1) EACH YEAR THE GOVERNING BODY OF A COUNTY OR THE GOVERNING BODY'S DESIGNEE SHALL NOTIFY OFFICIALS OF MUNICIPALITIES AND OFFICIALS OF OTHER COUNTIES RECEIVING COAL TAX REVENUES THAT THE OFFICIALS MAY REQUEST A MEETING WITH THE GOVERNING BODY OR DESIGNEE.

(2) ON REQUEST, THE GOVERNING BODY OF A COUNTY OR THE GOVERNING BODY'S DESIGNEE SHALL MEET AND CONFER ANNUALLY WITH OFFICIALS OF MUNICIPALITIES AND WITH OFFICIALS OF ANY OTHER COUNTY RECEIVING COAL TAX REVENUES.

(B) DISTRIBUTION AND USE OF FUNDS.

THE GOVERNING BODY OF A COUNTY MAY DISTRIBUTE UP TO 5 CENTS PER TON OF THE MONEY DERIVED FROM THE TAX TO THE MUNICIPALITIES FOR THE RECONSTRUCTION, REPAIR, OR MAINTENANCE OF MUNICIPAL COAL HAUL ROADS AND BRIDGES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-506.

Defined terms: "Governing body" § 1-101
"Municipality" § 1-101

20-307. LIENS.

(A) UNPAID TAX LIEN.

TO THE EXTENT RECORDED WITH THE CLERK OF THE CIRCUIT COURT, ALL UNPAID COUNTY TAXES COLLECTED UNDER THIS SUBTITLE ARE A LIEN ON THE PERSONAL AND REAL PROPERTY OF THE OWNER OF THE PERSONAL PROPERTY IN THE SAME MANNER IN WHICH A PROPERTY TAX IS A LIEN ON THE REAL PROPERTY WITH RESPECT TO WHICH THE TAX IS IMPOSED IN ALL SUBDIVISIONS OF THE STATE.

(B) EFFECTIVE DATE.

THE LIEN WILL ATTACH TO THE REAL PROPERTY ONLY AFTER NOTICE OF THE LIEN HAS BEEN RECORDED AND INDEXED AMONG THE JUDGMENT RECORDS IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN THE COUNTY WHERE THE REAL PROPERTY IS LOCATED.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-505.

In subsection (a) of this section, the former reference to taxes being a lien "until paid" is deleted as implicit in the reference to "unpaid" taxes.

The only other changes are in style.

Defined term: "State" § 1-101

20-308. INTEREST AND PENALTIES FOR LATE PAYMENT.

A COUNTY THAT IMPOSES A TAX UNDER THIS SUBTITLE MAY IMPOSE INTEREST AND PENALTIES FOR LATE PAYMENT OF THE TAX.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-509.

No changes are made.

20-309. REGULATIONS.

THE COUNTY TAX COLLECTOR MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS SUBTITLE AND TO DEFINE ANY TERMS USED IN THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-508.

The former phrase "[i]n addition to the powers granted to the county treasurer in this subtitle" is deleted as unnecessary because no powers are granted elsewhere in this subtitle to the county tax collector.

Defined term: "Tax collector" § 1-101

SUBTITLE 4. HOTEL RENTAL TAXES.

PART I. COUNTY HOTEL RENTAL TAXES.

20-401. DEFINITIONS.

(A) IN GENERAL.

IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 24, § 9-301(a).

The only change is in style.

(B) HOTEL.

(1) "HOTEL" MEANS AN ESTABLISHMENT THAT OFFERS SLEEPING ACCOMMODATIONS FOR COMPENSATION.

(2) "HOTEL" INCLUDES:

(I) AN APARTMENT;

(II) A COTTAGE;

(III) A HOSTELRY;

- (IV) AN INN;
- (V) A MOTEL;
- (VI) A ROOMING HOUSE; OR
- (VII) A TOURIST HOME.

REVISOR'S NOTE: This subsection formerly was Art. 24, § 9–301(d).

No changes are made.

(C) HOTEL RENTAL TAX.

“HOTEL RENTAL TAX” MEANS THE TAX ON A TRANSIENT CHARGE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 24, § 9–301(e).

The reference to a tax “on a transient charge” is substituted for the former reference to a tax “authorized under this subtitle” for clarity.

Defined terms: “Hotel” § 20–401
 “Transient charge” § 20–401

(D) TRANSIENT CHARGE.

(1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, “TRANSIENT CHARGE” MEANS A HOTEL CHARGE FOR SLEEPING ACCOMMODATIONS FOR A PERIOD NOT EXCEEDING 4 CONSECUTIVE MONTHS.

(II) IN CARROLL COUNTY, “TRANSIENT CHARGE” MEANS A HOTEL CHARGE FOR SLEEPING ACCOMMODATIONS FOR A PERIOD NOT EXCEEDING 25 DAYS.

(III) IN FREDERICK COUNTY, GARRETT COUNTY, AND WASHINGTON COUNTY, “TRANSIENT CHARGE” MEANS A HOTEL CHARGE FOR SLEEPING ACCOMMODATIONS FOR A PERIOD NOT EXCEEDING 30 DAYS.

(2) “TRANSIENT CHARGE” DOES NOT INCLUDE ANY HOTEL CHARGE FOR:

- (I) SERVICES; OR**

(II) ACCOMMODATIONS OTHER THAN SLEEPING ACCOMMODATIONS.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 24, § 9-301(f).

Defined term: "Hotel" § 20-401

(E) WESTERN MARYLAND CODE COUNTY.

"WESTERN MARYLAND CODE COUNTY" MEANS A CODE COUNTY IN THE WESTERN MARYLAND CLASS AS ESTABLISHED UNDER § 9-302 OF THIS ARTICLE.

REVISOR'S NOTE: This subsection is new language added for clarity and to avoid repetition of the phrase "code county in the Western Maryland class".

Defined term: "Code county" § 1-101

REVISOR'S NOTE TO SECTION:

Former Art. 24, § 9-301(c), which defined the term "code county", is deleted as unnecessary in light of the defined term "code county" in § 1-101 of this article.

20-402. SCOPE OF PART.

THIS PART APPLIES ONLY TO:

- (1) A CODE COUNTY;**
- (2) CALVERT COUNTY;**
- (3) CARROLL COUNTY;**
- (4) CECIL COUNTY;**
- (5) DORCHESTER COUNTY;**
- (6) FREDERICK COUNTY;**
- (7) GARRETT COUNTY;**

- (8) ST. MARY’S COUNTY;**
- (9) SOMERSET COUNTY;**
- (10) TALBOT COUNTY;**
- (11) WASHINGTON COUNTY; AND**
- (12) WICOMICO COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–301(b).

This section is revised as a scope provision rather than a definition of “authorized county” because the former definition served only to delineate what counties were covered by this subtitle.

The former reference to “Charles County” is deleted as included in the reference to a “code county”.

Defined term: “Code county” § 1–101

20–403. IMPOSITION OF TAX.

(A) AUTHORIZATION.

EXCEPT AS PROVIDED IN § 20–404 OF THIS SUBTITLE, A COUNTY MAY IMPOSE, BY RESOLUTION, A HOTEL RENTAL TAX.

(B) HEARING REQUIREMENT.

(1) THIS SUBSECTION APPLIES ONLY TO CALVERT COUNTY, CHARLES COUNTY, AND ST. MARY’S COUNTY.

(2) THE GOVERNING BODY OF A COUNTY SHALL HOLD A PUBLIC HEARING BEFORE IMPOSING A HOTEL RENTAL TAX.

(3) THE HEARING:

(I) SHALL BE ADVERTISED TWICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY AT LEAST 10 DAYS BEFORE THE HEARING; AND

(II) MAY NOT BE PART OF THE ANNUAL BUDGET HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 9-302 and 9-303(a) and (b).

In subsection (a) of this section and throughout this subtitle, the former references to an "authorized" county are deleted as unnecessary in light of the scope provision in § 20-402 of this subtitle.

In subsection (a) of this section, the former reference to a tax "paid to a hotel located in that county" is deleted as implicit.

In subsection (b)(3)(i) of this section, the former reference to advertising "by publication" in a newspaper is deleted as surplusage.

Defined terms: "Governing body" § 1-101
"Hotel rental tax" § 20-401

20-404. LIMITATIONS AND EXEMPTIONS.

(A) CALVERT AND ST. MARY'S COUNTIES.

BY RESOLUTION, CALVERT COUNTY AND ST. MARY'S COUNTY MAY PROVIDE A TAX EXEMPTION FOR CLASSES OF HOTELS.

(B) CARROLL COUNTY.

IN CARROLL COUNTY, THE HOTEL RENTAL TAX DOES NOT APPLY TO A HOTEL WITH 10 OR FEWER SLEEPING ROOMS.

(C) CECIL COUNTY.

CECIL COUNTY MAY IMPOSE THE HOTEL RENTAL TAX ONLY ON A TRANSIENT CHARGE PAID TO A HOTEL LOCATED IN ANY PART OF CECIL COUNTY THAT:

- (1) IS SPECIFIED BY THE GOVERNING BODY OF CECIL COUNTY AS A POPULATION CENTER;**
- (2) IS NOT LARGER THAN 10 SQUARE MILES IN GEOGRAPHIC AREA; AND**
- (3) HAS A POPULATION OF AT LEAST 6,000 RESIDENTS.**

(D) FREDERICK COUNTY.

IN FREDERICK COUNTY, THE HOTEL RENTAL TAX DOES NOT APPLY TO A HOTEL WITH:

- (1) 10 OR FEWER SLEEPING ROOMS IN ITS MAIN BUILDING; AND**
- (2) NOT MORE THAN 20 ADDITIONAL SLEEPING ROOMS IN AUXILIARY STRUCTURES ON THE HOTEL'S PROPERTY.**

(E) WASHINGTON COUNTY.

IN WASHINGTON COUNTY, THE HOTEL RENTAL TAX DOES NOT APPLY TO A TRANSIENT CHARGE PAID TO A HOTEL BY:

- (1) THE FEDERAL GOVERNMENT;**
- (2) A STATE; OR**
- (3) A UNIT OR INSTRUMENTALITY OF A STATE OR THE FEDERAL GOVERNMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 9-305 and 9-303(c).

In subsection (c) of this section, the former definition of "population center" is revised as part of the substantive provision because that definition appeared only once in the former law.

Defined terms: "Governing body" § 1-101

"Hotel" § 20-401

"Hotel rental tax" § 20-401

"State" § 1-101

"Transient charge" § 20-401

20-405. TAX RATES.**(A) IN GENERAL.**

SUBJECT TO THIS SECTION, THE HOTEL RENTAL TAX RATE IS THE RATE THAT THE COUNTY SETS BY RESOLUTION.

(B) LIMITATIONS.

THE HOTEL RENTAL TAX RATE MAY NOT EXCEED:

- (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, 3% IN A CODE COUNTY;**
 - (2) 3% IN CECIL COUNTY;**
 - (3) 4% IN TALBOT COUNTY;**
 - (4) 5% IN CALVERT COUNTY, CARROLL COUNTY, CHARLES COUNTY, DORCHESTER COUNTY, FREDERICK COUNTY, ST. MARY'S COUNTY, AND SOMERSET COUNTY; AND**
 - (5) 6% IN GARRETT COUNTY AND WICOMICO COUNTY.**
- (C) CODE COUNTIES.**

WITH THE UNANIMOUS CONSENT OF THE COUNTY COMMISSIONERS:

- (1) A CODE COUNTY OTHER THAN A WESTERN MARYLAND CODE COUNTY MAY SET A HOTEL RENTAL TAX RATE UP TO 5%; AND**
 - (2) A WESTERN MARYLAND CODE COUNTY MAY SET A HOTEL RENTAL TAX RATE UP TO 8%.**
- (D) WASHINGTON COUNTY.**

THE HOTEL RENTAL TAX RATE IN WASHINGTON COUNTY IS 6%.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-304.

In subsection (a) of this section, the reference to "this section" is substituted for the former reference to "the limitations in subsections (b) and (c) of this section" for accuracy.

In subsection (c) of this section, the former references to a hotel rental tax rate "that is greater than 3%" are deleted as implicit because the rates that are authorized in subsection (c) are an exception to the limitation of 3% imposed in subsection (b)(1) of this section.

Defined terms: "Code county" § 1-101
"Hotel rental tax" § 20-401

“Western Maryland code county” § 20–401

20–406. DUTY TO COLLECT TAX.

(A) IN GENERAL.

A HOTEL SHALL:

(1) GIVE A PERSON WHO IS REQUIRED TO PAY A TRANSIENT CHARGE A BILL THAT IDENTIFIES THE TRANSIENT CHARGE AS AN ITEM SEPARATE FROM ANY OTHER CHARGE; AND

(2) COLLECT THE HOTEL RENTAL TAX FROM THE PERSON WHO PAYS THE TRANSIENT CHARGE.

(B) TAX HELD IN TRUST.

A HOTEL SHALL HOLD ANY HOTEL RENTAL TAX COLLECTED IN TRUST FOR THE COUNTY THAT IMPOSES THE TAX UNTIL THE HOTEL PAYS THE TAX TO THAT COUNTY AS REQUIRED UNDER THIS PART.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–309.

In subsection (b) of this section, the reference to the hotel “shall hold any” hotel rental tax is substituted for the former reference to the hotel “holds” the hotel rental tax for clarity and accuracy because the language imposes a mandatory requirement.

Defined terms: “Hotel” § 20–401
“Hotel rental tax” § 20–401
“Person” § 1–101
“Transient charge” § 20–401

20–407. DUTY TO PAY TAX.

A PERSON SHALL PAY THE HOTEL RENTAL TAX TO THE HOTEL WHEN THE PERSON PAYS THE TRANSIENT CHARGE.

REVISOR’S NOTE: This section formerly was Art. 24, § 9–308.

No changes are made.

Defined terms: “Hotel” § 20–401

“Hotel rental tax” § 20–401
“Person” § 1–101
“Transient charge” § 20–401

20–408. TAX RETURN REQUIRED.

A HOTEL SHALL COMPLETE, SIGN, AND FILE A HOTEL RENTAL TAX RETURN WITH:

(1) EXCEPT AS PROVIDED IN ITEM (2) OF THIS SECTION, A CODE COUNTY, ON OR BEFORE THE 10TH DAY OF EACH MONTH; AND

(2) (I) CECIL COUNTY, ON OR BEFORE THE 10TH DAY OF EACH MONTH;

(II) TALBOT COUNTY AND WICOMICO COUNTY, ON OR BEFORE THE 20TH DAY OF EACH MONTH;

(III) A CODE COUNTY IN THE EASTERN SHORE CLASS ESTABLISHED IN § 9–302 OF THIS ARTICLE, CALVERT COUNTY, CARROLL COUNTY, CHARLES COUNTY, DORCHESTER COUNTY, FREDERICK COUNTY, GARRETT COUNTY, ST. MARY’S COUNTY, AND SOMERSET COUNTY, ON OR BEFORE THE 21ST DAY OF EACH MONTH; AND

(IV) WASHINGTON COUNTY, ON OR BEFORE THE 25TH DAY OF EACH MONTH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–310(a).

Defined terms: “Code county” § 1–101
“Hotel” § 20–401
“Hotel rental tax” § 20–401

20–409. FORM AND CONTENTS OF TAX RETURN.

A HOTEL RENTAL TAX RETURN FOR A COUNTY:

(1) SHALL BE MADE ON THE FORM THAT THE COUNTY REQUIRES; AND

(2) SHALL CONTAIN THE INFORMATION THAT THE COUNTY REQUIRES, INCLUDING THE AMOUNT OF:

(I) TRANSIENT CHARGES PAID TO THE HOTEL DURING THE PRIOR CALENDAR MONTH; AND

(II) THE HOTEL RENTAL TAX REQUIRED TO BE COLLECTED DURING THE PRIOR CALENDAR MONTH.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-310(b).

The only changes are in style.

Defined terms: "Hotel" § 20-401
 "Hotel rental tax" § 20-401
 "Transient charge" § 20-401

20-410. PAYMENT OF TAX COLLECTED.

A HOTEL SHALL PAY TO THE COUNTY THE HOTEL RENTAL TAX COLLECTED FOR A CALENDAR MONTH WITH THE RETURN THAT COVERS THAT MONTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-311(a).

The former reference to a county "that imposes the hotel rental tax" is deleted as surplusage.

Defined terms: "Hotel" § 20-401
 "Hotel rental tax" § 20-401

20-411. DISCOUNT.

(A) IN GENERAL.

EXCEPT IN CALVERT COUNTY, CARROLL COUNTY, CHARLES COUNTY, ST. MARY'S COUNTY, AND WASHINGTON COUNTY, A HOTEL IS ALLOWED, FOR ADMINISTRATIVE COSTS, A DISCOUNT EQUAL TO 1.5% OF THE GROSS AMOUNT OF HOTEL RENTAL TAX COLLECTED IF, ON OR BEFORE THE DUE DATE, THE HOTEL:

- (1) FILES THE HOTEL RENTAL TAX RETURN; AND**
- (2) PAYS THE HOTEL RENTAL TAX.**

(B) CALVERT, CARROLL, CHARLES, ST. MARY'S, AND WASHINGTON COUNTIES.

IN CALVERT COUNTY, CARROLL COUNTY, CHARLES COUNTY, ST. MARY'S COUNTY, AND WASHINGTON COUNTY, THE COUNTY COMMISSIONERS MAY DETERMINE WHETHER A HOTEL IS ELIGIBLE TO RECEIVE A DISCOUNT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-311(b).

In the introductory language of subsection (a) of this section, the phrase "[e]xcept in Calvert County, Carroll County, Charles County, St. Mary's County, and Washington County" is substituted for the former phrase "[e]xcept as provided in paragraph (2) of this subsection" for clarity, consistent with the language in former Art. 81, § 411F(j)(1), which stated clearly that the 1.5% discount rate does not apply in the named counties and implied that those counties are authorized to determine their own rate.

Defined terms: "Hotel" § 20-401
"Hotel rental tax" § 20-401

20-412. COUNTY REGULATIONS.

TO PROVIDE FOR THE ORDERLY, SYSTEMATIC, AND THOROUGH ADMINISTRATION OF THE HOTEL RENTAL TAX, A COUNTY MAY ADOPT REGULATIONS THAT:

(1) ARE CONSISTENT WITH THIS PART; AND

(2) CONFORM TO THE APPLICABLE PROVISIONS AND REGULATIONS FOR THE SALES AND USE TAX UNDER TITLE 11 OF THE TAX - GENERAL ARTICLE.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-315.

The only changes are in style.

Defined term: "Hotel rental tax" § 20-401

20-413. STATE ASSISTANCE.

(A) IN GENERAL.

THE COMPTROLLER SHALL PROVIDE A COUNTY WITH INFORMATION TO HELP THE COUNTY VERIFY HOTEL RENTAL TAX LIABILITY.

(B) FEE AUTHORIZED.

(1) THE COMPTROLLER MAY CHARGE A COUNTY A REASONABLE FEE FOR THE COST OF PROVIDING INFORMATION UNDER THIS SECTION.

(2) THE COUNTY SHALL TREAT THE FEE AS A HOTEL RENTAL TAX ADMINISTRATIVE COST.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-316.

In subsection (b)(1) of this section, the reference to information "under this section" is added for clarity.

Defined term: "Hotel rental tax" § 20-401

20-414. BOND OF COUNTY TAX COLLECTOR.

(A) INCREASE.

TO COVER THE REVENUE THAT A TAX COLLECTOR COLLECTS UNDER THIS PART, A COUNTY MAY INCREASE THE SURETY BOND THAT THE COUNTY REQUIRES FOR ITS TAX COLLECTOR.

(B) ADMINISTRATIVE COST.

THE COUNTY SHALL TREAT ANY ADDITIONAL PREMIUM DUE TO A SURETY BOND INCREASE ALLOWED UNDER SUBSECTION (A) OF THIS SECTION AS A HOTEL RENTAL TAX ADMINISTRATIVE COST.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-317.

The only changes are in style.

Defined terms: "Hotel rental tax" § 20-401

"Tax collector" § 1-101

20-415. REVENUE DISTRIBUTION — CODE COUNTIES AND CALVERT, CECIL, GARRETT, AND ST. MARY'S COUNTIES.

(A) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED IN THIS PART, A CODE COUNTY, CALVERT COUNTY, CECIL COUNTY, GARRETT COUNTY, OR ST. MARY'S COUNTY SHALL DISTRIBUTE THE HOTEL RENTAL TAX REVENUE AS FOLLOWS:

(1) A REASONABLE SUM FOR HOTEL RENTAL TAX ADMINISTRATIVE COSTS TO THE GENERAL FUND OF THE COUNTY;

(2) AFTER THE DISTRIBUTION IN ITEM (1) OF THIS SUBSECTION, THE REVENUE ATTRIBUTABLE TO A HOTEL LOCATED IN A MUNICIPALITY TO THE MUNICIPALITY; AND

(3) THE REMAINING BALANCE TO THE GENERAL FUND OF THE COUNTY.

(B) CECIL COUNTY.

CECIL COUNTY MAY NOT DEDUCT MORE THAN 5% OF THE REVENUE FOR ADMINISTRATIVE COSTS UNDER SUBSECTION (A)(1) OF THIS SECTION.

(C) GARRETT COUNTY.

GARRETT COUNTY SHALL DESIGNATE A PART OF THE BALANCE UNDER SUBSECTION (A)(3) OF THIS SECTION FOR THE PROMOTION OF THE COUNTY.

(D) WESTERN MARYLAND CODE COUNTIES.

IF A WESTERN MARYLAND CODE COUNTY IMPOSES A TAX RATE GREATER THAN 5%, THE REVENUE ATTRIBUTABLE TO THE RATE GREATER THAN 5% AND ATTRIBUTABLE TO A HOTEL LOCATED IN A MUNICIPALITY SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-318(a) and (b)(1), (2), and (8).

In the introductory language of subsection (a) of this section, the introductory phrase "[e]xcept as otherwise provided in this part," is added for clarity.

Also in the introductory language of subsection (a) of this section, the former phrase "[e]xcept for Talbot County, Washington County, Dorchester County, Frederick County, and Carroll County," is deleted as unnecessary because this section is expressly applicable to code counties, Calvert County, Cecil County, Garrett County, and St. Mary's County.

In subsection (a)(1) of this section, and throughout this subtitle, the former reference to the revenue being distributed “[f]rom the total revenue” is deleted as implicit.

In subsection (d) of this section, the former phrase “[n]otwithstanding subsection (a)(2) of this section,” is deleted as unnecessary in light of the introductory language to subsection (a) of this section.

Also in subsection (d) of this section, the former reference to the revenue being distributed to the general fund “instead of to the municipal corporation” is deleted as surplusage.

Defined terms: “Code county” § 1–101

“Hotel” § 20–401

“Hotel rental tax” § 20–401

“Municipality” § 1–101

“Western Maryland code county” § 20–401

20–416. REVENUE DISTRIBUTION — CARROLL COUNTY.

CARROLL COUNTY SHALL DISTRIBUTE THE HOTEL RENTAL TAX REVENUE AS FOLLOWS:

(1) A REASONABLE SUM FOR HOTEL RENTAL TAX ADMINISTRATIVE COSTS TO THE GENERAL FUND OF THE COUNTY; AND

(2) THE REMAINING BALANCE TO TOURISM AND GENERAL PROMOTION OF CARROLL COUNTY.

REVISOR’S NOTE: This section formerly was Art. 24, § 9–318(b)(7).

The only changes are in style.

Defined term: “Hotel rental tax” § 20–401

20–417. REVENUE DISTRIBUTION — CHARLES COUNTY.

CHARLES COUNTY SHALL DISTRIBUTE THE HOTEL RENTAL TAX REVENUE TO THE GENERAL FUND OF THE COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–318(a)(1) and (3) and, as it related to Charles County, the introductory language of (a).

The former requirement that the county distribute “a reasonable sum for hotel rental tax administrative costs to the general fund of the county” is deleted as included in the requirement that the county distribute the revenue “to the general fund of the county”.

Defined term: “Hotel rental tax” § 20–401

20–418. REVENUE DISTRIBUTION — DORCHESTER COUNTY.

DORCHESTER COUNTY SHALL DISTRIBUTE THE HOTEL RENTAL TAX REVENUE AS FOLLOWS:

- (1) 80% OF THE REVENUES ATTRIBUTABLE TO A HOTEL LOCATED IN A MUNICIPALITY TO THAT MUNICIPALITY; AND**
- (2) THE REMAINING BALANCE TO THE GENERAL FUND OF THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–318(b)(6).

In the introductory language of this section, the reference to distributing “the hotel rental tax revenue” is added for clarity and consistency with similar provisions in this subtitle.

Defined terms: “Hotel” § 20–401
“Hotel rental tax” § 20–401
“Municipality” § 1–101

20–419. REVENUE DISTRIBUTION — FREDERICK COUNTY.

(A) IN GENERAL.

FREDERICK COUNTY SHALL DISTRIBUTE THE HOTEL RENTAL TAX REVENUE AS FOLLOWS:

- (1) A REASONABLE SUM FOR HOTEL RENTAL TAX ADMINISTRATIVE COSTS TO THE GENERAL FUND OF THE COUNTY; AND**
- (2) THE REMAINING BALANCE TO THE TOURISM COUNCIL OF FREDERICK COUNTY, INC., WITH A PORTION OF THE BALANCE DESIGNATED BY THE COUNTY COMMISSIONERS TO BE USED FOR A VISITOR CENTER.**

(B) AUDIT.

THE INTERNAL AUDITOR OF FREDERICK COUNTY SHALL CONDUCT AN AUDIT OF THE FINANCIAL RECORDS OF THE TOURISM COUNCIL AND REPORT THE FINDINGS TO THE COUNTY COMMISSIONERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–318(b)(5).

Defined term: “Hotel rental tax” § 20–401

20–420. REVENUE DISTRIBUTION — SOMERSET COUNTY.

SOMERSET COUNTY SHALL DISTRIBUTE THE HOTEL RENTAL TAX REVENUE TO THE GENERAL FUND OF THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–318(a)(1) and (3) and, as it related to Somerset County, the introductory language of (a).

The former requirement that the county distribute “a reasonable sum for hotel rental tax administrative costs to the general fund of the county” is deleted as included in the requirement that the county distribute the revenue “to the general fund of the county”.

Defined term: “Hotel rental tax” § 20–401

20–421. REVENUE DISTRIBUTION — WASHINGTON COUNTY.

(A) IN GENERAL.

WASHINGTON COUNTY SHALL DISTRIBUTE THE HOTEL RENTAL TAX REVENUE AS FOLLOWS:

(1) 50% TO THE GENERAL FUND OF THE COUNTY TO BE USED TO FUND THE HAGERSTOWN/WASHINGTON COUNTY CONVENTION AND VISITORS BUREAU; AND

(2) THE REMAINING BALANCE TO A SPECIAL FUND TO BE USED ONLY TO:

(I) COVER COSTS FOR WAGES, POSTAGE, SUPPLIES, AND LEGAL FEES INCURRED IN ADMINISTERING THE HOTEL RENTAL TAX;

(II) DEVELOP TOURISM ATTRACTIONS;

(III) ENHANCE ECONOMIC DEVELOPMENT; AND

(IV) SUPPORT CULTURAL AND RECREATIONAL PROJECTS IN WASHINGTON COUNTY.

(B) MUNICIPALITIES.

A MUNICIPALITY IN WASHINGTON COUNTY MAY APPLY TO THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY FOR FUNDING FROM THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (A)(2) OF THIS SECTION FOR AN ELIGIBLE PROJECT WITHIN THE MUNICIPALITY.

(C) PUBLIC HEARING.

EACH YEAR BEFORE ADOPTION OF ITS ANNUAL BUDGET, THE HAGERSTOWN/WASHINGTON COUNTY CONVENTION AND VISITORS BUREAU SHALL HOLD A PUBLIC HEARING ON THE PROPOSED ANNUAL BUDGET.

(D) REPORTING REQUIREMENTS.

ON OR BEFORE SEPTEMBER 1 OF EACH YEAR:

(1) THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY SHALL REPORT TO THE WASHINGTON COUNTY SENATE AND HOUSE DELEGATIONS TO THE GENERAL ASSEMBLY ON THE HOTEL RENTAL TAX REVENUE COLLECTED AND THE USE OF THE HOTEL RENTAL TAX REVENUE FOR THE PREVIOUS FISCAL YEAR; AND

(2) THE HAGERSTOWN/WASHINGTON COUNTY CONVENTION AND VISITORS BUREAU SHALL REPORT TO THE WASHINGTON COUNTY SENATE AND HOUSE DELEGATIONS TO THE GENERAL ASSEMBLY ON THE BUREAU'S USE OF THE HOTEL RENTAL TAX REVENUE FOR THE PREVIOUS FISCAL YEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-318(b)(4).

In subsection (a) of this section, the former definition of "actual administrative costs" is revised as part of the substantive provision because that definition appeared only once in the former law.

In the introductory language of subsection (a) of this section, the former reference to distributing the total hotel tax revenue "collected in the county" is deleted as implicit.

In the introductory language of subsection (a)(2) of this section, the former phrase “after the distribution under item 1 of this subparagraph” is deleted as implicit in the reference to “the remaining balance”.

In the introductory language of subsection (d) of this section, the former phrase “beginning in 2001” is deleted as obsolete.

Defined terms: “Hotel rental tax” § 20–401
 “Municipality” § 1–101

20–422. REVENUE DISTRIBUTION — WICOMICO COUNTY.

WICOMICO COUNTY SHALL DISTRIBUTE THE HOTEL RENTAL TAX REVENUE AS FOLLOWS:

(1) A REASONABLE SUM FOR HOTEL RENTAL TAX ADMINISTRATIVE COSTS, NOT TO EXCEED 5%, TO THE GENERAL FUND OF THE COUNTY;

(2) IF THE COUNTY AUTHORIZES A HOTEL RENTAL TAX RATE OF 6%:

(I) 16.7% OF THE REVENUE TO THE SALISBURY ZOOLOGICAL PARK; AND

(II) 16.7% OF THE REVENUE TO THE WICOMICO COUNTY YOUTH AND CIVIC CENTER TO BE USED FOR ITS IMPROVEMENT AND RENOVATION; AND

(3) THE REMAINING BALANCE TO THE GENERAL FUND OF THE COUNTY TO UNDERWRITE THE WICOMICO COUNTY CONVENTION AND VISITORS BUREAU.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–318(b)(3) and (a)(1) and, as it related to Wicomico County, the introductory language of (a).

In item (3) of this section, the former phrase “after the distributions under ... this paragraph” is deleted as implicit in the reference to “the remaining balance”.

Defined term: “Hotel rental tax” § 20–401

20-423. TIMING OF DISTRIBUTION.

A COUNTY SHALL MAKE THE DISTRIBUTIONS REQUIRED UNDER THIS PART BETWEEN THE 15TH DAY AND THE 30TH DAY OF EACH CALENDAR MONTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-318(c).

20-424. ANNUAL REPORT — WESTERN MARYLAND CODE COUNTIES.

(A) IN GENERAL.

(1) ON OR BEFORE OCTOBER 1 OF EACH YEAR, A WESTERN MARYLAND CODE COUNTY SHALL PREPARE A REPORT ON THE HOTEL RENTAL TAX.

(2) THE REPORT SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY AND POSTED ON THE COUNTY'S INTERNET WEB SITE.

(3) THE REPORT SHALL INCLUDE:

(I) THE AMOUNT OF REVENUE THE COUNTY COLLECTED FROM THE HOTEL RENTAL TAX IN THE PREVIOUS FISCAL YEAR;

(II) AN ITEMIZED STATEMENT OF THE USE OF HOTEL RENTAL TAX REVENUE; AND

(III) THE NAME AND SALARY OF EACH POSITION IN THE COUNTY UNIT THAT ADMINISTERS THE HOTEL RENTAL TAX.

(B) AUDITS.

A WESTERN MARYLAND CODE COUNTY SHALL PROVIDE A COPY OF ANY AUDITS THAT RELATE TO THE HOTEL RENTAL TAX TO THE COUNTY SENATE AND HOUSE DELEGATIONS TO THE GENERAL ASSEMBLY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-319.

In subsection (a)(1) of this section, the former reference to the report being prepared "for public distribution" is deleted as unnecessary in light of the requirement in subsection (a)(2) of this section to publish the report in a newspaper of general circulation.

In subsection (a)(3)(iii) of this section, the reference to a county “unit” is substituted for the former reference to a county “agency” for consistency with other similar provisions of the Code.

In subsection (b) of this section, the former reference to audits “performed annually” is deleted in light of the fact that there is no indication that the General Assembly did not intend copies to be provided of all audits performed and not just those audits performed annually.

Defined terms: “Hotel rental tax” § 20–401

“Western Maryland code county” § 20–401

20–425. INTEREST.

(A) IN GENERAL.

IF A HOTEL FAILS TO PAY THE HOTEL RENTAL TAX AS REQUIRED UNDER THIS PART, THE HOTEL SHALL PAY INTEREST ON THE UNPAID TAX FROM THE DATE ON WHICH THE HOTEL IS REQUIRED TO PAY THE TAX TO THE DATE THAT THE TAX IS PAID.

(B) RATE.

THE INTEREST RATE FOR EACH MONTH OR FRACTION OF A MONTH IS:

(1) FOR CECIL COUNTY, DORCHESTER COUNTY, TALBOT COUNTY, WASHINGTON COUNTY, AND WICOMICO COUNTY, 1%; AND

(2) FOR ANY OTHER COUNTY, 0.5%.

REVISOR’S NOTE: This section formerly was Art. 24, § 9–321.

The only changes are in style.

Defined terms: “Hotel” § 20–401

“Hotel rental tax” § 20–401

20–426. TAX PENALTIES.

(A) IN GENERAL.

EXCEPT IN TALBOT COUNTY OR WICOMICO COUNTY, IF A HOTEL FAILS TO PAY THE HOTEL RENTAL TAX TO A COUNTY WITHIN 1 MONTH AFTER THE

PAYMENT IS DUE UNDER § 20-410 OF THIS SUBTITLE, THE HOTEL SHALL PAY A TAX PENALTY OF 10% OF THE UNPAID TAX.

(B) TALBOT AND WICOMICO COUNTIES.

IF A HOTEL FAILS TO PAY THE HOTEL RENTAL TAX TO TALBOT COUNTY OR WICOMICO COUNTY WITHIN 120 DAYS AFTER THE PAYMENT IS DUE UNDER § 20-410 OF THIS SUBTITLE, THE HOTEL SHALL PAY A TAX PENALTY OF 10% OF THE UNPAID TAX.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-322.

Defined terms: "Hotel" § 20-401
"Hotel rental tax" § 20-401

20-427. COLLECTIONS.

(A) CIVIL ACTION.

A COUNTY MAY FILE A CIVIL ACTION TO COLLECT UNPAID HOTEL RENTAL TAX.

(B) DISTRAINT.

A COUNTY MAY COLLECT UNPAID HOTEL RENTAL TAX BY DISTRAINT.

(C) LIENS.

EXCEPT IN CALVERT COUNTY AND ST. MARY'S COUNTY, UNPAID HOTEL RENTAL TAX IS:

(1) A LIEN AGAINST THE REAL AND PERSONAL PROPERTY OF THE PERSON OWING THE TAX; AND

(2) COLLECTIBLE IN THE SAME MANNER AS THE PROPERTY TAX MAY BE COLLECTED UNDER THE TAX – PROPERTY ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 9-323, 9-324, and 9-325.

In the introductory language of subsection (c) of this section, the phrase "[e]xcept in Calvert County and St. Mary's County" is substituted for the former reference to "a code county, Carroll County, Cecil County, Charles

County, Dorchester County, Frederick County, Garrett County, Somerset County, Talbot County, Washington County, and Wicomico County” for brevity.

Defined terms: “Hotel rental tax” § 20–401

“Person” § 1–101

20–428. HOTEL SURETY BOND.

(A) AUTHORIZED.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, TO PROTECT HOTEL RENTAL TAX REVENUE, A COUNTY MAY REQUIRE A HOTEL TO FILE SECURITY WITH THE COUNTY IN AN AMOUNT THAT THE COUNTY DETERMINES.

(2) CECIL COUNTY, TALBOT COUNTY, AND WICOMICO COUNTY MAY REQUIRE SECURITY UNDER THIS SECTION ONLY FOR A HOTEL THAT HAS BEEN IN DEFAULT.

(B) FORM.

SECURITY UNDER THIS SECTION SHALL BE:

(1) A BOND ISSUED BY A SURETY COMPANY THAT IS:

(I) AUTHORIZED TO DO BUSINESS IN THE STATE; AND

(II) APPROVED BY THE INSURANCE COMMISSIONER AS TO SOLVENCY AND RESPONSIBILITY;

(2) CASH; OR

(3) SECURITY APPROVED BY THE COUNTY.

(C) NOTICE.

(1) IF SECURITY IS REQUIRED UNDER THIS SECTION, THE COUNTY SHALL GIVE THE HOTEL NOTICE OF THE AMOUNT OF SECURITY.

(2) WITHIN 5 DAYS AFTER A HOTEL RECEIVES NOTICE THAT SECURITY IS REQUIRED, THE HOTEL SHALL:

(I) FILE THE SECURITY; OR

(II) SUBMIT A WRITTEN REQUEST FOR A HEARING ON THE SECURITY REQUIREMENT.

(D) HEARING.

(1) IF A HEARING IS REQUESTED UNDER SUBSECTION (C) OF THIS SECTION, THE COUNTY SHALL HOLD A HEARING TO DETERMINE THE NECESSITY, PROPRIETY, AND AMOUNT OF THE SECURITY.

(2) (I) THE DETERMINATION AT THE HEARING IS FINAL.

(II) THE HOTEL SHALL COMPLY WITHIN 15 DAYS AFTER THE HOTEL RECEIVES NOTICE OF THE DETERMINATION.

(E) USE OF SECURITY.

WITHOUT NOTICE TO THE HOTEL THAT FILES SECURITY UNDER SUBSECTION (B)(2) OR (3) OF THIS SECTION, THE COUNTY AT ANY TIME MAY:

(1) APPLY THE CASH TO THE HOTEL RENTAL TAX DUE; OR

(2) SELL THE SECURITY AND APPLY THE PROCEEDS OF THE SALE TO THE HOTEL RENTAL TAX DUE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-326.

In subsection (a)(1) of this section, the phrase "[s]ubject to paragraph (2) of this subsection" is added for clarity.

Defined terms: "Hotel" § 20-401
"Hotel rental tax" § 20-401
"State" § 1-101

20-429. RESERVED.

20-430. RESERVED.

PART II. MUNICIPAL HOTEL RENTAL TAX.

20-431. DEFINITIONS.

(A) IN GENERAL.

IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 24, § 9–608(a)(1).

The only changes are in style.

(B) HOTEL.

“HOTEL” HAS THE MEANING STATED IN § 20–401 OF THIS SUBTITLE.

REVISOR'S NOTE: This subsection formerly was Art. 24, § 9–608(a)(2).

The only changes are in style.

(C) HOTEL RENTAL TAX.

“HOTEL RENTAL TAX” MEANS THE TAX ON A TRANSIENT CHARGE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 24, § 9–608(a)(3).

The reference to a tax “on a transient charge” is substituted for the former reference to a tax “authorized under this section” for clarity.

Defined terms: “Hotel” § 20–431
 “Transient charge” § 20–431

(D) TRANSIENT CHARGE.

(1) “TRANSIENT CHARGE” MEANS A HOTEL CHARGE FOR SLEEPING ACCOMMODATIONS FOR A PERIOD NOT EXCEEDING 4 CONSECUTIVE MONTHS.

(2) “TRANSIENT CHARGE” DOES NOT INCLUDE ANY HOTEL CHARGE FOR:

(I) SERVICES; OR

(II) ACCOMMODATIONS OTHER THAN SLEEPING ACCOMMODATIONS.

REVISOR'S NOTE: This subsection formerly was Art. 24, § 9–608(a)(4).

The only changes are in style.

Defined term: "Hotel" § 20-431

20-432. AUTHORIZATION TO IMPOSE TAX.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A MUNICIPALITY MAY IMPOSE, BY ORDINANCE OR RESOLUTION, A HOTEL RENTAL TAX.

(B) EXCEPTION FOR MUNICIPALITY WITH REVENUE SHARING ARRANGEMENT.

(1) IN THIS SUBSECTION, "HOTEL RENTAL TAX REVENUE SHARING ARRANGEMENT" INCLUDES:

(I) A REQUIREMENT UNDER §§ 20-415 THROUGH 20-422 OF THIS SUBTITLE THAT A COUNTY DISTRIBUTE REVENUE FROM A COUNTY HOTEL RENTAL TAX TO A MUNICIPALITY; OR

(II) ANY OTHER HOTEL RENTAL TAX REVENUE SHARING REQUIREMENT, AGREEMENT, OR ARRANGEMENT BETWEEN A COUNTY AND A MUNICIPALITY.

(2) A MUNICIPALITY IN A COUNTY THAT HAS A HOTEL RENTAL TAX REVENUE SHARING ARRANGEMENT BETWEEN THE MUNICIPALITY AND THE COUNTY MAY NOT IMPOSE A HOTEL RENTAL TAX UNDER THIS PART.

(C) OTHER EXCEPTIONS.

A MUNICIPALITY MAY NOT IMPOSE A HOTEL RENTAL TAX IF:

(1) THE HOTEL HAS 10 OR FEWER SLEEPING ROOMS; OR

(2) THE MUNICIPALITY IS LOCATED IN A COUNTY THAT:

(I) DISTRIBUTES AT LEAST 50% OF TOTAL COUNTY HOTEL RENTAL TAX REVENUES TO PROMOTE TOURISM IN THE COUNTY; OR

(II) DOES NOT IMPOSE A TAX ON A TRANSIENT CHARGE PAID TO A HOTEL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-608(b).

In subsection (a) of this section, the former reference to a tax "paid to a hotel located in that municipal corporation" is deleted as implicit.

In subsection (c)(2)(i) of this section, the reference to "total county hotel rental tax revenues" is substituted for the former reference to "total hotel tax" revenues for clarity.

Defined terms: "County" § 1-101
 "Hotel" § 20-431
 "Hotel rental tax" § 20-431
 "Municipality" § 1-101
 "Transient charge" § 20-431

20-433. TAX RATE.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A MUNICIPALITY SHALL SET THE RATE OF THE HOTEL RENTAL TAX.

(B) LIMIT.

THE HOTEL RENTAL TAX FOR A MUNICIPALITY MAY NOT EXCEED 2%.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-608(c).

The only changes are in style.

Defined terms: "Hotel rental tax" § 20-431
 "Municipality" § 1-101

20-434. ADMINISTRATION; EXEMPTIONS; PENALTIES.

A MUNICIPALITY THAT IMPOSES A HOTEL RENTAL TAX MAY:

(1) PROVIDE FOR THE ADMINISTRATION AND COLLECTION OF THE TAX;

(2) PROVIDE FOR ADDITIONAL EXEMPTIONS FROM THE TAX; AND

(3) IMPOSE PENALTIES FOR FAILURE TO COLLECT, REPORT, OR PAY THE TAX.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-608(d).

The only changes are in style.

Defined terms: "Hotel rental tax" § 20-431

"Municipality" § 1-101

20-435. DISTRIBUTION TO CONVENTION AND VISITORS BUREAU.

A MUNICIPALITY THAT IMPOSES A HOTEL RENTAL TAX UNDER THIS PART SHALL DISTRIBUTE TO A CONVENTION AND VISITORS BUREAU IN THE COUNTY WHERE THE MUNICIPALITY IS LOCATED AT LEAST THE SAME PERCENTAGE OF THE HOTEL RENTAL TAX COLLECTED THAT THE COUNTY DISTRIBUTES TO THE CONVENTION AND VISITORS BUREAU FROM ANY COUNTY HOTEL RENTAL TAX.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-608(e).

The only changes are in style.

Defined terms: "County" § 1-101

"Hotel rental tax" § 20-431

"Municipality" § 1-101

20-436. OFFSET FOR COUNTY TAX IN MUNICIPALITY.

IF A COUNTY HAS THE AUTHORITY UNDER PART I OF THIS SUBTITLE OR ANY OTHER LAW TO IMPOSE A TAX ON TRANSIENT CHARGES PAID TO HOTELS, TO ACCOMMODATE A TAX IMPOSED UNDER THIS PART BY A MUNICIPALITY, THE COUNTY MAY IMPOSE A TAX RATE ON TRANSIENT CHARGES PAID TO HOTELS LOCATED IN THE MUNICIPALITY THAT IS LOWER THAN THE TAX RATE IMPOSED ON TRANSIENT CHARGES PAID TO HOTELS OUTSIDE THE MUNICIPALITY.

REVISOR'S NOTE: This section formerly was Art. 24, § 9-608(f).

The only changes are in style.

Defined terms: "County" § 1-101

"Hotel" § 20-431

"Municipality" § 1-101

“Transient charge” § 20-431

GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 24, § 9-314, which required an authorized county to administer the hotel rental tax for that county, is deleted as unnecessary in light of other provisions of this subtitle that make it implicit that the county in which the hotel rental tax is being charged would administer the county’s own hotel rental tax.

SUBTITLE 5. MOBILE HOME AND TRAILER PARK TAXES.

20-501. IN GENERAL.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CAMPING SHELTER” MEANS A TENT OR OTHER COLLAPSIBLE STRUCTURE THAT PROVIDES TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, OR TRAVEL USE.

(3) “MOBILE HOME PARK” MEANS A MOBILE HOME COURT OR PARK OR A TRAILER PARK.

(4) “RECREATIONAL VEHICLE” MEANS A TRAILER OR OTHER VEHICLE THAT PROVIDES TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, OR TRAVEL USE.

(B) MOBILE HOME PARK TAX AUTHORIZED.

(1) BY RESOLUTION OR ORDINANCE, A COUNTY OR MUNICIPALITY MAY IMPOSE A TAX ON THE AMOUNT PAID FOR:

(I) THE RENTAL, LEASING, OR USE OF ANY SPACE, FACILITY, OR ACCOMMODATION IN A MOBILE HOME PARK; OR

(II) SERVICES PROVIDED BY A MOBILE HOME PARK.

(2) THE TAX AUTHORIZED UNDER THIS SUBSECTION DOES NOT APPLY TO A RECREATIONAL VEHICLE OR CAMPING SHELTER IF:

(I) THE RECREATIONAL VEHICLE OR CAMPING SHELTER IS INTENDED AND USED ONLY FOR TEMPORARY OCCUPANCY OF 30 DAYS OR LESS; OR

(II) THE COUNTY OR MUNICIPALITY IMPOSES THE TAX AUTHORIZED UNDER SUBSECTION (C) OF THIS SECTION.

(C) SEPARATE TAX FOR RECREATIONAL VEHICLES OR CAMPING SHELTERS AUTHORIZED.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, BY RESOLUTION OR ORDINANCE, A COUNTY OR MUNICIPALITY MAY IMPOSE A TAX ON THE AMOUNT PAID FOR:

(I) THE RENTAL, LEASING, OR USE OF ANY SPACE, FACILITY, OR ACCOMMODATION IN A MOBILE HOME PARK FOR A RECREATIONAL VEHICLE OR CAMPING SHELTER, REGARDLESS OF THE PERIOD OF OCCUPANCY; OR

(II) SERVICES PROVIDED BY A MOBILE HOME PARK IN CONNECTION WITH THE RENTAL, LEASING, OR USE OF ANY SPACE, FACILITY, OR ACCOMMODATION FOR A RECREATIONAL VEHICLE OR CAMPING SHELTER.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE RATE OF THE TAX AUTHORIZED UNDER THIS SUBSECTION MAY NOT EXCEED 3% OF THE AMOUNT SUBJECT TO THE TAX.

(3) IN WASHINGTON COUNTY:

(I) THE RATE OF THE TAX AUTHORIZED UNDER THIS SUBSECTION IS 6%;

(II) THE TAX AUTHORIZED UNDER THIS SUBSECTION APPLIES ONLY TO A RECREATIONAL VEHICLE OR CAMPING SHELTER INTENDED AND USED ONLY FOR TEMPORARY OCCUPANCY OF 30 DAYS OR LESS; AND

(III) THE REVENUE FROM THE TAX AUTHORIZED UNDER THIS SUBSECTION SHALL BE DISTRIBUTED IN THE SAME MANNER AS THE HOTEL RENTAL TAX UNDER § 20-421 OF THIS TITLE.

(D) COLLECTION.

A COUNTY OR MUNICIPALITY MAY REQUIRE THE OPERATOR OR OWNER OF A MOBILE HOME PARK TO COLLECT A TAX AUTHORIZED UNDER THIS SECTION AND REMIT THE TAX COLLECTED TO THE COUNTY OR MUNICIPALITY OR TO THE AGENCY THAT THE COUNTY OR MUNICIPALITY DESIGNATES.

(E) RECORDS.

A COUNTY OR MUNICIPALITY MAY PROVIDE FOR:

(1) THE MAINTENANCE OF PUBLIC RECORDS RELATING TO A TAX AUTHORIZED UNDER THIS SECTION AND ITS COLLECTION; AND

(2) THE INSPECTION OR PUBLICATION OF THE RECORDS.

(F) PENALTIES.

A COUNTY OR MUNICIPALITY MAY PROVIDE FOR PENALTIES FOR FAILURE TO COMPLY WITH THE REQUIREMENTS RELATING TO A TAX AUTHORIZED UNDER THIS SECTION.

(G) EFFECT OF SECTION.

THIS SECTION DOES NOT AFFECT ANY REQUIREMENT CONCERNING PERMITS TO LOCATE A TRAILER, HOUSE TRAILER, TRAILER COACH, OR MOBILE HOME.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-401(a), (a-1), (a-2), and (c) through (f).

In subsection (a)(3) of this section, the term "mobile home park" is defined to avoid repetition of the phrase "a mobile home court or park or a trailer park".

In subsections (d), (e)(1), and (f) of this section, the references to "a tax authorized under this section" are substituted for the former references to "the tax" to clarify that those provisions are applicable to both taxes authorized under subsections (b) and (c) of this section.

In subsection (e)(1) of this section, the former reference to "suitable" public records is deleted as surplusage.

In subsection (g) of this section, the former reference to “eliminat[ing]” requirements concerning permits is deleted as implicit in the reference to “affect[ing]” requirements.

Also in subsection (g) of this section, the former reference to a “provision” concerning permits is deleted as included in the reference to a “requirement”.

Former Art. 24, § 9–401(b), which authorized a county or municipality to set the tax rate, is deleted as implicit in the authority to impose the tax under subsection (b) of this section.

Defined terms: “County” § 1–101
 “Municipality” § 1–101

20–502. CHARLES COUNTY MOBILE HOME TAX.

(A) “MOBILE HOME” DEFINED.

IN THIS SECTION, “MOBILE HOME” MEANS A FORM OF HOUSING THAT:

- (1) IS COMMONLY KNOWN AS A TRAILER OR HOUSE TRAILER;**
- (2) IS OR CAN BE USED FOR RESIDENTIAL PURPOSES; AND**
- (3) (I) IS PERMANENTLY ATTACHED TO LAND; OR**
(II) IS CONNECTED TO WATER, GAS, ELECTRIC, OR SEWAGE

FACILITIES.

(B) IMPOSITION OF TAX.

BY ORDINANCE, CHARLES COUNTY MAY IMPOSE A TAX ON THE USE OF A MOBILE HOME LOCATED IN THE COUNTY.

(C) EXEMPTIONS.

THE TAX AUTHORIZED UNDER THIS SECTION DOES NOT APPLY TO A MOBILE HOME THAT IS:

- (1) UNOCCUPIED;**
- (2) HELD FOR SALE ON A SALES LOT; OR**

(3) LOCATED ON PROPERTY USED AS A MOBILE HOME PARK.

(D) LIMIT ON TAX.

THE TAX AUTHORIZED UNDER THIS SECTION MAY NOT EXCEED \$250 EACH YEAR FOR EACH MOBILE HOME.

(E) COLLECTION AND PAYMENT.

(1) AN OWNER OF PROPERTY ON WHICH A MOBILE HOME SUBJECT TO THE TAX UNDER THIS SECTION IS LOCATED SHALL PAY THE TAX TO THE COUNTY OFFICE THAT THE COUNTY COMMISSIONERS OF CHARLES COUNTY DESIGNATE BY ORDINANCE.

(2) (I) IF THE OCCUPANT OF A MOBILE HOME SUBJECT TO THE TAX UNDER THIS SECTION RENTS FROM THE PROPERTY OWNER THE MOBILE HOME OR THE PROPERTY ON WHICH THE MOBILE HOME IS LOCATED, THE PROPERTY OWNER SHALL COLLECT THE TAX FROM THE OCCUPANT OF THE MOBILE HOME.

(II) THE PROPERTY OWNER MAY COLLECT THE TAX FROM THE OCCUPANT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AS A PART OF THE RENTAL FEES.

(III) IF AN OCCUPANT FAILS TO PAY THE TAX AS REQUIRED UNDER THIS PARAGRAPH, THE PROPERTY OWNER MAY EXERCISE ANY RIGHT AVAILABLE TO THE PROPERTY OWNER FOR NONPAYMENT OF RENTAL FEES.

(IV) A PROPERTY OWNER REQUIRED TO COLLECT THE TAX FROM AN OCCUPANT OF A MOBILE HOME UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE PERSONALLY LIABLE FOR THE TAX COLLECTED OR REQUIRED TO BE COLLECTED.

(F) ADDITIONAL AUTHORITY OF COUNTY.

IF THE COUNTY IMPOSES THE TAX AUTHORIZED UNDER THIS SECTION, THE COUNTY, BY ORDINANCE, MAY PROVIDE FOR:

(1) ASSESSMENT OF THE TAX AS OF THE DATE OF FINALITY FOR THE REAL PROPERTY TAXES OF THE PROPERTY OWNER;

(2) MAINTENANCE OF RECORDS RELATING TO THE TAX AND ITS COLLECTION;

(3) PRO RATA ASSESSMENT OF THE TAX WHEN A MOBILE HOME IS OCCUPIED LESS THAN 12 MONTHS PER YEAR;

(4) OTHER REQUIREMENTS RELATING TO THE ADMINISTRATION OF THE TAX; AND

(5) PENALTIES FOR FAILURE TO COMPLY WITH THE REQUIREMENTS RELATING TO THE TAX.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–402.

In the introductory language of subsection (c) of this section, the reference to “[t]he tax authorized under” this section is added for clarity.

In subsection (e)(2)(i) of this section, the reference to “the occupant of a mobile home subject to the tax under this section” is added for clarity.

In subsection (f)(2) of this section, the former reference to “suitable” records is deleted as surplusage.

In subsection (f)(5) of this section, the reference to the “requirements” relating to the tax is substituted for the former reference to the “provisions of any legislation” relating to the tax for brevity.

SUBTITLE 6. SALES AND USE TAXES; USER FEES; GROSS RECEIPTS TAX.

20–601. COUNTY TAX ON CONTROLLED DANGEROUS SUBSTANCES.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A COUNTY MAY IMPOSE A SALES OR USE TAX ON CONTROLLED DANGEROUS SUBSTANCES AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE.

(B) EXCEPTIONS.

A COUNTY MAY NOT IMPOSE A SALES OR USE TAX UNDER SUBSECTION (A) OF THIS SECTION ON SALES BY A PERSON WHO COMPLIES WITH TITLE 5, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-601.

Defined terms: "County" § 1-101
"Person" § 1-101

20-602. CODE COUNTIES — TAX ON FOOD AND BEVERAGES.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "BEVERAGE" DOES NOT INCLUDE AN ALCOHOLIC BEVERAGE, AS DEFINED IN § 5-101 OF THE TAX – GENERAL ARTICLE, IF THE ALCOHOLIC BEVERAGE IS SOLD FOR CONSUMPTION OFF THE PREMISES.

(3) "CONVENTION CENTER FACILITY" MEANS A CONVENTION CENTER OF AT LEAST 150,000 NET SQUARE FEET THAT IS USED FOR THE HOLDING OF CONVENTIONS, TRADE SHOWS, MEETINGS, DISPLAYS, ENTERTAINMENT SHOWS, OR SIMILAR EVENTS BUT DOES NOT HAVE LODGING FACILITIES.

(4) "FOOD" HAS THE MEANING STATED IN § 11-206 OF THE TAX – GENERAL ARTICLE.

(5) "PREMISES" HAS THE MEANING STATED IN § 11-206 OF THE TAX – GENERAL ARTICLE.

(6) "PUBLIC LOCAL LAW" HAS THE MEANING STATED IN ARTICLE XI-F, § 1 OF THE MARYLAND CONSTITUTION.

(7) "RESORT AREA" MEANS ANY PORTION OF A COUNTY, AS SPECIFIED BY THE COUNTY COMMISSIONERS OF THE COUNTY, THAT:

(I) BY REASON OF NATURAL, SCENIC, OR MAN-MADE ATTRACTIONS OR DEVELOPMENT, HAS AN UNUSUAL INFLUX OF VISITORS, SOJOURNERS, AND TEMPORARY RESIDENTS; AND

(II) BY REASON OF THE INFLUX, REQUIRES MUNICIPAL SERVICES IN UNUSUAL NUMBER OR MAGNITUDE.

(8) "SUBSTANTIAL GROCERY OR MARKET BUSINESS" HAS THE MEANING STATED IN § 11-206 OF THE TAX – GENERAL ARTICLE.

(9) "TAXABLE PRICE" HAS THE MEANING STATED IN § 11-101 OF THE TAX – GENERAL ARTICLE.

(B) IN GENERAL.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE COUNTY COMMISSIONERS OF A CODE COUNTY, BY PUBLIC LOCAL LAW, MAY IMPOSE A TAX ON THE SALE OF FOOD AND BEVERAGES IN A RESORT AREA IN THE COUNTY FOR THE SOLE PURPOSE OF PROVIDING REVENUES TO PAY THE PRINCIPAL AND INTEREST ON BONDS ISSUED RELATING TO THE CONSTRUCTION, RECONSTRUCTION, REPAIR, RENOVATION, OR EQUIPPING OF A CONVENTION CENTER FACILITY IN THE RESORT AREA.

(2) THE TOTAL OUSTANDING PRINCIPAL AMOUNT OF THE BONDS ISSUED BY THE COUNTY COMMISSIONERS FOR THE PURPOSE STATED IN PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED \$20,000,000.

(C) HEARING AND NOTICE.

(1) BEFORE PASSING A PUBLIC LOCAL LAW IMPOSING A TAX UNDER THIS SECTION OR ALTERING THE AMOUNT OF THE TAX, THE COUNTY COMMISSIONERS SHALL HOLD A PUBLIC HEARING.

(2) NOTICE OF THE HEARING SHALL BE PUBLISHED IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY NOT LESS THAN 3 OR MORE THAN 14 DAYS BEFORE THE HEARING.

(3) THE NOTICE SHALL STATE THE SUBJECT OF THE HEARING AND THE TIME AND PLACE THAT THE HEARING WILL OCCUR.

(D) EXEMPTIONS.

A TAX IMPOSED UNDER THIS SECTION DOES NOT APPLY TO:

(1) A SALE OF FOOD THAT IS EXEMPT FROM THE STATE SALES AND USE TAX UNDER § 11-206 OF THE TAX – GENERAL ARTICLE;

(2) A SALE OF FOOD OR BEVERAGES FOR CONSUMPTION OFF THE PREMISES IF SOLD BY A VENDOR THAT OPERATES A SUBSTANTIAL GROCERY OR MARKET BUSINESS AT THE SAME LOCATION WHERE THE FOOD IS SOLD, EVEN IF

THE SALE IS SUBJECT TO THE STATE SALES AND USE TAX UNDER TITLE 11 OF THE TAX – GENERAL ARTICLE; OR

(3) A SALE OF FOOD OR BEVERAGES IN A VENDING MACHINE.

(E) LIMIT ON TAX.

A TAX IMPOSED UNDER THIS SECTION MAY NOT EXCEED 1% OF THE TAXABLE PRICE OF A SALE OF FOOD OR BEVERAGES THAT ARE SUBJECT TO THE TAX.

(F) COLLECTION.

A TAX IMPOSED UNDER THIS SECTION SHALL BE:

(1) COLLECTED FROM THE BUYER ON BEHALF OF THE COUNTY BY THE VENDOR WHO MAKES A SALE THAT IS SUBJECT TO THE TAX; AND

(2) HELD IN TRUST BY THE VENDOR FOR THE COUNTY.

(G) RETURN.

(1) A VENDOR REQUIRED TO COLLECT A TAX IMPOSED UNDER THIS SECTION SHALL FILE A RETURN WITH THE COUNTY ON OR BEFORE THE 21ST DAY OF EACH MONTH.

(2) A RETURN REQUIRED UNDER THIS SECTION:

(I) SHALL BE MADE ON THE FORM THAT THE COUNTY REQUIRES; AND

(II) SHALL CONTAIN THE INFORMATION THAT THE COUNTY REQUIRES, INCLUDING:

1. THE GROSS PROCEEDS OF THE VENDOR DURING THE PRECEDING MONTH FROM SALES THAT ARE SUBJECT TO THE TAX;

2. THE TAXABLE PRICE OF SALES FOR THE MONTH ON WHICH THE TAX IS COMPUTED; AND

3. THE TAX DUE.

(H) REMITTANCE.

(1) A VENDOR WHO MAKES A SALE THAT IS SUBJECT TO A TAX IMPOSED UNDER THIS SECTION SHALL PAY THE TAX THAT THE VENDOR COLLECTS FOR THE SALE WITH THE RETURN THAT COVERS THE PERIOD IN WHICH THE VENDOR MAKES THE SALE.

(2) FOR THE EXPENSE OF COLLECTION AND REMITTANCE OF A TAX IMPOSED UNDER THIS SECTION, A VENDOR WHO TIMELY FILES A RETURN AND REMITS THE TAX MAY DEDUCT AN AMOUNT EQUAL TO 1.5% OF THE GROSS TAX COLLECTED BY THE VENDOR.

(I) FAILURE TO PAY TAX.

THE COUNTY COMMISSIONERS MAY PROVIDE BY LAW FOR:

(1) THE IMPOSITION OF INTEREST AND PENALTIES FOR FAILURE TO PAY THE TAX AS REQUIRED; AND

(2) COLLECTION OF UNPAID TAX, INTEREST, OR PENALTIES.

(J) INFORMATION FROM COMPTROLLER.

(1) THE COMPTROLLER SHALL PROVIDE A COUNTY THAT IMPOSES A TAX UNDER THIS SECTION WITH INFORMATION TO HELP THE COUNTY VERIFY LIABILITY FOR THE TAX.

(2) THE COMPTROLLER MAY CHARGE A COUNTY A REASONABLE FEE FOR THE COST OF PROVIDING INFORMATION UNDER THIS SUBSECTION.

(K) DISTRIBUTION OF REVENUE.

FROM THE TOTAL REVENUE DERIVED FROM A TAX IMPOSED UNDER THIS SECTION, THE COUNTY COMMISSIONERS SHALL:

(1) DEDUCT A REASONABLE PERCENTAGE NOT TO EXCEED 5% FOR THE COST OF IMPOSING AND COLLECTING THE TAX; AND

(2) AFTER THE DEDUCTION IN ITEM (1) OF THIS SUBSECTION, DISTRIBUTE THE REVENUE TO THE APPROPRIATE AUTHORITY TO BE DEPOSITED IN A SINKING FUND AND USED FOR THE SOLE PURPOSE OF PAYING THE PRINCIPAL AND INTEREST ON BONDS ISSUED RELATING TO A CONVENTION CENTER FACILITY IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(L) TERMINATION OF AUTHORITY TO IMPOSE TAX.

(1) IF ANY TAX IS IMPOSED BY THE COUNTY COMMISSIONERS OF A COUNTY IN ACCORDANCE WITH THIS SECTION, THE AUTHORITY TO IMPOSE THE TAX IN THE COUNTY SHALL TERMINATE AT THE END OF THE MONTH IN WHICH SUFFICIENT REVENUES HAVE BEEN GENERATED TO PAY IN FULL THE MATURING PRINCIPAL OF AND INTEREST ON ANY BONDS ISSUED RELATING TO A CONVENTION CENTER IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(2) THE COUNTY COMMISSIONERS SHALL NOTIFY THE COMPTROLLER AS TO THE MONTH IN WHICH THE AUTHORITY TO IMPOSE THE TAX EXPIRES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13H.

In subsection (a)(6) of this section, the definition of the term "public local law" is added for clarity.

In subsection (a)(7) of this section, the former reference to "portions" of a county is deleted in light of the reference to a "portion" of a county and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (j)(1) of this section, the former reference to the "State" Comptroller is deleted as implicit. Similarly, in subsection (l)(2) of this section, the former reference to the Comptroller "of the State" is deleted.

In subsection (j)(2) of this section, the reference to information "under this subsection" is added for clarity.

Defined terms: "Code county" § 1-101
"State" § 1-101

20-603. ANNE ARUNDEL COUNTY — TAX ON FUEL, UTILITIES, TELEPHONE SERVICE, AND SPACE RENTALS.

(A) TAX AUTHORIZED.

BY ORDINANCE, ANNE ARUNDEL COUNTY MAY IMPOSE A SALES OR USE TAX ON:

(1) FUEL AND UTILITIES USED BY COMMERCIAL AND INDUSTRIAL BUSINESSES;

(2) RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL TELEPHONE SERVICE; AND

(3) SPACE RENTALS OTHER THAN SPACE RENTALS FOR THE DOCKING OR STORING OF BOATS.

(B) DISTRIBUTION OF REVENUES GENERATED IN THE CITY OF ANNAPOLIS.

(1) ANY REVENUES COLLECTED UNDER SUBSECTION (A)(1) AND (2) OF THIS SECTION IN THE CITY OF ANNAPOLIS SHALL BE ALLOCATED AND DISTRIBUTED IN EQUAL AMOUNTS TO THE CITY OF ANNAPOLIS AND TO ANNE ARUNDEL COUNTY.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, ANY REVENUE GENERATED IN THE CITY OF ANNAPOLIS FROM THE TAX ON SPACE RENTALS SHALL BE COLLECTED AND RETAINED BY THE CITY OF ANNAPOLIS.

(3) ANY REVENUE GENERATED IN THE CITY OF ANNAPOLIS FROM THE HOTEL TAX SHALL BE COLLECTED BY ANNE ARUNDEL COUNTY.

(4) FROM ANY REVENUE GENERATED IN THE CITY OF ANNAPOLIS FROM THE HOTEL TAX, ANNE ARUNDEL COUNTY SHALL DISTRIBUTE:

(I) 3% TO THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.; AND

(II) 17% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU.

(5) AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER PARAGRAPH (4) OF THIS SUBSECTION, THE BALANCE OF THE REVENUE GENERATED IN THE CITY OF ANNAPOLIS FROM THE HOTEL TAX SHALL BE DISTRIBUTED TO THE CITY OF ANNAPOLIS.

(C) DISTRIBUTION OF COUNTY SHARE OF REVENUES.

(1) FROM THE COUNTY'S SHARE OF REVENUE FROM THE HOTEL TAX, ANNE ARUNDEL COUNTY SHALL DISTRIBUTE:

(I) 3% TO THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.; AND

(II) 17% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU.

(2) AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BALANCE OF THE COUNTY'S SHARE OF REVENUE FROM THE HOTEL TAX SHALL BE CREDITED TO THE GENERAL FUND OF THE COUNTY.

(D) REPORTS.

THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC. AND THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU SHALL REPORT TO THE ANNE ARUNDEL COUNTY EXECUTIVE AND THE MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING ANNE ARUNDEL COUNTY ON THEIR USE OF HOTEL TAX REVENUE DURING THE PRECEDING FISCAL YEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-602.

In subsection (a) of this section and throughout this subtitle, the former references to "collect[ing]" a tax are deleted as implicit in the references to "impos[ing]" a tax.

In subsection (b)(4) of this section, the former references to the distribution of hotel tax revenues in fiscal years 2012 and 2013 are deleted as obsolete. Similarly, in subsection (c)(1) of this section, the former references to the distribution of hotel tax revenues in fiscal years 2010, 2011, 2012, and 2013 are deleted. Correspondingly, in subsection (b)(4) and (c)(1) of this section, the former references to "fiscal year 2014 and each fiscal year thereafter" are deleted as surplusage.

20-604. PRINCE GEORGE'S COUNTY — ENERGY AND FUEL TAX.

(A) TAX AUTHORIZED.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, BY ORDINANCE, THE COUNTY COUNCIL FOR PRINCE GEORGE'S COUNTY MAY IMPOSE A SALES OR USE TAX ON ANY FORM OF ENERGY OR FUEL USED IN PRINCE GEORGE'S COUNTY.

(2) THE PERCENTAGE OF A TAX IMPOSED UNDER THIS SECTION MAY NOT EXCEED THE PERCENTAGE IN EFFECT ON JULY 1, 1992.

(B) EXEMPTIONS.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION DOES NOT APPLY TO:

(I) MOTOR VEHICLE FUELS;

(II) FUELS USED IN THE PRODUCTION OF OTHER FORMS OF ENERGY THAT ARE SUBJECT TO THE TAX IMPOSED UNDER THIS SECTION; OR

(III) ENERGY OR FUEL USED BY A MUNICIPALITY IN PRINCE GEORGE'S COUNTY.

(2) NOTWITHSTANDING ANY OTHER LAW, SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE SALE OR USE OF ENERGY OR FUEL USED BY THE WASHINGTON SUBURBAN SANITARY COMMISSION IN PRINCE GEORGE'S COUNTY IS NOT EXEMPT FROM THE TAX IMPOSED UNDER THIS SECTION.

(3) THE COUNTY COUNCIL FOR PRINCE GEORGE'S COUNTY MAY PROVIDE EXEMPTIONS FROM THE TAX IMPOSED UNDER THIS SECTION THAT ARE IN ADDITION TO THE EXEMPTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(C) REFUNDS.

THE COUNTY COUNCIL FOR PRINCE GEORGE'S COUNTY:

(1) SHALL PROVIDE FOR THE REFUND OF THE TAX IMPOSED UNDER THIS SECTION TO A PERSON WHO IS ELIGIBLE FOR:

(I) A TAX CREDIT UNDER § 9-102 OR § 9-104 OF THE TAX - PROPERTY ARTICLE; OR

(II) WEATHERIZATION OR ENERGY ASSISTANCE FROM THE STATE; AND

(2) MAY PROVIDE FOR THE REFUND OF THE TAX IMPOSED UNDER THIS SECTION TO A PERSON WHO IS NOT ELIGIBLE FOR A REFUND UNDER ITEM (1) OF THIS SUBSECTION.

(D) RATE; COLLECTION.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE TAX IMPOSED UNDER THIS SECTION:

(I) SHALL BE EITHER A PERCENTAGE OF THE NET ENERGY OR FUEL BILL OR AN AMOUNT PER UNIT OF FUEL OR ENERGY;

(II) SHALL BE ITEMIZED ON THE BILL;

(III) MAY NOT BE CONSIDERED PART OF THE PRICE CHARGED FOR THE ENERGY OR FUEL; AND

(IV) IS NOT SUBJECT TO THE APPROVAL OF THE PUBLIC SERVICE COMMISSION.

(2) (I) A HEATING FUEL VENDOR MAY INCLUDE THE TAX IMPOSED UNDER THIS SECTION AS PART OF THE PRICE CHARGED FOR FUEL OIL.

(II) IF THE LOCAL TAX IS INCLUDED IN THE PRICE, THE FUEL OIL BILL SHALL STATE THAT CLEARLY.

(3) THE VENDOR SHALL COLLECT THE TAX ON BEHALF OF PRINCE GEORGE'S COUNTY.

(E) USE OF PROCEEDS OF TAX REVENUE.

THE NET PROCEEDS OF THE TAX IMPOSED UNDER THIS SECTION SHALL BE USED ONLY FOR FUNDING OF:

(1) THE PUBLIC ETHICS PROVISIONS UNDER TITLE 15, SUBTITLE 8, PART IV OF THE STATE GOVERNMENT ARTICLE; OR

(2) PUBLIC EDUCATION IN THE FOLLOWING BUDGET CATEGORIES IN PRINCE GEORGE'S COUNTY:

(I) INSTRUCTIONAL SALARIES;

(II) INSTRUCTIONAL MATERIALS AND RELATED COSTS;

(III) SPECIAL EDUCATION; AND

(IV) FIXED CHARGES.

(F) AMOUNT OF APPROPRIATION FOR SCHOOL OPERATING BUDGET.

FOR EACH FISCAL YEAR, PRINCE GEORGE'S COUNTY SHALL APPROPRIATE LOCAL MONEY TO THE SCHOOL OPERATING BUDGET IN AN AMOUNT NOT LESS THAN THE SUM OF:

(1) THE EXCESS OF THE AMOUNT OF THE PROJECTED REVENUE FOR THE FISCAL YEAR FROM THE TAX AUTHORIZED UNDER THIS SECTION OVER THE PROJECTED REVENUE FROM THE TAX FOR THE PRIOR FISCAL YEAR; AND

(2) THE AMOUNT OF LOCAL MONEY THAT PRINCE GEORGE'S COUNTY IS REQUIRED BY STATE LAW TO APPROPRIATE TO THE SCHOOL OPERATING BUDGET.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-603.

In subsection (b)(1)(ii) of this section and the introductory language of subsection (e) of this section, the references to "the tax imposed under this section" are substituted for the former references to "this tax" for clarity.

Defined terms: "Municipality" § 1-101

"Person" § 1-101

"State" § 1-101

20-605. PRINCE GEORGE'S COUNTY — TELECOMMUNICATIONS TAX.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "MOBILE TELECOMMUNICATIONS SOURCING ACT" MEANS THE FEDERAL MOBILE TELECOMMUNICATIONS SOURCING ACT, 4 U.S.C. §§ 116 THROUGH 126.

(3) "SERVICE ADDRESS" MEANS:

(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, THE LOCATION OF THE TELECOMMUNICATIONS EQUIPMENT TO WHICH A CALL IS CHARGED, REGARDLESS OF WHERE THE CALL IS BILLED OR PAID; AND

(II) IN THE CASE OF MOBILE TELECOMMUNICATIONS SERVICE, THE LOCATION OF THE CUSTOMER'S PLACE OF PRIMARY USE AS DEFINED IN THE MOBILE TELECOMMUNICATIONS SOURCING ACT.

(B) SCOPE OF SECTION.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE SALES AND USE TAX IMPOSED UNDER THIS SECTION APPLIES TO TELECOMMUNICATIONS SERVICE THAT:

(I) ORIGINATES AND TERMINATES IN PRINCE GEORGE'S COUNTY; OR

(II) ORIGINATES OR TERMINATES IN PRINCE GEORGE'S COUNTY AND HAS A SERVICE ADDRESS IN PRINCE GEORGE'S COUNTY.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AND EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, FOR A CUSTOMER BILL TO WHICH THE AMENDMENT MADE BY THE MOBILE TELECOMMUNICATIONS SOURCING ACT APPLIES, THE SALES AND USE TAX IMPOSED UNDER THIS SECTION APPLIES TO MOBILE TELECOMMUNICATIONS SERVICE TO THE FULLEST EXTENT AUTHORIZED UNDER § 117(B) OF THE MOBILE TELECOMMUNICATIONS SOURCING ACT.

(3) A TAX IMPOSED UNDER THIS SECTION DOES NOT APPLY TO:

(I) TELECOMMUNICATIONS SERVICE PROVIDED TO A PERSON TO WHOM A SALE OF TANGIBLE PERSONAL PROPERTY OR A TAXABLE SERVICE IS EXEMPT UNDER § 11-204 OR § 11-220 OF THE TAX – GENERAL ARTICLE;

(II) A PREPAID TELEPHONE CALLING ARRANGEMENT THAT IS TAXABLE UNDER TITLE 11 OF THE TAX – GENERAL ARTICLE; OR

(III) TELEPHONE LIFELINE SERVICE PROVIDED UNDER § 8-201 OF THE PUBLIC UTILITIES ARTICLE.

(C) IMPOSITION OF TAX.

BY ORDINANCE, THE COUNTY COUNCIL FOR PRINCE GEORGE'S COUNTY SHALL IMPOSE A SALES AND USE TAX ON TELECOMMUNICATIONS SERVICE IN PRINCE GEORGE'S COUNTY AT A RATE NOT LESS THAN 5%.

(D) ITEMIZATION; COLLECTION.

(1) THE TAX IMPOSED UNDER THIS SECTION SHALL BE ITEMIZED ON EACH BILL FOR TELECOMMUNICATIONS SERVICE IN PRINCE GEORGE'S COUNTY.

(2) EACH VENDOR PROVIDING TELECOMMUNICATIONS SERVICE IN PRINCE GEORGE'S COUNTY SHALL COLLECT THE TAX ON BEHALF OF AND REMIT THE TAX TO THE COUNTY.

(E) REVENUE DISTRIBUTION.

(1) THE NET PROCEEDS OF THE REVENUE FROM THE TAX IMPOSED UNDER THIS SECTION SHALL BE USED AS FOLLOWS:

(I) AT LEAST 90% OF THE NET PROCEEDS SHALL BE USED FOR OPERATING EXPENDITURES FOR THE PRINCE GEORGE'S COUNTY SCHOOL SYSTEM; AND

(II) THE REMAINDER SHALL BE USED FOR:

1. CASH PAYMENTS FOR CAPITAL EXPENDITURES FOR SCHOOL RENOVATION PROJECTS APPROVED BY THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION AND PRINCE GEORGE'S COUNTY; OR

2. PAYMENT OF DEBT SERVICE ON BONDS ISSUED BY THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY FOR SCHOOL RENOVATION PROJECTS APPROVED BY THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION AND PRINCE GEORGE'S COUNTY.

(2) THE PROCEEDS PROVIDED UNDER THIS SECTION FOR THE PRINCE GEORGE'S COUNTY SCHOOL SYSTEM MAY NOT BE USED TO SUPPLANT:

(I) ANY STATE AID FOR EDUCATION PROVIDED TO PRINCE GEORGE'S COUNTY; OR

(II) ANY COUNTY FUNDS PROVIDED TO THE PRINCE GEORGE'S COUNTY SCHOOL SYSTEM.

(3) AMONG THE EXPENDITURES TO BE FUNDED FROM THE PROCEEDS, THE PRINCE GEORGE’S COUNTY BOARD OF EDUCATION SHALL CONSIDER:

(I) A PROGRAM TO SERVE DISRUPTIVE, DELINQUENT, OR LOW-PERFORMING STUDENTS IN GRADES 6 THROUGH 12 THAT:

1. PROVIDES PROOF OF PROGRESS IN READING AND MATHEMATICS;

2. IS DESIGNED TO INCLUDE SMALL LEARNING COMMUNITIES AND AREAS OF SUPPORT SERVICES PROVIDED BY COMMUNITY-BASED PROVIDERS; AND

3. IS OPERATED BY AN EDUCATIONAL PROVIDER WITH SUBSTANTIAL EXPERIENCE SERVING THE TYPE OF STUDENT POPULATION SERVED BY THE PROGRAM IN SEPARATE SCHOOL FACILITIES PROVIDED BY THE EDUCATION PROVIDER, UNLESS THE PUBLIC SCHOOL SYSTEM DECIDES OTHERWISE;

(II) A SPANISH LANGUAGE IMMERSION PROGRAM TO SERVE AT LEAST 450 STUDENTS IN KINDERGARTEN THROUGH GRADE 5 IN ORDER TO ADDRESS LONG-TERM LABOR NEEDS FOR BILINGUAL EMPLOYEES; AND

(III) ADDRESSING ANY NEEDS RELATED TO CAPITAL IMPROVEMENTS OR RENOVATIONS THAT ARE THE RESULT OF THE DEFERRAL OF MAINTENANCE OR OTHER DETERIORATION OF SCHOOL FACILITIES.

(4) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE GOVERNING BODY OF PRINCE GEORGE’S COUNTY SHALL SUBMIT A REPORT DETAILING THE EXPENDITURE OF REVENUES GENERATED FROM THE TAX IMPOSED UNDER THIS SECTION TO THE DEPARTMENT OF LEGISLATIVE SERVICES, THE PRINCE GEORGE’S COUNTY SCHOOL SYSTEM, AND THE PRINCE GEORGE’S COUNTY DELEGATION OF THE GENERAL ASSEMBLY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-606.

In subsection (a)(2) of this section, the citation of the Mobile Telecommunication Sourcing Act as “4 U.S.C. §§ 116 through 126” is substituted for the former citation of “P.L. 106-252” for accuracy.

In subsection (b) of this section, the references to the tax “imposed” are substituted for the references to the tax “authorized” for consistency within this section.

In subsection (e)(2) of this section, the reference to the “Prince George’s County school system” is substituted for the former reference to the “Prince George’s County public school system” for consistency within this subsection.

In the introductory language of subsection (e)(3) of this section, the reference to the “Prince George’s County Board of Education” is substituted for the former reference to the “Board” for clarity.

In subsection (e)(3)(iii) of this section, the former phrase “in use before, on, or after June 1, 2004” is deleted as surplusage.

Defined terms: “Governing body” § 1–101

“Person” § 1–101

“State” § 1–101

20–606. ST. MARY’S COUNTY — ENERGY AND FUEL TAX.

(A) TAX AUTHORIZED.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, BY ORDINANCE, THE COUNTY COMMISSIONERS OF ST. MARY’S COUNTY MAY IMPOSE A SALES OR USE TAX ON ANY FORM OF ENERGY OR FUEL USED OR CONSUMED IN ST. MARY’S COUNTY.

(B) EXEMPTIONS.

THIS SECTION DOES NOT APPLY TO:

- (1) MOTOR VEHICLE FUELS;**
- (2) FUELS USED IN THE PRODUCTION OF OTHER FORMS OF ENERGY THAT ARE SUBJECT TO THE TAX IMPOSED UNDER THIS SECTION; OR**
- (3) ENERGY OR FUEL USED BY A MUNICIPALITY IN ST. MARY’S COUNTY.**

(C) PUBLIC HEARING.

BEFORE THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY IMPOSE A TAX UNDER THIS SECTION, THE COUNTY COMMISSIONERS SHALL HOLD A PUBLIC HEARING THAT:

(1) IS ADVERTISED TWICE AT LEAST 10 DAYS BEFORE THE HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN ST. MARY'S COUNTY; AND

(2) IS NOT PART OF AN ANNUAL BUDGET HEARING.

(D) REFUND.

(1) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY PROVIDE FOR THE REFUND OF THE TAX IMPOSED UNDER THIS SECTION TO A PERSON WHO IS ELIGIBLE FOR:

(I) A TAX CREDIT UNDER § 9-102 OR § 9-104 OF THE TAX – PROPERTY ARTICLE; OR

(II) WEATHERIZATION OR ENERGY ASSISTANCE FROM THE STATE.

(2) THE COUNTY COMMISSIONERS MAY PROVIDE FOR THE REFUND OF THE TAX IMPOSED UNDER THIS SECTION TO ADDITIONAL CLASSES OF PERSONS BASED ON:

(I) AGE;

(II) INCOME; OR

(III) CHARITABLE ENDEAVORS.

(E) RATE.

(1) THE TAX IMPOSED UNDER THIS SECTION SHALL BE EITHER:

(I) A PERCENTAGE OF THE NET ENERGY OR FUEL BILL; OR

(II) AN AMOUNT PER UNIT OF FUEL OR ENERGY.

(2) (I) IF THE TAX IMPOSED UNDER THIS SECTION IS IMPOSED AS A PERCENTAGE OF THE NET ENERGY OR FUEL BILL, THE RATE OF THE TAX MAY NOT EXCEED 5%.

(II) IF THE TAX IMPOSED UNDER THIS SECTION IS IMPOSED AS AN AMOUNT PER UNIT OF FUEL OR ENERGY, THE AMOUNT PER UNIT FOR EACH SEPARATE CLASSIFICATION OF ENERGY OR FUEL, FOR ANY FISCAL YEAR, MAY NOT EXCEED 5% OF A FRACTION:

1. THE NUMERATOR OF WHICH IS THE SUM OF THE TOTAL AMOUNTS BILLED IN ST. MARY'S COUNTY BY ALL VENDORS FOR ENERGY OR FUEL SUBJECT TO THE TAX WITHIN THAT CLASSIFICATION DURING THE CALENDAR YEAR THAT ENDS BEFORE THE BEGINNING OF THE FISCAL YEAR; AND

2. THE DENOMINATOR OF WHICH IS THE TOTAL NUMBER OF UNITS OF ENERGY OR FUEL SUBJECT TO THE TAX WITHIN THAT CLASSIFICATION USED OR CONSUMED IN ST. MARY'S COUNTY DURING THE CALENDAR YEAR THAT ENDS BEFORE THE BEGINNING OF THE FISCAL YEAR.

(3) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY ESTABLISH DIFFERENT RATES OF TAX ON ENERGY OR FUEL USED FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL PURPOSES.

(F) CHARACTERISTICS OF TAX; COLLECTION.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE TAX IMPOSED UNDER THIS SECTION:

(I) SHALL BE ITEMIZED ON THE BILL;

(II) MAY NOT BE CONSIDERED PART OF THE PRICE CHARGED FOR THE ENERGY OR FUEL; AND

(III) IS NOT SUBJECT TO THE APPROVAL OF THE PUBLIC SERVICE COMMISSION.

(2) (I) A HEATING FUEL VENDOR MAY INCLUDE THE TAX IMPOSED UNDER THIS SECTION AS PART OF THE PRICE CHARGED FOR FUEL OIL.

(II) IF THE TAX IMPOSED UNDER THIS SECTION IS INCLUDED IN THE PRICE, THE FUEL OIL BILL SHALL STATE THAT CLEARLY.

(3) THE VENDOR SHALL COLLECT THE TAX ON BEHALF OF ST. MARY'S COUNTY.

(G) ANNUAL CERTIFICATION BY VENDOR; MAXIMUM TAX PER UNIT.

(1) ON OR BEFORE FEBRUARY 1 OF EACH YEAR, A VENDOR OF ENERGY OR FUEL SUBJECT TO THE TAX IMPOSED UNDER THIS SECTION SHALL CERTIFY TO THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, FOR EACH SEPARATE CLASSIFICATION OF ENERGY OR FUEL FOR THE PRECEDING CALENDAR YEAR:

(I) THE TOTAL AMOUNT BILLED BY THE VENDOR IN ST. MARY'S COUNTY; AND

(II) THE TOTAL NUMBER OF UNITS SOLD BY THE VENDOR IN ST. MARY'S COUNTY.

(2) IF THE TAX IMPOSED UNDER THIS SECTION IS IMPOSED AS AN AMOUNT PER UNIT OF FUEL OR ENERGY, THE COUNTY COMMISSIONERS SHALL DETERMINE THE MAXIMUM AMOUNT PER UNIT ALLOWED UNDER SUBSECTION (E)(2)(II) OF THIS SECTION BASED ON THE TOTALS CERTIFIED BY VENDORS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-604(b) through (f).

In subsection (b)(2) of this section, the reference to "the tax imposed under this section" is substituted for the former reference to "this tax" for clarity.

In subsection (c)(1) of this section, the former reference to advertising "by publication" is deleted as surplusage.

In subsection (f)(2)(ii) of this section, the reference to the "tax imposed under this section" is substituted for the former reference to the "local tax" for clarity.

Former Art. 24, § 9-604(a), which defined "Board" to mean the Board of County Commissioners of St. Mary's County, is deleted as unnecessary because the full reference to the "County Commissioners of St. Mary's County" is used in this section to conform to other similar provisions of this article.

Defined terms: "Municipality" § 1-101

“Person” § 1-101

“State” § 1-101

20-607. USER FEES ON TICKETED EVENTS AT WICOMICO COUNTY YOUTH AND CIVIC CENTER.

(A) USER FEE AUTHORIZED.

BY ORDINANCE, THE GOVERNING BODY OF WICOMICO COUNTY MAY IMPOSE A USER FEE ON THE CHARGES FOR ALL TICKETED EVENTS HELD AT THE WICOMICO COUNTY YOUTH AND CIVIC CENTER.

(B) RATE.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE GOVERNING BODY OF WICOMICO COUNTY SHALL SET THE RATE OF THE USER FEE.

(2) THE RATE OF THE USER FEE MAY NOT EXCEED 5% OF THE CHARGE FOR A TICKET TO AN EVENT HELD AT THE WICOMICO COUNTY YOUTH AND CIVIC CENTER.

(C) REVENUE DISTRIBUTION.

ANY REVENUE FROM THE USER FEE AUTHORIZED UNDER THIS SECTION SHALL BE DEDICATED TO THE PHYSICAL IMPROVEMENT OF AND RENOVATIONS TO THE WICOMICO COUNTY YOUTH AND CIVIC CENTER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-607.

In subsection (b)(1) of this section, the former reference to “the limitation in” in paragraph (2) is deleted as surplusage.

Defined term: “Governing body” § 1-101

20-608. MUNICIPALITIES — USER FEES ON DOCKING AND STORAGE OF BOATS.

(A) USER FEE AUTHORIZED.

BY ORDINANCE, A MUNICIPALITY MAY IMPOSE A USER FEE ON CHARGES FOR THE DOCKING AND STORAGE OF BOATS.

(B) RATE.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MUNICIPALITY SHALL SET THE RATE OF THE USER FEE.

(2) THE RATE OF THE USER FEE MAY NOT EXCEED 5% OF THE RENTAL CHARGES FOR THE DOCKING AND STORAGE OF BOATS.

(C) MAXIMUM AMOUNT FOR BOAT SLIPS.

THE TOTAL AMOUNT OF USER FEES CHARGED PER BOAT SLIP UNDER THIS SECTION MAY NOT EXCEED \$100 ANNUALLY.

(D) USES OF REVENUE.

A MUNICIPALITY SHALL USE ANY REVENUE FROM THE USER FEE AUTHORIZED UNDER THIS SECTION TO MAINTAIN AND ENHANCE:

- (1) WATER QUALITY;**
- (2) WATER AND WASTEWATER TREATMENT FACILITIES;**
- (3) MARINAS;**
- (4) LAW ENFORCEMENT;**
- (5) PUBLIC SAFETY; OR**
- (6) FIRE SERVICES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-605.

In subsection (b)(1) of this section, the former reference to "the limitation in" in paragraph (2) is deleted as surplusage.

Defined term: "Municipality" § 1-101

20-609. GROSS RECEIPTS TAX ON RENTAL OF HEAVY EQUIPMENT PROPERTY.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "GROSS RECEIPTS SHORTAGE" MEANS THE AMOUNT BY WHICH THE PROPERTY TAX CALCULATED UNDER SUBSECTION (E)(2) OF THIS SECTION THAT WOULD HAVE BEEN DUE EXCEEDS THE TOTAL GROSS RECEIPTS TAX REMITTED UNDER SUBSECTION (D) OF THIS SECTION.

(3) "GROSS RECEIPTS SURPLUS" MEANS THE AMOUNT BY WHICH THE TOTAL GROSS RECEIPTS TAX REMITTED UNDER SUBSECTION (D) OF THIS SECTION EXCEEDS THE AMOUNT OF PROPERTY TAX CALCULATED UNDER SUBSECTION (E)(2) OF THIS SECTION THAT WOULD HAVE BEEN DUE.

(4) (I) "HEAVY EQUIPMENT PROPERTY" MEANS CONSTRUCTION, EARTHMOVING, OR INDUSTRIAL EQUIPMENT THAT IS MOBILE, INCLUDING ANY ATTACHMENT FOR THE HEAVY EQUIPMENT.

(II) "HEAVY EQUIPMENT PROPERTY" INCLUDES:

1. A SELF-PROPELLED VEHICLE THAT IS NOT DESIGNED TO BE DRIVEN ON A HIGHWAY; AND

2. INDUSTRIAL ELECTRICAL GENERATION EQUIPMENT, INDUSTRIAL LIFT EQUIPMENT, INDUSTRIAL MATERIAL HANDLING EQUIPMENT, OR OTHER SIMILAR INDUSTRIAL EQUIPMENT.

(5) "SHORT-TERM LEASE OR RENTAL" MEANS THE LEASE OR RENTAL OF HEAVY EQUIPMENT PROPERTY FOR A PERIOD OF 365 DAYS OR LESS.

(B) IMPOSITION OF TAX; TAX RATE.

(1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THERE IS A TAX AT A RATE OF 2% ON THE GROSS RECEIPTS FROM THE SHORT-TERM LEASE OR RENTAL OF HEAVY EQUIPMENT PROPERTY BY A PERSON WHOSE PRINCIPAL BUSINESS IS THE SHORT-TERM LEASE OR RENTAL OF HEAVY EQUIPMENT PROPERTY AT RETAIL.

(2) A PERSON IS IN THE PRINCIPAL BUSINESS OF SHORT-TERM LEASE OR RENTAL OF HEAVY EQUIPMENT PROPERTY IF:

(I) THE LARGEST SEGMENT OF TOTAL RENTAL RECEIPTS OF THE BUSINESS IS FROM THE SHORT-TERM LEASE OR RENTAL OF HEAVY EQUIPMENT PROPERTY; AND

(II) THE BUSINESS IS DESCRIBED UNDER CODE 532412 OF THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM AS PUBLISHED BY THE UNITED STATES CENSUS BUREAU.

(C) EXEMPTION.

THE TAX IMPOSED UNDER THIS SECTION DOES NOT APPLY TO A BUSINESS LOCATED IN A COUNTY OR MUNICIPALITY THAT DOES NOT IMPOSE A PERSONAL PROPERTY TAX.

(D) COLLECTION AND REMITTANCE OF TAX.

(1) A PERSON WHO OWNS A BUSINESS WITH GROSS RECEIPTS SUBJECT TO THE TAX UNDER THIS SECTION SHALL COLLECT THE TAX FROM THE RENTAL CUSTOMER AND REMIT THE TAX AS PROVIDED IN THIS SUBSECTION.

(2) THE TAX IS PAYABLE QUARTERLY AND DUE BY THE LAST DAY OF THE MONTH AFTER THE END OF THE QUARTER.

(3) A PERSON WHO OWNS A BUSINESS WITH GROSS RECEIPTS SUBJECT TO THE TAX UNDER THIS SECTION SHALL REMIT THE TAX COLLECTED TO:

(I) THE COUNTY IN WHICH THE BUSINESS IS LOCATED, IF THAT LOCATION IS NOT WITHIN A MUNICIPALITY; OR

(II) THE COUNTY AND MUNICIPALITY IN WHICH THE BUSINESS IS LOCATED IN PROPORTION TO THE PERSONAL PROPERTY TAX RATE OF THE COUNTY AND MUNICIPALITY, IF THAT LOCATION IS WITHIN A MUNICIPALITY.

(4) NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE GROSS RECEIPTS TAX IMPOSED UNDER THIS SECTION SHALL BE ADMINISTERED AND COLLECTED ACCORDING TO THE LAWS APPLICABLE TO THE PERSONAL PROPERTY TAX UNDER THE TAX – PROPERTY ARTICLE.

(E) LIST OF PROPERTY.

(1) A PERSON WHO OWNS A BUSINESS WITH GROSS RECEIPTS SUBJECT TO THE TAX UNDER SUBSECTION (B) OF THIS SECTION SHALL SUBMIT:

**(I) TO THE DEPARTMENT OF ASSESSMENTS AND TAXATION
A REPORT ON PERSONAL PROPERTY AS REQUIRED UNDER §
11-101 OF THE TAX – PROPERTY ARTICLE; AND**

**(II) TO THE COUNTY OR MUNICIPALITY WHERE THE HEAVY
EQUIPMENT RENTAL BUSINESS IS LOCATED A LIST OF ALL PERSONAL
PROPERTY, INCLUDING THE ORIGINAL COST AND DATE OF ACQUISITION OF THE
PROPERTY, THAT:**

**1. IS SUBJECT TO THE GROSS RECEIPTS TAX UNDER
THIS SECTION; AND**

**2. IS EXEMPT FROM THE PROPERTY TAX UNDER §
7-243 OF THE TAX – PROPERTY ARTICLE.**

**(2) FOR EACH PERSON THAT SUBMITS A LIST UNDER PARAGRAPH
(1)(II) OF THIS SUBSECTION, A COUNTY OR MUNICIPALITY SHALL CALCULATE
THE AMOUNT OF PROPERTY TAX THAT WOULD HAVE BEEN DUE FOR ALL
PROPERTY THAT IS EXEMPT UNDER § 7-243 OF THE TAX – PROPERTY ARTICLE.**

**(3) A COUNTY OR MUNICIPALITY SHALL CALCULATE THE
DIFFERENCE BETWEEN:**

**(I) THE TOTAL GROSS RECEIPTS TAX REMITTED UNDER
SUBSECTION (D) OF THIS SECTION BY THE PERSON DURING THE PREVIOUS
CALENDAR YEAR; AND**

**(II) THE AMOUNT OF PROPERTY TAX CALCULATED UNDER
PARAGRAPH (2) OF THIS SUBSECTION THAT WOULD HAVE BEEN DUE.**

**(4) (I) ON OR BEFORE FEBRUARY 28 OF EACH YEAR, A COUNTY
OR MUNICIPALITY SHALL PROVIDE A STATEMENT TO EACH PERSON WHO OWNS
A BUSINESS WITH GROSS RECEIPTS SUBJECT TO THE TAX UNDER SUBSECTION
(B) OF THIS SECTION THAT INCLUDES:**

**1. THE TOTAL GROSS RECEIPTS TAX REMITTED
UNDER SUBSECTION (D) OF THIS SECTION DURING THE PREVIOUS CALENDAR
YEAR;**

**2. THE TOTAL PROPERTY TAX CALCULATED UNDER
PARAGRAPH (2) OF THIS SUBSECTION THAT WOULD HAVE BEEN DUE; AND**

3. THE GROSS RECEIPTS SHORTAGE OR GROSS RECEIPTS SURPLUS.

(II) IF THE STATEMENT INCLUDES A GROSS RECEIPTS SHORTAGE, THE COUNTY OR MUNICIPALITY SHALL INCLUDE WITH THE STATEMENT A BILL FOR THE AMOUNT OF THE GROSS RECEIPTS SHORTAGE PAYABLE ON OR BEFORE MARCH 31 OF EACH YEAR.

(5) THE LIST REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE SUBMITTED WITH THE SECOND QUARTERLY PAYMENT REQUIRED UNDER SUBSECTION (D)(2) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-609.

Defined terms: "County" § 1-101

"Municipality" § 1-101

"Person" § 1-101

SUBTITLE 7. DEVELOPMENT IMPACT FEES.

20-701. CODE COUNTIES.

BY PUBLIC LOCAL LAW, THE COUNTY COMMISSIONERS OF A CODE COUNTY MAY IMPOSE DEVELOPMENT IMPACT FEES TO FINANCE ANY OF THE CAPITAL COSTS OF ADDITIONAL OR EXPANDED PUBLIC WORKS, IMPROVEMENTS, AND FACILITIES REQUIRED TO ACCOMMODATE NEW CONSTRUCTION OR DEVELOPMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25B, § 13D.

In this section and throughout this subtitle, the references to financing "any of the" capital costs are substituted for the former references to financing capital costs "in whole or in part" for brevity.

Also in this section and throughout this subtitle, the former references to the "fix[ing]" and "provid[ing] for the collection of" development impact fees are deleted as implicit in the references to "impos[ing]" development impact fees.

Defined term: "Code county" § 1-101

20-702. CARROLL COUNTY.

BY ORDINANCE OR RESOLUTION, THE COUNTY COMMISSIONERS OF CARROLL COUNTY MAY IMPOSE DEVELOPMENT IMPACT FEES TO FINANCE ANY OF THE CAPITAL COSTS OF ADDITIONAL OR EXPANDED PUBLIC WORKS, IMPROVEMENTS, AND FACILITIES REQUIRED TO ACCOMMODATE NEW CONSTRUCTION OR DEVELOPMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 9F.

In this section and throughout this subtitle, the former references to "collect[ing]" development impact fees are deleted as implicit in the references to "impos[ing]" development impact fees.

20-703. FREDERICK COUNTY.

(A) AUTHORIZATION.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, BY ORDINANCE OR RESOLUTION, THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY IMPOSE DEVELOPMENT IMPACT FEES TO FINANCE ANY OF THE CAPITAL COSTS OF ADDITIONAL OR EXPANDED PUBLIC WORKS, IMPROVEMENTS, AND FACILITIES REQUIRED TO ACCOMMODATE NEW CONSTRUCTION OR DEVELOPMENT.

(B) PUBLIC HEARING.

BEFORE ADOPTING AN ORDINANCE OR A RESOLUTION UNDER THIS SECTION, THE COUNTY COMMISSIONERS OF FREDERICK COUNTY SHALL HOLD A PUBLIC HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 9J.

20-704. GARRETT COUNTY.

(A) AUTHORIZATION.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, BY ORDINANCE OR RESOLUTION, THE COUNTY COMMISSIONERS OF GARRETT COUNTY MAY IMPOSE DEVELOPMENT IMPACT FEES TO FINANCE ANY OF THE CAPITAL COSTS OF ADDITIONAL OR EXPANDED PUBLIC WORKS, IMPROVEMENTS, AND FACILITIES REQUIRED TO ACCOMMODATE NEW CONSTRUCTION OR DEVELOPMENT.

(B) NOTICE AND PUBLIC HEARING.

BEFORE ADOPTING AN ORDINANCE OR A RESOLUTION UNDER THIS SECTION, THE COUNTY COMMISSIONERS OF GARRETT COUNTY SHALL HOLD A PUBLIC HEARING AND PROVIDE REASONABLE NOTICE OF THE HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 9H.

20-705. HARFORD COUNTY.**(A) AUTHORIZATION.**

BY ORDINANCE, THE COUNTY COUNCIL OF HARFORD COUNTY MAY IMPOSE A DEVELOPMENT IMPACT FEE NOT EXCEEDING \$10,000 ON NEW CONSTRUCTION OR DEVELOPMENT.

(B) SPECIAL FUND; USE OF REVENUES.

(1) THE COUNTY TREASURER SHALL DEPOSIT THE REVENUES FROM THE DEVELOPMENT IMPACT FEE INTO A SPECIAL FUND.

(2) THE REVENUES FROM THE SPECIAL FUND MAY BE USED ONLY FOR SCHOOL:

- (I) SITE ACQUISITION;**
- (II) CONSTRUCTION;**
- (III) RENOVATION;**
- (IV) DEBT REDUCTION; OR**
- (V) CAPITAL EXPENSES.**

(C) COLLECTION BY MUNICIPALITY.

A MUNICIPALITY IN HARFORD COUNTY SHALL ASSIST THE COUNTY COUNCIL IN THE COLLECTION OF THE DEVELOPMENT IMPACT FEE IN THE MUNICIPALITY BY:

- (1) COLLECTING AND REMITTING THE FEE TO THE COUNTY; OR**

(2) REQUIRING THE FEE TO BE PAID TO THE COUNTY IN ACCORDANCE WITH THE COUNTY ORDINANCE.

(D) REPORTS.

IF A DEVELOPMENT IMPACT FEE IS ENACTED UNDER THIS SECTION, THE COUNTY SHALL:

(1) PREPARE AN ANNUAL REPORT ON THE REVENUES GENERATED BY THE DEVELOPMENT IMPACT FEE AND HOW THOSE REVENUES WERE SPENT; AND

(2) ON OR BEFORE MAY 31 OF EACH YEAR, SUBMIT THE REPORT TO THE HARFORD COUNTY DELEGATION TO THE GENERAL ASSEMBLY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-10A-01.

Defined term: "Municipality" § 1-101

20-706. ST. MARY'S COUNTY.

(A) BUILDING PERMIT FEES.

(1) THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY IMPOSE BUILDING PERMIT FEES IN AN AMOUNT UP TO 2% OF THE COST OF ANY NEW CONSTRUCTION OF ANY LIVING UNITS:

(i) BUILT IN ST. MARY'S COUNTY; OR

(ii) PREBUILT AND BROUGHT INTO ST. MARY'S COUNTY.

(2) THE COUNTY COMMISSIONERS SHALL SET THE BUILDING PERMIT FEES IN DECEMBER OF EACH YEAR.

(B) DEVELOPMENT IMPACT FEE.

(1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, BY ORDINANCE OR RESOLUTION, THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY IMPOSE A DEVELOPMENT IMPACT FEE TO FINANCE ANY OF THE COSTS FOR FACILITIES DESCRIBED IN SUBSECTION (C) OF THIS SECTION REQUIRED TO ACCOMMODATE NEW CONSTRUCTION OR DEVELOPMENT.

(2) BY ORDINANCE, THE COUNTY COMMISSIONERS MAY ENACT AN EXEMPTION TO THE DEVELOPMENT IMPACT FEE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE FIRST THREE LOTS IN A MINOR SUBDIVISION THAT ARE:

(I) RECORDED AFTER JUNE 1, 2000, AND CREATED FROM A PARCEL OF RECORD OR A LOT OF RECORD; AND

(II) TRANSFERRED TO A NATURAL, DIRECT LINEAL DESCENDANT OR A LEGALLY ADOPTED CHILD OR GRANDCHILD.

(3) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, FOR EACH FISCAL YEAR, THE COUNTY COMMISSIONERS MAY:

1. WAIVE THE DEVELOPMENT IMPACT FEE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR UP TO 60 NEWLY CONSTRUCTED LIVING UNITS, EXCLUDING MOBILE HOMES; AND

2. DEFER OR PROVIDE FOR THE AMORTIZATION OF THE DEVELOPMENT IMPACT FEE FOR UP TO 70 NEWLY CONSTRUCTED LIVING UNITS, EXCLUDING MOBILE HOMES.

(II) THE COUNTY COMMISSIONERS MAY WAIVE, DEFER, OR AMORTIZE THE DEVELOPMENT IMPACT FEE ONLY FOR NEWLY CONSTRUCTED LIVING UNITS THAT:

1. ARE CONSIDERED AFFORDABLE FOR INDIVIDUALS WHOSE FAMILY INCOME IN THE PREVIOUS FISCAL YEAR WAS LESS THAN 60% OF THE COUNTY MEDIAN FAMILY INCOME AS REPORTED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND

2. DO NOT EXCEED A SPECIFIED SQUARE FOOTAGE DETERMINED BY THE COUNTY COMMISSIONERS.

(III) THE TOTAL AMOUNT OF DEVELOPMENT IMPACT FEES WAIVED, DEFERRED, OR AMORTIZED SHALL BE REFLECTED IN THE ST. MARY'S COUNTY ANNUAL CAPITAL BUDGET FOR THE FISCAL YEAR IN WHICH THE WAIVER, DEFERRAL, OR AMORTIZATION IS GRANTED.

(C) USE OF REVENUES.

THE REVENUE DERIVED FROM THIS SECTION SHALL BE USED TO DEFRAY THE COST TO ST. MARY'S COUNTY FOR ADDITIONAL EDUCATIONAL, WATER, SEWERAGE, ROAD, SANITATION, SOLID WASTE, PARK, OR SIMILAR FACILITIES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 10D-1.

In subsection (a) of this section, the reference to authority to "impose building permit fees in an amount up to 2%" of the cost of any new construction is substituted for the former reference to authority to "raise the building permit fees up to two percent" for clarity.

In subsection (b) of this section, the references to a "development impact fee" are substituted for the former references to a "building impact fee" for clarity and consistency with other provisions of this subtitle authorizing counties to impose development impact fees.

In subsection (b)(1) of this section, the reference to "impos[ing] a development impact fee to finance any of the costs for facilities described in subsection (c) of this section required to accommodate new construction or development" is substituted for the former reference to "requir[ing] every person, firm, partnership, corporation, or other legal entity which submits its property plans for approval to the planning commission of St. Mary's County (or the appropriate approving authority) to pay a fixed sum as set by the County Commissioners to defray the additional cost for additional public facilities as required by local ordinance or resolution" for clarity and consistency with other provisions of this subtitle authorizing counties to impose development impact fees.

In subsection (c) of this section, the former reference to the "additional" cost is deleted as surplusage.

SUBTITLE 8. DEVELOPMENT EXCISE TAXES.

20-801. CODE COUNTIES — SCHOOL CONSTRUCTION.

(A) "PUBLIC LOCAL LAW" DEFINED.

"PUBLIC LOCAL LAW" HAS THE MEANING STATED IN ARTICLE XI-F, § 1 OF THE MARYLAND CONSTITUTION.

(B) AUTHORIZATION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BY PUBLIC LOCAL LAW, THE COUNTY COMMISSIONERS OF A CODE COUNTY MAY

IMPOSE A DEVELOPMENT EXCISE TAX WHEN A SUBDIVISION LOT IS INITIALLY SOLD OR TRANSFERRED TO FINANCE ANY OF THE CAPITAL COSTS OF ADDITIONAL OR EXPANDED PUBLIC SCHOOL FACILITIES OR IMPROVEMENTS.

(2) A COUNTY THAT IMPOSES A DEVELOPMENT IMPACT FEE MAY NOT IMPOSE A DEVELOPMENT EXCISE TAX UNDER THIS SECTION.

(C) NOTICE AND PUBLIC HEARING.

(1) BEFORE PASSING A PUBLIC LOCAL LAW IMPOSING A DEVELOPMENT EXCISE TAX OR ALTERING THE AMOUNT OF THE TAX, THE COUNTY COMMISSIONERS SHALL HOLD A PUBLIC HEARING.

(2) NOTICE OF THE HEARING SHALL BE PUBLISHED IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY NOT LESS THAN 3 OR MORE THAN 14 DAYS BEFORE THE HEARING.

(3) THE NOTICE SHALL STATE:

(I) THE SUBJECT OF THE HEARING;

(II) THE TIME AND PLACE THAT THE HEARING WILL OCCUR;

(III) THE AMOUNT OF THE TAX; AND

(IV) WHEN DURING THE SUBDIVISION PROCESS THE TAX SHALL BE PAID.

(D) LIMITATIONS.

(1) A DEVELOPMENT EXCISE TAX IMPOSED UNDER THIS SECTION BY A COUNTY OTHER THAN A CODE COUNTY IN THE EASTERN SHORE CLASS MAY NOT EXCEED \$2,000 PER LOT.

(2) A DEVELOPMENT EXCISE TAX IMPOSED UNDER THIS SECTION BY A CODE COUNTY IN THE EASTERN SHORE CLASS MAY NOT EXCEED \$5,000 PER LOT.

(E) EDUCATIONAL FACILITIES IMPROVEMENT FUND.

(1) THE COUNTY COMMISSIONERS SHALL DEPOSIT DEVELOPMENT EXCISE TAXES IN AN ACCOUNT KNOWN AS THE “EDUCATIONAL FACILITIES IMPROVEMENT FUND”.

(2) MONEY IN THE EDUCATIONAL FACILITIES IMPROVEMENT FUND MAY BE USED ONLY TO PAY FOR CAPITAL PROJECTS, OR FOR DEBT INCURRED FOR CAPITAL PROJECTS, FOR ADDITIONAL OR EXPANDED PUBLIC SCHOOL FACILITIES OR IMPROVEMENTS.

REVISOR’S NOTE: Subsection (a) of this section is new language added to clarify the meaning of the term “public local law” as it applies to a code county.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 25B, § 13F.

In subsection (b)(1) of this section and throughout this subtitle, the references to financing “any of the” capital costs are substituted for the former references to financing capital costs “in whole or in part” for brevity.

In subsection (c)(3) of this section, the former reference to items in the notice being “specif[ied]” by the county commissioners is deleted as implicit.

In subsection (d)(1) of this section, the reference to a tax imposed “by a county other than a code county in the Eastern Shore class” is substituted for the former phrase “[e]xcept as provided in paragraph (6) of this subsection” for clarity.

Defined term: “Code county” § 1–101

20–802. CODE COUNTIES — AGRICULTURAL LAND PRESERVATION.

(A) “PUBLIC LOCAL LAW” DEFINED.

“PUBLIC LOCAL LAW” HAS THE MEANING STATED IN ARTICLE XI–F, § 1 OF THE MARYLAND CONSTITUTION.

(B) AUTHORIZATION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BY PUBLIC LOCAL LAW, THE COUNTY COMMISSIONERS OF A CODE COUNTY MAY IMPOSE A DEVELOPMENT EXCISE TAX WHEN A SUBDIVISION LOT IS INITIALLY

SOLD OR TRANSFERRED TO FINANCE ANY OF THE COSTS OF PURCHASING DEVELOPMENT RIGHTS ON AGRICULTURAL LAND.

(2) A COUNTY THAT IMPOSES A DEVELOPMENT IMPACT FEE MAY NOT IMPOSE A DEVELOPMENT EXCISE TAX UNDER THIS SECTION.

(C) NOTICE AND PUBLIC HEARING.

(1) BEFORE PASSING A PUBLIC LOCAL LAW IMPOSING A DEVELOPMENT EXCISE TAX OR ALTERING THE AMOUNT OF THE TAX, THE COUNTY COMMISSIONERS SHALL HOLD A PUBLIC HEARING.

(2) NOTICE OF THE HEARING SHALL BE PUBLISHED IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY NOT LESS THAN 3 OR MORE THAN 14 DAYS BEFORE THE HEARING.

(3) THE NOTICE SHALL STATE:

(I) THE SUBJECT OF THE HEARING;

(II) THE TIME AND PLACE THAT THE HEARING WILL OCCUR;

(III) THE AMOUNT OF THE TAX; AND

(IV) WHEN DURING THE SUBDIVISION PROCESS THE TAX SHALL BE PAID.

(D) LIMITATIONS.

A DEVELOPMENT EXCISE TAX IMPOSED UNDER THIS SECTION MAY NOT EXCEED \$750 PER LOT.

(E) AGRICULTURAL LAND PRESERVATION FUND.

(1) THE COUNTY COMMISSIONERS SHALL DEPOSIT DEVELOPMENT EXCISE TAXES IN AN ACCOUNT KNOWN AS THE "AGRICULTURAL LAND PRESERVATION FUND".

(2) MONEY IN THE AGRICULTURAL LAND PRESERVATION FUND MAY BE USED ONLY TO PAY FOR THE PURCHASE OF DEVELOPMENT RIGHTS ON AGRICULTURAL LAND.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the meaning of the term "public local law" as it applies to a code county.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 25B, § 13G.

In subsection (c)(3) of this section, the former reference to items in the notice being "specif[ie]d" by the county commissioners is deleted as implicit.

Defined term: "Code county" § 1-101

20-803. CALVERT COUNTY.

(A) AUTHORIZATION.

BY ORDINANCE, THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY IMPOSE A BUILDING EXCISE TAX ON ANY BUILDING CONSTRUCTION IN CALVERT COUNTY.

(B) CONTENTS OF ORDINANCE.

THE COUNTY COMMISSIONERS OF CALVERT COUNTY SHALL SPECIFY IN THE ORDINANCE THE TYPES OF BUILDING CONSTRUCTION THAT ARE SUBJECT TO THE TAX.

(C) RATES OF EXCISE TAX.

THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY IMPOSE DIFFERENT TAX RATES ON DIFFERENT TYPES OF BUILDING CONSTRUCTION.

(D) REVENUES.

THE REVENUES FROM THE TAX:

- (1) SHALL BE DEPOSITED IN THE COUNTY'S GENERAL FUND; AND**
- (2) MAY BE USED FOR ANY LAWFUL PURPOSE IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 9G.

In subsection (a) of this section and throughout this subtitle, the former references to “fix[ing]” a tax are deleted as implicit in the references to “impos[ing]” a tax.

In subsection (c) of this section, the former reference to building construction “subject to the building excise tax” is deleted as implicit in the reference to the imposition of the tax.

20-804. CHARLES COUNTY.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DWELLING TYPE” MEANS A SINGLE FAMILY DETACHED HOME, TOWN HOUSE, OR MULTIFAMILY HOUSING UNIT.

(3) “NEW RESIDENTIAL DEVELOPMENT” MEANS THE DEVELOPMENT OF LAND THAT RESULTS IN THE ISSUANCE OF A USE AND OCCUPANCY PERMIT FOR A RESIDENTIAL DWELLING UNIT.

(4) “NEW SCHOOL CAPACITY CONSTRUCTION BONDS” MEANS 10-YEAR BONDS ISSUED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY UNDER § 19-616 OF THIS ARTICLE.

(B) AUTHORIZATION.

(1) BY LOCAL LAW, THE COUNTY COMMISSIONERS OF CHARLES COUNTY MAY IMPOSE A FAIR SHARE SCHOOL CONSTRUCTION EXCISE TAX AGAINST THE OWNER OF REAL PROPERTY THAT IS IMPROVED BY NEW RESIDENTIAL DEVELOPMENT.

(2) BEFORE ENACTING A LOCAL LAW UNDER THIS SECTION, THE COUNTY COMMISSIONERS SHALL HOLD A PUBLIC HEARING AND PROVIDE REASONABLE NOTICE OF THE HEARING.

(C) RATES.

(1) (I) FOR FISCAL YEAR 2003, THE TAX MAY NOT EXCEED:

1. FOR A SINGLE-FAMILY DETACHED HOME, \$9,700;

2. FOR A TOWN HOUSE, \$9,200; AND

3. FOR A MULTIFAMILY HOUSING UNIT, \$7,000.

(II) FOR EACH FISCAL YEAR AFTER FISCAL YEAR 2003, THE TAX MAY NOT EXCEED THE LIMITS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH ALTERED BY THE SAME PERCENTAGE AS THE CHANGE IN THE PRODUCER PRICE INDEX FOR THE MATERIALS AND COMPONENTS FOR CONSTRUCTION, AS REPORTED BY THE UNITED STATES DEPARTMENT OF LABOR, FOR THE FISCAL YEAR PRECEDING THE YEAR FOR WHICH THE AMOUNT IS BEING CALCULATED.

(2) BEFORE SETTING THE RATE OF THE TAX FOR EACH FISCAL YEAR, THE COUNTY COMMISSIONERS OF CHARLES COUNTY SHALL CONDUCT A STUDY TO DETERMINE:

(I) THE CURRENT AMOUNT OF TOTAL COSTS INCURRED TO CONSTRUCT NEW CAPACITY FOR PUBLIC ELEMENTARY, MIDDLE, AND HIGH SCHOOL FACILITIES IN THE COUNTY, INCLUDING:

1. COSTS FOR LAND ACQUISITION, ARCHITECTURAL AND ENGINEERING DESIGN, INFRASTRUCTURE, NEW CLASSROOMS, EQUIPMENT, INTEREST ON BOND PRINCIPAL, AND BOND ISSUANCE; AND

2. AN AMOUNT EQUAL TO THE TOTAL SQUARE FOOTAGE OF NEW PUBLIC ELEMENTARY, MIDDLE, AND HIGH SCHOOL FACILITIES IN THE COUNTY MULTIPLIED BY THE STATE SQUARE FOOT CONSTRUCTION ALLOWANCE, LESS THE STATE FUNDING SHARE; AND

(II) THE CURRENT AVERAGE NUMBER OF STUDENTS IN THE COUNTY BY DWELLING TYPE.

(D) ADMINISTRATION.

(1) THE TAX:

(I) SHALL BE COLLECTED AND SECURED IN THE SAME MANNER AS GENERAL AD VALOREM TAXES UNLESS OTHERWISE PROVIDED BY LOCAL LAW; AND

(II) IS SUBJECT TO THE SAME PENALTIES AND THE SAME PROCEDURE, SALE, AND LIEN PRIORITY IN CASE OF DELINQUENCY AS PROVIDED FOR GENERAL AD VALOREM TAXES.

(2) (I) THE TAX SHALL BE COLLECTED ANNUALLY OVER A PERIOD OF 10 YEARS AT LEVEL AMORTIZED PAYMENTS OF PRINCIPAL AND INTEREST.

(II) THE RATE OF INTEREST PAYABLE BY A PROPERTY OWNER SHALL BE SET AT THE RATE OF INTEREST PAID BY THE COUNTY ON THE NEW SCHOOL CAPACITY CONSTRUCTION BONDS ISSUED IN THE FIRST YEAR THE TAX IS IMPOSED ON THAT PROPERTY OWNER.

(3) THE TAX SHALL CONSTITUTE A LIEN ON ALL TAXABLE REAL OR PERSONAL PROPERTY OF THE TAXPAYER FOR A PERIOD OF 10 YEARS OR UNTIL THE LIEN IS SATISFIED BY REPAYMENT.

(4) PRIOR TO THE SALE OR TRANSFER OF REAL PROPERTY IN CHARLES COUNTY THAT IS IMPROVED BY NEW RESIDENTIAL DEVELOPMENT, THE SELLER OR TRANSFEROR SHALL PROVIDE NOTICE TO THE BUYER OR TRANSFEREE THAT INCLUDES:

(I) A STATEMENT THAT THE TAX MAY BE IMPOSED ON THE PROPERTY; AND

(II) THE AMOUNT OF THE TAX FOR THE DWELLING TYPE ON THE PROPERTY.

(E) USE OF REVENUES.

THE REVENUES FROM THE TAX SHALL BE USED TO PAY THE PRINCIPAL AND INTEREST ON THE NEW SCHOOL CAPACITY CONSTRUCTION BONDS AS THEY BECOME DUE.

(F) ANNUAL REPORT.

(1) ON OR BEFORE AUGUST 1 EACH YEAR, THE COUNTY COMMISSIONERS OF CHARLES COUNTY SHALL REPORT TO THE GENERAL ASSEMBLY, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, COVERING THE PRECEDING FISCAL YEAR.

(2) THE REPORT SHALL INCLUDE:

(I) THE AMOUNT OF THE TAX SET BY THE COUNTY COMMISSIONERS FOR EACH DWELLING TYPE;

(II) THE AMOUNT OF PROCEEDS DERIVED FROM THE ISSUANCE AND SALE OF THE COUNTY'S NEW SCHOOL CAPACITY CONSTRUCTION BONDS;

(III) THE NUMBER OF PARCELS OF REAL PROPERTY IMPROVED BY NEW RESIDENTIAL DEVELOPMENT IN CHARLES COUNTY; AND

(IV) THE NUMBER OF SQUARE FEET OF NEW PUBLIC SCHOOL CAPACITY APPROVED FOR CONSTRUCTION IN CHARLES COUNTY BY THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-10B-01(a), (d), (f), and (e)(2).

In subsection (b)(1) of this section, the former reference to real property "located in the county" is deleted as implicit.

In subsection (b)(2) of this section, the reference to enacting a local law "under this section" is substituted for the former reference to enacting an ordinance "to provide the necessary and appropriate procedures and measures to implement the fair share school construction excise tax" for brevity.

In subsection (c)(1)(ii) of this section, the phrase "the tax may not exceed" is added for clarity.

In the introductory language of subsection (c)(2) of this section, the reference to setting the rate of the tax "for each fiscal year" is added for clarity.

Also in the introductory language of subsection (c)(2) of this section, the former reference to an "annual" study is deleted as unnecessary in light of the phrase "for each fiscal year".

In subsection (c)(2) of this section, the former definitions of "all county costs", "public school facilities", and "pupil generation rate" are revised as part of the substantive provision because each of those definitions appeared only once in the former law revised in this section.

In subsection (c)(2)(ii) of this section, the former reference to students "attending elementary, middle, and high school" is deleted as implicit in the reference to "students".

In subsection (d)(2)(ii) and (4)(i) of this section, the references to the tax “imposed” are substituted for the former references to the tax “levied” for consistency with other similar provisions of the Code.

In subsection (e) of this section, the former reference to bonds “issued under subsection (c) of this section” is deleted as unnecessary in light of the defined term “new school capacity construction bonds”.

Former Art. 24, § 9–10B–01(b), which stated that this section applied only in Charles County, is deleted as unnecessary in light of the references to Charles County throughout this section.

Former Art. 24, § 9–10B–01(c) and (e)(1) are revised in § 19–616 of this article.

Defined term: “State” § 1–101

20–805. DORCHESTER COUNTY.

(A) AUTHORIZATION.

(1) BY ORDINANCE, THE COUNTY COUNCIL OF DORCHESTER COUNTY MAY IMPOSE A BUILDING EXCISE TAX ON ANY BUILDING CONSTRUCTION IN DORCHESTER COUNTY.

(2) THE TAX MAY BE IMPOSED THROUGHOUT THE COUNTY, INCLUDING WITHIN MUNICIPALITIES.

(B) CONTENTS OF ORDINANCE.

THE COUNTY COUNCIL OF DORCHESTER COUNTY SHALL SPECIFY IN THE ORDINANCE:

(1) THE TYPES OF BUILDING CONSTRUCTION THAT ARE SUBJECT TO THE TAX;

(2) THE CRITERIA AND FORMULAS USED TO ASSESS THE TAX; AND

(3) THE TAX RATES.

(C) RATES.

(1) THE COUNTY COUNCIL OF DORCHESTER COUNTY MAY IMPOSE DIFFERENT TAX RATES ON DIFFERENT TYPES OF BUILDING CONSTRUCTION.

(2) THE TAX RATES SHALL RELATE TO THE DEVELOPMENT OR GROWTH-RELATED INFRASTRUCTURE NEEDS IN THE COUNTY.

(3) THE TAX RATES MAY NOT EXCEED:

(I) FOR RESIDENTIAL DEVELOPMENT, \$5,000 PER UNIT;
AND

(II) FOR NONRESIDENTIAL DEVELOPMENT, THE LESSER OF:

1. \$1 PER SQUARE FOOT; OR

2. \$5,000 PER LOT OR PARCEL.

(D) SPECIAL FUND; USE OF REVENUE.

(1) THE REVENUES FROM THE TAX SHALL BE DEPOSITED IN A SPECIAL FUND.

(2) THE SPECIAL FUND MAY BE USED ONLY FOR THE CAPITAL COSTS OF ADDITIONAL OR EXPANDED PUBLIC WORKS, IMPROVEMENTS, AND FACILITIES REQUIRED TO ACCOMMODATE NEW CONSTRUCTION OR DEVELOPMENT, INCLUDING EMERGENCY SERVICES, SHERIFF'S OFFICES, AND SCHOOLS.

(E) COLLECTION IN MUNICIPALITIES.

(1) IF THE TAX IS IMPOSED WITHIN A MUNICIPALITY, THE MUNICIPALITY SHALL ASSIST THE COUNTY IN THE COLLECTION OF THE TAX BY:

(I) COLLECTING AND REMITTING THE TAX TO THE COUNTY;
OR

(II) REQUIRING THE TAX BE PAID TO THE COUNTY IN ACCORDANCE WITH THE COUNTY ORDINANCE.

(2) (I) A MUNICIPALITY THAT COLLECTS THE TAX AND REMITS THE TAX TO THE COUNTY MAY DEDUCT A FEE FOR ADMINISTRATIVE COSTS FROM THE REVENUES COLLECTED.

(II) THE FEE DEDUCTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT EXCEED 2% OF THE REVENUES COLLECTED BY THE MUNICIPALITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–1002.

In subsection (c)(1) of this section, the former phrase “subject to the building excise tax” is deleted as implicit in the reference to the imposition of the tax.

In subsection (c)(3)(i) of this section, the former reference to residential development “where building construction is to occur” is deleted as implicit.

In subsection (c)(3)(ii) of this section, the former reference to “any category of” nonresidential development is deleted as surplusage.

Defined term: “Municipality” § 1–101

20–806. TALBOT COUNTY.

(A) AUTHORIZATION.

(1) BY ORDINANCE, THE COUNTY COUNCIL OF TALBOT COUNTY MAY IMPOSE A BUILDING EXCISE TAX ON ANY BUILDING CONSTRUCTION IN TALBOT COUNTY.

(2) THE TAX MAY BE IMPOSED THROUGHOUT THE COUNTY, INCLUDING WITHIN MUNICIPALITIES.

(B) CONTENTS OF ORDINANCE.

THE COUNTY COUNCIL OF TALBOT COUNTY SHALL SPECIFY IN THE ORDINANCE:

(1) THE TYPES OF BUILDING CONSTRUCTION THAT ARE SUBJECT TO THE TAX;

(2) THE CRITERIA AND FORMULAS USED TO ASSESS THE TAX; AND

(3) THE TAX RATES.

(C) RATES.

(1) THE COUNTY COUNCIL OF TALBOT COUNTY MAY IMPOSE DIFFERENT TAX RATES ON DIFFERENT TYPES OF BUILDING CONSTRUCTION.

(2) THE TAX RATES SHALL RELATE TO THE DEVELOPMENT OR GROWTH-RELATED INFRASTRUCTURE NEEDS IN THE COUNTY.

(3) THE TAX RATES MAY NOT EXCEED \$2,000 PER LOT OR PARCEL.

(D) SPECIAL FUND; USE OF REVENUE.

(1) THE REVENUES FROM THE TAX SHALL BE DEPOSITED IN A SPECIAL FUND.

(2) THE SPECIAL FUND MAY BE USED ONLY FOR THE CAPITAL COSTS OF ADDITIONAL OR EXPANDED PUBLIC WORKS, IMPROVEMENTS, AND FACILITIES REQUIRED TO ACCOMMODATE NEW CONSTRUCTION OR DEVELOPMENT, INCLUDING:

(I) BRIDGES;

(II) PARKS AND RECREATIONAL FACILITIES;

(III) ROADS;

(IV) SCHOOLS; AND

(V) STORM DRAINAGE FACILITIES.

(E) COLLECTION IN MUNICIPALITIES.

IF THE TAX IS IMPOSED WITHIN A MUNICIPALITY, THE MUNICIPALITY SHALL ASSIST THE COUNTY IN THE COLLECTION OF THE TAX BY:

(1) COLLECTING AND REMITTING THE TAX TO THE COUNTY; OR

(2) REQUIRING THE TAX BE PAID TO THE COUNTY IN ACCORDANCE WITH THE COUNTY ORDINANCE.

(F) APPORTIONMENT.

TALBOT COUNTY SHALL ADOPT A REVENUE SHARING MECHANISM TO APPORTION AN APPROPRIATE SHARE OF REVENUES FROM THE TAX TO THE MUNICIPALITIES WITHIN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–1001.

In subsection (a)(1) of this section, the former reference to “provid[ing] for the collection of” a building excise tax is deleted as implicit in the reference to “impos[ing]” a building excise tax.

In subsection (c)(1) of this section, the former phrase “subject to the building excise tax” is deleted as implicit in the reference to the imposition of the tax.

In subsection (c)(3) of this section, the former reference to lots or parcels “where building construction is to occur” is deleted as implicit.

In subsection (d)(2)(iii) of this section, the former reference to “[s]treets” is deleted as included in the reference to “roads”.

Defined term: “Municipality” § 1–101

TITLE 21. SPECIAL TAXING DISTRICTS.

SUBTITLE 1. COMMERCIAL DISTRICT MANAGEMENT.

21–101. “AUTHORITY” DEFINED.

IN THIS SUBTITLE, “AUTHORITY” MEANS A COMMERCIAL DISTRICT MANAGEMENT AUTHORITY.

REVISOR'S NOTE: This section is new language added to avoid repetition of the full reference to a “commercial district management authority”.

21–102. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES TO ALL COUNTIES EXCEPT BALTIMORE CITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 3(a) and (oo)(2).

The reference to “Baltimore City” is added to exclude Baltimore City from the scope of this subtitle, because although former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in Article 25 applicable to

charter counties and code counties in addition to commission counties, there is no similar grant of power for Baltimore City.

The former reference to “the county commissioners of each county, including those otherwise exempted by subsection (a)(2) of this section” is deleted as included in the reference to “all counties”.

Defined term: “County” § 1–101

21–103. ESTABLISHMENT OF AUTHORITY.

(A) APPLICATION OF OTHER SECTIONS.

THE PROVISIONS OF §§ 9–105 AND 9–106 OF THIS ARTICLE APPLY TO AN ACT, AN ORDINANCE, OR A RESOLUTION ADOPTED BY A COMMISSION COUNTY UNDER THIS SECTION.

(B) AUTHORIZATION.

THE GOVERNING BODY OF A COUNTY MAY ESTABLISH AN AUTHORITY FOR ANY COMMERCIAL DISTRICT IN THE COUNTY.

(C) COMPOSITION; PURPOSES; FINANCING.

FOR EACH AUTHORITY ESTABLISHED, THE GOVERNING BODY OF A COUNTY SHALL:

(1) SPECIFY THE MEMBERSHIP, ORGANIZATION, JURISDICTION, AND GEOGRAPHICAL LIMITS OF THE AUTHORITY;

(2) PROVIDE ANY FINANCING THAT IT CONSIDERS APPROPRIATE FOR THE AUTHORITY THROUGH FEES THAT MAY BE CHARGED TO, OR TAXES THAT MAY BE IMPOSED AGAINST, BUSINESSES SUBJECT TO THE AUTHORITY’S JURISDICTION; AND

(3) SPECIFY THE PURPOSES OF THE AUTHORITY, INCLUDING:

(I) PROMOTION;

(II) MARKETING; OR

(III) THE PROVISION OF SECURITY, MAINTENANCE, OR AMENITIES IN THE COMMERCIAL DISTRICT.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify that the provisions of §§ 9–105 and 9–106 of this article, former Art. 25, §§ 3(r) and 4, which apply to any act, ordinance, or resolution adopted by a commission county under the provisions of former Art. 25, § 3 of the Code, apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 25, § 3(oo)(1)(i).

In subsection (b) of this section, the reference to any commercial district “in the county” is substituted for the former reference to any commercial district “within its geographical limits” for clarity.

Also in subsection (b) of this section, the former phrase “[i]n accordance with the provisions of this subsection,” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to taxes that may be “imposed” against businesses is substituted for the former reference to taxes that may be “levied” against businesses for consistency with other similar provisions of the Code.

Defined terms: “Authority” § 21–101

“Commission county” § 1–101

“County” § 1–101

“Governing body” § 1–101

21–104. PROHIBITED ACTIVITIES.

AN AUTHORITY MAY NOT:

- (1) EXERCISE THE POWER OF EMINENT DOMAIN;**
- (2) PURCHASE, SELL, CONSTRUCT, OR LEASE, AS A LESSOR, OFFICE OR RETAIL SPACE; OR**
- (3) EXCEPT AS OTHERWISE AUTHORIZED BY LAW, ENGAGE IN COMPETITION WITH THE PRIVATE SECTOR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 3(oo)(1)(ii).

In item (2) of this section, the reference to “leas[ing]” as a lessor is substituted for the former reference to “as a landlord, leas[ing]” for clarity.

Defined term: “Authority” § 21–101

21–105. FEES AND TAXES.

ANY FEE OR TAX IMPOSED UNDER THIS SUBTITLE SHALL BE USED ONLY FOR THE PURPOSES STATED IN THIS SUBTITLE AND MAY NOT REVERT TO THE GENERAL FUND OF A COUNTY.

REVISOR’S NOTE: This section formerly was Art. 25, § 3(oo)(1)(iii).

The only changes are in style.

Defined term: “County” § 1–101

21–106. AUTHORITY AS SPECIAL TAXING DISTRICT.

THE GOVERNING BODY OF A COUNTY MAY ESTABLISH AN AUTHORITY IN ACCORDANCE WITH THIS SUBTITLE AS A SPECIAL TAXING DISTRICT.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 3(oo)(1)(iv).

Defined terms: “Authority” § 21–101

“County” § 1–101

“Governing body” § 1–101

SUBTITLE 2. EROSION PREVENTION PROJECTS.

21–201. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This subsection is new language added as the standard introductory language to a definition section.

(B) DISTRICT.

“DISTRICT” MEANS A TAXING AND ASSESSMENT DISTRICT.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the phrase “taxing and assessment district”.

(C) DISTRICT COUNCIL.**“DISTRICT COUNCIL” MEANS THE GOVERNING BODY OF A COUNTY ACTING AS THE DISTRICT COUNCIL FOR A DISTRICT CREATED UNDER THIS SUBTITLE.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the phrase “the governing body of a county acting as the district council for a taxing and assessment district created under this subtitle”.

Defined terms: “County” § 1–101

“District” § 21–201

“Governing body” § 1–101

(D) PROJECT.**“PROJECT” MEANS AN EROSION PREVENTION PROJECT OR EROSION CONTROL PROJECT.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the phrases “erosion prevention project” and “erosion control project”.

21–202. APPLICABILITY OF SUBTITLE.**THIS SUBTITLE SUPPLEMENTS THE PROVISIONS OF THE NATURAL RESOURCES ARTICLE RELATING TO SHORE EROSION CONTROL PROJECTS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 161(b).

The former reference to provisions of this subtitle “relating to the establishment of erosion prevention works” is deleted as surplusage.

The former reference to provisions of the Natural Resources Article relating to “the establishment” of shore erosion control projects is deleted as surplusage.

21–203. PURPOSE OF PROJECTS.

THE PURPOSE OF PROJECTS CONSTRUCTED UNDER THIS SUBTITLE IS TO PREVENT EROSION OF LAND BY ANY BODY OF WATER IN THE STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 163(a) and the first sentence of § 162(b), as they related to the purpose of projects under this subtitle.

The phrase "[t]he purpose of projects constructed under this subtitle" is added for clarity.

The reference to preventing erosion "of land" is added to state expressly that which was only implied in the former law, *i.e.*, that it is land that is being protected from erosion.

The reference to erosion of land by "any" body of water is substituted for the former references to erosion by the "Chesapeake Bay and tributaries, or by any other stream or" body of water for brevity.

Defined terms: "Project" § 21-201
"State" § 1-101

21-204. CREATION OF DISTRICT.

(A) CRITERIA FOR CREATION OF DISTRICT.

EACH RECORDED SUBDIVISION THAT ABUTS A BODY OF WATER IN THE STATE IS A DISTRICT.

(B) NAME OF DISTRICT.

EACH DISTRICT ESTABLISHED UNDER THIS SECTION SHALL BE NAMED FOR THE SUBDIVISION FROM WHICH THE DISTRICT IS CREATED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 161(a).

In subsection (a) of this section, the reference to "[e]ach recorded subdivision" is substituted for the former reference to "[t]erritory within each subdivision of land in any county of this State ... as shown by the plats of the respective subdivisions recorded among the land records of the county" for brevity.

Also in subsection (a) of this section, the reference to "a body" of water in the State is substituted for the former reference to "the Chesapeake Bay tributaries or any other stream or body" of water in this State for brevity.

Also in subsection (a) of this section, the reference to each recorded subdivision being “a district” is substituted for the former reference to each subdivision being “respectively created separate ... districts” for brevity.

Also in subsection (a) of this section, the former reference to territory “bordering upon” the Chesapeake Bay is deleted as included in the reference to territory “abut[ting]” the Chesapeake Bay.

In subsection (b) of this section, the reference to each district “established under this section” is substituted for the former reference to each district “, for the purposes of this subtitle,” for clarity.

Defined terms: “District” § 21–201
 “State” § 1–101

21–205. GOVERNANCE OF DISTRICTS.

(A) GOVERNING BODY TO BE DISTRICT COUNCIL.

THE GOVERNING BODY OF A COUNTY IS THE DISTRICT COUNCIL FOR EACH DISTRICT IN THE COUNTY.

(B) DUTIES OF GOVERNING BODY AS DISTRICT COUNCIL.

A DISTRICT COUNCIL SHALL:

(1) KEEP A SEPARATE RECORD OF ITS PROCEEDINGS FOR EACH DISTRICT; AND

(2) DEPOSIT ALL MONEY RECEIVED FOR EACH DISTRICT TO THE CREDIT OF THAT DISTRICT.

(C) SECURITY FOR MONEY DEPOSITED FOR DISTRICT COUNCIL.

THE DISTRICT COUNCIL SHALL REQUIRE THE DEPOSITORY OF MONEY UNDER SUBSECTION (B)(2) OF THIS SECTION TO GIVE THE SAME SECURITY FOR THE REPAYMENT OF MONEY DEPOSITED AND PAY THE SAME INTEREST ON THE MONEY AS IS REQUIRED FOR THE DEPOSIT OF COUNTY FUNDS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 167 and 162(a).

In subsection (a) of this section, the reference to every district “in the county” is added for clarity.

Also in subsection (a) of this section, the word “is” is substituted for the former phrase “are hereby authorized and empowered to act as” for brevity and clarity.

Also in subsection (a) of this section, the former reference to the county commissioners “in carrying out the provisions of this subtitle, [using] all the applicable power and authority vested in them by existing law and by this subtitle” is deleted as implicit in the authority granted under subsection (a) of this section.

In the introductory language of subsection (b) and in subsection (c) of this section and throughout this subtitle, the references to a “district council” are substituted for the former references to the “county commissioners” for accuracy because the county commissioners act as the district council under this subtitle.

In subsection (b)(2) of this section, the reference to the credit of “that district” is substituted for the former reference to the credit of “the county commissioners as district council for such district” for brevity.

In subsection (c) of this section, the reference to a requirement “for” the deposit of county funds is substituted for the former reference to a requirement “by the laws relating to” the deposit of county funds for brevity.

Also in subsection (c) of this section, the former reference to the same security and interest “as is now, or may hereafter be” required is deleted as surplusage.

Defined terms: “County” § 1–101

“District” § 21–201

“District council” § 21–201

“Governing body” § 1–101

21–206. AUTHORITY TO CONSTRUCT PROJECTS ON PETITION OF PROPERTY OWNERS.

THE DISTRICT COUNCIL MAY CONSTRUCT A PROJECT IN A DISTRICT IF REQUESTED BY A PETITION SIGNED BY AT LEAST 75% OF THE REAL PROPERTY OWNERS IN THE DISTRICT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 163(a), except as it related to the purpose of projects under this subtitle.

The reference to "real" property is added for clarity.

The reference to "at least" 75% is added for accuracy.

The former reference to a request made by "written application" is deleted as included in the reference to a request made by "petition".

Defined terms: "District" § 21-201

"District council" § 21-201

"Project" § 21-201

21-207. HEARING ON PLANS FOR PROJECTS.

(A) NOTICE TO PROPERTY OWNERS.

(1) WHEN THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF A PROJECT IN A DISTRICT ARE COMPLETE, THE DISTRICT COUNCIL SHALL NOTIFY EACH OWNER OF REAL PROPERTY IN THE DISTRICT:

(I) THAT THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE PROJECT ARE COMPLETE AND CAN BE INSPECTED AT THE OFFICE OF THE GOVERNING BODY OF THE COUNTY;

(II) OF THE PROBABLE COST OF THE PROJECT; AND

(III) OF THE DATE AND PLACE OF A HEARING ON THE PETITION.

(2) THE NOTICE SHALL BE:

(I) MAILED TO THE LAST KNOWN ADDRESS OF EACH PROPERTY OWNER IN THE DISTRICT; AND

(II) PUBLISHED ONCE EACH WEEK FOR 2 SUCCESSIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(B) DECISION BY DISTRICT COUNCIL.

AFTER HOLDING A HEARING, THE DISTRICT COUNCIL SHALL DECIDE WHETHER TO PROCEED WITH THE PROJECT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 164(a) and the first sentence of (b).

In the introductory language of subsection (a)(1) of this section, the former reference to a project "or any part thereof," is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the notice stating "the date and place of a hearing on the petition" is substituted for the former phrase "that upon a day certain to be named therein a hearing will be granted such owners at a place designated therein" for brevity and clarity.

In subsection (a)(2)(i) of this section, the former reference to mailing the notice to each property owner "as far as practicable" is deleted as surplusage.

Also in subsection (a)(2)(i) of this section, the former references to mailing notice "by placing the same in an envelope addressed" to the last known address of the property owner and "depositing the same, postpaid, in a United States post office" are deleted as implicit in the requirement to mail the notice.

In subsection (a)(2)(ii) of this section, the former reference to a newspaper of general circulation "published" in the county is deleted for consistency with other similar provisions of this article.

In subsection (b) of this section, the reference to "holding a" hearing is substituted for the former reference to "affording such" hearing for clarity.

Defined terms: "County" § 1-101
 "District" § 21-201
 "District council" § 21-201
 "Governing body" § 1-101
 "Project" § 21-201

21-208. ACQUISITION OF LAND OR STRUCTURES FOR PROJECTS.

(A) PURCHASE.

THE DISTRICT COUNCIL MAY ACQUIRE AN EASEMENT IN ANY LAND OR STRUCTURE THAT IS NECESSARY TO CONSTRUCT, EXTEND, OR MAINTAIN A PROJECT IN THE DISTRICT.

(B) CONDEMNATION.

(1) IF THE DISTRICT COUNCIL AND PROPERTY OWNER CANNOT AGREE ON THE ACQUISITION OF AN EASEMENT IN THE OWNER'S PROPERTY, THE DISTRICT COUNCIL MAY BEGIN CONDEMNATION PROCEEDINGS IN THE CIRCUIT COURT OF THE COUNTY, AS PROVIDED IN TITLE 12 OF THE REAL PROPERTY ARTICLE.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DISTRICT COUNCIL MAY ENTER AND TAKE POSSESSION OF THE CONDEMNED PROPERTY NOT LESS THAN 10 DAYS AFTER THE RECORDATION OF THE AWARD IN A CONDEMNATION PROCEEDING UNDER THIS SUBSECTION.

(II) NOTWITHSTANDING AN APPEAL OR FURTHER PROCEEDINGS TAKEN BY A DEFENDANT IN THE CONDEMNATION PROCEEDING, BEFORE TAKING POSSESSION OF THE CONDEMNED PROPERTY, THE DISTRICT COUNCIL SHALL:

1. PAY THE AMOUNT OF THE AWARD AND ALL COSTS IMPOSED TO THE CLERK OF THE COURT; AND

2. GIVE ITS CORPORATE UNDERTAKING TO ABIDE BY AND FULFILL ANY JUDGMENT ON APPEAL OR ON FURTHER PROCEEDINGS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 162(b), except as it related to the purpose of projects under this subtitle.

In subsection (a) of this section, the reference to "acquir[ing] an easement in any land or structure" is substituted for the former references to "tak[ing] or acquir[ing] any land, structures or buildings, as an easement" and "purchas[ing] the same from the owner or owners" for brevity and clarity.

Also in subsection (a) of this section, the former phrase "[w]henver it shall be deemed necessary" is deleted as surplusage.

Also in subsection (a) of this section, the former reference to "buildings" is deleted as included in the reference to "structures".

In subsection (b)(1) of this section, the phrase "[i]f the district council and property owner cannot agree on the acquisition of an easement in the owner's property" is substituted for the former phrase "failing to agree with the owner or owners thereof" for clarity.

Also in subsection (b)(1) of this section, the reference to the district council “begin[ning] condemnation proceedings” is substituted for the former reference to “condemn[ing] the same and any interest of any tenant, lessee or other person therein, by proceedings” for brevity.

In subsection (b)(2)(i) of this section, the former reference to the “return” of the award is deleted as implicit in the reference to the “recordation” of the award.

Also in subsection (b)(2)(i) of this section, the former reference to the “verdict” is deleted as included in the reference to the “award”.

In the introductory language of subsection (b)(2)(ii) of this section, the phrase “before taking possession of the condemned property” is substituted for the former phrases “upon first” and “at the time of the payment, however” for clarity and brevity.

Also in the introductory language of subsection (b)(2)(ii) of this section, the former reference to “defendants” is deleted in light of the reference to “defendant” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (b)(2)(ii)1 of this section, the reference to costs “imposed” is substituted for the former reference to costs “taxed” for consistency with other similar provisions of the Code.

Also in subsection (b)(2)(ii)1 of this section, the former reference to costs imposed “to date” is deleted as surplusage.

Defined terms: “County” § 1–101

“District” § 21–201

“District council” § 21–201

“Project” § 21–201

21–209. BORROWING MONEY TO PAY FOR PROJECTS.

(A) AUTHORITY OF DISTRICT COUNCIL TO ISSUE BONDS.

THE DISTRICT COUNCIL MAY BORROW MONEY, ON THE FULL FAITH AND CREDIT OF THE DISTRICT, TO:

(1) ACQUIRE BY PURCHASE OR CONDEMNATION AN EASEMENT UNDER § 21–208 OF THIS SUBTITLE TO CONSTRUCT A PROJECT IN OR FOR THE DISTRICT; AND

(2) COMPLETE THE PROJECT.

(B) REQUIREMENTS AND SALE.

(1) THE MONEY BORROWED BY THE DISTRICT COUNCIL FOR A PROJECT SHALL:

(I) BEAR INTEREST AT A RATE SET BY THE DISTRICT COUNCIL NOT EXCEEDING 6% PER YEAR;

(II) BE PAYABLE SEMIANNUALLY; AND

(III) BE SECURED BY BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS ISSUED BY THE DISTRICT COUNCIL ON THE FULL FAITH AND CREDIT OF THE DISTRICT.

(2) SUBJECT TO § 21-212(E)(2) OF THIS SUBTITLE, THE BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS ISSUED UNDER THIS SUBSECTION SHALL:

(I) BE EXEMPT FROM STATE, COUNTY, AND MUNICIPAL TAXATION;

(II) MATURE SERIALLY AT THE TIMES DETERMINED BY THE DISTRICT COUNCIL, NOT TO EXCEED 30 YEARS;

(III) BE MADE PAYABLE WITHIN 30 YEARS AFTER ISSUANCE;
AND

(IV) BE ISSUED UNDER THE SEAL OF THE COUNTY.

(3) NOTWITHSTANDING §§ 19-205 AND 19-206 OF THIS ARTICLE, THE DISTRICT COUNCIL MAY SELL THE BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS AT PUBLIC OR PRIVATE SALE.

(C) BONDS GUARANTEED; ENDORSEMENT PROCEDURES.

(1) THE GOVERNING BODY OF THE COUNTY SHALL GUARANTEE THE PAYMENT OF PRINCIPAL OF AND INTEREST ON ANY BONDS ISSUED BY THE DISTRICT COUNCIL UNDER THIS SECTION.

(2) THE GUARANTY SHALL BE ENDORSED ON EACH BOND IN THE FOLLOWING LANGUAGE:

“THE PAYMENT OF INTEREST WHEN DUE AND THE PRINCIPAL AT MATURITY IS GUARANTEED BY COUNTY, MARYLAND.”

(3) WITHIN 20 DAYS AFTER THE BONDS ARE READY FOR ENDORSEMENT, THE ENDORSEMENT SHALL BE:

(I) SIGNED ON EACH BOND BY THE CHAIR OF THE GOVERNING BODY OR THE COUNTY EXECUTIVE, AS APPLICABLE;

(II) ATTESTED TO BY THE CLERK OF THE GOVERNING BODY OF THE COUNTY; AND

(III) AFFIXED WITH THE COUNTY SEAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 163(b) and (c).

In the introductory language of subsection (a) and in subsection (b)(1)(iii) of this section, the references to “full” faith and credit are added for consistency with other similar provisions of the Code.

In the introductory language of subsection (a) of this section, the former phrase “[f]or the purpose of providing funds” is deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former reference to the district borrowing money “to be so protected in such amount or amounts as it may deem necessary” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to completing “the project” is substituted for the former reference to completing “the construction of such erosion prevention works in or for such taxing and assessment district” for brevity.

In subsection (b) of this section and throughout this subtitle, the references to “other evidence” of indebtedness are substituted for the former references to “certificates” of indebtedness for consistency with other similar provisions of the Code.

In the introductory language of subsection (b)(1) of this section, the reference to money borrowed “by the district council for a project” is substituted for the former reference to money “so” borrowed for clarity.

In subsection (b)(1)(i) of this section, the former reference to “rates” is deleted in light of the reference to “rate” and Art. 1, § 8, which provides that the singular generally includes the plural.

In the introductory language of subsection (b)(2) of this section, the phrase “[s]ubject to § 21–212(e)(2) of this subtitle” is added to clarify that § 21–212(e)(2) of this subtitle modifies subsection (b)(2) for some counties.

In subsection (b)(2)(i) of this section, the former reference to “remain[ing]” exempt is deleted as surplusage.

In subsection (b)(2)(ii) of this section, the former reference to not exceeding 30 years “in any case” is deleted as surplusage.

Also in subsection (b)(2)(ii) of this section, the former reference to bonds “be[ing] issued so as to” mature serially is deleted as surplusage.

In subsection (b)(2)(iv) of this section, the reference to being issued under the “seal of the county” is substituted for the former reference to being issued under the “hand and seal of the county commissioners, acting as district council for the district for which said notes, certificates of indebtedness or bonds are issued” for brevity and accuracy.

In subsection (b)(3) of this section, the reference to “public or private sale” is substituted for the former reference to “public sale or by private negotiation” for brevity.

Also in subsection (b)(3) of this section, the word “may” is substituted for the former phrase “in the discretion of” for brevity.

In subsection (c)(3)(i) of this section, the reference to the signing of each bond by the “chair of the governing body or the county executive, as applicable” is substituted for the former reference to the signing of each bond by the “president” to reflect that not every county governing body has a president and, instead, may have a county executive with the authority to sign endorsements on bonds.

In subsection (c)(3)(iii) of this section, the reference to the endorsement being “affixed with the county seal” is substituted for the former reference to the endorsement having “its corporate seal thereto affixed” for clarity.

Defined terms: “County” § 1–101

“District” § 21–201

“District council” § 21–201

“Governing body” § 1–101

“Project” § 21–201

“State” § 1–101

21–210. FINANCING PROJECTS ON COUNTYWIDE BASIS.

(A) APPLICABILITY OF SUBTITLE.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THIS SUBTITLE APPLIES TO ANY PROJECT UNDERTAKEN AND ANY BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS ISSUED UNDER THIS SECTION.

(B) PURPOSE OF SECTION.

THE PURPOSE OF THIS SECTION IS TO PROVIDE AN ALTERNATIVE MEANS TO FINANCE PROJECTS ON A COUNTYWIDE BASIS, FOR WHICH THE GOVERNING BODY OF THE COUNTY DOES NOT SIT AS A DISTRICT COUNCIL.

(C) FUNDING OF COUNTYWIDE PROJECTS.

(1) THE GOVERNING BODY OF A COUNTY MAY PAY NOT MORE THAN 25% OF THE COST OF ANY PROJECT IN THE COUNTY THROUGH THE ISSUANCE OF BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS.

(2) IF THE GOVERNING BODY PAYS FOR A PORTION OF A PROJECT UNDER THIS SUBSECTION, THE GOVERNING BODY MAY ACCEPT ANY OF THE REMAINING COST OF THE PROJECT FROM:

(I) THE STATE;

(II) THE FEDERAL GOVERNMENT; OR

(III) ANY UNIT OF THE STATE OR FEDERAL GOVERNMENT.

(D) REQUIREMENTS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY BOND, NOTE, OR OTHER EVIDENCE OF INDEBTEDNESS ISSUED UNDER THIS SECTION SHALL BE ISSUED AS PROVIDED IN THIS SUBTITLE.

(2) ANY BOND, NOTE, OR OTHER EVIDENCE OF INDEBTEDNESS ISSUED UNDER THIS SECTION:

(I) IS NOT A DISTRICT OBLIGATION; AND**(II) SHALL HAVE ITS PAYMENTS OF PRINCIPAL AND INTEREST MET BY A COUNTYWIDE TAX.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 163A.

In subsection (a) of this section, the former reference to except as “specifically” provided otherwise is deleted as surplusage.

In subsection (b) of this section, the reference to “[t]he purpose of” this section is substituted for the former reference to “it being the legislative intent that” this section for clarity and brevity.

Also in subsection (b) of this section, the reference to the governing body of the county “not sit[ting]” as a district council is substituted for the former reference to the governing body of the county “not be[ing] constituted” as a district council for clarity.

Also in subsection (b) of this section, the former reference to the section providing a “countywide” means of financing is deleted as redundant of the reference to providing financing on a countywide basis.

Also in subsection (b) of this section, the former reference to “merely” providing an alternative is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “[i]n addition to and not in substitution for the other provisions contained in this subtitle” is deleted as surplusage.

In the introductory language of subsection (c)(2) of this section, the phrase “[i]f the governing body pays for a portion of a project under this subsection” is substituted for the former phrase “[i]n such event” for clarity.

Also in the introductory language of subsection (c)(2) of this section, the reference to “any of the remaining cost” is substituted for the former reference to “any portion or all of the remaining seventy-five per centum (75%) of the total cost” for brevity and accuracy because the remaining amount may be more than 75%, depending on the portion paid by the county.

In subsection (c)(2)(iii) of this section, the reference to any “unit” is substituted for the former reference to any “office, department,

commission, bureau or agency” for brevity and consistency with other similar provisions of the Code.

In subsection (d)(1) of this section, the former reference to bonds, notes, or other evidence of indebtedness issued as “generally” provided in this subtitle is deleted as surplusage.

Defined terms: “County” § 1-101
“District council” § 21-201
“Governing body” § 1-101
“Project” § 21-201
“State” § 1-101

21-211. PROCEDURE FOR AWARDING CONTRACTS.

(A) NOTICE.

THE DISTRICT COUNCIL SHALL PUBLISH NOTICE ONCE EACH WEEK FOR 2 SUCCESSIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY OR IN TECHNICAL PRESS FOR BIDS FOR THE CONSTRUCTION OF A PROJECT.

(B) CONTRACTS AWARDED TO LOWEST RESPONSIBLE BIDDER.

(1) THE DISTRICT COUNCIL SHALL AWARD THE CONTRACT FOR A PROJECT TO THE LOWEST RESPONSIBLE BIDDER.

(2) THE DISTRICT COUNCIL MAY:

(I) REJECT ANY AND ALL BIDS FOR A CONTRACT FOR A PROJECT; AND

(II) READVERTISE FOR BIDS, IN ACCORDANCE WITH AND SUBJECT TO THIS SUBTITLE.

(C) CONTRACT SECURED BY BOND OF SUCCESSFUL BIDDER.

(1) BEFORE AWARDING A CONTRACT FOR A PROJECT, THE DISTRICT COUNCIL SHALL REQUIRE FROM THE SUCCESSFUL BIDDER A BOND IN A FORM AND AMOUNT APPROVED BY THE DISTRICT COUNCIL.

(2) THE BOND SHALL BE CONDITIONED ON:

(I) COMPLETING THE PROJECT IN ACCORDANCE WITH THE PLANS, SPECIFICATIONS, AND TIME LIMITATIONS SPECIFIED IN THE CONTRACT; AND

(II) PAYING FOR ALL SUPPLIES AND LABOR PROVIDED TO THE CONTRACTOR IN THE CONSTRUCTION OF THE PROJECT.

REVISOR'S NOTE: This section is new language derived without substantive change from the second through fifth sentences of former Art. 25, § 164(b).

In this section, the references to a contract "for a project" are added for clarity.

In subsection (a) of this section, the former reference to "newspapers" is deleted in light of the reference to "newspaper" and Art. 1, § 8, which provides that the singular generally includes the plural.

Also in subsection (a) of this section, the former phrase "[i]n the event it shall determine to proceed therewith," is deleted as implicit in the requirement to advertise for bids.

Also in subsection (a) of this section, the former reference to constructing a project "in part or as a whole as in its judgment may appear advisable" is deleted as surplusage.

In the introductory language of subsection (b)(2) of this section, the reference that the district council "may" reject and readvertise for bids is substituted for the former reference to the district council "reserving the right to" reject and readvertise for bids for brevity.

In subsection (c) of this section, the former reference to a bond "be[ing] enforceable in any court having jurisdiction" is deleted as surplusage.

In subsection (c)(1) of this section, the reference to a bond "in a form and amount approved by the district council" is substituted for the former reference to a bond "approved by [the district council] ... in such penalty as [the district council] shall determine" for brevity and clarity.

Defined terms: "District council" § 21-201
 "Project" § 21-201

21-212. IMPOSITION OF BENEFIT CHARGES.

(A) AUTHORITY OF DISTRICT COUNCIL TO IMPOSE BENEFIT CHARGES.

AFTER A PROJECT FOR A DISTRICT HAS BEEN COMPLETED, EITHER WHOLLY OR PARTLY, THE DISTRICT COUNCIL SHALL IMPOSE A BENEFIT CHARGE ON ALL REAL PROPERTY IN THE DISTRICT BENEFITING FROM THE PROJECT.

(B) REQUIRED NOTICE OF ASSESSMENT AND HEARING TO PROPERTY OWNERS.

(1) BEFORE IMPOSING THE BENEFIT CHARGE, THE DISTRICT COUNCIL SHALL NOTIFY EACH OWNER OF REAL PROPERTY IN THE DISTRICT THAT THE DISTRICT COUNCIL IS PROPOSING TO MAKE AN ASSESSMENT OF BENEFIT AGAINST THE OWNER'S PROPERTY FOR THE PROJECT.

(2) THE NOTICE SHALL STATE THE DATE AND PLACE OF THE HEARING.

(3) A HEARING NOTICE SHALL BE:

(I) MAILED TO THE LAST KNOWN ADDRESS OF EACH PROPERTY OWNER IN THE DISTRICT; AND

(II) PUBLISHED ONCE EACH WEEK FOR 2 SUCCESSIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(C) DISTRICT COUNCIL TO IMPOSE BENEFIT CHARGE.

AFTER HOLDING A HEARING UNDER SUBSECTION (B) OF THIS SECTION, THE DISTRICT COUNCIL SHALL:

(1) DETERMINE THE EXTENT OF THE BENEFIT FROM THE PROJECT TO EACH LOT AND PARCEL OF LAND IN THE DISTRICT; AND

(2) IMPOSE THE BENEFIT CHARGE ON EACH LOT AND PARCEL OF LAND IN THE DISTRICT BASED ON THE DETERMINATIONS MADE UNDER ITEM (1) OF THIS SUBSECTION.

(D) BENEFIT CHARGE IS LIEN.

(1) A BENEFIT CHARGE IMPOSED UNDER THIS SECTION IS A LIEN ON THE REAL PROPERTY AGAINST WHICH THE BENEFIT CHARGE IS IMPOSED.

(2) THE BENEFIT CHARGE SHALL BE PAID:

(I) ANNUALLY AS COUNTY TAXES ARE REQUIRED TO BE PAID; AND

(II) FOR A PERIOD THAT IS COEXTENSIVE WITH THE PERIOD OF MATURITY FOR THE BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS ISSUED TO CONSTRUCT THE PROJECT.

(E) MANNER OF PAYMENT IN CERTAIN COUNTIES.

(1) THIS SUBSECTION APPLIES ONLY IN:

(I) CARROLL COUNTY;

(II) DORCHESTER COUNTY;

(III) ST. MARY'S COUNTY; AND

(IV) SOMERSET COUNTY.

(2) THE ANNUAL BENEFIT CHARGE IMPOSED UNDER THIS SECTION IS PAYABLE IN ANNUAL INSTALLMENTS OVER 25 YEARS OR ANY SHORTER TIME AS DIRECTED BY THE GOVERNING BODY OF THE COUNTY.

(3) EACH ANNUAL INSTALLMENT IS A PERSONAL OBLIGATION OF THE OWNER OF THE BENEFITED PROPERTY AT THE TIME THE INSTALLMENT BECOMES DUE.

(4) (I) 1. AN ANNUAL INSTALLMENT IN DEFAULT IS A FIRST LIEN ON THE BENEFITED PROPERTY, SUBJECT ONLY TO PRIOR STATE, COUNTY, OR MUNICIPAL REAL PROPERTY TAXES.

2. THE OUTSTANDING BALANCE OF A BENEFIT CHARGE SHALL BE GIVEN NORMAL LIEN PRIORITY.

(II) THE SALE OF A BENEFITED PROPERTY DOES NOT EXTINGUISH THE LIEN IMPOSED AGAINST THE PROPERTY.

(III) THE PURCHASER OF A BENEFITED PROPERTY SHALL:

1. TAKE OWNERSHIP OF THE PROPERTY SUBJECT TO ANY OUTSTANDING BALANCE OF THE TOTAL BENEFIT CHARGE UNPAID AT THE CONCLUSION OF THE SALE; AND

2. BE REQUIRED TO PAY THE SAME ANNUAL INSTALLMENTS AS THE PREVIOUS OWNER OF THE PROPERTY.

(IV) FOR PURPOSES OF § 3-104(B) OF THE REAL PROPERTY ARTICLE, RELATING TO THE PAYMENT OF TAXES AS A PREREQUISITE TO RECORDING A TRANSFER OF PROPERTY, IT IS SUFFICIENT THAT ALL CURRENT ANNUAL INSTALLMENTS OF ANY BENEFIT CHARGE IMPOSED UNDER THIS SUBTITLE HAVE BEEN PAID.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 165.

In subsections (a) and (c)(2) of this section, the references to "impos[ing]" a benefit charge are substituted for the former references to "fix[ing] and levy[ing]" a benefit charge for consistency with other similar provisions of the Code.

In subsection (a) of this section, the reference to a project completed "either wholly or partly" is substituted for the former reference to a project completed "or part thereof determined to be constructed" for clarity and consistency with other similar provisions of the Code.

In subsection (b)(1) of this section, the reference to "imposing" a benefit charge is substituted for the former reference to "proceeding to assess" a benefit charge for clarity and consistency within this section.

In subsection (b)(2) of this section, the reference to the notice stating the "date and place of the hearing" is substituted for the former phrase "that upon a day certain to be named therein a hearing will be granted such owners at a place designated therein" for brevity and clarity.

In subsection (b)(3)(i) of this section, the former reference to mailing the notice to each property owner "as far as practicable" is deleted as surplusage.

Also in subsection (b)(3)(i) of this section, the former references to mailing notice "by placing the same in an envelope addressed" to the last known address of the property owner and "depositing the same, postpaid, in a United States post office" are deleted as implicit in the requirement to mail the notice.

In subsection (b)(3)(ii) of this section, the former reference to a newspaper of general circulation “published” in the county is deleted for consistency with other similar provisions of this article.

In the introductory language of subsection (c) of this section, the reference to after “holding a hearing” is substituted for the former reference to after “said hearing has been granted” for accuracy and clarity.

In subsection (c)(1) of this section, the reference to the “extent of the benefit” to each lot and parcel is substituted for the former reference to “the benefits accruing” to each lot and parcel for clarity.

Also in subsection (c)(1) of this section, the former reference to the “construction” of the project is deleted for consistency throughout this section.

In subsection (c)(2) of this section, the reference to imposing the benefit charge on a lot or parcel “based on the determinations made under item (1) of this subsection” is substituted for the former reference to imposing the benefit charge on a lot or parcel “to the extent it is benefited by the construction of said erosion prevention works, or part thereof” for clarity.

In subsections (d)(1) and (e)(4)(ii) of this section, the references to a lien “imposed” are substituted for the former references to a lien “assessed” for consistency with other similar provisions of the Code.

In subsection (d)(2)(i) of this section, the former reference to the benefit charge being paid “by all such lots or parcels of land in such district” is deleted as surplusage.

In subsection (d)(2)(ii) of this section, the reference to the bonds, notes, or other evidence of indebtedness “issued to construct the project” is substituted for the former reference to “out of the proceeds of which such erosion prevention work was done” for clarity.

In subsection (e)(2) and (4)(iv) of this section, the references to the benefit charge “imposed” are substituted for the former references to the benefit charge “levied” for consistency with other similar provisions of the Code.

In subsection (e)(2) of this section, the reference to the benefit “charge” is substituted for the former reference to the benefit “assessments” for consistency throughout this subtitle.

Defined terms: “County” § 1–101

“District” § 21–201

“District council” § 21–201

“Governing body” § 1–101

“Project” § 21–201

“State” § 1–101

21–213. IMPOSITION OF TAXES TO PAY FOR INTEREST AND PRINCIPAL OF BONDS, MAINTENANCE, AND EXPENSES.

(A) DISTRICT COUNCIL TO SET TAX RATE.

(1) EACH YEAR, THE DISTRICT COUNCIL SHALL IMPOSE A TAX AGAINST ALL ASSESSABLE PROPERTY IN EACH DISTRICT THAT HAS BEEN IMPROVED BY A PROJECT.

(2) EACH YEAR BEFORE THE TAX IS IMPOSED, THE DISTRICT COUNCIL SHALL DETERMINE THE NUMBER OF CENTS PER \$100 NECESSARY TO RAISE THE AMOUNT OF MONEY REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(3) THE AMOUNT OF TAX IMPOSED UNDER THIS SUBSECTION, TOGETHER WITH THE BENEFIT CHARGES COLLECTED UNDER § 21–212 OF THIS SUBTITLE, SHALL BE SUFFICIENT TO:

(I) MEET THE INTEREST AND PRINCIPAL PAYMENTS DUE ON THE BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS ISSUED TO FINANCE THE CONSTRUCTION OF PROJECTS UNDER THIS SUBTITLE;

(II) PAY THE ENTIRE COST OF REPAIRING AND MAINTAINING THE PROJECT IN A DISTRICT; AND

(III) PAY ALL THE EXPENSES OF THE DISTRICT NECESSARY TO CARRY OUT THIS SUBTITLE, INCLUDING REIMBURSING THE DISTRICT COUNCIL FOR EXPENSES INCURRED BY MEMBERS OF THE DISTRICT COUNCIL, NOT EXCEEDING \$200 ANNUALLY FOR EACH MEMBER, FOR:

1. INSPECTING BULKHEADS; AND

2. PERFORMING OTHER DUTIES REQUIRED IN THE ADMINISTRATION OF THIS SUBTITLE.

(4) THE DISTRICT COUNCIL SHALL IMPOSE THE TAX REQUIRED UNDER THIS SUBSECTION UNTIL ALL THE BONDS, NOTES, OR OTHER EVIDENCE

OF INDEBTEDNESS AND THEIR INTEREST, IN ADDITION TO OTHER DEBT INCURRED IN CARRYING OUT THIS SUBTITLE, HAVE BEEN PAID.

(5) AFTER THE REQUIREMENTS OF PARAGRAPH (4) OF THIS SUBSECTION HAVE BEEN SATISFIED, THE DISTRICT COUNCIL SHALL IMPOSE A TAX SUFFICIENT ONLY TO MAINTAIN THE PROJECT.

(B) METHOD OF COLLECTING TAXES.

(1) THE TAX IMPOSED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(I) BE IMPOSED IN THE SAME MANNER AS COUNTY TAXES; AND

(II) HAVE THE SAME PRIORITY RIGHTS, BEAR THE SAME INTEREST AND PENALTIES, AND IN EVERY RESPECT BE TREATED THE SAME AS COUNTY TAXES.

(2) THE TAXING AUTHORITY OF THE COUNTY SHALL:

(I) COLLECT THE TAXES; AND

(II) REMIT THE AMOUNT COLLECTED TO THE DISTRICT COUNCIL EVERY 60 DAYS.

(C) DISPOSITION OF PROCEEDS.

(1) THE DISTRICT COUNCIL SHALL DEPOSIT MONEY RECEIVED UNDER SUBSECTION (B) OF THIS SECTION IN A BANK IN THE COUNTY:

(I) TO THE CREDIT OF THE DISTRICT COUNCIL FOR THE DISTRICT FROM WHICH THE MONEY WAS COLLECTED; AND

(II) AT THE RATE OF INTEREST PAID FOR COUNTY FUNDS.

(2) THE DISTRICT COUNCIL SHALL PAY OUT THE TAXES AND BENEFIT CHARGES COLLECTED FROM A DISTRICT IN THE FOLLOWING ORDER:

(I) FROM THE TAXES AND BENEFIT CHARGES:

1. THE INTEREST ON THE BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS ISSUED FOR THE PROJECTS IN THE DISTRICT; AND

2. THE BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS WHEN AND AS THE BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS MATURE; AND

(II) FROM THE REMAINING TAXES, ALL OTHER DEBT INCURRED IN CARRYING OUT THIS SUBTITLE, INCLUDING PROJECT MAINTENANCE.

(D) DEFICIENCIES ADDED TO TAX RATE FOR FOLLOWING YEAR.

(1) IF THE RECEIPTS FROM THE TAXES AND BENEFIT CHARGES IMPOSED UNDER THIS SUBTITLE FOR ANY DISTRICT DO NOT MEET THE REQUIRED PAYMENTS IN ANY YEAR BY REASON OF DEFAULT OR OTHERWISE, THE AMOUNT OF THE DEFICIENCY SHALL BE ADDED TO THE NEXT YEAR'S TAX IMPOSITION FOR THAT DISTRICT.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT RELEASE A COUNTY FROM ITS OBLIGATION TO IMPOSE AD VALOREM TAXES ON ASSESSABLE PROPERTY IN THE COUNTY AT A RATE AND OF AN AMOUNT SUFFICIENT TO PAY THE MATURING PRINCIPAL OF AND INTEREST ON BONDS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 166(a), (b), and the first sentence of (c).

In subsection (a) of this section, the references to the district council "impos[ing]" a tax are substituted for the former references to the district council "levy[ing]" a tax for consistency with other similar provisions of the Code.

Also in subsection (a) of this section, the former reference to "[f]or the purpose of providing additional funds to pay the semiannual interest on such notes, certificates of indebtedness or bonds, and the principal thereof, of each of said districts, when and as they mature, and providing all the funds necessary to pay the costs and expenses of each district to carry into effect the provisions of this subtitle and the entire cost of repairing and keeping in repair in each district the erosion prevention works constructed therein" is deleted as surplusage.

In subsection (a)(2) of this section, the reference to each year "before the tax is imposed" is substituted for the former reference to each year "prior

to its annual levy” for consistency with other similar provisions of the Code.

In subsection (a)(3)(i) of this section, the reference to bonds, notes, or other evidence of indebtedness “issued to finance the construction of projects under this subtitle” is substituted for the former reference to “said” bonds, notes, or other evidence of indebtedness for clarity.

Also in subsection (a)(3)(i) of this section, the reference to the interest and principal payments “due on” the bonds, etc. is substituted for the former reference to the interest and principal “when and as they mature” for brevity.

In subsections (a)(3)(ii) and (5) and (c)(2)(ii) of this section, the references to “maint[aining]” a project are substituted for the former references to “keep[ing] in repair” for clarity and brevity.

In the introductory language of subsection (a)(3)(iii) of this section, the references to “member[s]” of the district council are added to state that which was formerly implied, that the \$200 reimbursement limit is per member.

Also in the introductory language of subsection (a)(3)(iii) of this section, the former reference to the “entire cost” of necessary expenses is deleted as surplusage.

In subsection (a)(3)(iii)1 of this section, the former reference to “the various” bulkheads is deleted as surplusage.

In subsection (a)(4) of this section, the former reference to “each year, in its annual levy” is deleted as unnecessary in light of subsection (a)(1) of this section.

In subsection (b)(1)(i) of this section, the reference to a tax “imposed” is substituted for the former reference to a tax “levied” for consistency with other similar provisions of the Code.

Also in subsection (b)(1)(i) of this section, the former reference to a tax “collected” is deleted as implicit in the authority to impose a tax.

Also in subsection (b)(1)(i) of this section, the former reference to county taxes as “now are, or may hereafter be, by law levied and collected” is deleted as surplusage.

In subsection (b)(2)(ii) of this section, the former reference to the “whole” amount collected is deleted as surplusage.

Also in subsection (b)(2)(ii) of this section, the former reference to taxes collected “from each district” is deleted as surplusage.

In the introductory language of subsection (c)(1) of this section, the reference to the “district council ... deposit[ing] money received under subsection (b) of this section” is substituted for the former reference to the “money so received shall be deposited” for clarity.

Also in the introductory language of subsection (c)(1) of this section, the former reference to “banks” is deleted in light of the reference to a “bank” and Art. 1, § 8, which provides that the singular generally includes the plural.

Also in the introductory language of subsection (c)(1) of this section, the former phrase “as the county commissioners shall determine” is deleted as surplusage.

In subsection (c)(2)(i)1 of this section, the reference to bonds issued “for the projects” is substituted for the former reference to bonds issued “for the benefit of said district” for clarity.

Also in subsection (c)(2)(i)1 of this section, the former reference to interest “as it matures” is deleted as surplusage.

In subsection (d)(1) of this section, the reference to receipts “not meet[ing] the required” payments is substituted for the former reference to the receipts “be[ing] inadequate to meet said” payments for clarity.

Also in subsection (d)(1) of this section, the reference to the tax “imposition” is substituted for the former reference to the tax “levy” for consistency with other similar provisions of the Code.

In subsection (d)(2) of this section, the reference to the “obligation to impose” ad valorem taxes is substituted for the former reference to the “guaranty to levy” ad valorem taxes for consistency with other similar provisions of the Code.

Also in subsection (d)(2) of this section, the former reference to imposing taxes in a rate and amount “at any time” is deleted as surplusage.

Also in subsection (d)(2) of this section, the former reference to a county “guaranteeing any bonds hereunder” is deleted as surplusage.

Also in subsection (d)(2) of this section, the former reference to the “corporate limits of” the county is deleted as surplusage.

Also in subsection (d)(2) of this section, the former phrase “should the aforementioned benefit charges and district taxes prove insufficient for said purpose for any reason” is deleted as surplusage.

Defined terms: “County” § 1–101

“District” § 21–201

“District council” § 21–201

“Project” § 21–201

21–214. FAILURE TO PERFORM REQUIRED DUTIES.

(A) PROHIBITION.

A PERSON OR AGENCY MAY NOT:

(1) FAIL TO PERFORM DUTIES REQUIRED UNDER THIS SUBTITLE;

(2) FAIL TO PAY THE PRINCIPAL OF AND INTEREST ON ANY BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS AS REQUIRED BY THIS SUBTITLE; OR

(3) USE THE MONEY FROM BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS FOR ANY PURPOSE OTHER THAN THE PURPOSE SPECIFIED UNDER THIS SUBTITLE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR’S NOTE: This section is new language derived without substantive change from second sentence of former Art. 25, § 166(c).

In the introductory language of subsection (a) of this section, the former reference to “persons” is deleted in light of the reference to “person” and Art. 1, § 8, which provides that the singular generally includes the plural.

Also in the introductory language of subsection (a) of this section, the former reference to a “body corporate” is deleted as included in the defined term “person”.

Also in the introductory language of subsection (a) of this section, the former phrase “[i]n order that the prompt payment of interest on such notes, certificates of indebtedness or bonds and the prompt payment of said notes, certificates of indebtedness or bonds as they shall mature, shall be assured, the prompt and proper performance of the respective acts and duties heretofore defined is specifically enjoined,” is deleted as implicit in the requirement that all duties under this subtitle be performed.

In subsection (a)(1) of this section, the former reference to “acts” is deleted as included in the reference to “duties” required.

In subsection (a)(2) of this section, the reference to “pay[ing] the principal of and interest on any bonds, notes, or other evidence of indebtedness as required by this subtitle” is substituted for the former reference to “pay[ing] over said funds as required” for clarity.

In subsection (a)(3) of this section, the reference to “us[ing] the money from bonds, notes, or other evidence of indebtedness” is substituted for the former reference to “the use of said funds or any part thereof” for clarity.

In subsection (b) of this section, the reference to a person being “guilty of a misdemeanor” is substituted for the former reference to certain actions being “hereby declared a crime” for clarity and consistency with other similar provisions of the Code.

Also in subsection (b) of this section, the former reference to conviction “in the circuit court for the county” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to the penalty being “in the discretion of the court” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to an “indictment” is deleted as unnecessary in light of the reference to a “conviction”.

Defined term: “Person” § 1–101

SUBTITLE 3. SHORE EROSION CONTROL DISTRICTS.

21–301. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES TO PROPERTY IN ONE OR MORE COUNTIES THAT ABUTS A BODY OF WATER IN THE STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 167A, as it related to a description of the type of property to which this subtitle applies.

The former reference to property in one or more counties "bordering" a body of water is deleted as unnecessary in light of the reference to property in one or more counties "that abuts" a body of water.

The former references to a "tidal or nontidal," body of "natural or artificial" water and the "Chesapeake Bay, and any river or stream" are deleted as redundant in light of and implicit in the reference to a "body of water in the State".

Defined terms: "County" § 1-101
 "State" § 1-101

21-302. AUTHORITY TO CREATE SHORE EROSION CONTROL DISTRICT.

PROPERTY SUBJECT TO THIS SUBTITLE MAY BE FORMED INTO A SHORE EROSION CONTROL DISTRICT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 167A, as it related to the authority to form property into a shore erosion control district.

The former reference to a shore erosion control district "under the provisions of this subtitle" is deleted as surplusage.

21-303. PROCEDURE TO ESTABLISH.

(A) CREATION OF DISTRICT.

THE OWNERS OF 75% OF THE REAL PROPERTY IN A PROPOSED DISTRICT, OR 75% OF THE OWNERS OF REAL PROPERTY IN A PROPOSED DISTRICT, MAY PRESENT A WRITTEN PETITION TO THE GOVERNING BODY OF EACH COUNTY WHERE THE PROPERTY LIES TO REQUEST THE CREATION OF A SHORE EROSION CONTROL DISTRICT.

(B) PETITION.

THE PETITION SHALL DESCRIBE THE PROPOSED BOUNDARIES OF THE SHORE EROSION CONTROL DISTRICT.

(C) REFERRAL OF PETITION.

(1) ON RECEIPT OF A PETITION, THE GOVERNING BODY OF THE COUNTY SHALL REFER THE PETITION TO THE DEPARTMENT OF NATURAL RESOURCES.

(2) (I) THE DEPARTMENT OF NATURAL RESOURCES SHALL REVIEW THE PETITION AND SUBMIT A REPORT TO THE GOVERNING BODY OF THE COUNTY.

(II) THE REPORT SHALL CONTAIN:

1. THE DEPARTMENT'S RECOMMENDATION CONCERNING THE FEASIBILITY AND NEED FOR A SHORE EROSION CONTROL DISTRICT;

2. A DESCRIPTION OF THE AREA TO BE INCLUDED IN THE SHORE EROSION CONTROL DISTRICT;

3. PLANS FOR EROSION CONTROL; AND

4. ESTIMATED COSTS FOR ANY PROJECTS RECOMMENDED FOR EROSION CONTROL.

(D) ESTABLISHMENT AND DESIGNATION.

ON RECEIPT OF THE REPORT, THE GOVERNING BODY OF THE COUNTY MAY:

(1) ESTABLISH THE SHORE EROSION CONTROL DISTRICT; AND

(2) DESIGNATE THE AREA TO BE INCLUDED IN THE SHORE EROSION CONTROL DISTRICT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 167B.

In this section and throughout this subtitle, the references to a "shore erosion control" district are added for clarity.

In subsection (a) of this section, the reference to the owners of property "in a proposed district" is added for clarity.

Also in subsection (a) of this section, the references to "real property" are substituted for the former references to "any property" for clarity.

In subsection (c)(2)(ii)2 of this section, the requirement that a report contain “a description of” the area to be included in a shore erosion control district is added for clarity.

Defined terms: “County” § 1–101

“Governing body” § 1–101

21–304. GOVERNING BODY AS DISTRICT COUNCIL.

THE GOVERNING BODY OF A COUNTY MAY ACT AS THE DISTRICT COUNCIL FOR THE SHORE EROSION CONTROL DISTRICT.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 167C.

The former reference to “carrying out the provisions of this subtitle [using] all applicable power and authority vested in them by existing law and by this subtitle” is deleted as implicit in the grant of authority to the governing body to act as district council.

Defined terms: “County” § 1–101

“Governing body” § 1–101

21–305. FINANCING AND CONSTRUCTING EROSION CONTROL PROJECTS.

(A) IN GENERAL.

THE GOVERNING BODY OF A COUNTY MAY FINANCE AND CONSTRUCT AN EROSION CONTROL PROJECT IN A SHORE EROSION CONTROL DISTRICT IN ACCORDANCE WITH SUBTITLE 2 OF THIS TITLE.

(B) ALTERNATIVE FINANCING.

INSTEAD OF THE METHOD OF FINANCING DESCRIBED UNDER § 21–209 OF THIS TITLE, THE GOVERNING BODY OF A COUNTY MAY USE THE METHOD OF FINANCING PROVIDED BY § 21–210 OF THIS TITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 167D.

Defined terms: “County” § 1–101

“Governing body” § 1–101

21-306. EROSION CONTROL TAX IN ANNE ARUNDEL COUNTY.

(A) IN GENERAL.

THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY MAY IMPOSE A DIRECT TAX ON PROPERTY IN A SHORE EROSION CONTROL DISTRICT TO:

(1) REPAY A LOAN MADE TO THE COUNTY BY THE STATE UNDER § 8-1005 OF THE NATURAL RESOURCES ARTICLE FOR THE CONSTRUCTION OF AN EROSION CONTROL PROJECT FOR THE BENEFIT OF A SHORE EROSION CONTROL DISTRICT; AND

(2) PAY FOR MAINTENANCE, REPAIR, AND RECONSTRUCTION OF EROSION CONTROL PROJECTS.

(B) COLLECTION.

A TAX UNDER THIS SECTION SHALL:

(1) BE IMPOSED AND COLLECTED AS COUNTY TAXES ARE IMPOSED AND COLLECTED; AND

(2) HAVE THE SAME PRIORITY RIGHTS, BEAR THE SAME INTEREST AND PENALTIES, AND IN EVERY RESPECT BE TREATED THE SAME AS COUNTY TAXES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 167F.

In the introductory language of subsection (a) of this section, the former reference to a tax "levy" is deleted as surplusage.

In subsection (a)(1) of this section, the reference to an "erosion control" project is added for clarity.

In subsection (a)(2) of this section, the reference to "erosion control projects" is substituted for the former reference to "shore erosion control works" for clarity and consistency with the terminology used throughout this subtitle.

In subsection (b)(1) of this section, the references to taxes being "imposed" are substituted for the former references to taxes being "levied" for consistency with other similar provisions of the Code.

Defined term: "State" § 1-101

GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 25, § 167E, which defined "county" and "county commissioners", is deleted as unnecessary in light of the defined terms "county" and "governing body" in § 1-101 of this article.

SUBTITLE 4. MUNICIPAL SPECIAL TAXING DISTRICTS.

PART I. MUNICIPAL SPECIAL TAXING DISTRICTS FOR FINANCING IMPROVEMENT AND OPERATION OF SPECIFIED FACILITIES.

21-401. AUTHORITY GRANTED.

FOR THE PURPOSES STATED IN § 21-402 OF THIS SUBTITLE, A MUNICIPALITY MAY:

(1) BY ORDINANCE OR RESOLUTION, ESTABLISH SPECIAL TAXING DISTRICTS; AND

(2) IMPOSE AD VALOREM TAXES ON ALL REAL AND PERSONAL PROPERTY IN A SPECIAL TAXING DISTRICT AT A RATE SUFFICIENT TO PROVIDE ADEQUATE ANNUAL REVENUES TO PAY:

(I) THE PRINCIPAL OF AND INTEREST ON ANY BONDS OR OTHER OBLIGATIONS OF THE MUNICIPALITY ISSUED FOR THE PURPOSE FOR WHICH THE SPECIAL TAXING DISTRICT WAS ESTABLISHED, AS THE PRINCIPAL AND INTEREST BECOME DUE; AND

(II) THE COSTS OF OPERATING AND MAINTAINING FACILITIES AND ACTIVITIES FOR WHICH THE SPECIAL TAXING DISTRICT WAS ESTABLISHED.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentences of former Art. 44A, § 44(a) and (b), as they related to the authority for a municipality to establish special taxing districts for the purposes stated in § 21-402 of this subtitle.

The former reference to "[p]ursuant to the provisions of § 5 of Article XI-E of the Constitution of Maryland prohibiting any municipal corporation classified by the General Assembly under the provisions of § 2 of Article XI-E of the Constitution of Maryland from levying any type of tax, license fee, franchise tax or fee which was not in effect in the

municipal corporation on January 1, 1954, unless it has received the express authorization of the General Assembly for that purpose, by a general law which in its terms and its effect applies alike to all similarly classified municipal corporations, the General Assembly hereby expressly authorizes all municipal corporations in this State within the class created by § 10 of this article” to establish special taxing districts is deleted as surplusage.

The former reference to a municipality “subject to Article XI–E of the Constitution, whether through its municipal charter or otherwise” is deleted as surplusage.

In the introductory language of this section, the reference to the purposes “stated in § 21–402 of this subtitle” is substituted for the former reference to “these” purposes for clarity.

In item (1) of this section, the former reference to a municipality establishing special taxing districts “within their respective corporate limits” is deleted as implicit.

In the introductory language of item (2) of this section and throughout this subtitle, the references to “impos[ing]” taxes are substituted for the former references to “levy[ing]” taxes for consistency with other similar provisions of the Code.

In item (2)(i) and (ii) of this section, the references to the purpose and facilities and activities “for which the special taxing district was established” are substituted for the former references to “these” purposes and facilities and activities for clarity.

Defined term: “Municipality” § 1–101

21–402. PURPOSE OF AUTHORITY.

THE PURPOSE OF THE AUTHORITY GRANTED UNDER THIS PART IS TO:

(1) FINANCE THE ESTABLISHMENT, ACQUISITION, DESIGN, CONSTRUCTION, ALTERATION, IMPROVEMENT, EXTENSION, OPERATION, AND MAINTENANCE OF:

(I) ADEQUATE STORM DRAINAGE SYSTEMS;

(II) PUBLIC PARKING FACILITIES;

(III) PEDESTRIAN MALLS;

(IV) STREET AND AREA LIGHTING; AND

(V) RIDE SHARING AND BUS SYSTEMS;

(2) FINANCE THE CAPITAL AND OPERATING COSTS TO ENHANCE POLICE, FIRE PROTECTION, AND RESCUE SERVICES; AND

(3) PROVIDE FINANCING FOR COMMERCIAL DISTRICT MANAGEMENT AUTHORITIES ESTABLISHED UNDER § 5-214(B) OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentences of former Art. 23A, § 44(a) and (b), as they related to the purpose of the authority granted by this part.

In the introductory language of item (1) of this section, the reference to “establishment, acquisition, design, construction, alteration, improvement, extension, operation, and maintenance” is made applicable to all of the facilities listed in item (1)(i) through (v) for accuracy. Although slightly different wording was used in the former law with respect to each of the facilities listed, the former law has been interpreted to grant the same authority as to each. *See* May 15, 2006 letter from Bonnie A. Kirkland, Assistant Attorney General, to Senator E. J. Pipkin regarding whether former Art. 23A, § 44 authorized a municipality to use revenues collected in a special taxing district for the operation and maintenance of a storm water management facility.

Also in the introductory language of item (1) of this section, the former reference to the “erection” of facilities is deleted as included in the reference to “construction”.

21-403. RIDE SHARING OR BUS SYSTEM.

IN A SPECIAL TAXING DISTRICT ESTABLISHED FOR FINANCING A RIDE SHARING OR BUS SYSTEM, A MUNICIPALITY SHALL IMPOSE A COMBINATION OF DEVELOPMENT IMPACT FEES AND AD VALOREM TAXES TO FINANCE, WHOLLY OR PARTLY, THE CAPITAL AND OPERATING COSTS OF THE RIDE SHARING OR BUS SYSTEM.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 23A, § 44(b).

The reference to a “special taxing district established for financing a ride sharing or bus system” is substituted for the former reference to “such a taxing district” for clarity.

The former references to “fix[ing]” and “collect[ing]” taxes are deleted as included in the reference to “impos[ing]” taxes.

The former reference to the “additional or expanded” ride sharing or bus system is deleted as surplusage.

Defined term: “Municipality” § 1–101

21–404. AD VALOREM TAXES.

AD VALOREM TAXES IMPOSED UNDER THIS PART SHALL BE IMPOSED IN THE SAME MANNER, ON THE SAME ASSESSMENTS, FOR THE SAME PERIOD, AND AS OF THE SAME DATE OF FINALITY AS REQUIRED FOR MUNICIPAL PROPERTY TAX PURPOSES IN THE SPECIAL TAXING DISTRICT.

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 23A, § 44(a).

The reference to the manner, assessments, period, and date of finality required “for municipal property tax purposes in the special taxing district” is substituted for the former reference to “as are now or may hereafter be” required for clarity.

The former reference to “periods” is deleted in light of the reference to “period” and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, the reference to “dates” is deleted in light of the reference to “date”.

21–405. RESERVED.

21–406. RESERVED.

PART II. MUNICIPAL SPECIAL TAXING DISTRICTS FOR INFRASTRUCTURE IMPROVEMENTS.

21–407. DEFINITIONS.

(A) IN GENERAL.

IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 23A, § 44A(a)(1).

The only change is in style.

(B) BOND.

“BOND” MEANS A REVENUE BOND, NOTE, OR OTHER SIMILAR INSTRUMENT ISSUED BY A MUNICIPALITY IN ACCORDANCE WITH THIS PART.

REVISOR'S NOTE: This subsection formerly was Art. 23A, § 44A(a)(2).

The only changes are in style.

Defined term: “Municipality ” § 1–101

(C) COST.

“COST” INCLUDES THE COST OF:

- (1) CONSTRUCTION, RECONSTRUCTION, AND RENOVATION;**
- (2) ACQUISITION OF STRUCTURES, REAL OR PERSONAL PROPERTY, RIGHTS, RIGHTS-OF-WAY, FRANCHISES, EASEMENTS, AND INTERESTS ACQUIRED OR TO BE ACQUIRED BY THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION, THE STATE, A UNIT OR POLITICAL SUBDIVISION OF THE STATE, OR ANOTHER GOVERNMENTAL UNIT HAVING JURISDICTION OVER THE INFRASTRUCTURE IMPROVEMENT;**
- (3) MACHINERY AND EQUIPMENT, INCLUDING MACHINERY AND EQUIPMENT NEEDED TO EXPAND OR ENHANCE MUNICIPAL SERVICES TO A SPECIAL TAXING DISTRICT;**
- (4) FINANCING CHARGES AND INTEREST BEFORE AND DURING CONSTRUCTION AND, IF THE MUNICIPALITY CONSIDERS IT ADVISABLE, FOR A LIMITED PERIOD AFTER COMPLETION OF THE CONSTRUCTION;**
- (5) INTEREST AND RESERVES FOR PRINCIPAL AND INTEREST, INCLUDING THE COST OF MUNICIPAL BOND INSURANCE AND ANY OTHER TYPE OF FINANCIAL GUARANTY AND COSTS OF ISSUANCE;**
- (6) EXTENSIONS, ENLARGEMENTS, ADDITIONS, AND IMPROVEMENTS;**

(7) ARCHITECTURAL, ENGINEERING, FINANCIAL, AND LEGAL SERVICES;

(8) PLANS, SPECIFICATIONS, STUDIES, SURVEYS, AND ESTIMATES OF COSTS AND REVENUES;

(9) ADMINISTRATIVE EXPENSES NECESSARY OR INCIDENT IN DETERMINING TO PROCEED WITH INFRASTRUCTURE IMPROVEMENTS; AND

(10) OTHER EXPENSES NECESSARY OR INCIDENT TO ACQUIRING, CONSTRUCTING, AND FINANCING INFRASTRUCTURE IMPROVEMENTS.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 23A, § 44A(a)(3).

In item (2) of this subsection, the former reference to "lands" is deleted as included in the reference to "property".

Also in item (2) of this subsection, the former reference to a "department" of the State is deleted as included in the reference to a "unit" of the State.

Defined terms: "Bond" § 21-407
 "Municipality" § 1-101
 "State" § 1-101

(D) MEDCO OBLIGATION.

"MEDCO OBLIGATION" MEANS ANY DEBT INSTRUMENT THAT THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION ISSUES FOR THE PURPOSES STATED IN § 21-410(A)(2) OF THIS SUBTITLE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 23A, § 44A(a)(4).

The reference to any "debt" instrument is substituted for the former reference to any "bond, note, or other similar" instrument to avoid use of the defined term "bond".

The former reference to bonds issued "under authority other than this section" is deleted as unnecessary because this part does not grant any authority to MEDCO to issue bonds.

The former reference to debt that the Maryland Economic Development Corporation issues "to finance" the purposes stated in § 21-410(a)(2) is deleted as surplusage.

The former reference to the purposes specified in subsection “(d)(3)” of this section (revised as § 21–421 of this subtitle) is deleted as unnecessary because former subsection (d)(3) served to restrict the use of bond proceeds to certain purposes and did not expand on the authorized purposes of this part.

The former reference to purposes “only with respect to infrastructure improvements located in or supporting a transit-oriented development or a State hospital redevelopment” is deleted as unnecessary in light of the cross-reference to § 21–410(a)(2) of this subtitle.

(E) STATE HOSPITAL REDEVELOPMENT.

“STATE HOSPITAL REDEVELOPMENT” MEANS ANY COMBINATION OF PRIVATE OR PUBLIC COMMERCIAL, RESIDENTIAL, OR RECREATIONAL USES, IMPROVEMENTS, AND FACILITIES THAT:

(1) IS PART OF A COMPREHENSIVE COORDINATED DEVELOPMENT PLAN OR STRATEGY INVOLVING PROPERTY THAT:

(I) WAS OCCUPIED FORMERLY BY A STATE FACILITY, AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE, OR A STATE RESIDENTIAL CENTER, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE; OR

(II) IS ADJACENT OR REASONABLY PROXIMATE TO PROPERTY THAT WAS OCCUPIED FORMERLY BY A STATE FACILITY, AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE, OR A STATE RESIDENTIAL CENTER, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE;

(2) IN ACCORDANCE WITH DESIGN DEVELOPMENT PRINCIPLES, MAXIMIZES USE OF THE PROPERTY BY THOSE CONSTITUENCIES IT IS INTENDED TO SERVE; AND

(3) IS DESIGNATED AS A STATE HOSPITAL REDEVELOPMENT BY:

(I) THE SMART GROWTH SUBCABINET ESTABLISHED UNDER § 9–1406 OF THE STATE GOVERNMENT ARTICLE; AND

(II) THE LOCAL GOVERNMENT OR MULTICOUNTY AGENCY WITH LAND USE AND PLANNING RESPONSIBILITY FOR THE RELEVANT AREA.

REVISOR'S NOTE: This section formerly was Art. 23A, § 44A(a)(5).

The only changes are in style.

Defined term: "State" § 1-101

(F) TRANSIT-ORIENTED DEVELOPMENT.

"TRANSIT-ORIENTED DEVELOPMENT" HAS THE MEANING STATED IN § 7-101 OF THE TRANSPORTATION ARTICLE.

REVISOR'S NOTE: This subsection formerly was Art. 23A, § 44A(a)(6).

No changes are made.

21-408. APPLICATION AND CONSTRUCTION OF PART.

(A) PART SELF-EXECUTING.

THIS PART IS SELF-EXECUTING AND DOES NOT REQUIRE A MUNICIPALITY TO AMEND ITS CHARTER TO EXERCISE THE POWERS GRANTED UNDER THIS PART.

(B) SUPPLEMENTAL POWERS.

THE POWERS GRANTED UNDER THIS PART:

(1) ARE SUPPLEMENTAL TO ANY POWER GRANTED BY ANOTHER LAW; AND

(2) DO NOT LIMIT ANY OTHER POWER.

(C) LIBERAL CONSTRUCTION.

THIS PART IS NECESSARY FOR THE WELFARE OF THE STATE AND ITS RESIDENTS AND SHALL BE LIBERALLY CONSTRUED TO EFFECT THE PURPOSES STATED IN § 21-410(A) OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 44A(k), (l), and (c)(2).

In subsection (b)(1) of this section, the former reference to powers being "additional" is deleted as included in the reference to powers being "supplemental".

In subsection (b)(2) of this section, the reference to powers not “limit[ing]” other powers is substituted for the former reference to the powers not being “regarded as in derogation of” other powers for clarity.

Also in subsection (b)(2) of this section, the former reference to powers “now existing” is deleted as surplusage.

Defined terms: “Municipality” § 1–101
 “State” § 1–101

21–409. AUTHORITY GRANTED.

(A) IN GENERAL.

FOR ANY PURPOSE STATED IN § 21–410(A)(1) OF THIS SUBTITLE, A MUNICIPALITY MAY:

- (1) ESTABLISH A SPECIAL TAXING DISTRICT;**
- (2) IMPOSE AD VALOREM OR SPECIAL TAXES; AND**
- (3) ISSUE BONDS.**

(B) TRANSIT–ORIENTED DEVELOPMENT OR STATE HOSPITAL REDEVELOPMENT.

(1) FOR ANY PURPOSE STATED IN § 21–410(A)(2) OF THIS SUBTITLE, A MUNICIPALITY MAY:

- (I) ESTABLISH SPECIAL TAXING DISTRICTS;**
- (II) IMPOSE AD VALOREM OR SPECIAL TAXES; AND**
- (III) PLEDGE FUNDS UNDER AN AGREEMENT TO:**
 - 1. SECURE PAYMENT ON MEDCO OBLIGATIONS;**
 - 2. PAY THE COSTS OF INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT–ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT; AND**

3. PAY THE COSTS OF OPERATING AND MAINTAINING INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT.

(2) AN AGREEMENT PLEDGING FUNDS AS DESCRIBED IN PARAGRAPH (1)(III) OF THIS SUBSECTION SHALL:

(I) BE AUTHORIZED BY AN ORDINANCE OR RESOLUTION OF THE MUNICIPALITY;

(II) BE IN WRITING;

(III) BE EXECUTED ON BEHALF OF THE MUNICIPALITY MAKING THE PLEDGE, THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION, AND ANY OTHER PERSON OR ENTITY THAT THE GOVERNING BODY OF THE MUNICIPALITY DETERMINES; AND

(IV) BENEFIT, AND BE ENFORCEABLE ON BEHALF OF, THE HOLDERS OF ANY MEDCO OBLIGATION SECURED BY THE AGREEMENT.

(C) REQUEST OF OWNERS REQUIRED.

(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MUNICIPALITY MAY ESTABLISH A SPECIAL TAXING DISTRICT, ISSUE BONDS, OR IMPOSE AN AD VALOREM OR SPECIAL TAX UNDER THIS PART ONLY IF A REQUEST TO THE MUNICIPALITY IS MADE BY BOTH:

(I) THE OWNERS OF AT LEAST TWO-THIRDS OF THE ASSESSED VALUATION OF THE REAL PROPERTY LOCATED IN THE SPECIAL TAXING DISTRICT; AND

(II) AT LEAST TWO-THIRDS OF THE OWNERS OF THE REAL PROPERTY LOCATED IN THE SPECIAL TAXING DISTRICT.

(2) FOR PURPOSES OF PARAGRAPH (1)(II) OF THIS SUBSECTION:

(I) MULTIPLE OWNERS OF A SINGLE PARCEL ARE TREATED AS A SINGLE OWNER; AND

(II) A SINGLE OWNER OF MULTIPLE PARCELS IS TREATED AS ONE OWNER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 44A(b)(1), (f)(3), and (g)(3)(ii) and, as it related to the authority to issue bonds on the request of property owners, (c)(1).

In the introductory language of subsections (a) and (b) of this section, the former phrase “[s]ubject to the provisions of this section” is deleted as surplusage.

In subsection (a)(3) of this section, the former reference to “other obligations” is deleted as included in the defined term “bond”.

In the introductory language of subsection (b)(1) of this section, the former reference to a municipality “that has created a special fund for a special taxing district” is deleted as unnecessary in light of the requirement under § 21–412 of this subtitle to create a special fund.

In the introductory language of subsection (b)(1)(iii) of this section, the former references to “amounts deposited to the special fund” being “paid over to” certain purposes are deleted as surplusage.

Also in the introductory language of subsection (b)(1)(iii) of this section, the former phrase “as the governing body of the municipal corporation may determine” is deleted as implicit in the municipality’s discretion to pledge funds.

Subsection (c) of this section is restated as a limitation on a municipality’s authority to create a special taxing district under this part for clarity and accuracy.

In the introductory language of subsection (c)(1) of this section, the reference to “issu[ing] bonds” is substituted for the former reference to “borrow[ing] money by issuing and selling bonds” for brevity.

Also in the introductory language of subsection (c)(1) of this section, the reference to any “law” is substituted for the former reference to any “other public local law, public general law, or municipal charter” for brevity.

Also in the introductory language of subsection (c)(1) of this section, the former reference to “[t]he ordinance or resolution authorizing the bonds required under this subsection, any ordinance, resolution, or executive order passed or adopted in furtherance of the required ordinance or resolution” is deleted as implicit because those are a required part of creating a special taxing district, issuing bonds, or imposing taxes.

Also in the introductory language of subsection (c)(1) of this section, the former reference to the powers being “[i]n addition to other powers a municipal corporation may have” is deleted as surplusage.

Defined terms: “Bond” § 21–407

“Cost” § 21–407

“Governing body” § 21–407

“MEDCO obligation” § 21–407

“Municipality” § 1–101

“Person” § 1–101

“State hospital redevelopment” § 21–407

“Transit-oriented development” § 21–407

21–410. PURPOSE OF AUTHORITY.

(A) IN GENERAL.

THE PURPOSE OF THE AUTHORITY GRANTED UNDER THIS PART IS TO:

(1) FINANCE, REFINANCE, OR REIMBURSE THE COST OF ESTABLISHING, ACQUIRING, DESIGNING, CONSTRUCTING, ALTERING, OR EXTENDING ADEQUATE INFRASTRUCTURE IMPROVEMENTS AS NECESSARY FOR THE DEVELOPMENT AND USE OF LAND IN ANY DEFINED GEOGRAPHIC REGION IN THE MUNICIPALITY, INCLUDING STORM DRAINAGE SYSTEMS, SEWERS, WATER SYSTEMS, ROADS, BRIDGES, CULVERTS, TUNNELS, SIDEWALKS, LIGHTING, PARKING, PARKS AND RECREATION FACILITIES, LIBRARIES, AND SCHOOLS; AND

(2) PROVIDE A SOURCE OF FUNDING FOR PAYMENT OF COSTS OF:

(I) INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT; AND

(II) OPERATION AND MAINTENANCE OF INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT.

(B) LOCATION OF IMPROVEMENTS.

AN INFRASTRUCTURE IMPROVEMENT FINANCED UNDER SUBSECTION (A)(1) OF THIS SECTION MAY BE LOCATED:

(1) IN THE SPECIAL TAXING DISTRICT;

(2) IN THE MUNICIPALITY, OUTSIDE THE SPECIAL TAXING DISTRICT IF THE INFRASTRUCTURE IMPROVEMENT IS REASONABLY RELATED TO OTHER INFRASTRUCTURE IMPROVEMENTS IN THE SPECIAL TAXING DISTRICT; OR

(3) OUTSIDE THE MUNICIPALITY IF:

(I) THE INFRASTRUCTURE IMPROVEMENT IS REASONABLY RELATED TO OTHER INFRASTRUCTURE IMPROVEMENTS IN THE SPECIAL TAXING DISTRICT; AND

(II) NOTICE IS GIVEN TO THE GOVERNMENTAL UNIT HAVING JURISDICTION OVER THE INFRASTRUCTURE IMPROVEMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 44A(b)(2).

In subsection (a)(1) of this section, the former reference to "streets" is deleted as included in the reference to "roads".

In subsection (b)(2) of this section, the reference to an infrastructure improvement being located "outside the special taxing district" is added for clarity.

Defined terms: "Cost" § 21-407

"Municipality" § 1-101

"State hospital redevelopment" § 21-407

"Transit-oriented development" § 21-407

21-411. PUBLIC HEARING REQUIREMENTS.

UNLESS OTHERWISE PROVIDED IN THE CHARTER, BYLAWS, OR CODE OF A MUNICIPALITY, BEFORE THE GOVERNING BODY OF A MUNICIPALITY ENACTS AN ORDINANCE OR A RESOLUTION THAT ESTABLISHES A SPECIAL TAXING DISTRICT, AUTHORIZES THE ISSUANCE OF BONDS, OR IMPOSES AD VALOREM OR SPECIAL TAXES UNDER THIS PART, THE GOVERNING BODY SHALL:

(1) HOLD A PUBLIC HEARING; AND

(2) GIVE NOTICE OF THE PUBLIC HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY AT LEAST 10 DAYS BEFORE THE DATE OF THE HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 44A(m).

In item (2) of this section, the reference to giving notice "of the public hearing" is added for clarity.

Defined terms: "Bond" § 21-407

"Governing body" § 1-101

"Municipality" § 1-101

21-412. SPECIAL FUND.

(A) SPECIAL FUND REQUIRED.

BY RESOLUTION, THE GOVERNING BODY OF A MUNICIPALITY:

(1) MAY DESIGNATE AN AREA AS A SPECIAL TAXING DISTRICT;

AND

(2) SHALL CREATE A SPECIAL FUND WITH RESPECT TO THE SPECIAL TAXING DISTRICT.

(B) PLEDGE OF TAXES TO SPECIAL FUND.

A RESOLUTION CREATING A SPECIAL FUND UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) PLEDGE TO THE SPECIAL FUND THE PROCEEDS OF THE AD VALOREM OR SPECIAL TAX TO BE IMPOSED AS PROVIDED UNDER § 21-414 OF THIS SUBTITLE; AND

(2) REQUIRE THAT THE PROCEEDS FROM THE TAX BE PAID INTO THE SPECIAL FUND.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 44A(e)(2) and (1)(i)1 and 2.

In subsection (a) of this section, the former phrase "[s]ubject to paragraph (2) of this section" is deleted as surplusage.

In subsection (a)(1) of this section, the former reference to "areas" is deleted in light of the reference to "area" and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (a)(2) of this section, the former provision authorizing a municipality to create a special fund with respect to a special taxing district is restated as a requirement, stating expressly that which was only implied under the former law.

Defined terms: “Governing body” § 1–101
 “Municipality” § 1–101

21–413. USE OF SPECIAL FUND WHEN NO BONDS OUTSTANDING.

IF NO BONDS AUTHORIZED BY THIS PART ARE OUTSTANDING WITH RESPECT TO A SPECIAL TAXING DISTRICT, THE GOVERNING BODY OF THE MUNICIPALITY MAY USE MONEY IN THE SPECIAL FUND FOR:

- (1) ANY PURPOSE SPECIFIED IN THIS PART;**
- (2) PAYING DEBT SERVICE ON BONDS TO BE ISSUED LATER;**
- (3) PAYMENT OR REIMBURSEMENT OF DEBT SERVICE THAT THE MUNICIPALITY IS OBLIGATED UNDER A GENERAL OR LIMITED OBLIGATION TO PAY, OR HAS PAID, ON MEDCO OBLIGATIONS OR ANY BOND, NOTE, OR OTHER SIMILAR INSTRUMENT ISSUED BY THE STATE OR BY ANY UNIT OR POLITICAL SUBDIVISION OF THE STATE, THE PROCEEDS OF WHICH WERE USED FOR ANY PURPOSE SPECIFIED IN THIS PART; OR**
- (4) PAYMENT TO THE MUNICIPALITY TO PROVIDE MONEY FOR ANY LEGAL PURPOSE AS DETERMINED BY THE GOVERNING BODY OF THE MUNICIPALITY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 44A(f)(2).

In the introductory language of this section, the former reference to the governing body of the municipality “so determin[ing]” is deleted as unnecessary because the discretion of the municipality to use the funds as it determines is implicit in the statement that the municipality “may” use the funds as specified.

In item (2) of this section, the former reference to money “[a]ccumulated for” paying debt service is deleted as surplusage.

In item (3) of this section, the former reference to a “department” of the State is deleted as included in the reference to a “unit” of the State.

Defined terms: "Bond" § 21-407
"Governing body" § 1-101
"MEDCO obligation" § 21-407
"Municipality" § 1-101
"State" § 1-101

21-414. TAXES.

(A) IN GENERAL.

THE GOVERNING BODY OF A MUNICIPALITY MAY PROVIDE FOR THE IMPOSITION OF AN AD VALOREM OR SPECIAL TAX ON ALL REAL AND PERSONAL PROPERTY IN A SPECIAL TAXING DISTRICT AT A RATE OR AMOUNT DESIGNED TO PROVIDE ADEQUATE REVENUE:

(1) TO PAY THE PRINCIPAL OF, INTEREST ON, AND ANY REDEMPTION PREMIUM ON ANY BONDS;

(2) TO REPLENISH ANY DEBT SERVICE RESERVE FUND;

(3) FOR ANY OTHER PURPOSE RELATED TO THE ONGOING EXPENSES OF OR SECURITY FOR BONDS;

(4) TO PAY COSTS OF INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT;

(5) PAY COSTS OF OPERATING AND MAINTAINING INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT; OR

(6) TO SECURE PAYMENT BY THE MUNICIPALITY OF ITS OBLIGATIONS UNDER AN AGREEMENT DESCRIBED IN § 21-409(B) OF THIS SUBTITLE.

(B) AD VALOREM TAXES.

AD VALOREM TAXES UNDER THIS PART SHALL BE IMPOSED IN THE SAME MANNER, ON THE SAME ASSESSMENTS, FOR THE SAME PERIOD, AND AS OF THE SAME DATE OF FINALITY AS REQUIRED FOR MUNICIPAL PROPERTY TAXES IN THE SPECIAL TAXING DISTRICT.

(C) SPECIAL TAXES.

(1) AS AN ALTERNATIVE TO IMPOSING AD VALOREM TAXES UNDER THIS PART, THE GOVERNING BODY OF A MUNICIPALITY MAY IMPOSE SPECIAL TAXES IN ACCORDANCE WITH THIS SUBSECTION ON PROPERTY IN A SPECIAL TAXING DISTRICT.

(2) IN DETERMINING THE BASIS FOR AND AMOUNT OF A SPECIAL TAX, THE COST OF AN IMPROVEMENT MAY BE CALCULATED AND IMPOSED:

(I) EQUALLY PER FRONT FOOT, LOT, PARCEL, DWELLING UNIT, OR SQUARE FOOT;

(II) ACCORDING TO THE VALUE OF THE PROPERTY, WITH OR WITHOUT REGARD TO IMPROVEMENTS ON THE PROPERTY; OR

(III) IN ANY OTHER REASONABLE MANNER THAT RESULTS IN A FAIR ALLOCATION OF THE COST OF THE INFRASTRUCTURE IMPROVEMENTS.

(3) THE GOVERNING BODY OF A MUNICIPALITY MAY ENACT AN ORDINANCE OR RESOLUTION FOR:

(I) THE MAXIMUM AMOUNT OF A SPECIAL TAX TO BE IMPOSED ON ANY PARCEL;

(II) THE TAX YEAR OR OTHER DATE AFTER WHICH FURTHER SPECIAL TAXES UNDER THIS PART MAY NOT BE IMPOSED ON A PARCEL; AND

(III) WHETHER, AND THE CIRCUMSTANCES UNDER WHICH, A SPECIAL TAX ON A PARCEL MAY BE INCREASED BECAUSE OF DELINQUENCY OR DEFAULT BY THE OWNER OF THAT PARCEL OR BY THE OWNER OF ANY OTHER PARCEL.

(4) BY ORDINANCE OR RESOLUTION, THE GOVERNING BODY OF A MUNICIPALITY MAY ESTABLISH PROCEDURES ALLOWING FOR THE PREPAYMENT OF SPECIAL TAXES UNDER THIS PART.

(5) A SPECIAL TAX IMPOSED UNDER THIS PART SHALL:

(I) UNLESS OTHERWISE PROVIDED IN AN ORDINANCE OR A RESOLUTION, BE COLLECTED AND SECURED IN THE SAME MANNER AS GENERAL AD VALOREM TAXES; AND

(II) IN THE CASE OF DELINQUENCY, BE SUBJECT TO THE SAME PENALTIES, PROCEDURE, SALE, AND LIEN PRIORITY AS GENERAL AD VALOREM TAXES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 44A(n) and (e)(1)(i)3, (ii), and (iii).

In subsection (a) of this section, the former phrase "as the governing body of the municipal corporation determines" is deleted as surplusage.

In subsection (b) of this section, the reference to ad valorem taxes "under this part" is added for clarity.

Also in subsection (b) of this section, the reference to "municipal property taxes" is substituted for the former reference to "general ad valorem tax purposes" for clarity.

Also in subsection (b) of this section, the former reference to "periods" is deleted in light of the reference to "period" and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in subsection (b) of this section, the former reference to "dates" of finality is deleted in light of the reference to "date" of finality.

Also in subsection (b) of this section, the former reference to imposing taxes in the manner as "are now or may hereafter be" prescribed is deleted as surplusage.

In subsection (c)(1) of this section, the reference to taxes imposed "in accordance with this subsection" is added for clarity.

Also in subsection (c)(1) of this section, the former reference to taxing "to cover the cost of infrastructure improvements" is deleted as surplusage.

In subsection (c)(2)(ii) of this section, the former reference to the value of the property "as determined by the governing body" is deleted for accuracy because the governing body itself does not place a value on property.

In subsection (c)(3)(i) of this section, the reference to the maximum amount "of a special tax" is added for clarity.

Also in subsection (c)(3)(i) of this section, the reference to the amount of tax “imposed on” a parcel is substituted for the former reference to the amount of tax “assessed with respect to” a parcel for consistency with other similar provisions of the Code.

Also in subsection (c)(3)(i) of this section, the former reference to a parcel “of property located within a special taxing district” is deleted as surplusage. Similarly, in subsection (c)(3)(iii) of this section, the former reference to the owner of a parcel “within the special taxing district” is deleted.

In subsection (c)(3)(ii) of this section, the former reference to a tax “collected” is deleted as included in the reference to a tax “imposed”.

Defined terms: “Bond” § 21-407

“Cost” § 21-407

“Governing body” § 1-101

“Municipality” § 1-101

“State hospital redevelopment” § 21-407

“Transit-oriented development” § 21-407

21-415. TERMINATION OF SPECIAL TAXING DISTRICT.

(A) WHEN SPECIAL TAXING DISTRICT TO BE TERMINATED.

A SPECIAL TAXING DISTRICT ESTABLISHED UNDER THIS PART SHALL BE TERMINATED IF:

(1) NO BONDS AUTHORIZED BY THIS PART ARE OUTSTANDING WITH RESPECT TO THE SPECIAL TAXING DISTRICT;

(2) NO MEDCO OBLIGATIONS TO WHICH A MUNICIPALITY HAS PLEDGED REVENUES UNDER THIS PART ARE OUTSTANDING WITH RESPECT TO THE SPECIAL TAXING DISTRICT; AND

(3) THE GOVERNING BODY OF THE MUNICIPALITY DETERMINES NOT TO USE MONEY IN THE SPECIAL FUND FOR PAYMENT OF COSTS OF:

(1) INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT; OR

(II) OPERATING AND MAINTAINING INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT.

(B) PAYMENT OF REMAINING FUNDS TO GENERAL FUND OF MUNICIPALITY.

ANY MONEY REMAINING IN THE SPECIAL FUND ON THE DATE OF TERMINATION OF THE SPECIAL TAXING DISTRICT MAY BE PAID TO THE GENERAL FUND OF THE MUNICIPALITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 44A(f)(1).

In the introductory language of subsection (a) of this section, the reference to a special taxing district "established under this part" is added for clarity.

In subsection (a)(2) of this section, the reference to MEDCO obligations "to which a municipality has pledged revenues under this part" is substituted for the former reference to obligations "described in paragraph (3) of this subsection" for clarity.

Defined terms: "Bond" § 21-407

"Cost" § 21-407

"Governing body" § 1-101

"MEDCO obligation" § 21-407

"Municipality" § 1-101

"State hospital redevelopment" § 21-407

"Transit-oriented development" § 21-407

21-416. INVESTMENT OF SPECIAL FUND AND SINKING FUNDS.

(A) IN GENERAL.

THE SPECIAL FUND AND ANY SINKING FUND ESTABLISHED BY A MUNICIPALITY UNDER THIS PART ARE SUBJECT TO § 19-102 OF THIS ARTICLE.

(B) BOND PROCEEDS PENDING EXPENDITURE.

THE PROCEEDS OF BONDS ISSUED UNDER THIS PART ARE SUBJECT TO §§ 17-101 AND 17-102 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 44A(g)(4).

In subsection (a) of this section, the reference to funds being “subject to” § 19–102 of this article is substituted for the former reference to funds “not be[ing] invested by the fiscal officer of the municipal corporation having custody of the special fund and any sinking fund except in the manner prescribed by” § 19–102 for brevity.

Also in subsection (a) of this section, the former reference to funds established “to provide for the payment of the principal of or interest on any bonds issued by the municipal corporation” is deleted as implicit in the reference to funds established “under this part”.

In subsection (b) of this section, the reference to the “bonds issued under this part” is substituted for the former reference to “any such bonds” for clarity.

Also in subsection (b) of this section, the reference to the proceeds of bonds being “subject to” §§ 17–101 and 17–102 of this article is substituted for the former reference to the proceeds being “invest[ed] ... pending the expenditure thereof, as prescribed under the provisions of” §§ 17–101 and 17–102 for brevity.

Also in subsection (b) of this section, the former reference to “[a]ny such fiscal officer having custody” of the proceeds of sale of the bonds is deleted as surplusage.

Defined terms: “Bond” § 21–407
 “Municipality” § 1–101

21–417. BONDS AUTHORIZED.

(A) IN GENERAL.

NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY ISSUE BONDS AS PROVIDED UNDER THIS PART FOR THE PURPOSES STATED IN § 21–410(A)(1) OF THIS SUBTITLE.

(B) ORDINANCE OR RESOLUTION — REQUIRED CONTENTS.

TO ISSUE BONDS UNDER THIS PART, THE GOVERNING BODY OF A MUNICIPALITY SHALL ADOPT AN ORDINANCE OR RESOLUTION THAT:

- (1) DESCRIBES THE PROPOSED UNDERTAKING;**
- (2) STATES:**

(I) THAT THE GOVERNING BODY HAS COMPLIED WITH §§ 21-412 AND 21-414 OF THIS SUBTITLE;

(II) THE MAXIMUM PRINCIPAL AMOUNT OF BONDS TO BE ISSUED; AND

(III) THE MAXIMUM RATE OF INTEREST FOR THE BONDS; AND

(3) ESTABLISHES A COVENANT TO IMPOSE AD VALOREM OR SPECIAL TAXES ON ALL REAL AND PERSONAL PROPERTY IN THE SPECIAL TAXING DISTRICT AT A RATE OR IN AN AMOUNT SUFFICIENT TO PROVIDE FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS IN EACH YEAR THAT THE BONDS ARE OUTSTANDING.

(c) ORDINANCE OR RESOLUTION — OPTIONAL CONTENTS.

(1) FOR BONDS TO BE ISSUED TO FINANCE THE PROPOSED UNDERTAKING, THE ORDINANCE OR RESOLUTION MAY SPECIFY:

(I) THE PRINCIPAL AMOUNT;

(II) THE RATE OF INTEREST;

(III) THE MANNER AND TERMS OF SALE;

(IV) THE TIME OF EXECUTION, ISSUANCE, AND DELIVERY;

(V) THE FORM, PURPOSE, AND DENOMINATIONS;

(VI) THE MANNER IN WHICH AND THE TIMES AND PLACES AT WHICH THE PRINCIPAL OF AND INTEREST ON THE BONDS SHALL BE PAID;

(VII) CONDITIONS FOR PAYMENT OF PRINCIPAL OF AND INTEREST ON THE BONDS BEFORE MATURITY; OR

(VIII) OTHER PROVISIONS CONSISTENT WITH THIS PART THAT THE GOVERNING BODY OF THE MUNICIPALITY DETERMINES ARE NECESSARY OR DESIRABLE.

(2) THE ORDINANCE OR RESOLUTION MAY SPECIFY THE ITEMS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION OR MAY AUTHORIZE:

(I) THE MUNICIPALITY’S FINANCE BOARD OR OTHER APPROPRIATE FINANCIAL OFFICER TO SPECIFY THOSE ITEMS BY RESOLUTION; OR

(II) THE MUNICIPALITY’S CHIEF EXECUTIVE OFFICER TO SPECIFY THOSE ITEMS BY EXECUTIVE ORDER.

(D) PROHIBITION OF REFERENDUM.

THE FOLLOWING MAY NOT BE SUBJECT TO A REFERENDUM BECAUSE OF ANY STATE OR LOCAL LAW:

(1) AN ORDINANCE OR A RESOLUTION AUTHORIZING THE BONDS;

(2) AN ORDINANCE, A RESOLUTION, OR AN EXECUTIVE ORDER PASSED OR ADOPTED IN FURTHERANCE OF THE ORDINANCE OR RESOLUTION AUTHORIZING THE BONDS;

(3) THE BONDS;

(4) THE DESIGNATION OF A SPECIAL TAXING DISTRICT; OR

(5) THE IMPOSITION OF AD VALOREM OR SPECIAL TAXES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 44A(g)(1), (2), and (3)(i) and, as it related to the purposes for issuing bonds, (c)(1).

In subsection (a) of this section, the reference to issuing bonds “as provided under this part” is added for clarity.

Also in subsection (a) of this section, the reference to any “law” is substituted for the former reference to any “public local law, public general law, or municipal charter” for brevity.

Also in subsection (a) of this section, the reference to “issu[ing] bonds” is substituted for the former reference to “borrow[ing] money by issuing and selling bonds” for brevity.

Also in subsection (a) of this section, the former phrase “[i]n addition to other powers a municipal corporation may have” is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to issuing bonds “[i]n order to implement the authority conferred upon it” is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to “[s]pecif[ying]” the proposed undertaking is deleted as included in the reference to “describ[ing]” the undertaking.

In subsections (b)(2)(iii) and (c)(1)(ii) of this section, the former references to “rates” of interest are deleted in light of the references to “rate” and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in subsection (c)(1)(iv) of this section, the former reference to “times” is deleted in light of the reference to “time”.

In subsection (b)(3) of this section, the former reference to an amount “at least” sufficient for certain purposes is deleted as implicit in the reference to a “sufficient” amount.

In subsection (c)(1)(i) of this section, the former reference to the “actual” principal of the bonds is deleted as surplusage. Similarly, in subsection (c)(1)(ii) of this section, the former reference to the “actual” rate of interest is deleted.

In subsection (c)(1)(v) of this section, the reference to “purpose” is substituted for the former reference to “tenor” for clarity.

In subsection (c)(1)(vi) of this section, the former reference to the principal of the bonds being paid “within the limitations set forth in this section” is deleted as surplusage.

In subsection (c)(1)(vii) of this section, the reference to “conditions for payment of principal of and interest on the bonds before maturity” is substituted for the former reference to “[p]rovisions pursuant to which any or all of the bonds may be called for redemption prior to their stated maturity dates” for consistency with other similar provisions of this article.

In subsection (c)(1)(viii) of this section, the former reference to provisions “to effect the financing of the proposed undertaking” is deleted as implicit in the purpose of issuing bonds.

In the introductory language of subsection (c)(2) of this section, the former reference to the municipality’s finance board, financial officer, or chief executive officer specifying items “as it deems appropriate” is deleted as implicit in the grant of authority to the municipality.

In subsection (c)(2)(i) of this section, the former reference to the finance board or financial officer specifying items by “ordinance” is deleted because those entities do not have the authority to enact laws.

In the introductory language of subsection (d) of this section, the former phrase “[e]xcept as may be required by the Maryland Constitution” is deleted in light of the rules of statutory construction which provide that a provision of the Maryland Constitution prevails when in conflict with a statute.

In subsection (d)(1) of this section, the former reference to bonds “required under this subsection” is deleted as surplusage.

In subsection (d)(2) of this section, the reference to the “ordinance or resolution authorizing the bonds” is substituted for the former reference to the “required ordinance or resolution” for clarity.

Defined terms: “Bond” § 21-407

“Governing body” § 1-101

“Municipality” § 1-101

“State” § 1-101

21-418. CONDITIONS OF ISSUANCE.

(A) IN GENERAL.

A BOND ISSUED UNDER THIS PART:

(1) MAY BE IN BEARER FORM OR COUPON FORM;

(2) MAY BE REGISTRABLE AS TO PRINCIPAL ALONE OR AS TO BOTH PRINCIPAL AND INTEREST; AND

(3) IS A SECURITY UNDER § 8-102 OF THE COMMERCIAL LAW ARTICLE, WHETHER THE BOND IS ONE OF A CLASS OR SERIES OR IS DIVISIBLE INTO A CLASS OR SERIES OF INSTRUMENTS.

(B) EXECUTION.

(1) A BOND SHALL BE SIGNED MANUALLY OR IN FACSIMILE BY THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY.

(2) THE CLERK OR OTHER SIMILAR ADMINISTRATIVE OFFICER OF THE MUNICIPALITY SHALL ATTEST TO AND AFFIX THE SEAL OF THE MUNICIPALITY TO EACH BOND.

(3) AN OFFICER'S SIGNATURE OR COUNTERSIGNATURE ON A BOND REMAINS VALID IF THE OFFICER CEASES TO BE AN OFFICER BEFORE DELIVERY OF THE BOND.

(C) MATURITY.

A BOND SHALL MATURE NOT LATER THAN 30 YEARS AFTER THE DATE OF ISSUANCE.

(D) TERMS OF SALE.

(1) A MUNICIPALITY MAY SELL BONDS:

(I) AT A PUBLIC OR PRIVATE SALE; AND

(II) IN ANY MANNER AND ON ANY TERMS THAT THE GOVERNING BODY OF THE MUNICIPALITY CONSIDERS BEST.

(2) A CONTRACT TO ACQUIRE PROPERTY MAY PROVIDE THAT PAYMENT SHALL BE MADE IN BONDS.

(3) BONDS ARE EXEMPT FROM §§ 19-205 AND 19-206 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 44A(i).

In the introductory language of subsection (a) of this section, the reference to bonds "issued under this part" is added for clarity.

In subsection (a)(3) of this section, the former reference to a bond "by its terms" being divisible is deleted as surplusage.

In subsection (b)(3) of this section, the reference to "a bond" is substituted for the former reference to "the coupons" for accuracy.

Also in subsection (b)(3) of this section, the former reference to bonds being "sufficient for all purposes the same as if the officer had remained in office until delivery" is deleted as included in the reference to the bonds being "valid".

In the introductory language of subsection (d)(1) of this section, the reference to a “municipality” selling bonds is added for clarity.

Defined terms: “Bond” § 21-407

“Governing body” § 1-101

“Municipality” § 1-101

21-419. BONDS ARE SECURITIES.

BONDS ISSUED UNDER THIS PART ARE SECURITIES:

(1) THAT MAY BE DEPOSITED WITH AND RECEIVED BY A UNIT OF THE STATE OR A POLITICAL SUBDIVISION FOR ANY PURPOSE FOR WHICH THE DEPOSIT OF BONDS OR OBLIGATIONS OF THE STATE IS AUTHORIZED BY LAW; AND

(2) IN WHICH ANY OF THE FOLLOWING PERSONS OR ENTITIES MAY INVEST MONEY:

(I) AN OFFICER OR A UNIT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE;

(II) A BANK, A TRUST COMPANY, A SAVINGS AND LOAN ASSOCIATION, OR AN INVESTMENT COMPANY;

(III) AN INSURANCE COMPANY; AND

(IV) A PERSONAL REPRESENTATIVE, TRUSTEE, OR OTHER FIDUCIARY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 44A(j).

In this section, the former references to “properly” and “legally” investing or depositing money are deleted as surplusage.

In item (1) of this section, the word “unit” is substituted for the former word “agency” for consistency with other revised articles of the Code.

Also in item (1) of this section, the former reference to a “State or municipal officer or any” unit is deleted as included in the reference to a “unit of the State or a political subdivision”.

Also in item (1) of this section, the phrase “now or may hereafter be” authorized by law is deleted as surplusage.

In the introductory language of item (2) of this section, the former reference to money “including capital in their control or belonging to them” is deleted as implicit in the authority of persons or entities to invest.

In item (2)(i) of this section, the reference to “an officer or a unit” is substituted for the former reference to “public officers and public bodies” for consistency with other provisions of revised articles of the Code authorizing investments in public bonds. *See e.g.*, EC §§ 10–219 and 10–325.

In item (2)(ii) of this section, the former references to a “State” bank, “national banking associations”, and “savings banks” are deleted as included in the reference to a “bank”.

In item (2)(iv) of this section, the reference to “personal representative” is substituted for the former references to “executors” and “administrators” for consistency with terminology used throughout the Estates and Trusts Article and in light of Art. 1, § 5, which provides that the term “personal representative” includes both an “administrator” and an “executor”.

Defined terms: “Bond” § 21–407

“Person” § 1–101

“State” § 1–101

21–420. PAYMENT OF BONDS.

(A) IN GENERAL.

BONDS ARE PAYABLE FROM THE SPECIAL FUND REQUIRED UNDER § 21–412 OF THIS SUBTITLE.

(B) SINKING FUND.

THE GOVERNING BODY OF A MUNICIPALITY THAT ISSUES BONDS UNDER THIS PART MAY:

(1) ESTABLISH A SINKING FUND;

(2) ESTABLISH A DEBT SERVICE RESERVE FUND;

(3) PLEDGE OTHER ASSETS AND REVENUES TOWARD THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; OR

(4) PROVIDE FOR MUNICIPAL BOND INSURANCE OR ANY OTHER FINANCIAL GUARANTY OF THE BONDS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 44A(d)(1) and (2).

In subsection (b)(3) of this section, the reference to the payment of principal of and interest "on the bonds" is added for clarity.

Defined terms: "Bond" § 21-407

"Governing body" § 1-101

"Municipality" § 1-101

21-421. APPLICATION OF BOND PROCEEDS.

BOND PROCEEDS SHALL BE USED ONLY TO PAY THE COST OF INFRASTRUCTURE IMPROVEMENTS, INCLUDING:

(1) THE COST OF ESTABLISHING, ACQUIRING, DESIGNING, CONSTRUCTING, EXTENDING, OR ALTERING INFRASTRUCTURE IMPROVEMENTS;

(2) THE COST OF ISSUING BONDS;

(3) PAYMENT OF THE PRINCIPAL OF AND INTEREST ON LOANS, MONEY ADVANCES, OR INDEBTEDNESS INCURRED BY THE MUNICIPALITY FOR ANY PURPOSE STATED IN § 21-410(A) OF THIS SUBTITLE, INCLUDING REFUNDING OF BONDS PREVIOUSLY ISSUED; AND

(4) FUNDING OF A DEBT SERVICE RESERVE FUND OR PAYMENT OF INTEREST BEFORE, DURING, OR FOR A LIMITED PERIOD OF TIME AFTER CONSTRUCTING THE INFRASTRUCTURE IMPROVEMENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23A, § 44A(d)(3).

In the introductory language of this section, the reference to "[b]ond proceeds" is substituted for the former reference to "[a]ll proceeds received from any bonds issued and sold" for brevity.

In item (3) of this section, the former reference to bonds previously issued "under this section" is deleted as surplusage.

In item (4) of this section, the reference to constructing “the infrastructure improvements” is added for clarity.

Defined terms: “Bond” § 21-407

“Cost” § 21-407

“Municipality” § 1-101

21-422. BONDS EXEMPT FROM TAXATION.

THE PRINCIPAL AMOUNT OF BONDS, INTEREST PAYABLE ON BONDS, THE TRANSFER OF BONDS, AND ANY INCOME FROM BONDS, INCLUDING PROFIT MADE IN THE SALE OR TRANSFER OF BONDS, ARE EXEMPT FROM STATE AND LOCAL TAXES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 23A, § 44A(h).

The reference to income “from bonds” is substituted for the former reference to income “derived from the transfer” for accuracy and consistency with other similar provisions of the Code.

The reference to “local” taxes is substituted for the former reference to taxation by “the counties and municipal corporations of the State” for brevity and consistency with other similar provisions of the Code.

The former reference to the computation of net earnings as required by the financial institutions franchise tax under Title 8, Subtitle 2 of the Tax – General Article is deleted as obsolete because the financial institutions franchise tax was repealed in 2000.

Defined terms: “Bond” § 21-407

“State” § 1-101

SUBTITLE 5. DISTRICTS FOR INFRASTRUCTURE IMPROVEMENTS FOR SELECTED COUNTIES.

PART I. DEFINITIONS; GENERAL PROVISIONS.

21-501. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 24, § 9-1301(a)(1).

The only change is in style.

(B) BOND.

“BOND” MEANS A SPECIAL OBLIGATION BOND, A REVENUE BOND, A NOTE, OR ANY OTHER SIMILAR INSTRUMENT ISSUED IN ACCORDANCE WITH THIS SUBTITLE BY A COUNTY OR THE REVENUE AUTHORITY OF PRINCE GEORGE’S COUNTY.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 24, § 9-1301(a)(2).

(C) COST.

“COST” INCLUDES THE COST OF:

(1) (I) CONSTRUCTION, RECONSTRUCTION, AND RENOVATION;

(II) ACQUISITION OF STRUCTURES, REAL OR PERSONAL PROPERTY, RIGHTS, RIGHTS-OF-WAY, FRANCHISES, EASEMENTS, AND INTERESTS ACQUIRED OR TO BE ACQUIRED BY THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION, THE STATE, A UNIT OR POLITICAL SUBDIVISION OF THE STATE, OR ANOTHER GOVERNMENTAL UNIT HAVING JURISDICTION OVER THE INFRASTRUCTURE IMPROVEMENT;

(III) MACHINERY AND EQUIPMENT, INCLUDING MACHINERY AND EQUIPMENT NEEDED TO EXPAND OR ENHANCE COUNTY SERVICES TO A SPECIAL TAXING DISTRICT;

(IV) FINANCING CHARGES AND INTEREST BEFORE AND DURING CONSTRUCTION AND, IF THE COUNTY CONSIDERS IT ADVISABLE, FOR A LIMITED PERIOD AFTER COMPLETION OF THE CONSTRUCTION;

(V) INTEREST AND RESERVES FOR PRINCIPAL AND INTEREST, INCLUDING THE COST OF MUNICIPAL BOND INSURANCE AND ANY OTHER TYPE OF FINANCIAL GUARANTY AND COSTS OF ISSUANCE;

(VI) EXTENSIONS, ENLARGEMENTS, ADDITIONS, AND IMPROVEMENTS;

(VII) ARCHITECTURAL, ENGINEERING, FINANCIAL, AND LEGAL SERVICES;

(VIII) PLANS, SPECIFICATIONS, STUDIES, SURVEYS, AND ESTIMATES OF COST AND REVENUES;

(IX) ADMINISTRATIVE EXPENSES NECESSARY OR INCIDENT TO DETERMINING TO PROCEED WITH INFRASTRUCTURE IMPROVEMENTS; AND

(X) OTHER EXPENSES NECESSARY OR INCIDENT TO ACQUIRING, CONSTRUCTING, AND FINANCING INFRASTRUCTURE IMPROVEMENTS; AND

(2) IN PRINCE GEORGE'S COUNTY, THE COST OF RENOVATION, REHABILITATION, AND REPAIR OF EXISTING BUILDINGS, INTERNAL AND EXTERNAL STRUCTURAL SYSTEMS, ELEVATORS, FACADES, MECHANICAL SYSTEMS AND COMPONENTS, AND SECURITY SYSTEMS.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 24, § 9-1301(a)(3) and (4).

In item (1)(ii) of this subsection, the former reference to "lands" is deleted as included in the reference to "property".

Also in item (1)(ii) of this subsection, the former reference to a "department" of the State is deleted as included in the reference to a "unit" of the State.

Defined terms: "Bond" § 21-501
"State" § 1-101

(D) MEDCO OBLIGATION.

"MEDCO OBLIGATION" MEANS ANY DEBT INSTRUMENT THAT THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION ISSUES FOR THE PURPOSES STATED IN § 21-504(A)(2) OF THIS SUBTITLE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 24, § 9-1301(a)(5).

The reference to a "debt" instrument is substituted for the former reference to a "bond, note, or other similar" instrument to avoid use of the defined term "bond".

The former reference to bonds issued “under authority other than this section” is deleted as unnecessary because this subtitle does not grant any authority to MEDCO to issue bonds.

The former reference to debt that the Maryland Economic Development Corporation issues “to finance” the purposes stated in § 21–504(a)(2) of this subtitle is deleted as surplusage.

The former reference to the purposes specified in subsection “(e)(3)” of this section (revised as § 21–515 of this subtitle) is deleted as unnecessary because former subsection (e)(3) served to restrict the use of bond proceeds to certain purposes and did not expand on the authorized purposes of this subtitle.

The former reference to purposes stated “only with respect to infrastructure improvements located in or supporting a transit-oriented development or State hospital redevelopment” is deleted as unnecessary in light of the cross-reference to § 21–504(a)(2) of this subtitle.

(E) STATE HOSPITAL REDEVELOPMENT.

“STATE HOSPITAL REDEVELOPMENT” MEANS ANY COMBINATION OF PRIVATE OR PUBLIC COMMERCIAL, RESIDENTIAL, OR RECREATIONAL USES, IMPROVEMENTS, AND FACILITIES THAT:

(1) IS PART OF A COMPREHENSIVE, COORDINATED DEVELOPMENT PLAN OR STRATEGY INVOLVING PROPERTY THAT:

(I) WAS OCCUPIED FORMERLY BY A STATE FACILITY, AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE, OR A STATE RESIDENTIAL CENTER, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE; OR

(II) IS ADJACENT OR REASONABLY PROXIMATE TO PROPERTY THAT WAS OCCUPIED FORMERLY BY A STATE FACILITY, AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE, OR A STATE RESIDENTIAL CENTER, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE;

(2) IN ACCORDANCE WITH DESIGN DEVELOPMENT PRINCIPLES, MAXIMIZES USE OF THE PROPERTY BY THOSE CONSTITUENCIES IT IS INTENDED TO SERVE; AND

(3) IS DESIGNATED AS A STATE HOSPITAL REDEVELOPMENT BY:

(I) THE SMART GROWTH SUBCABINET ESTABLISHED UNDER § 9-1406 OF THE STATE GOVERNMENT ARTICLE; AND

(II) THE LOCAL GOVERNMENT OR MULTICOUNTY AGENCY WITH LAND USE AND PLANNING RESPONSIBILITY FOR THE RELEVANT AREA.

REVISOR'S NOTE: This subsection formerly was Art. 24, § 9-1301(a)(6).

The only changes are in style.

Defined term: "State" § 1-101

(F) TRANSIT-ORIENTED DEVELOPMENT.

"TRANSIT-ORIENTED DEVELOPMENT" HAS THE MEANING STATED IN § 7-101 OF THE TRANSPORTATION ARTICLE.

REVISOR'S NOTE: This subsection formerly was Art. 24, § 9-1301(a)(7).

No changes are made.

21-502. APPLICATION AND CONSTRUCTION OF SUBTITLE.

(A) APPLICATION OF SUBTITLE.

THIS SUBTITLE APPLIES ONLY TO:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE COUNTY;**
- (3) CALVERT COUNTY;**
- (4) CECIL COUNTY;**
- (5) CHARLES COUNTY;**
- (6) GARRETT COUNTY;**
- (7) HARFORD COUNTY;**
- (8) HOWARD COUNTY;**

(9) PRINCE GEORGE’S COUNTY;

(10) ST. MARY’S COUNTY;

(11) WASHINGTON COUNTY; AND

(12) WICOMICO COUNTY.

(B) SUBTITLE SELF-EXECUTING.

THIS SUBTITLE IS SELF-EXECUTING AND DOES NOT REQUIRE A COUNTY TO ENACT LEGISLATION OR, IF APPLICABLE, TO AMEND ITS CHARTER TO EXERCISE THE POWERS GRANTED UNDER THIS SUBTITLE.

(C) SUPPLEMENTAL POWERS.

THE POWERS GRANTED UNDER THIS SUBTITLE:

(1) ARE SUPPLEMENTAL TO ANY POWER GRANTED BY ANOTHER LAW; AND

(2) DO NOT LIMIT ANY OTHER POWER.

(D) LIBERAL CONSTRUCTION.

THIS SUBTITLE IS NECESSARY FOR THE WELFARE OF THE STATE AND ITS RESIDENTS AND SHALL BE LIBERALLY CONSTRUED TO EFFECT THE PURPOSES STATED IN § 21-504(A) OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1301(b), (l), (m), and (d)(2).

In subsection (c)(1) of this section, the former reference to powers being “additional” is deleted as included in the reference to powers being “supplemental”.

In subsection (c)(2) of this section, the reference to powers not “limit[ing]” other powers is substituted for the former reference to the powers not being “regarded as in derogation of” other powers for clarity.

Also in subsection (c)(2) of this section, the former reference to powers “now existing, including powers provided in Article 25, Article 25A, or Article 25B of the Code” is deleted as surplusage.

Defined term: "State" § 1-101

21-503. AUTHORITY GRANTED.

(A) IN GENERAL.

FOR ANY PURPOSE STATED IN § 21-504(A)(1) OF THIS SUBTITLE, A COUNTY MAY:

- (1) ESTABLISH A SPECIAL TAXING DISTRICT;**
- (2) IMPOSE AD VALOREM OR SPECIAL TAXES; AND**
- (3) ISSUE BONDS.**

(B) TRANSIT-ORIENTED DEVELOPMENT OR STATE HOSPITAL REDEVELOPMENT.

(1) FOR ANY PURPOSE STATED IN § 21-504(A)(2) OF THIS SUBTITLE, A COUNTY MAY:

- (I) ESTABLISH SPECIAL TAXING DISTRICTS;**
- (II) IMPOSE AD VALOREM OR SPECIAL TAXES; AND**
- (III) PLEDGE FUNDS UNDER AN AGREEMENT TO:**
 - 1. SECURE PAYMENT ON MEDCO OBLIGATIONS;**
 - 2. PAY THE COSTS OF INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT; AND**
 - 3. PAY THE COSTS OF OPERATING AND MAINTAINING INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT.**

(2) AN AGREEMENT PLEDGING FUNDS AS DESCRIBED IN PARAGRAPH (1)(III) OF THIS SUBSECTION SHALL:

- (I) BE AUTHORIZED BY AN ORDINANCE OR RESOLUTION OF THE COUNTY;**

(II) BE IN WRITING;

(III) BE EXECUTED ON BEHALF OF THE COUNTY MAKING THE PLEDGE, THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION, AND ANY OTHER PERSON OR ENTITY THAT THE GOVERNING BODY OF THE COUNTY DETERMINES; AND

(IV) BENEFIT, AND BE ENFORCEABLE ON BEHALF OF, THE HOLDERS OF ANY MEDCO OBLIGATION SECURED BY THE AGREEMENT.

(C) REQUEST OF OWNERS REQUIRED.

(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A COUNTY MAY ESTABLISH A SPECIAL TAXING DISTRICT, ISSUE BONDS, OR IMPOSE AN AD VALOREM OR SPECIAL TAX UNDER THIS SUBTITLE ONLY IF A REQUEST TO THE COUNTY IS MADE BY BOTH:

(I) THE OWNERS OF AT LEAST TWO-THIRDS OF THE ASSESSED VALUATION OF THE REAL PROPERTY LOCATED IN THE SPECIAL TAXING DISTRICT; AND

(II) AT LEAST TWO-THIRDS OF THE OWNERS OF THE REAL PROPERTY LOCATED IN THE SPECIAL TAXING DISTRICT.

(2) FOR PURPOSES OF PARAGRAPH (1)(II) OF THIS SUBSECTION:

(I) MULTIPLE OWNERS OF A SINGLE PARCEL ARE TREATED AS A SINGLE OWNER; AND

(II) A SINGLE OWNER OF MULTIPLE PARCELS IS TREATED AS ONE OWNER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1301(c)(1), (g)(3), and (h)(3)(ii) and, as it related to the authority to issue bonds on the request of property owners, (d)(1).

In this section and throughout this subtitle, the references to "impos[ing]" taxes are substituted for the former references to "levy[ing]" taxes for consistency with other similar provisions of the Code.

In the introductory language of subsections (a) and (b) of this section, the former phrase “[s]ubject to the provisions of this section” is deleted as surplusage.

In subsection (a)(3) of this section, the former reference to “other obligations” is deleted as included in the defined term “bond”.

In the introductory language of subsection (b)(1) of this section, the former reference to a county “that has created a special fund for a special taxing district” is deleted as unnecessary in light of the requirement under § 21–506 of this subtitle to create a special fund.

In the introductory language of subsection (b)(1)(iii) of this section, the former reference to “amounts deposited to the special fund” being “paid over to” certain purposes is deleted as surplusage.

Also in the introductory language of subsection (b)(1)(iii) of this section, the former phrase “as the governing body of the county may determine” is deleted as implicit in the county’s discretion to pledge funds.

Subsection (c) of this section is restated as a limitation on a county’s authority to establish a special taxing district under this subtitle for clarity and accuracy.

In the introductory language of subsection (c)(1) of this section, the reference to “issu[ing] bonds” is substituted for the former reference to “borrow[ing] money by issuing and selling bonds” for brevity.

Also in the introductory language of subsection (c)(1) of this section, the reference to any “law” is substituted for the former reference to any “other public local law, public general law, or the county charter of a county that has adopted home rule powers under Article XI–A of the Maryland Constitution” for brevity.

Also in the introductory language of subsection (c)(1) of this section, the former reference to “[t]he ordinance or resolution authorizing the bonds required under this subsection, any ordinance, resolution, or executive order passed or adopted in furtherance of the required ordinance or resolution,” is deleted as implicit because those are a required part of creating a special taxing district, issuing bonds, or imposing taxes.

Also in the introductory language of subsection (c)(1) of this section, the former reference to the powers being “[i]n addition to other powers the county may have,” is deleted as surplusage.

Defined terms: “Bond” § 21–501

- “Cost” § 21-501
- “Governing body” § 1-101
- “MEDCO obligation” § 21-501
- “Person” § 1-101
- “State hospital redevelopment” § 21-501
- “Transit-oriented development” § 21-501

21-504. PURPOSE OF AUTHORITY.

(A) IN GENERAL.

THE PURPOSE OF THE AUTHORITY GRANTED UNDER THIS SUBTITLE IS TO:

(1) FINANCE, REFINANCE, OR REIMBURSE THE COST OF ESTABLISHING, ACQUIRING, DESIGNING, CONSTRUCTING, ALTERING, OR EXTENDING ADEQUATE INFRASTRUCTURE IMPROVEMENTS AS NECESSARY FOR THE DEVELOPMENT AND USE OF LAND IN ANY DEFINED GEOGRAPHIC REGION IN THE COUNTY, INCLUDING STORM DRAINAGE SYSTEMS, SEWERS, WATER SYSTEMS, ROADS, BRIDGES, CULVERTS, TUNNELS, SIDEWALKS, LIGHTING, PARKING, PARKS AND RECREATION FACILITIES, LIBRARIES, SCHOOLS, TRANSIT FACILITIES, AND SOLID WASTE FACILITIES; AND

(2) PROVIDE A SOURCE OF FUNDING FOR PAYMENT OF COSTS OF:

(I) INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT; AND

(II) OPERATING AND MAINTAINING INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT.

(B) LOCATION OF IMPROVEMENTS.

AN INFRASTRUCTURE IMPROVEMENT FINANCED UNDER SUBSECTION (A)(1) OF THIS SECTION MAY BE LOCATED:

(1) IN THE SPECIAL TAXING DISTRICT; OR

(2) OUTSIDE THE SPECIAL TAXING DISTRICT IF THE INFRASTRUCTURE IMPROVEMENT IS REASONABLY RELATED TO OTHER INFRASTRUCTURE IMPROVEMENTS IN THE SPECIAL TAXING DISTRICT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–1301(c)(2).

In subsection (a)(1) of this section, the former reference to “streets” is deleted as included in the reference to “roads”.

Defined terms: “Cost” § 21–501

“State hospital redevelopment” § 21–501

“Transit-oriented development” § 21–501

21–505. CONDITIONS AND LIMITATIONS.

(A) PUBLIC HEARING REQUIREMENTS.

UNLESS OTHERWISE PROVIDED IN THE CHARTER, BYLAWS, OR CODE OF A COUNTY, BEFORE THE GOVERNING BODY OF A COUNTY ENACTS AN ORDINANCE OR RESOLUTION THAT ESTABLISHES A SPECIAL TAXING DISTRICT, AUTHORIZES THE ISSUANCE OF BONDS, OR IMPOSES AD VALOREM OR SPECIAL TAXES UNDER THIS SUBTITLE, THE GOVERNING BODY SHALL:

(1) HOLD A PUBLIC HEARING; AND

(2) GIVE NOTICE OF THE PUBLIC HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY AT LEAST 10 DAYS BEFORE THE DATE OF THE HEARING.

(B) CONSENT OF MUNICIPALITY OR OTHER COUNTY REQUIRED.

BEFORE A COUNTY MAY ESTABLISH AS A SPECIAL TAXING DISTRICT AN AREA THAT IS WHOLLY OR PARTLY WITHIN A MUNICIPALITY OR OTHER COUNTY LISTED IN § 21–502(A) OF THIS SUBTITLE, THE COUNTY SHALL GET THE CONSENT OF THE GOVERNING BODY OF THE MUNICIPALITY OR ANOTHER COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–1301(n) and (p).

In the introductory language of subsection (a) of this section, the former reference to the county charter “if any,” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to giving notice “of the public hearing” is added for clarity.

Defined terms: “Bond” § 21–501

“Governing body” § 1–101

“Municipality” § 1–101

21–506. SPECIAL FUND.

(A) SPECIAL FUND REQUIRED.

BY RESOLUTION, THE GOVERNING BODY OF A COUNTY:

(1) MAY DESIGNATE AN AREA AS A SPECIAL TAXING DISTRICT;
AND

(2) SHALL CREATE A SPECIAL FUND WITH RESPECT TO THE SPECIAL TAXING DISTRICT.

(B) PLEDGE OF TAXES TO SPECIAL FUND.

A RESOLUTION CREATING A SPECIAL FUND UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) PLEDGE TO THE SPECIAL FUND THE PROCEEDS OF THE AD VALOREM OR SPECIAL TAX TO BE IMPOSED AS PROVIDED UNDER § 21–508 OF THIS SUBTITLE; AND

(2) REQUIRE THAT THE PROCEEDS FROM THE TAX BE PAID INTO THE SPECIAL FUND.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–1301(f)(2) and (1)(i)1 and 2.

In subsection (a) of this section, the former phrase “[s]ubject to paragraph (2) of this subsection,” is deleted as surplusage.

In subsection (a)(1) of this section, the former reference to “areas” is deleted in light of the reference to “area” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (a)(2) of this section, the former provision authorizing a county to create a special fund with respect to a special taxing district is restated as a requirement, stating expressly that which was only implied under the former law.

Defined term: “Governing body” § 1–101

21–507. USE OF SPECIAL FUND WHEN NO BONDS OUTSTANDING.

IF NO BONDS AUTHORIZED BY THIS SUBTITLE ARE OUTSTANDING WITH RESPECT TO A SPECIAL TAXING DISTRICT, THE GOVERNING BODY OF THE COUNTY MAY USE MONEY IN THE SPECIAL FUND FOR:

- (1) ANY PURPOSE SPECIFIED IN THIS SUBTITLE;**
- (2) PAYING DEBT SERVICE ON BONDS TO BE ISSUED LATER;**
- (3) PAYMENT OR REIMBURSEMENT OF DEBT SERVICE THAT THE COUNTY IS OBLIGATED UNDER A GENERAL OR LIMITED OBLIGATION TO PAY, OR HAS PAID, ON MEDCO OBLIGATIONS OR ANY BOND, NOTE, OR OTHER SIMILAR INSTRUMENT ISSUED BY THE STATE, ANY UNIT OR POLITICAL SUBDIVISION OF THE STATE, OR THE REVENUE AUTHORITY OF PRINCE GEORGE'S COUNTY, THE PROCEEDS OF WHICH WERE USED FOR ANY PURPOSE SPECIFIED IN THIS SUBTITLE; OR**
- (4) PAYMENT TO THE COUNTY TO PROVIDE MONEY FOR ANY LEGAL PURPOSE AS DETERMINED BY THE GOVERNING BODY OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive changes from former Art. 24, § 9-1301(g)(2).

In the introductory language of this section, the former reference to the governing body of the county "so determin[ing]" is deleted as unnecessary because the discretion of the county to use the funds as it determines is implicit in the statement that the county "may" use the funds as specified.

In item (2) of this section, the former reference to money "[a]ccumulated for" paying debt service is deleted as surplusage.

In item (3) of this section, the former reference to a "department" of the State is deleted as included in the reference to a "unit" of the State.

Defined terms: "Bond" § 21-501
"Governing body" § 1-101
"MEDCO obligation" § 21-501
"State" § 1-101

21-508. TAXES.

- (A) IN GENERAL.**

THE GOVERNING BODY OF A COUNTY MAY PROVIDE FOR THE IMPOSITION OF AN AD VALOREM OR SPECIAL TAX ON ALL REAL AND PERSONAL PROPERTY IN A SPECIAL TAXING DISTRICT AT A RATE OR AMOUNT DESIGNED TO PROVIDE ADEQUATE REVENUE:

(1) TO PAY THE PRINCIPAL OF, INTEREST ON, AND ANY REDEMPTION PREMIUM ON ANY BONDS;

(2) TO REPLENISH ANY DEBT SERVICE RESERVE FUND;

(3) FOR ANY OTHER PURPOSE RELATED TO THE ONGOING EXPENSES OF OR SECURITY FOR BONDS;

(4) TO PAY COSTS OF INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT;

(5) TO PAY COSTS OF OPERATING AND MAINTAINING INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT; OR

(6) TO SECURE PAYMENT BY THE COUNTY OF ITS OBLIGATIONS UNDER AN AGREEMENT DESCRIBED IN § 21-503(B) OF THIS SUBTITLE.

(B) AD VALOREM TAXES.

AD VALOREM TAXES UNDER THIS SUBTITLE SHALL BE IMPOSED IN THE SAME MANNER, ON THE SAME ASSESSMENTS, FOR THE SAME PERIOD, AND AS OF THE SAME DATE OF FINALITY AS REQUIRED FOR COUNTY PROPERTY TAXES IN THE SPECIAL TAXING DISTRICT.

(C) SPECIAL TAXES.

(1) AS AN ALTERNATIVE TO IMPOSING AD VALOREM TAXES UNDER THIS SUBTITLE, THE GOVERNING BODY OF A COUNTY MAY IMPOSE SPECIAL TAXES IN ACCORDANCE WITH THIS SUBSECTION ON PROPERTY IN A SPECIAL TAXING DISTRICT.

(2) IN DETERMINING THE BASIS FOR AND AMOUNT OF A SPECIAL TAX, THE COST OF AN IMPROVEMENT MAY BE CALCULATED AND IMPOSED:

(I) EQUALLY PER FRONT FOOT, LOT, PARCEL, DWELLING UNIT, OR SQUARE FOOT;

(II) ACCORDING TO THE VALUE OF THE PROPERTY, WITH OR WITHOUT REGARD TO IMPROVEMENTS ON THE PROPERTY; OR

(III) IN ANY OTHER REASONABLE MANNER THAT RESULTS IN A FAIR ALLOCATION OF THE COST OF THE INFRASTRUCTURE IMPROVEMENTS.

(3) THE GOVERNING BODY OF A COUNTY MAY ENACT AN ORDINANCE OR A RESOLUTION FOR:

(I) THE MAXIMUM AMOUNT OF A SPECIAL TAX TO BE IMPOSED ON ANY PARCEL;

(II) THE TAX YEAR OR OTHER DATE AFTER WHICH FURTHER SPECIAL TAXES UNDER THIS SUBTITLE MAY NOT BE IMPOSED ON A PARCEL; AND

(III) WHETHER, AND THE CIRCUMSTANCES UNDER WHICH, A SPECIAL TAX ON A PARCEL MAY BE INCREASED BECAUSE OF DELINQUENCY OR DEFAULT BY THE OWNER OF THAT PARCEL OR BY THE OWNER OF ANY OTHER PARCEL.

(4) BY ORDINANCE OR RESOLUTION, THE GOVERNING BODY OF A COUNTY MAY ESTABLISH PROCEDURES ALLOWING FOR THE PREPAYMENT OF SPECIAL TAXES UNDER THIS SUBTITLE.

(5) A SPECIAL TAX IMPOSED UNDER THIS SUBTITLE SHALL:

(I) UNLESS OTHERWISE PROVIDED IN AN ORDINANCE OR A RESOLUTION, BE COLLECTED AND SECURED IN THE SAME MANNER AS GENERAL AD VALOREM TAXES; AND

(II) IN THE CASE OF DELINQUENCY, BE SUBJECT TO THE SAME PENALTIES, PROCEDURE, SALE, AND LIEN PRIORITY AS GENERAL AD VALOREM TAXES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1301(f)(1)(i)3, (ii), and (iii) and (o)(1)(i) and (2) through (5).

In subsection (a) of this section, the former phrase "as the governing body of the county determines" is deleted as surplusage.

In subsection (b) of this section, the reference to ad valorem taxes “under this subtitle” is added for clarity.

Also in subsection (b) of this section, the reference to “county property taxes” is substituted for the former reference to “general ad valorem tax purposes” for clarity.

Also in subsection (b) of this section, the former reference to “periods” is deleted in light of the reference to “period” and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, the former reference to “dates” of finality is deleted in light of the reference to “date” of finality.

Also in subsection (b) of this section, the former reference to imposing taxes in the manner as “are now or may hereafter be” prescribed is deleted as surplusage.

In subsection (c)(1) of this section, the reference to taxes imposed “in accordance with this subsection” is added for clarity.

Also in subsection (c)(1) of this section, the former reference to taxing “to cover the cost of infrastructure improvements” is deleted as surplusage.

In subsection (c)(2)(ii) of this section, the former reference to the value of the property “as determined by the governing body” is deleted for accuracy because the governing body itself does not place a value on property.

In subsection (c)(3)(i) of this section, the reference to the maximum amount “of a special tax” is added for clarity.

Also in subsection (c)(3)(i) of this section, the reference to the amount of tax “imposed on” a parcel is substituted for the former reference to the amount of tax “assessed with respect to” a parcel for consistency with other similar provisions of the Code.

Also in subsection (c)(3)(i) of this section, the former reference to a parcel “of property located within a special taxing district” is deleted as surplusage. Similarly, in subsection (c)(3)(iii) of this section, the former reference to the owner of a parcel “within the special taxing district” is deleted.

In subsection (c)(3)(ii) of this section, the former reference to a tax “collected” is deleted as included in the reference to a tax “imposed”.

Defined terms: "Bond" § 21-501

"Cost" § 21-501

"Governing body" § 1-101

"State hospital redevelopment" § 21-501

"Transit-oriented development" § 21-501

21-509. TERMINATION OF SPECIAL TAXING DISTRICT.

(A) WHEN SPECIAL TAXING DISTRICT TO BE TERMINATED.

A SPECIAL TAXING DISTRICT ESTABLISHED UNDER THIS SUBTITLE SHALL BE TERMINATED IF:

(1) NO BONDS AUTHORIZED BY THIS SUBTITLE ARE OUTSTANDING WITH RESPECT TO THE SPECIAL TAXING DISTRICT;

(2) NO MEDCO OBLIGATIONS AS TO WHICH A COUNTY HAS PLEDGED REVENUES UNDER THIS SUBTITLE ARE OUTSTANDING WITH RESPECT TO THE SPECIAL TAXING DISTRICT; AND

(3) THE GOVERNING BODY OF THE COUNTY DETERMINES NOT TO USE MONEY IN THE SPECIAL FUND FOR PAYMENT OF COSTS OF:

(I) INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT; OR

(II) OPERATING AND MAINTAINING INFRASTRUCTURE IMPROVEMENTS LOCATED IN OR SUPPORTING A TRANSIT-ORIENTED DEVELOPMENT OR A STATE HOSPITAL REDEVELOPMENT.

(B) PAYMENT OF REMAINING FUNDS TO GENERAL FUND OF COUNTY.

ANY MONEY REMAINING IN THE SPECIAL FUND ON THE DATE OF TERMINATION OF THE SPECIAL TAXING DISTRICT SHALL BE PAID TO THE GENERAL FUND OF THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1301(g)(1).

In the introductory language of subsection (a) of this section, the reference to a special taxing district "established under this subtitle" is added for clarity.

In subsection (a)(2) of this section, the reference to MEDCO obligations “to which a county has pledged revenues under this subtitle” is substituted for the former reference to obligations “described in paragraph (3) of this subsection” for clarity.

Defined terms: “Bond” § 21–501

“Cost” § 21–501

“Governing body” § 1–101

“MEDCO obligation” § 21–501

“State hospital redevelopment” § 21–501

“Transit-oriented development” § 21–501

21–510. INVESTMENT OF SPECIAL FUND AND SINKING FUNDS.

(A) IN GENERAL.

THE SPECIAL FUND AND ANY SINKING FUND ESTABLISHED BY A COUNTY UNDER THIS SUBTITLE ARE SUBJECT TO § 19–102 OF THIS ARTICLE.

(B) BOND PROCEEDS PENDING EXPENDITURE.

THE PROCEEDS OF BONDS ISSUED UNDER THIS SUBTITLE ARE SUBJECT TO §§ 17–101 AND 17–102 OF THIS ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–1301(h)(4).

In subsection (a) of this section, the reference to funds being “subject to” § 19–102 of this article is substituted for the former reference to funds “not be[ing] invested by the fiscal officer of the county having custody of the special fund and any sinking fund except in the manner prescribed by” § 19–102 for brevity.

Also in subsection (a) of this section, the former reference to funds established “to provide for the payment of the principal of or interest on any bonds issued by the county” is deleted as implicit in the reference to funds established “under this subtitle”.

In subsection (b) of this section, the reference to “bonds issued under this subtitle” is substituted for the former reference to “any such bonds” for clarity.

Also in subsection (b) of this section, the reference to the proceeds of bonds being “subject to” §§ 17–101 and 17–102 of this article is substituted for the former reference to the proceeds being “invest[ed] ...

pending the expenditure thereof, as prescribed under the provisions of" §§ 17-101 and 17-102 for brevity.

Also in subsection (b) of this section, the former reference to "[a]ny such fiscal officer having custody" of the proceeds of sale of the bonds is deleted as surplusage.

Defined term: "Bond" § 21-501

21-511. BONDS AUTHORIZED.

(A) IN GENERAL.

NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY ISSUE BONDS AS PROVIDED UNDER THIS SUBTITLE FOR THE PURPOSES STATED IN § 21-504(A)(1) OF THIS SUBTITLE.

(B) ORDINANCE OR RESOLUTION — REQUIRED CONTENTS.

TO ISSUE BONDS UNDER THIS SUBTITLE, THE GOVERNING BODY OF A COUNTY SHALL ADOPT AN ORDINANCE OR A RESOLUTION THAT:

(1) DESCRIBES THE PROPOSED UNDERTAKING;

(2) STATES:

(I) THAT THE GOVERNING BODY HAS COMPLIED WITH §§ 21-506 AND 21-508 OF THIS SUBTITLE;

(II) THE MAXIMUM PRINCIPAL AMOUNT OF BONDS TO BE ISSUED; AND

(III) THE MAXIMUM RATE OF INTEREST FOR THE BONDS; AND

(3) ESTABLISHES A COVENANT TO IMPOSE AD VALOREM OR SPECIAL TAXES ON ALL REAL AND PERSONAL PROPERTY IN THE SPECIAL TAXING DISTRICT AT A RATE OR IN AN AMOUNT SUFFICIENT TO PROVIDE FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS IN EACH YEAR THAT THE BONDS ARE OUTSTANDING.

(C) ORDINANCE OR RESOLUTION — OPTIONAL CONTENTS.

(1) FOR BONDS TO BE ISSUED TO FINANCE THE PROPOSED UNDERTAKING, THE ORDINANCE OR RESOLUTION MAY SPECIFY:

- (I) THE PRINCIPAL AMOUNT;**
- (II) THE RATE OF INTEREST;**
- (III) THE MANNER AND TERMS OF SALE;**
- (IV) THE TIME OF EXECUTION, ISSUANCE, AND DELIVERY;**
- (V) THE FORM, PURPOSE, AND DENOMINATIONS;**
- (VI) THE MANNER IN WHICH AND THE TIMES AND PLACES AT WHICH THE PRINCIPAL OF AND INTEREST ON THE BONDS SHALL BE PAID;**
- (VII) CONDITIONS FOR PAYMENT OF PRINCIPAL OF AND INTEREST ON THE BONDS BEFORE MATURITY; OR**
- (VIII) OTHER PROVISIONS CONSISTENT WITH THIS SUBTITLE THAT THE GOVERNING BODY OF THE COUNTY DETERMINES ARE NECESSARY OR DESIRABLE.**

(2) THE ORDINANCE OR RESOLUTION MAY SPECIFY THE ITEMS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION OR MAY AUTHORIZE:

(I) THE COUNTY'S FINANCE BOARD OR OTHER APPROPRIATE FINANCIAL OFFICER TO SPECIFY THOSE ITEMS BY RESOLUTION; OR

(II) THE COUNTY'S CHIEF EXECUTIVE OFFICER TO SPECIFY THOSE ITEMS BY EXECUTIVE ORDER.

(D) PROHIBITION OF REFERENDUM.

THE FOLLOWING MAY NOT BE SUBJECT TO A REFERENDUM BECAUSE OF ANY STATE OR LOCAL LAW:

- (1) AN ORDINANCE OR A RESOLUTION AUTHORIZING THE BONDS;**
- (2) AN ORDINANCE, A RESOLUTION, OR AN EXECUTIVE ORDER PASSED OR ADOPTED IN FURTHERANCE OF THE ORDINANCE OR RESOLUTION AUTHORIZING THE BONDS;**

- (3) THE BONDS;**
- (4) THE DESIGNATION OF A SPECIAL TAXING DISTRICT; OR**
- (5) THE IMPOSITION OF AD VALOREM OR SPECIAL TAXES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–1301(h)(1), (2), and (3)(i) and, as it related to the purposes for issuing bonds, (d)(1).

In subsection (a) of this section, the reference to issuing bonds “as provided under this subtitle” is added for clarity.

Also in subsection (a) of this section, the reference to any “law” is substituted for the former reference to any “public local law, public general law, or the county charter of a county that has adopted home rule powers under Article XI–A of the Maryland Constitution” for brevity.

Also in subsection (a) of this section, the reference to “issu[ing] bonds” is substituted for the former reference to “borrow[ing] money by issuing and selling bonds” for brevity.

Also in subsection (a) of this section, the former phrase “[i]n addition to other powers the county may have” is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to issuing bonds “[i]n order to implement the authority conferred upon it” is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to “[s]pecific[ing]” the proposed undertaking is deleted as included in the reference to “describ[ing]” the undertaking.

In subsections (b)(2)(iii) and (c)(1)(ii) of this section, the former references to “rates” of interest are deleted in light of the references to “rate” and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in subsection (c)(1)(iv) of this section, the former reference to “times” is deleted in light of the reference to “time”.

In subsection (b)(3) of this section, the former reference to an amount “at least” sufficient for certain purposes is deleted as implicit in the reference to a “sufficient” amount.

In subsection (c)(1)(i) of this section, the former reference to the “actual” principal of the bonds is deleted as surplusage. Similarly, in subsection

(c)(1)(ii) of this section, the former reference to the “actual” rate of interest is deleted.

In subsection (c)(1)(v) of this section, the reference to “purpose” is substituted for the former reference to “tenor” for clarity.

In subsection (c)(1)(vi) of this section, the former reference to the principal of the bonds being paid “within the limitations set forth in this section” is deleted as surplusage.

In subsection (c)(1)(vii) of this section, the reference to “conditions for payment of principal of and interest on the bonds before maturity” is substituted for the former reference to “[p]rovisions pursuant to which any or all of the bonds may be called for redemption prior to their stated maturity dates” for consistency with other similar provisions of this article.

In the introductory language of subsection (c)(2) of this section, the former reference to the county’s finance board, financial officer, or chief executive officer specifying items “as it deems appropriate” is deleted as implicit in the grant of authority to the county.

In subsection (c)(2)(i) of this section, the former reference to the finance board or financial officer specifying items by “ordinance” is deleted because those entities do not have the authority to enact laws.

In the introductory language of subsection (d) of this section, the former reference to “[e]xcept as may be required by the Maryland Constitution” is deleted in light of the rules of statutory construction, which provide that a provision of the Maryland Constitution prevails when in conflict with a statute.

In subsection (d)(1) of this section, the former reference to bonds “required under this subsection” is deleted as surplusage.

In subsection (d)(2) of this section, the reference to the “ordinance or resolution authorizing the bonds” is substituted for the former reference to the “required ordinance or resolution” for clarity.

Defined terms: “Bond” § 21–501
“Governing body” § 1–101
“State” § 1–101

21–512. CONDITIONS OF ISSUANCE.

(A) IN GENERAL.

A BOND ISSUED UNDER THIS SUBTITLE:

(1) MAY BE IN BEARER FORM OR COUPON FORM;

(2) MAY BE REGISTRABLE AS TO PRINCIPAL ALONE OR AS TO BOTH PRINCIPAL AND INTEREST; AND

(3) IS A SECURITY UNDER § 8-102 OF THE COMMERCIAL LAW ARTICLE, WHETHER THE BOND IS ONE OF A CLASS OR SERIES OR IS DIVISIBLE INTO A CLASS OR SERIES OF INSTRUMENTS.

(B) EXECUTION.

(1) A BOND SHALL BE SIGNED MANUALLY OR IN FACSIMILE BY THE CHIEF EXECUTIVE OFFICER OF THE COUNTY.

(2) THE CLERK OR OTHER SIMILAR ADMINISTRATIVE OFFICER OF THE COUNTY SHALL ATTEST TO AND AFFIX THE SEAL OF THE COUNTY TO EACH BOND.

(3) AN OFFICER'S SIGNATURE OR COUNTERSIGNATURE ON A BOND REMAINS VALID IF THE OFFICER CEASES TO BE AN OFFICER BEFORE DELIVERY OF THE BOND.

(C) MATURITY.

A BOND SHALL MATURE NOT LATER THAN 30 YEARS AFTER THE DATE OF ISSUANCE.

(D) TERMS OF SALE.

(1) A COUNTY MAY SELL BONDS:

(I) AT A PUBLIC OR PRIVATE SALE; AND

(II) IN ANY MANNER AND ON ANY TERMS THAT THE GOVERNING BODY OF THE COUNTY CONSIDERS BEST.

(2) A CONTRACT TO ACQUIRE PROPERTY MAY PROVIDE THAT PAYMENT SHALL BE MADE IN BONDS.

(3) BONDS ARE EXEMPT FROM §§ 19-205 AND 19-206 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1301(j).

In the introductory language of subsection (a) of this section, the reference to bonds "issued under this subtitle" is added for clarity.

In subsection (a)(3) of this section, the former reference to a bond "by its terms" being divisible is deleted as surplusage.

In subsection (b)(3) of this section, the reference to "a bond" is substituted for the former reference to "the coupons" for accuracy.

Also in subsection (b)(3) of this section, the former reference to bonds being "sufficient for all purposes the same as if the officer had remained in office until delivery" is deleted as included in the reference to the bonds being "valid".

In the introductory language of subsection (d)(1) of this section, the reference to a "county" selling bonds is added for clarity.

Defined terms: "Bond" § 21-501
 "Governing body" § 1-101

21-513. BONDS ARE SECURITIES.

BONDS ISSUED UNDER THIS SUBTITLE ARE SECURITIES:

(1) THAT MAY BE DEPOSITED WITH AND RECEIVED BY A UNIT OF THE STATE OR A POLITICAL SUBDIVISION FOR ANY PURPOSE FOR WHICH THE DEPOSIT OF BONDS OR OBLIGATIONS OF THE STATE IS AUTHORIZED BY LAW; AND

(2) IN WHICH ANY OF THE FOLLOWING PERSONS OR ENTITIES MAY INVEST MONEY:

(I) AN OFFICER OR A UNIT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE;

(II) A BANK, A TRUST COMPANY, A SAVINGS AND LOAN ASSOCIATION, OR AN INVESTMENT COMPANY;

(III) AN INSURANCE COMPANY; AND**(IV) A PERSONAL REPRESENTATIVE, A TRUSTEE, OR ANY OTHER FIDUCIARY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–1301(k).

In this section, the former references to “properly” and “legally” investing or depositing money are deleted as surplusage.

In item (1) of this section, the word “unit” is substituted for the former word “agency” for consistency with other revised articles of the Code.

Also in item (1) of this section, the former reference to a “State or county officer or any” unit is deleted as included in the reference to a “unit of the State or a political subdivision”.

Also in item (1) of this section, the former phrase “now or may hereafter” be authorized by law is deleted as surplusage.

In the introductory language of item (2) of this section, the former reference to money “including capital in their control or belonging to them” is deleted as implicit in the authority of persons or entities to invest.

In item (2)(i) of this section, the reference to “an officer or a unit” is substituted for the former reference to “public officers and public bodies” for consistency with other provisions of revised articles of the Code authorizing investments in public bonds. *See e.g.*, EC §§ 10–219 and 10–325.

In item (2)(ii) of this section, the former references to a “State” bank, “national banking associations”, and “savings banks” are deleted as included in the reference to a “bank”.

In item (2)(iv) of this section, the reference to “personal representative” is substituted for the former references to “executors,” and “administrators,” for consistency with terminology used throughout the Estates and Trusts Article and in light of Art. 1, § 5, which provides that the term “personal representative” includes both an “administrator” and an “executor”.

Defined terms: “Bond” § 21–501

“Person” § 1–101

“State” § 1–101

21-514. PAYMENT OF BONDS.**(A) IN GENERAL.**

BONDS ARE PAYABLE FROM THE SPECIAL FUND REQUIRED UNDER § 21-506 OF THIS SUBTITLE.

(B) BONDS NOT GENERAL OBLIGATION DEBT.

BONDS ISSUED UNDER THIS SUBTITLE ARE A SPECIAL OBLIGATION OF THE COUNTY AND ARE NOT A GENERAL OBLIGATION DEBT OF THE COUNTY OR A PLEDGE OF THE COUNTY'S FULL FAITH AND CREDIT OR TAXING POWER.

(C) SINKING FUND.

THE GOVERNING BODY OF A COUNTY THAT ISSUES BONDS UNDER THIS SUBTITLE MAY:

- (1) ESTABLISH A SINKING FUND;**
- (2) ESTABLISH A DEBT SERVICE RESERVE FUND;**
- (3) PLEDGE OTHER ASSETS AND REVENUES TOWARD THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; OR**
- (4) PROVIDE FOR MUNICIPAL BOND INSURANCE OR ANY OTHER FINANCIAL GUARANTY OF THE BONDS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1301(q) and (e)(1) and (2).

In subsection (c)(3) of this section, the reference to the payment of principal of and interest "on the bonds" is added for clarity.

Defined terms: "Bond" § 21-501
"Governing body" § 1-101

21-515. APPLICATION OF BOND PROCEEDS.

BOND PROCEEDS SHALL BE USED ONLY TO PAY THE COST OF INFRASTRUCTURE IMPROVEMENTS, INCLUDING:

(1) THE COST OF ESTABLISHING, ACQUIRING, DESIGNING, CONSTRUCTING, EXTENDING, OR ALTERING INFRASTRUCTURE IMPROVEMENTS;

(2) THE COST OF ISSUING BONDS;

(3) PAYMENT OF THE PRINCIPAL OF AND INTEREST ON LOANS, MONEY ADVANCES, OR INDEBTEDNESS INCURRED BY THE COUNTY FOR ANY PURPOSE STATED IN § 21-504(A) OF THIS SUBTITLE, INCLUDING REFUNDING BONDS PREVIOUSLY ISSUED; AND

(4) FUNDING OF A DEBT SERVICE RESERVE FUND OR PAYMENT OF INTEREST BEFORE, DURING, OR FOR A LIMITED PERIOD OF TIME AFTER CONSTRUCTING THE INFRASTRUCTURE IMPROVEMENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1301(e)(3).

In the introductory language of this section, the reference to "[b]ond proceeds" is substituted for the former reference to "[a]ll proceeds received from any bonds issued and sold" for brevity.

In item (3) of this section, the former reference to bonds previously issued "under this section" is deleted as surplusage.

In item (4) of this section, the reference to constructing "the infrastructure improvements" is added for clarity.

Defined terms: "Bond" § 21-501

"Cost" § 21-501

21-516. BONDS EXEMPT FROM TAXATION.

THE PRINCIPAL AMOUNT OF BONDS, THE INTEREST PAYABLE ON BONDS, THE TRANSFER OF BONDS, AND ANY INCOME FROM BONDS, INCLUDING PROFIT MADE IN THE SALE OR TRANSFER OF BONDS, ARE EXEMPT FROM STATE AND LOCAL TAXES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1301(i).

The reference to income "from bonds" is substituted for the former reference to income "derived from the transfer" for accuracy and consistency with other similar provisions of the Code.

The reference to “local” taxes is substituted for the former reference to taxation by “the counties and municipal corporations of the State” for brevity and consistency with other similar provisions of the Code.

The former reference to the computation of net earnings as required by the financial institutions franchise tax under Title 8, Subtitle 2 of the Tax – General Article is deleted as obsolete because the financial institutions franchise tax was repealed in 2000.

Defined terms: “Bond” § 21–501
 “State” § 1–101

21–517. RESERVED.

21–518. RESERVED.

PART II. SPECIAL PROVISIONS APPLICABLE TO INDIVIDUAL COUNTIES.

21–519. ANNE ARUNDEL COUNTY.

A LAW ENACTED BY ANNE ARUNDEL COUNTY UNDER THIS SUBTITLE:

(1) SHALL SPECIFY THE TYPE OF INFRASTRUCTURE AND RELATED COSTS THAT MAY BE FINANCED;

(2) SHALL REQUIRE:

(I) REASONABLE DISCLOSURE IN A REAL ESTATE CONTRACT TO BUYERS OF REAL PROPERTY IN A SPECIAL TAXING DISTRICT OF ANY SPECIAL ASSESSMENT, SPECIAL TAX, OR OTHER FEE OR CHARGE FOR WHICH THE BUYER WOULD BE LIABLE DUE TO THE SPECIAL TAXING DISTRICT; AND

(II) THAT, IF A SELLER FAILS TO PROVIDE THE DISCLOSURE, THE BUYER MAY VOID THE CONTRACT BEFORE THE DATE OF SETTLEMENT;

(3) SHALL REQUIRE ADEQUATE DEBT SERVICE RESERVE FUNDS TO BE MAINTAINED;

(4) MAY PROVIDE:

(I) FOR EXEMPTIONS, DEFERRALS, AND CREDITS; AND

(II) FOR A LIEN TO ATTACH TO PROPERTY IN A SPECIAL TAXING DISTRICT TO THE EXTENT OF THAT PROPERTY OWNER'S OBLIGATION UNDER ANY SPECIAL TAXING DISTRICT FINANCING; AND

(5) MAY NOT ALLOW:

(I) ACCELERATION OF ASSESSMENTS OR TAXES BY REASON OF BOND DEFAULT; OR

(II) AN INCREASE IN THE MAXIMUM SPECIAL ASSESSMENTS, SPECIAL TAXES, OR OTHER FEES OR CHARGES APPLICABLE TO ANY INDIVIDUAL PROPERTY IF OTHER PROPERTY OWNERS BECOME DELINQUENT IN PAYING A SPECIAL ASSESSMENT, A SPECIAL TAX, OR ANY OTHER FEE OR CHARGE SECURING BONDS ISSUED UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1301(c)(3).

Defined terms: "Bond" § 21-501

"Cost" § 21-501

21-520. CECIL COUNTY.

(A) WHERE AUTHORITY MAY BE EXERCISED.

CECIL COUNTY MAY EXERCISE THE AUTHORITY GRANTED UNDER THIS SUBTITLE ONLY IN A DESIGNATED GROWTH AREA AS DEFINED IN THE COUNTY COMPREHENSIVE PLAN.

(B) PUBLIC HEARING.

(1) THE GOVERNING BODY OF CECIL COUNTY SHALL HOLD AT LEAST ONE PUBLIC HEARING ON A BILL ESTABLISHING A SPECIAL TAXING DISTRICT.

(2) AT THE PUBLIC HEARING, THE GOVERNING BODY MAY CONSIDER THE FOLLOWING ELEMENTS OF A PROPOSED DEVELOPMENT THAT WOULD RECEIVE THE PROCEEDS OF A BOND:

(I) DEVELOPMENT DESIGN STANDARDS;

(II) THE USE OF TRANSFER OF DEVELOPMENT RIGHTS OR OTHER METHODS OF INCREASING THE DENSITY OF DEVELOPMENT;

(III) DESIGN AND USE OF OPEN SPACE; AND

(IV) AVAILABILITY AND DESIGN OF RECREATIONAL AND EDUCATIONAL FACILITIES.

(C) ADEQUATE DEBT SERVICE RESERVE FUNDS.

A LAW ENACTED BY CECIL COUNTY UNDER THIS SUBTITLE SHALL REQUIRE THAT ADEQUATE DEBT SERVICE RESERVE FUNDS BE MAINTAINED.

(D) PETITION OF ALL OWNERS REQUIRED.

NOTWITHSTANDING § 21-503(C) OF THIS SUBTITLE, BEFORE CECIL COUNTY MAY ESTABLISH A SPECIAL TAXING DISTRICT, ALL OF THE OWNERS OF REAL PROPERTY IN THE PROPOSED SPECIAL TAXING DISTRICT SHALL PETITION THE COUNTY TO ESTABLISH THE SPECIAL TAXING DISTRICT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1301(c)(7)(ii), (iii), (iv), (v), and (vi).

Defined terms: "Bond" § 21-501
"Governing body" § 1-101

21-521. CHARLES COUNTY.**(A) WHERE AUTHORITY MAY BE EXERCISED.**

CHARLES COUNTY MAY EXERCISE THE AUTHORITY GRANTED UNDER THIS SUBTITLE ONLY IN A COMMERCIAL OR LIGHT INDUSTRIAL ZONE.

(B) DEVELOPMENT OF RESORT HOTELS AND CONFERENCE CENTERS WITHIN WATERFRONT PLANNED COMMUNITY.

CHARLES COUNTY MAY EXERCISE THE AUTHORITY GRANTED UNDER THIS SUBTITLE TO PROVIDE FINANCING, REFINANCING, OR REIMBURSEMENT OF COSTS FOR THE PURPOSES UNDER § 21-504(A) OF THIS SUBTITLE RELATING TO THE DEVELOPMENT OF RESORT HOTELS AND CONFERENCE CENTERS IN A WATERFRONT PLANNED COMMUNITY.

(C) HOTEL RENTAL TAX AUTHORIZED.

(1) IN ADDITION TO IMPOSING AD VALOREM OR SPECIAL TAXES UNDER THIS SUBTITLE, CHARLES COUNTY MAY IMPOSE A HOTEL RENTAL TAX IN A SPECIAL TAXING DISTRICT TO PROVIDE FINANCING, REFINANCING, OR REIMBURSEMENT OF COSTS FOR THE PURPOSES UNDER § 21-504(A) OF THIS SUBTITLE RELATING TO THE DEVELOPMENT OF RESORT HOTELS AND CONFERENCE CENTERS IN A WATERFRONT PLANNED COMMUNITY.

(2) THE TAXES PROVIDED UNDER THIS SUBTITLE FOR PAYMENT OF BONDS AND PLEDGED TO THE SPECIAL FUND MAY INCLUDE THE HOTEL RENTAL TAX AUTHORIZED UNDER THIS SUBSECTION.

(3) THE HOTEL RENTAL TAX AUTHORIZED UNDER THIS SUBSECTION IS IN ADDITION TO THE HOTEL RENTAL TAX AUTHORIZED UNDER TITLE 20, SUBTITLE 4 OF THIS ARTICLE.

(4) THE RATE OF THE HOTEL RENTAL TAX AUTHORIZED UNDER THIS SUBSECTION MAY NOT EXCEED THE RATE OF THE HOTEL RENTAL TAX IMPOSED UNDER TITLE 20, SUBTITLE 4 OF THIS ARTICLE IN EFFECT ON THE DAY THE GOVERNING BODY OF CHARLES COUNTY ESTABLISHES A SPECIAL TAXING DISTRICT UNDER THIS SUBTITLE.

(5) THE PROCEEDS FROM THE HOTEL RENTAL TAX AUTHORIZED UNDER THIS SUBSECTION MAY BE USED ONLY FOR THE PURPOSES AUTHORIZED UNDER THIS SUBTITLE.

(6) CHARLES COUNTY MAY NOT IMPOSE THE HOTEL RENTAL TAX AUTHORIZED UNDER THIS SUBSECTION OUTSIDE A SPECIAL TAXING DISTRICT ESTABLISHED UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1301(c)(4), (f)(3), and (o)(1)(ii).

Defined terms: "Bond" § 21-501

"Cost" § 21-501

"Governing body" § 1-101

21-522. HARFORD COUNTY.

(A) WHERE AUTHORITY MAY BE EXERCISED.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, HARFORD COUNTY MAY EXERCISE THE AUTHORITY GRANTED

UNDER THIS SUBTITLE ONLY IN A DESIGNATED GROWTH AREA AS DEFINED IN THE COUNTY MASTER PLAN AND LAND USE ELEMENT PLAN.

(2) HARFORD COUNTY MAY NOT EXERCISE THE AUTHORITY GRANTED UNDER THIS SUBTITLE IN ANY RURAL VILLAGE.

(B) LAW ENACTED BY GOVERNING BODY REQUIRED.

IN HARFORD COUNTY, A SPECIAL TAXING DISTRICT MAY BE ESTABLISHED ONLY BY A LAW ENACTED BY THE GOVERNING BODY OF THE COUNTY.

(C) PUBLIC HEARING.

AT A PUBLIC HEARING ON A BILL ESTABLISHING A SPECIAL TAXING DISTRICT, THE GOVERNING BODY OF HARFORD COUNTY MAY CONSIDER ELEMENTS OF A PROPOSED DEVELOPMENT THAT WOULD RECEIVE THE PROCEEDS OF BONDS, INCLUDING:

(1) DEVELOPMENT DESIGN STANDARDS;

(2) THE USE OF TRANSFER OF DEVELOPMENT RIGHTS OR OTHER METHODS OF ACHIEVING DENSITY OF DEVELOPMENT;

(3) DESIGN AND USE OF OPEN SPACE; AND

(4) AVAILABILITY AND DESIGN OF RECREATIONAL AND EDUCATIONAL FACILITIES.

(D) ADEQUATE DEBT SERVICE RESERVE FUNDS.

A LAW ENACTED BY HARFORD COUNTY ESTABLISHING A SPECIAL TAXING DISTRICT SHALL REQUIRE THAT ADEQUATE DEBT SERVICE RESERVE FUNDS BE MAINTAINED.

(E) PETITION OF ALL OWNERS REQUIRED.

NOTWITHSTANDING § 21-503(C) OF THIS SUBTITLE, BEFORE HARFORD COUNTY MAY ESTABLISH A SPECIAL TAXING DISTRICT, ALL OF THE OWNERS OF REAL PROPERTY IN THE PROPOSED SPECIAL TAXING DISTRICT SHALL PETITION THE COUNTY TO ESTABLISH THE SPECIAL TAXING DISTRICT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9-1301(c)(6).

In the introductory language of subsection (c) of this section, the word “including” is substituted for the former phrase “among other things”. Art. 1, § 30 provides that “includes” is used “by way of illustration and not by way of limitation”.

Defined terms: “Bond” § 21–501
“Governing body” § 1–101

21–523. PRINCE GEORGE’S COUNTY.

PRINCE GEORGE’S COUNTY MAY EXERCISE THE AUTHORITY GRANTED UNDER THIS SUBTITLE TO:

- (1) IMPOSE HOTEL RENTAL TAXES; AND**
- (2) PROVIDE FINANCING, REFINANCING, OR REIMBURSEMENT FOR THE COST OF:**
 - (I) CONVENTION CENTERS, CONFERENCE CENTERS, AND VISITORS’ CENTERS;**
 - (II) MAINTAINING INFRASTRUCTURE IMPROVEMENTS, CONVENTION CENTERS, CONFERENCE CENTERS, AND VISITORS’ CENTERS;**
 - (III) MARKETING SPECIAL TAXING DISTRICT FACILITIES AND OTHER IMPROVEMENTS; AND**
 - (IV) RENOVATING, REHABILITATING, AND REPAIRING EXISTING BUILDINGS, BUILDING SYSTEMS, AND COMPONENTS FOR EXISTING RESIDENTIAL CONDOMINIUMS DESIGNATED AS WORKFORCE HOUSING, AS DEFINED IN § 4–1801 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–1301(c)(5).

Defined term: “Cost” § 21–501

SUBTITLE 6. STORMWATER MANAGEMENT DISTRICTS — MONTGOMERY AND PRINCE GEORGE’S COUNTIES.

PART I. DEFINITIONS; GENERAL PROVISIONS.

21-601. DEFINITIONS.**(A) IN GENERAL.**

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-101(a).

The only change is in style.

(B) BOND.

“BOND” MEANS A BOND, NOTE, OR OTHER EVIDENCE OF OBLIGATION.

REVISOR'S NOTE: This subsection formerly was Art. 24, § 24-101(b).

No changes are made.

(C) COMMISSION.

“COMMISSION” MEANS THE WASHINGTON SUBURBAN SANITARY COMMISSION.

REVISOR'S NOTE: This subsection formerly was Art. 24, § 24-101(c).

No changes are made.

(D) SANITARY DISTRICT.

“SANITARY DISTRICT” HAS THE MEANING STATED IN § 16-101 OF THE PUBLIC UTILITIES ARTICLE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 24, § 24-101(d).

(E) STORMWATER MANAGEMENT.

(1) “STORMWATER MANAGEMENT” MEANS THE PLANNING, DESIGNING, ACQUISITION, CONSTRUCTION, DEMOLITION, MAINTENANCE, AND OPERATION OF FACILITIES, PRACTICES, AND PROGRAMS FOR THE CONTROL AND DISPOSITION OF STORM AND SURFACE WATER.

(2) “STORMWATER MANAGEMENT” INCLUDES FLOODPROOFING, FLOOD CONTROL, AND NAVIGATION PROGRAMS.

(3) IN PRINCE GEORGE’S COUNTY, “STORMWATER MANAGEMENT” ALSO MEANS THE PROTECTION, CONSERVATION, REGULATION, CREATION, AND ACQUISITION OF PROPERTY DESCRIBED IN §§ 5–901(G) AND 16–101(K) OF THE ENVIRONMENT ARTICLE, CONSISTENT WITH FEDERAL AND STATE LAWS AND REGULATIONS ON THE SUBJECT OF NONTIDAL AND PRIVATE WETLANDS.

REVISOR’S NOTE: This subsection formerly was Art. 24, § 24–101(e).

No changes are made.

Defined term: “State” § 1–101

(F) STORMWATER MANAGEMENT DISTRICT.

“STORMWATER MANAGEMENT DISTRICT” MEANS A STORMWATER MANAGEMENT DISTRICT AUTHORIZED UNDER THIS SUBTITLE.

REVISOR’S NOTE: This subsection formerly was Art. 24, § 24–101(f).

The former reference to a district “to be established” is deleted as surplusage.

The only other change is in style.

Defined term: “Stormwater management” § 21–601

21–602. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES ONLY IN MONTGOMERY COUNTY AND PRINCE GEORGE’S COUNTY.

REVISOR’S NOTE: This subsection formerly was Art. 24, § 24–102.

The only change is in style.

21–603. CONSTRUCTION OF SUBTITLE.

(A) IN GENERAL.

THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO CARRY OUT ITS PURPOSES.

(B) IMPAIRMENT OF RIGHTS PROHIBITED.

THIS SUBTITLE DOES NOT IMPAIR THE RIGHTS AND PRIVILEGES VESTED IN THE HOLDERS OF BONDS ISSUED BY THE COMMISSION OR PRINCE GEORGE'S COUNTY FOR STORMWATER MANAGEMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 24, § 24-103.

In subsection (b) of this section, the statement that this subtitle "does not" impair rights and privileges is substituted for the former statement that this subtitle "may not impair or be construed to impair" rights and privileges for brevity.

Defined terms: "Bond" § 21-601

"Commission" § 21-601

"Stormwater management" § 21-601

21-604. RESERVED.

21-605. RESERVED.

PART II. GENERAL POWERS AND DUTIES OF LOCAL JURISDICTION.

21-606. STORMWATER MANAGEMENT IN MONTGOMERY COUNTY.

(A) IN GENERAL.

(1) MONTGOMERY COUNTY MAY ESTABLISH A STORMWATER MANAGEMENT DISTRICT THAT INCLUDES THE LAND IN ITS BOUNDARIES, EXCEPT FOR THE LAND IN THE CITY OF TAKOMA PARK.

(2) IN ITS STORMWATER MANAGEMENT DISTRICT, MONTGOMERY COUNTY SHALL PROVIDE EFFICIENT STORMWATER MANAGEMENT SERVICES TO THE RESIDENTS AND PROPERTY OWNERS OF THE STORMWATER MANAGEMENT DISTRICT WITH ADEQUATE FACILITIES FOR DEVELOPMENT AND PROMOTION OF SAFETY FOR LIFE AND PROPERTY.

(3) THE STORMWATER MANAGEMENT SERVICES SHALL INCLUDE THOSE FORMERLY PERFORMED BY THE COMMISSION.

(4) MONTGOMERY COUNTY MAY NOT EXERCISE STORMWATER MANAGEMENT AUTHORITY IN THE CITY OF TAKOMA PARK UNLESS THE CITY AND COUNTY OTHERWISE AGREE.

(B) SPECIAL TAXING DISTRICT AND AREAS.

(1) THE STORMWATER MANAGEMENT DISTRICT IS A SPECIAL TAXING DISTRICT FOR THE PURPOSE OF STORMWATER MANAGEMENT.

(2) MONTGOMERY COUNTY MAY ESTABLISH ONE OR MORE SPECIAL TAXING AREAS WITHIN ITS STORMWATER MANAGEMENT DISTRICT.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-201.

The only changes are in style.

Defined terms: "Commission" § 21-601

"Stormwater management" § 21-601

"Stormwater management district" § 21-601

21-607. STORMWATER MANAGEMENT IN PRINCE GEORGE'S COUNTY.

(A) IN GENERAL.

(1) PRINCE GEORGE'S COUNTY MAY ESTABLISH A STORMWATER MANAGEMENT DISTRICT THAT INCLUDES THE LAND IN ITS BOUNDARIES, EXCEPT FOR THE LAND IN THE CITY OF BOWIE.

(2) IN ITS STORMWATER MANAGEMENT DISTRICT, PRINCE GEORGE'S COUNTY SHALL PROVIDE EFFICIENT STORMWATER MANAGEMENT SERVICES TO THE RESIDENTS AND PROPERTY OWNERS OF THE STORMWATER MANAGEMENT DISTRICT WITH ADEQUATE FACILITIES FOR DEVELOPMENT AND PROMOTION OF SAFETY FOR LIFE AND PROPERTY.

(3) THE STORMWATER MANAGEMENT SERVICES SHALL INCLUDE THOSE FORMERLY PERFORMED BY THE COMMISSION.

(4) PRINCE GEORGE'S COUNTY MAY NOT EXERCISE STORMWATER MANAGEMENT AUTHORITY IN THE CITY OF BOWIE UNLESS THE CITY AND COUNTY OTHERWISE AGREE.

(B) SPECIAL TAXING DISTRICT AND AREAS.

(1) THE STORMWATER MANAGEMENT DISTRICT IS A SPECIAL TAXING DISTRICT FOR THE PURPOSE OF STORMWATER MANAGEMENT.

(2) PRINCE GEORGE’S COUNTY MAY ESTABLISH ONE OR MORE SPECIAL TAXING AREAS IN ITS STORMWATER MANAGEMENT DISTRICT.

REVISOR’S NOTE: This section formerly was Art. 24, § 24–202.

The only changes are in style.

Defined terms: “Commission” § 21–601

“Stormwater management” § 21–601

“Stormwater management district” § 21–601

21–608. AGREEMENTS WITH COMMISSION.

THE COMMISSION MAY ENTER INTO AGREEMENTS WITH MONTGOMERY COUNTY AND PRINCE GEORGE’S COUNTY TO PERFORM STORMWATER MANAGEMENT ACTIVITIES ON BEHALF OF EACH COUNTY AS THE COUNTY CONSIDERS NECESSARY AND APPROPRIATE TO MAINTAIN EFFECTIVE STORMWATER MANAGEMENT PROGRAMS IN THE STORMWATER MANAGEMENT DISTRICT.

REVISOR’S NOTE: This section formerly was Art. 24, § 24–203.

No changes are made.

Defined terms: “Commission” § 21–601

“Stormwater management” § 21–601

“Stormwater management district” § 21–601

21–609. RESERVED.

21–610. RESERVED.

PART III. BONDING AUTHORITY.

21–611. CONSTRUCTION OF PART.

MONTGOMERY COUNTY, PRINCE GEORGE’S COUNTY, AND THE CITY OF TAKOMA PARK SHALL HAVE INDEPENDENT AND SUPPLEMENTAL AUTHORITY TO ENACT AN ORDINANCE OR OTHER LEGISLATION TO ISSUE BONDS FOR THE PURPOSES PROVIDED IN THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 24-301.

The former reference to "additional" authority is deleted as included in the reference to "supplemental" authority.

Defined term: "Bond" § 21-601

21-612. AUTHORITY TO ISSUE BONDS.

(A) IN GENERAL.

(1) MONTGOMERY COUNTY, PRINCE GEORGE'S COUNTY, AND THE CITY OF TAKOMA PARK MAY ISSUE BONDS IN ANY AMOUNT THAT THEY CONSIDER NECESSARY TO PROVIDE MONEY FOR THEIR RESPECTIVE PORTIONS OF THE STORMWATER MANAGEMENT PROGRAMS AND SYSTEMS AUTHORIZED UNDER THIS SUBTITLE.

(2) THE PROCEEDS OF BONDS ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED FOR THE PLANNING, ACQUISITION, CONSTRUCTION, RECONSTRUCTION, ESTABLISHMENT, EXTENSION, ENLARGEMENT, DEMOLITION, OR PURCHASE OF FACILITIES, INCLUDING LAND, INTERESTS IN LAND, OR EQUIPMENT, FOR STORMWATER MANAGEMENT PROGRAMS AND SYSTEMS.

(B) EXCEPTIONS FOR BONDS OF TAKOMA PARK.

(1) (I) BONDS OF THE CITY OF TAKOMA PARK AUTHORIZED BY THIS SUBTITLE MAY BE ISSUED IN CONJUNCTION WITH BONDS OF PRINCE GEORGE'S COUNTY AUTHORIZED BY THIS SUBTITLE IN THE MANNER PROVIDED BY RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF TAKOMA PARK AND THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, SUBJECT IN EACH CASE TO APPROVAL OF BOND COUNSEL FOR THE RESPECTIVE JURISDICTION.

(II) THE RESOLUTIONS MAY INCLUDE PROCEDURES FOR A JOINT OR COORDINATED OFFERING OR SALE OF THE BONDS.

(2) (I) PRINCE GEORGE'S COUNTY MAY ISSUE BONDS AUTHORIZED BY THIS SUBTITLE PAYABLE FROM THE AD VALOREM TAXES AUTHORIZED BY § 21-623(A) OF THIS SUBTITLE FOR THE BENEFIT OF THE CITY OF TAKOMA PARK FOR THE SAME PURPOSES FOR WHICH THE CITY OF TAKOMA PARK MAY ISSUE BONDS UNDER THIS SUBTITLE IN CONNECTION WITH SYSTEMS LOCATED IN THE CITY OF TAKOMA PARK, SUBJECT TO THE APPROVAL OF BOND COUNSEL FOR PRINCE GEORGE'S COUNTY.

(II) THE BONDS AUTHORIZED BY THIS PARAGRAPH SHALL BE APPROVED BY APPROPRIATE RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF TAKOMA PARK AND THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY.

(III) THE RESOLUTIONS SHALL PROVIDE FOR THE LENDING OF THE APPROPRIATE PORTION OF THE PROCEEDS OF THE BONDS BY PRINCE GEORGE'S COUNTY TO THE CITY OF TAKOMA PARK AND THE REPAYMENT OF THE LOAN BY THE CITY OF TAKOMA PARK TO PRINCE GEORGE'S COUNTY IN THE AMOUNTS AND AT THE TIMES NECESSARY TO ENABLE PRINCE GEORGE'S COUNTY TO MAKE ALL PAYMENTS OF PRINCIPAL OF AND INTEREST ON THE BONDS WHEN DUE, INCLUDING THE PROPORTIONATE PART OF ANY PRINCIPAL OF ANY OUTSTANDING SINKING FUND BONDS, AS DETERMINED BY THE TABLE OF REDEMPTION OF BONDS FOR BONDS ISSUED BY PRINCE GEORGE'S COUNTY FOR THE BENEFIT OF THE CITY OF TAKOMA PARK FOR STORMWATER MANAGEMENT UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-302.

The only changes are in style.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that subsection (b) of this section was enacted before the boundaries of Takoma Park were moved to place all of Takoma Park in Montgomery County and, therefore, may be obsolete. The General Assembly may wish to consider the repeal of the obsolete provision.

Defined terms: "Bond" § 21-601

"Stormwater management" § 21-601

21-613. REQUIREMENTS FOR BONDS.

BONDS ISSUED UNDER THIS PART:

(1) ARE GENERAL OBLIGATION BONDS OF THE ISSUING AUTHORITY THAT ARE FULLY REGISTERED AS TO BOTH PRINCIPAL AND INTEREST WHEN APPROVED BY ORDINANCE OR OTHER LEGISLATIVE ACT OF THE COUNTY OR CITY;

(2) SHALL BEAR INTEREST PAYABLE AT ANY TIME AND AT ANY ANNUAL RATE AS PROVIDED OR AUTHORIZED BY LEGISLATIVE ACT;

(3) MAY NOT MATURE LATER THAN 40 YEARS FROM THE DATE OF THEIR ISSUE;

(4) MAY BE MADE REDEEMABLE BEFORE MATURITY AT THE OPTION OF THE ISSUING AUTHORITY, AT ANY PRICE AND UNDER ANY TERMS AND CONDITIONS THAT ARE SET BEFORE THEIR ISSUANCE;

(5) SHALL HAVE ANY OTHER TERMS AND PROVISIONS AND BE OTHERWISE ISSUED AS PROVIDED OR AUTHORIZED BY LEGISLATIVE ACT; AND

(6) SHALL BE SOLD IN ANY MANNER, EITHER AT A PUBLIC OR PRIVATE NEGOTIATED SALE, AND ON ANY TERMS, AT, ABOVE, OR BELOW PAR, AS PROVIDED OR AUTHORIZED BY LEGISLATIVE ACT.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-303.

The only change is in style.

Defined term: "Bond" § 21-601

21-614. EXEMPTION FROM TAX.

BONDS ISSUED UNDER THIS PART, A TRANSFER OF THE BONDS, THE INTEREST PAYABLE ON THE BONDS, AND ANY INCOME DERIVED FROM THE BONDS, INCLUDING ANY PROFIT REALIZED IN THE SALE OR EXCHANGE OF THE BONDS, ARE EXEMPT FROM TAXATION BY THE STATE OR BY ANY COUNTY, MUNICIPALITY, OR OTHER PUBLIC UNIT OF THE STATE.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-304.

The former reference to public units "of any kind" is deleted as surplusage.

The only other changes are in style.

Defined terms: "Bond" § 21-601

"County" § 1-101

"Municipality" § 1-101

"State" § 1-101

21-615. EXEMPTION FROM OTHER PUBLIC DEBT REQUIREMENTS.

BONDS AUTHORIZED BY THIS PART AND THE ISSUANCE AND SALE OF THE BONDS ARE EXEMPT FROM §§ 19-205 AND 19-206 OF THIS ARTICLE.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-305.

The only changes are in style.

Defined term: "Bond" § 21-601

21-616. PLEDGE OF FULL FAITH AND CREDIT; PAYMENT FOR BONDS.

(A) IN GENERAL.

BONDS AUTHORIZED BY THIS PART ARE, AND SHALL STATE, AN IRREVOCABLE PLEDGE OF THE FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER OF THE ISSUING AUTHORITY TO THE PAYMENT OF THE MATURING PRINCIPAL OF AND INTEREST ON THE BONDS AS AND WHEN THE BONDS BECOME PAYABLE.

(B) BONDS PAYABLE FIRST FROM STORMWATER MANAGEMENT FUND.

THE BONDS SHALL BE PAYABLE FIRST FROM THE STORMWATER MANAGEMENT FUND OF THE ISSUING AUTHORITY.

(C) IMPOSITION OF TAXES IF FUND IS INSUFFICIENT.

TO THE EXTENT A STORMWATER MANAGEMENT FUND IS INSUFFICIENT TO PAY THE PRINCIPAL, INTEREST, AND REDEMPTION PREMIUM, IF ANY, ON THE BONDS, THE ISSUING AUTHORITY SHALL IMPOSE AD VALOREM TAXES, UNLIMITED AS TO RATE OR AMOUNT, ON ALL ASSESSABLE PROPERTY IN THE STORMWATER MANAGEMENT DISTRICT IN AN AMOUNT SUFFICIENT TO PROVIDE FOR THE PAYMENT OF THE PRINCIPAL, INTEREST, AND REDEMPTION PREMIUM, IF ANY, WHEN DUE.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-306.

The only changes are in style.

Defined terms: "Bond" § 21-601

"Stormwater management" § 21-601

"Stormwater management district" § 21-601

21-617. EXEMPTION FROM OTHER PROVISIONS OF LAW.

NOTWITHSTANDING ANY LIMITATION OR PROVISION OF ANY CHARTER OR LOCAL LAW REGULATING THE CREATION OF PUBLIC DEBTS OR THE FINANCING

OF CAPITAL PROJECTS, BONDS ISSUED UNDER THIS PART, THE BORROWING THAT THE BONDS REPRESENT, THE PLEDGE OF THE FULL FAITH AND CREDIT OF THE ISSUING AUTHORITY OR ANY OTHER GUARANTEE OF THE ISSUING AUTHORITY, AND THE PROGRAMS OR PROJECTS BEING FINANCED ARE NOT SUBJECT TO:

(1) ANY REFERENDUM REQUIREMENT OF THE CHARTER OR LOCAL LAW OF THE AUTHORITY ISSUING THE BONDS OR IN WHICH THE PROGRAMS OR PROJECTS ARE LOCATED;

(2) ANY LIMITATION OF THE CHARTER OR LOCAL LAW ON THE RATE OF TAXATION OR THE AGGREGATE AMOUNT OF TAXES THAT MAY BE IMPOSED BY THE ISSUING AUTHORITY; OR

(3) ANY REQUIREMENT OF CHARTER OR LOCAL LAW AS TO THE FORM OR PUBLIC SALE OF THE BONDS.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-307.

The only changes are in style.

Defined term: "Bond" § 21-601

21-618. STORMWATER MANAGEMENT BONDS — VALIDITY.

(A) IN GENERAL.

BONDS ISSUED BY MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY TO PROVIDE MONEY FOR STORMWATER MANAGEMENT REMAIN VALID, BINDING, AND ENFORCEABLE IN ACCORDANCE WITH THEIR TERMS, INCLUDING ANY PROVISION FOR A MATURITY DATE BEYOND JUNE 30, 1990.

(B) RIGHTS AND OBLIGATIONS.

NOTWITHSTANDING THE REPEAL, EXPIRATION, OR TERMINATION AFTER THE DATE OF ISSUANCE OF THE BONDS OF THE AUTHORITY UNDER WHICH THE BONDS WERE ISSUED, THE RIGHTS OF THE BONDHOLDERS AND THE RESPONSIBILITIES AND OBLIGATIONS OF MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY WITH RESPECT TO THE BONDS MAY NOT BE IMPAIRED AND SHALL REMAIN IN FULL FORCE AND EFFECT.

(C) REPAYMENT AND TAX.

THE RESPONSIBILITY OF MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY INCLUDES THE RESPONSIBILITY TO REPAY THE BONDS AND TO IMPOSE TAXES FOR OR OTHERWISE GUARANTEE THE PAYMENT OF THE BONDS.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-308.

The only changes are in style.

Defined terms: "Bond" § 21-601
"Stormwater management" § 21-601

21-619. RESERVED.

21-620. RESERVED.

PART IV. FUNDING.

21-621. CONSTRUCTION OF PART.

(A) RIGHTS OF PRINCE GEORGE'S COUNTY AND CITY OF BOWIE.

THIS PART DOES NOT IMPAIR THE RIGHTS OF PRINCE GEORGE'S COUNTY OR THE CITY OF BOWIE TO CONTRACT WITH EACH OTHER FOR THE PROVISION OF STORMWATER MANAGEMENT.

(B) RIGHTS OF PRINCE GEORGE'S COUNTY AND CITY OF TAKOMA PARK.

THIS PART DOES NOT IMPAIR THE RIGHTS OF PRINCE GEORGE'S COUNTY OR THE CITY OF TAKOMA PARK TO CONTRACT WITH EACH OTHER, OR WITH OTHER PARTIES, FOR THE PROVISION OF STORMWATER MANAGEMENT.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-401.

The only changes are in style.

Defined term: "Stormwater management" § 21-601

21-622. DEVELOPER OR OWNER CONTRIBUTIONS TO COST OF PROJECT.

(A) IN GENERAL.

(1) IN THE STORMWATER MANAGEMENT DISTRICT, PRINCE GEORGE'S COUNTY MAY REQUIRE AN OWNER OR DEVELOPER OF A SUBDIVISION

OR TRACT OF LAND ON WHICH BUILDINGS ARE TO BE ERECTED TO CONTRIBUTE WHAT THE COUNTY DETERMINES TO BE A FAIR SHARE OF THE COST OF A STORMWATER MANAGEMENT PROJECT BEFORE THE COUNTY APPROVES OR CONSTRUCTS THE PROJECT.

(2) IN THE CITY OF BOWIE, THE CITY MAY REQUIRE AN OWNER OR DEVELOPER OF A SUBDIVISION OR TRACT OF LAND ON WHICH BUILDINGS ARE TO BE ERECTED TO CONTRIBUTE WHAT THE CITY DETERMINES TO BE A FAIR SHARE OF THE COST OF A STORMWATER MANAGEMENT PROJECT BEFORE THE CITY APPROVES OR CONSTRUCTS THE PROJECT.

(3) IN THE CITY OF TAKOMA PARK, THE CITY MAY REQUIRE AN OWNER OR DEVELOPER OF A SUBDIVISION OR TRACT OF LAND ON WHICH BUILDINGS ARE TO BE ERECTED TO CONTRIBUTE WHAT THE CITY COUNCIL DETERMINES TO BE A FAIR SHARE OF THE COST OF A STORMWATER MANAGEMENT PROJECT IN THE CITY'S JURISDICTION BEFORE THE CITY COUNCIL APPROVES THE PROJECT FOR CONSTRUCTION.

(4) IN MONTGOMERY COUNTY, EXCEPT FOR PROPERTY IN THE CITY OF TAKOMA PARK, THE MONTGOMERY COUNTY COUNCIL MAY REQUIRE AN OWNER OR DEVELOPER OF A SUBDIVISION OR TRACT OF LAND ON WHICH BUILDINGS ARE TO BE ERECTED TO CONTRIBUTE WHAT THE COUNTY COUNCIL DETERMINES TO BE A FAIR SHARE OF THE COST OF A STORMWATER MANAGEMENT PROJECT IN THE COUNTY'S JURISDICTION BEFORE THE COUNTY COUNCIL APPROVES THE PROJECT FOR CONSTRUCTION.

(5) BEFORE CONSTRUCTION BEGINS, THE CONTRIBUTION SHALL BE PAID IN CASH OR SECURED TO THE SATISFACTION OF THE APPROVING AUTHORITY.

(B) AUTHORITY TO CONSTRUCT.

MONTGOMERY COUNTY, PRINCE GEORGE'S COUNTY, THE CITY OF BOWIE, AND THE CITY OF TAKOMA PARK EACH MAY CONSTRUCT IN ITS BOUNDARIES ANY PART OF AN APPROVED STORMWATER MANAGEMENT PROJECT IF THE OWNER OR DEVELOPER CONTRIBUTES A SHARE OF THE COST OF THE PROJECT CONSIDERED APPROPRIATE BY THE APPROVING AUTHORITY.

(C) INCLUSION OF ANTICIPATED CONTRIBUTIONS IN BUDGET.

MONTGOMERY COUNTY, PRINCE GEORGE'S COUNTY, THE CITY OF BOWIE, AND THE CITY OF TAKOMA PARK EACH SHALL INCLUDE IN ITS ANNUAL CAPITAL BUDGET FOR STORMWATER MANAGEMENT CAPITAL PROJECTS AN

AMOUNT REPRESENTING ANTICIPATED CONTRIBUTIONS TO STORMWATER MANAGEMENT.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-402.

The only changes are in style.

Defined terms: "Stormwater management" § 21-601

"Stormwater management district" § 21-601

21-623. COUNTY TAX AUTHORIZED.

(A) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY EACH MAY IMPOSE AN AD VALOREM TAX ON ALL PROPERTY ASSESSED FOR TAX PURPOSES IN THE STORMWATER MANAGEMENT DISTRICT AT A RATE REQUIRED TO PRODUCE THE AMOUNT NEEDED TO PAY FOR:

(1) MAINTENANCE OF STORMWATER MANAGEMENT SYSTEMS IN THE STORMWATER MANAGEMENT DISTRICT THAT WERE MAINTAINED BY THE COMMISSION BEFORE JULY 1, 1987, AND SYSTEMS ESTABLISHED BY EACH COUNTY ON OR AFTER JULY 1, 1987;

(2) THE PRINCIPAL AND INTEREST THAT BECOMES DUE AND OWING TO THE BONDHOLDERS DURING THE FOLLOWING YEAR AND THE PROPORTIONATE PART OF THE PRINCIPAL OF ALL OUTSTANDING SINKING FUND BONDS, AS DETERMINED BY THE TABLE OF REDEMPTION OF BONDS FOR BONDS ISSUED BY:

(I) THE COMMISSION FOR STORMWATER MANAGEMENT;
AND

(II) THE COUNTY FOR STORMWATER MANAGEMENT UNDER THIS SUBTITLE; AND

(3) THE COST OF STORMWATER MANAGEMENT ACTIVITIES AND PRACTICES IN THE STORMWATER MANAGEMENT DISTRICT, AS APPROVED IN THE COUNTY'S ANNUAL STORMWATER MANAGEMENT BUDGET AND APPROPRIATIONS RESOLUTION FOR THE FOLLOWING FISCAL YEAR.

(B) CERTIFICATION OF AMOUNTS TO PAY FOR BONDS.

(1) THE COMMISSION SHALL CERTIFY ANNUALLY TO EACH COUNTY THE AMOUNT NECESSARY TO PRODUCE THE SUM REQUIRED TO PAY THE PRINCIPAL, INTEREST, AND OTHER OBLIGATIONS FOR THE CURRENT YEAR ON THE OUTSTANDING BONDS ISSUED BY THE COMMISSION TO PAY FOR STORMWATER MANAGEMENT PROJECTS IN THE COUNTY'S STORMWATER MANAGEMENT DISTRICT.

(2) THE COUNTY SHALL PAY THE AMOUNT CERTIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(C) IMPOSITION AND COLLECTION OF TAXES.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE TAXES AUTHORIZED BY THIS SECTION SHALL BE IMPOSED AND COLLECTED IN THE SAME MANNER, HAVE THE SAME PRIORITY, BEAR THE SAME INTEREST, AND BE TREATED IN ALL RESPECTS AS OTHER COUNTY TAXES.

(2) (I) NOTWITHSTANDING ANY PROVISION OF CHARTER OR OTHER LAW, THE TAXES MAY NOT BE SUBJECT TO A LIMITATION ON THE TAX RATE OR TAX REVENUES OF THE COUNTY.

(II) THE TAX REVENUES SHALL BE DEPOSITED AND MAINTAINED IN A SEPARATE STORMWATER MANAGEMENT FUND ESTABLISHED UNDER § 21-627 OF THIS SUBTITLE.

(III) THE TAX REVENUES DEPOSITED IN THE FUND SHALL BE IN ADDITION TO ALL OTHER COUNTY TAXES AND MAY NOT BE CONSIDERED COUNTY TAXES FOR THE PURPOSE OF APPLYING THE LIMITATIONS IN ARTICLE VIII, § 812 OF THE PRINCE GEORGE'S COUNTY CHARTER.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-403.

The only changes are in style.

Defined terms: "Bond" § 21-601

"Commission" § 21-601

"Stormwater management" § 21-601

"Stormwater management district" § 21-601

21-624. MONTGOMERY COUNTY — AD VALOREM TAX.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(B) IN GENERAL.

SUBJECT TO SUBSECTIONS (C)(1) AND (D) OF THIS SECTION, THE COUNTY COUNCIL OF MONTGOMERY COUNTY SHALL IMPOSE AN AD VALOREM TAX ON ALL PROPERTY ASSESSED FOR TAX PURPOSES IN THE COUNTY, INCLUDING PROPERTY IN ANY MUNICIPALITY IN THE COUNTY.

(C) RATE.

(1) EXCEPT FOR THE CITY OF TAKOMA PARK, THE AD VALOREM TAX MAY NOT EXCEED:

(I) 0.4 CENT PER \$100 OF THE ASSESSED VALUE OF REAL PROPERTY; OR

(II) 1 CENT PER \$100 OF THE ASSESSED VALUE OF PERSONAL PROPERTY AND OPERATING REAL PROPERTY DESCRIBED IN § 8-109(C) OF THE TAX – PROPERTY ARTICLE.

(2) THE TAX SHALL BE IN AN AMOUNT NECESSARY TO PAY FOR THE MAINTENANCE OF:

(I) STORMWATER MANAGEMENT SYSTEMS IN THE PART OF THE SANITARY DISTRICT IN MONTGOMERY COUNTY THAT WERE PREVIOUSLY MAINTAINED BY THE COMMISSION; AND

(II) ON APPLICATION OF A MUNICIPALITY, ANY STORMWATER MANAGEMENT SYSTEM PREVIOUSLY MAINTAINED BY THE MUNICIPALITY.

(D) EXEMPTION OF MUNICIPALITY.

(1) IF A MUNICIPALITY DECIDES TO MAINTAIN ALL EXISTING STORMWATER MANAGEMENT SYSTEMS IN ITS BOUNDARIES, THE MUNICIPALITY SHALL NOTIFY THE COUNTY COUNCIL OF ITS INTENT TO MAINTAIN THE STORMWATER MANAGEMENT SYSTEMS BEFORE THE DATE ON WHICH THE COUNTY COUNCIL ADOPTS ITS ANNUAL BUDGET.

(2) IF THE CONDITIONS SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION ARE MET, ALL ASSESSABLE PROPERTIES IN THE MUNICIPALITY SHALL BE EXEMPT FROM THE TAX IMPOSED UNDER THIS SECTION.

(E) TRANSFER OF FACILITIES TO MONTGOMERY COUNTY.

(1) THE COUNTY SHALL MAINTAIN EVERY INTEREST IN STORMWATER EASEMENTS, STRUCTURES, AND OTHER PROPERTIES IN THE COUNTY, WHETHER OR NOT ESTABLISHED BY PLAT, THAT WERE TRANSFERRED BY DEED TO THE COUNTY.

(2) THE COMMISSION AND ANY MUNICIPALITY IN THE COUNTY SHALL ALLOW THE COUNTY TO ENTER AND EXIT OVER ANY FEE, LEASEHOLD, EASEMENT, OR RIGHT-OF-WAY OF THE COMMISSION OR MUNICIPALITY TO MAINTAIN ANY STORMWATER EASEMENT, STRUCTURE, OR OTHER PROPERTY.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-404.

The only changes are in style.

Defined terms: "Commission" § 21-601
"Municipality" § 1-101
"Sanitary district" § 21-601
"Stormwater management" § 21-601

21-625. TAX AUTHORIZED FOR CITY OF TAKOMA PARK.

(A) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE CITY OF TAKOMA PARK MAY IMPOSE AN AD VALOREM TAX ON ALL PROPERTY ASSESSED FOR TAX PURPOSES IN THE CITY AT A RATE REQUIRED TO PRODUCE THE AMOUNT NEEDED TO PAY FOR:

(1) MAINTENANCE OF STORMWATER MANAGEMENT SYSTEMS IN THE CITY THAT WERE MAINTAINED BY THE COMMISSION BEFORE JULY 1, 1990, AND SYSTEMS ESTABLISHED BY THE CITY ON OR AFTER JULY 1, 1990;

(2) THE PRINCIPAL AND INTEREST THAT BECOMES DUE AND OWING TO:

(i) THE BONDHOLDERS DURING THE FOLLOWING YEAR AND THE PROPORTIONATE PART OF THE PRINCIPAL OF ALL OUTSTANDING SINKING FUND BONDS, AS DETERMINED BY THE TABLE OF REDEMPTION OF BONDS FOR BONDS ISSUED BY OR ON BEHALF OF THE CITY ON OR AFTER JULY 1, 1990, FOR STORMWATER MANAGEMENT UNDER THIS SUBTITLE; AND

(II) PRINCE GEORGE'S COUNTY WITH RESPECT TO THE REPAYMENT OF ANY LOAN MADE BY THE COUNTY TO THE CITY OF TAKOMA PARK UNDER § 21-612(B) OF THIS SUBTITLE; AND

(3) THE COST OF STORMWATER MANAGEMENT ACTIVITIES AND PRACTICES IN THE CITY, AS APPROVED IN THE CITY'S ANNUAL STORMWATER MANAGEMENT BUDGET AND APPROPRIATIONS RESOLUTION FOR THE FOLLOWING FISCAL YEAR.

(B) PAYMENTS IN LIEU OF TAXES.

IN LIEU OF THE AD VALOREM TAXES AUTHORIZED BY SUBSECTION (A) OF THIS SECTION, THE CITY OF TAKOMA PARK MAY ADOPT A STORMWATER MANAGEMENT UTILITY FEE SYSTEM OR USER CHARGES TO PAY THE COSTS OF STORMWATER MANAGEMENT ACTIVITIES AND PROJECTS BASED ON FACTORS SUCH AS LAND USE, AMOUNT OF RUNOFF, CONSERVATION, AND ENVIRONMENTAL AND OTHER CONSIDERATIONS.

(C) IMPOSITION AND COLLECTION OF TAXES OR FEES.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE TAXES AUTHORIZED BY THIS SECTION SHALL BE IMPOSED AND COLLECTED IN THE SAME MANNER, HAVE THE SAME PRIORITY, BEAR THE SAME INTEREST, AND BE TREATED IN ALL RESPECTS AS OTHER TAXES IMPOSED BY THE CITY OF TAKOMA PARK.

(2) (I) NOTWITHSTANDING ANY PROVISION OF THE CHARTER, LAWS, OR ORDINANCES OF THE CITY OF TAKOMA PARK, THE TAXES MAY NOT BE SUBJECT TO A LIMITATION ON THE TAX RATE OR TAX REVENUES OF THE CITY.

(II) THE TAX REVENUES, USER CHARGES, AND UTILITY FEES SHALL BE DEPOSITED AND MAINTAINED IN A SEPARATE STORMWATER MANAGEMENT FUND ESTABLISHED UNDER § 21-628 OF THIS SUBTITLE.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-405.

The only changes are in style.

Defined terms: "Bond" § 21-601

"Commission" § 21-601

"Stormwater management" § 21-601

21-626. PROPERTY EXEMPT FROM OR NOT SUBJECT TO TAX OR FEES.

(A) PROPERTY EXEMPT FROM TAX OR FEES.

PROPERTY OWNED BY THE STATE OR A UNIT OF STATE GOVERNMENT, A COUNTY, A MUNICIPALITY, OR A REGULARLY ORGANIZED VOLUNTEER FIRE DEPARTMENT THAT IS USED FOR PUBLIC PURPOSES IS EXEMPT FROM THE TAXES, USER CHARGES, AND UTILITY FEES IMPOSED UNDER THIS PART.

(B) PROPERTY NOT SUBJECT TO TAX.

PROPERTY THAT IS NOT IN A STORMWATER MANAGEMENT DISTRICT OR IS NOT OTHERWISE PROVIDED DIRECT OR INDIRECT STORMWATER MANAGEMENT SERVICES IN A STORMWATER MANAGEMENT DISTRICT MAY NOT HAVE A TAX IMPOSED BY THE COUNTY UNTIL THE COUNTY ACQUIRES, EXTENDS, OR BEGINS TO PROVIDE STORMWATER MANAGEMENT SERVICES, FACILITIES, OR PROGRAMS TO THE PROPERTY.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-406.

The only changes are in style.

Defined terms: "County" § 1-101

"Municipality" § 1-101

"State" § 1-101

"Stormwater management" § 21-601

"Stormwater management district" § 21-601

21-627. COUNTY STORMWATER MANAGEMENT FUND.

(A) REQUIREMENT TO ESTABLISH FUND.

ON ESTABLISHING A STORMWATER MANAGEMENT DISTRICT, MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY EACH SHALL:

(1) ESTABLISH A STORMWATER MANAGEMENT FUND; AND

(2) DEPOSIT IN THE FUND:

(I) RECEIPTS AND REVENUES FROM AN AD VALOREM TAX IMPOSED UNDER § 21-623 OF THIS SUBTITLE; AND

(II) CHARGES, FEES, FEES-IN-LIEU, AND OTHER CONTRIBUTIONS RECEIVED FROM ANY PERSON OR GOVERNMENTAL UNIT IN CONNECTION WITH STORMWATER MANAGEMENT ACTIVITIES OR PRACTICES.

(B) USES OF FUND.

MONEY IN A COUNTY STORMWATER MANAGEMENT FUND SHALL BE USED ONLY TO PAY FOR THE COSTS OF STORMWATER MANAGEMENT AS SET FORTH IN § 21-623(A) OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 24-407.

In subsection (a)(2) of this section, the former reference to “[f]ees, contributions, and reserve funds collected by the Commission before July 1, 1987, for stormwater management activities in the stormwater management district and transferred to the county under this title” is deleted as obsolete.

Defined terms: “Person” § 1-101

“Stormwater management” § 21-601

“Stormwater management district” § 21-601

21-628. TAKOMA PARK STORMWATER MANAGEMENT FUND.**(A) REQUIREMENT TO ESTABLISH FUND.**

THE CITY OF TAKOMA PARK SHALL:

(1) ESTABLISH A STORMWATER MANAGEMENT FUND; AND

(2) DEPOSIT IN THE FUND:

(I) RECEIPTS AND REVENUES FROM ANY AD VALOREM TAX, USER CHARGE, OR UTILITY FEE IMPOSED UNDER § 21-625 OF THIS SUBTITLE; AND

(II) CHARGES, FEES, FEES-IN-LIEU, AND OTHER CONTRIBUTIONS RECEIVED FROM ANY PERSON OR GOVERNMENTAL UNIT IN CONNECTION WITH STORMWATER MANAGEMENT ACTIVITIES OR PRACTICES.

(B) USES OF FUND.

MONEY IN THE TAKOMA PARK STORMWATER MANAGEMENT FUND SHALL BE USED ONLY TO PAY FOR THE COSTS OF STORMWATER MANAGEMENT AS SET FORTH IN § 21-625(A) OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 24-408.

In subsection (a)(2) of this section, the former reference to “[f]ees, contributions, and reserve funds collected by the Commission before July 1, 1990, for stormwater management activities in the city and transferred to the city under this title” is deleted as obsolete.

Defined terms: “Person” § 1-101
“Stormwater management” § 21-601

21-629. EFFECT OF ANNEXATION ON CITY OF BOWIE AND CITY OF TAKOMA PARK.

(A) REMOVAL FROM COUNTY DISTRICT.

IF LAND IN THE PRINCE GEORGE'S COUNTY STORMWATER MANAGEMENT DISTRICT IS ANNEXED BY THE CITY OF BOWIE OR THE CITY OF TAKOMA PARK, THE LAND IS NO LONGER PART OF THE COUNTY STORMWATER MANAGEMENT DISTRICT.

(B) RESPONSIBILITY OF ANNEXING MUNICIPALITY.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE ANNEXING MUNICIPALITY IS RESPONSIBLE FOR STORMWATER MANAGEMENT IN THE ANNEXED AREA.

(2) PRINCE GEORGE'S COUNTY SHALL IMPOSE AND COLLECT FROM THE ANNEXED PROPERTY AN AD VALOREM TAX AT A RATE SUFFICIENT TO PAY THE PRINCIPAL, INTEREST, AND OTHER OBLIGATIONS ON OUTSTANDING BONDS ISSUED BY THE COMMISSION OR PRINCE GEORGE'S COUNTY FOR STORMWATER MANAGEMENT BEFORE THE ANNEXATION.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-409.

The only changes are in style.

Defined terms: “Bond” § 21-601
“Commission” § 21-601
“Stormwater management” § 21-601
“Stormwater management district” § 21-601

21-630. RESERVED.

21-631. RESERVED.**PART V. MAINTENANCE.****21-632. RESPONSIBILITY FOR MAINTENANCE.****(A) IN GENERAL.**

EACH COUNTY AND THE CITY OF TAKOMA PARK IS RESPONSIBLE FOR THE MAINTENANCE OF STORMWATER MANAGEMENT SYSTEMS OR PARTS OF SYSTEMS LOCATED IN ITS STORMWATER MANAGEMENT DISTRICT AND TRANSFERRED TO IT UNDER THIS SUBTITLE.

(B) RIGHT OF COUNTY TO ENTER PROPERTY FOR MAINTENANCE.

THE COMMISSION AND ANY MUNICIPALITY IN MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY SHALL ALLOW THE COUNTY TO ENTER AND EXIT OVER ANY FEE, LEASEHOLD, EASEMENT, OR RIGHT-OF-WAY OF THE COMMISSION OR THE MUNICIPALITY TO MAINTAIN ANY STORMWATER MANAGEMENT EASEMENT, STRUCTURE, OR OTHER PROPERTY.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-502.

The only changes are in style.

Defined terms: "Commission" § 21-601

"Municipality" § 1-101

"Stormwater management" § 21-601

"Stormwater management district" § 21-601

21-633. MAINTENANCE OF STORMWATER MANAGEMENT SYSTEM.**(A) MAINTENANCE BY COUNTY.**

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE COUNTY WHERE THE PROJECT IS LOCATED SHALL MAINTAIN EVERY STORMWATER MANAGEMENT SYSTEM AND PART OF EVERY SYSTEM THAT:

(1) WAS CONSTRUCTED BY THE COMMISSION OR THE COUNTY OR ACCEPTED FOR MAINTENANCE BY THE COMMISSION OR THE COUNTY; AND

(2) IS LOCATED IN A STREET, AN ALLEY, A PUBLIC WAY, OR A PUBLIC SPACE.

(B) PROPERTY OWNED BY MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION OR STATE.

UNLESS THE COUNTY AGREES OTHERWISE:

(1) A STORMWATER MANAGEMENT SYSTEM THAT IS LOCATED ON REAL PROPERTY OWNED BY THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION SHALL BE MAINTAINED BY THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION; AND

(2) A STORMWATER MANAGEMENT SYSTEM OR FACILITY THAT IS LOCATED IN A ROAD MAINTAINED BY THE STATE HIGHWAY ADMINISTRATION SHALL BE MAINTAINED BY THE STATE.

REVISOR'S NOTE: This section formerly was Art. 24, § 24–502.

The only changes are in style.

Defined terms: “Commission” § 21–601

“State” § 1–101

“Stormwater management” § 21–601

21–634. MAINTENANCE BY CITY OF TAKOMA PARK.

ON OR AFTER JULY 1, 1990, THE CITY OF TAKOMA PARK SHALL MAINTAIN EVERY STORMWATER MANAGEMENT SYSTEM AND PART OF EVERY SYSTEM THAT:

(1) WAS CONSTRUCTED BY THE COMMISSION OR ACCEPTED FOR MAINTENANCE BY THE COMMISSION WITHIN THE CITY OF TAKOMA PARK BEFORE JULY 1, 1990; AND

(2) IS LOCATED IN A STREET, AN ALLEY, A PUBLIC WAY, OR A PUBLIC SPACE.

REVISOR'S NOTE: This section formerly was Art. 24, § 24–503.

The only changes are in style.

Defined terms: “Commission” § 21–601

“Stormwater management” § 21–601

21–635. RESERVED.

21-636. RESERVED.

PART VI. APPROVAL OF PROJECTS.

21-637. REQUIREMENTS FOR APPROVAL OF PROJECTS.

(A) IN GENERAL.

IN THE REVIEW AND APPROVAL BY MONTGOMERY COUNTY, PRINCE GEORGE'S COUNTY, OR THE CITY OF TAKOMA PARK OF THE REQUIREMENTS FOR STORM DRAINAGE OR STORMWATER MANAGEMENT, THE COUNTY OR CITY MAY REQUIRE THE OWNER OF LAND TO BE DEVELOPED TO:

(1) PROVIDE EASEMENT AREAS OR ON-SITE STORMWATER MANAGEMENT FACILITIES; AND

(2) AGREE TO CONSTRUCT THE NECESSARY FACILITIES OR PROVIDE FOR THE CONSTRUCTION BY POSTING A BOND IN AN AMOUNT SUFFICIENT TO CONSTRUCT THE STORMWATER MANAGEMENT FACILITIES THAT THE COUNTY OR CITY CONSIDERS NECESSARY.

(B) AGREEMENT WITH OWNER OR DEVELOPER.

(1) IF THE COUNTY OR THE CITY OF TAKOMA PARK DECIDES TO CONSTRUCT STORMWATER MANAGEMENT FACILITIES TO SERVE MORE THAN ONE DEVELOPMENT OR IF THE COUNTY OR CITY AGREES TO ALLOW THE OWNER OR DEVELOPER TO CONSTRUCT A STORMWATER MANAGEMENT SYSTEM, THE COUNTY OR CITY MAY ENTER INTO AN AGREEMENT WITH THE DEVELOPERS OF NEW DEVELOPMENTS FOR PAYMENT BY THE DEVELOPERS OF A FEE IN LIEU OF ON-SITE STORMWATER MANAGEMENT FACILITIES.

(2) THE FEE IN LIEU OF ON-SITE STORMWATER MANAGEMENT FACILITIES SHALL BE BASED ON AN EQUITABLE PRO RATA SHARE OF THE NET COST OF THE FACILITIES AFTER DEDUCTING ANY STATE OR FEDERAL GRANTS APPLIED TO THE CONSTRUCTION OF THE FACILITIES.

(C) OWNER'S BOND OR CONTRIBUTION TO COSTS.

THE COUNTY OR THE CITY OF TAKOMA PARK MAY REQUIRE THE OWNER'S BOND OR THE CONTRIBUTION OF A PRO RATA SHARE OF THE NET COST FOR THE CONSTRUCTION OF FACILITIES IN ADJACENT OR NEARBY LAND IN THE SAME

DRAINAGE AREA THAT THE COUNTY OR CITY MAY DETERMINE WILL BE REQUIRED BECAUSE OF THE DEVELOPMENT OF THE OWNER'S LAND.

(D) RESTRICTIONS ON EASEMENTS AND RIGHTS-OF-WAY.

EASEMENTS REQUIRED BY THE COUNTY OR THE CITY OF TAKOMA PARK SHALL HAVE THE RESTRICTIONS THAT THE COUNTY OR CITY MAY REQUIRE AS TO:

(1) GRADING; AND

(2) PROHIBITING STRUCTURES, FENCES, OR PLANTINGS ON THE EASEMENT AREA.

(E) LIMITATIONS ON APPROVALS FOR SUBDIVISION OF LAND.

(1) THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION MAY NOT APPROVE A PLAT FOR SUBDIVISION OF LAND UNTIL IT ASCERTAINS FROM THE COUNTY, THE CITY OF BOWIE, OR THE CITY OF TAKOMA PARK, WHICHEVER IS APPROPRIATE, WHETHER EASEMENT AREAS FOR STORMWATER MANAGEMENT FACILITIES ARE REQUIRED.

(2) IF EASEMENT AREAS ARE REQUIRED, THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION MAY NOT APPROVE THE PLAT FOR RECORDATION UNTIL THE EASEMENTS ARE INCLUDED ON THE PLAT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 24-601.

Defined terms: "Bond" § 21-601

"State" § 1-101

"Stormwater management" § 21-601

21-638. CONDITIONS FOR ADOPTION OF STORMWATER PLAN, SYSTEM, OR DESIGN.

(A) IN GENERAL.

MONTGOMERY COUNTY, PRINCE GEORGE'S COUNTY, THE CITY OF BOWIE, THE CITY OF TAKOMA PARK, AND ANY PERSON OR MUNICIPALITY MAY NOT ADOPT A STORMWATER MANAGEMENT PLAN, SYSTEM, OR DESIGN IN THESE

JURISDICTIONS, INCLUDING A CAPITAL IMPROVEMENT PROGRAM FOR STORMWATER MANAGEMENT, UNLESS:

(1) THE STORMWATER MANAGEMENT PLAN OR DESIGN IS IN ACCORDANCE WITH THE 6-YEAR CAPITAL IMPROVEMENT PROGRAM OF THE JURISDICTION RESPONSIBLE FOR STORMWATER MANAGEMENT IN THE AFFECTED AREA AND IS APPROVED BY THAT JURISDICTION; OR

(2) THE PLAN, SYSTEM, OR DESIGN IS INTENDED TO PROTECT AN INDIVIDUAL'S HOME AND HAS NO ADVERSE IMPACT ON OTHER PROPERTIES OR STORMWATER MANAGEMENT SYSTEMS.

(B) SUBMISSION OF STORMWATER MANAGEMENT PLAN, SYSTEM, OR DESIGN.

(1) (I) IF MONTGOMERY COUNTY, PRINCE GEORGE'S COUNTY, THE CITY OF BOWIE, OR THE CITY OF TAKOMA PARK PREPARES A STORMWATER MANAGEMENT PLAN, SYSTEM, OR DESIGN, OR IF A STORMWATER MANAGEMENT PLAN, SYSTEM, OR DESIGN HAS BEEN SUBMITTED TO MONTGOMERY COUNTY, PRINCE GEORGE'S COUNTY, THE CITY OF BOWIE, OR THE CITY OF TAKOMA PARK, THE CITY OR COUNTY SHALL SUBMIT A COPY OF THE PLAN, SYSTEM, OR DESIGN TO THE COMMISSION.

(II) AFTER THE SUBMISSION, THE COMMISSION SHALL HAVE A SPECIFIED, REASONABLE TIME TO REVIEW AND COMMENT ON THE PLAN, SYSTEM, OR DESIGN TO THE CITY OR COUNTY TO INDICATE ANY CONFLICT IN THE PLAN, SYSTEM, OR DESIGN WITH THE EXISTING OR PLANNED WATER SUPPLY OR SANITARY SEWER SYSTEMS OF THE COMMISSION.

(III) THE STORMWATER MANAGEMENT SYSTEM OR DESIGN APPROVED BY MONTGOMERY COUNTY, PRINCE GEORGE'S COUNTY, THE CITY OF BOWIE, OR THE CITY OF TAKOMA PARK SHALL BE CONSISTENT WITH THE COMMISSION'S COMMENTS.

(2) (I) WHEN THE COMMISSION RECEIVES A COPY OF A PLAN FROM THE CITY OF BOWIE, THE COMMISSION PROMPTLY SHALL PROVIDE A COPY TO THE COUNTY COUNCIL AND COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY FOR REVIEW AND COMMENT.

(II) WHEN THE COMMISSION RECEIVES A COPY OF A PLAN FROM THE CITY OF TAKOMA PARK, THE COMMISSION PROMPTLY SHALL PROVIDE A COPY TO THE COUNTY COUNCIL AND COUNTY EXECUTIVE OF MONTGOMERY COUNTY FOR REVIEW AND COMMENT.

(3) WHEN PRINCE GEORGE’S COUNTY RECEIVES A PLAN THAT PROVIDES FOR DRAINAGE INTO A STORM DRAIN OR STORMWATER MANAGEMENT FACILITY OF THE CITY OF BOWIE OR ONTO ANY EASEMENT OF THE CITY OF BOWIE, THE COUNTY PROMPTLY SHALL PROVIDE A COPY OF THE PLAN TO THE CITY OF BOWIE FOR REVIEW AND COMMENT.

(C) RESTRICTION ON APPROVAL BY CITY OF BOWIE OR CITY OF TAKOMA PARK.

(1) IF THE COMMISSION OR PRINCE GEORGE’S COUNTY, AFTER REVIEWING A PLAN SUBMITTED BY THE CITY OF BOWIE, ADVISES THE CITY THAT THE COMMISSION OR COUNTY FINDS THAT CONSTRUCTION IN ACCORDANCE WITH THE PLAN WILL CAUSE STORMWATER RUNOFF PROBLEMS IN THE MAINTENANCE OF EXISTING FACILITIES OR CONSTRUCTION AND MAINTENANCE OF PLANNED FACILITIES, THE CITY MAY NOT AUTHORIZE CONSTRUCTION TO BEGIN UNTIL THE MATTER IS RESOLVED.

(2) IF THE COMMISSION OR MONTGOMERY COUNTY, AFTER REVIEWING A PLAN SUBMITTED BY THE CITY OF TAKOMA PARK, ADVISES THE CITY THAT THE COMMISSION OR COUNTY FINDS THAT CONSTRUCTION IN ACCORDANCE WITH THE PLAN WILL CAUSE STORMWATER RUNOFF PROBLEMS IN THE MAINTENANCE OF EXISTING FACILITIES OR CONSTRUCTION AND MAINTENANCE OF PLANNED FACILITIES, THE CITY MAY NOT AUTHORIZE CONSTRUCTION TO BEGIN UNTIL THE MATTER IS RESOLVED.

REVISOR’S NOTE: This section formerly was Art. 24, § 24–602.

The only changes are in style.

Defined terms: “Commission” § 21–601

“Municipality” § 1–101

“Person” § 1–101

“Stormwater management” § 21–601

21–639. RESERVED.

21–640. RESERVED.

PART VII. TRANSFER OF PROPERTY.

21–641. TRANSFER OF PROPERTY.

(A) TRANSFER TO COUNTY.

ALL PROPERTY OF THE COMMISSION THAT THE COMMISSION AND THE APPLICABLE COUNTY MUTUALLY DETERMINE TO BE USED PRIMARILY FOR STORMWATER MANAGEMENT IS DEEMED TRANSFERRED EFFECTIVE JULY 1, 1987, TO THAT COUNTY AS PROVIDED IN THIS SECTION.

(B) TRANSFER TO CITY OF TAKOMA PARK.

ALL PROPERTY OF THE COMMISSION THAT THE COMMISSION AND THE CITY OF TAKOMA PARK MUTUALLY DETERMINE TO BE USED PRIMARILY FOR STORMWATER MANAGEMENT IS DEEMED TRANSFERRED EFFECTIVE JULY 1, 1990, TO THE CITY OF TAKOMA PARK AS PROVIDED IN THIS SECTION.

(C) EXECUTION OF INSTRUMENTS OF TRANSFER.

(1) THE COMMISSION SHALL EXECUTE INSTRUMENTS OF TRANSFER AS NECESSARY TO EVIDENCE THE TRANSFERS.

(2) ALL REAL AND PERSONAL PROPERTY, INCLUDING ALL FEES, LEASEHOLDS, EASEMENTS, RIGHTS-OF-WAY, BUILDINGS, FIXTURES, SYSTEMS, AND EQUIPMENT, OWNED OR HELD BY THE COMMISSION FOR THE PRIMARY PURPOSE OF STORMWATER MANAGEMENT IS TRANSFERRED TO THE COUNTY IN WHICH THE PROPERTY IS LOCATED OR AFFIXED OR TO THE CITY OF TAKOMA PARK IF THE PROPERTY IS LOCATED IN OR AFFIXED TO THE CITY OF TAKOMA PARK.

(3) ALL TANGIBLE AND INTANGIBLE PERSONAL PROPERTY, INCLUDING ALL EQUIPMENT, CONSTRUCTION MATERIALS, FEES, FEES-IN-LIEU, CONTRIBUTIONS, RESERVE FUNDS, SINKING FUNDS, CONTRACTS, AGREEMENTS, CLAIMS, DEMANDS, AND ACTIONS, OWNED OR HELD BY THE COMMISSION FOR THE PRIMARY PURPOSE OF STORMWATER MANAGEMENT IS TRANSFERRED TO THE COUNTY IN WHICH IS LOCATED THE REAL PROPERTY TO WHICH THE PERSONAL PROPERTY RELATES OR TO THE CITY OF TAKOMA PARK IF THE REAL PROPERTY TO WHICH THE PERSONAL PROPERTY RELATES IS LOCATED IN THE CITY OF TAKOMA PARK OR, IF UNRELATED TO SPECIFIC PROPERTY, IS TRANSFERRED IN PROPORTION TO THE REAL PROPERTY ACREAGE TRANSFERRED TO EACH COUNTY OR TO THE CITY OF TAKOMA PARK UNDER THIS SECTION.

(D) RETENTION OF FUNDS BY COMMISSION.

NOTWITHSTANDING THIS SECTION, THE COMMISSION SHALL RETAIN SUFFICIENT FUNDS TO PAY FOR DEBT SERVICE ACCRUING BEFORE OCTOBER 1,

1987, ON OUTSTANDING BONDS ISSUED BY THE COMMISSION FOR STORMWATER MANAGEMENT AND THE UNDEPRECIATED COST OF THE MOVEABLE ASSETS TRANSFERRED.

(E) EFFECT OF TRANSFER OF PROPERTY.

(1) THE TRANSFER OF PROPERTY UNDER THIS SECTION DOES NOT IMPAIR THE RIGHTS OF HOLDERS OF BONDS ISSUED BY THE COMMISSION FOR STORMWATER MANAGEMENT OR THE RESPONSIBILITY OF THE COMMISSION FOR THE REPAYMENT OF THE BONDS OR THE RESPONSIBILITY OF THE COUNTIES TO IMPOSE TAXES FOR OR OTHERWISE GUARANTEE THE REPAYMENT OF THE BONDS.

(2) THE CITY OF TAKOMA PARK IS NOT RESPONSIBLE FOR PAYMENT TO THE COMMISSION FOR DEBT SERVICE ON ANY BONDS ISSUED BY THE COMMISSION OUTSTANDING ON JUNE 30, 1990.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-701.

In subsection (e)(1) of this section, the former reference to not impairing the rights of bondholders "in any manner" is deleted as surplusage.

No other changes are made.

Defined terms: "Bond" § 21-601

"Commission" § 21-601

"Stormwater management" § 21-601

21-642. RESERVED.

21-643. RESERVED.

PART VIII. PROHIBITED ACTS; PENALTIES.

21-644. CRIMINAL PENALTIES.

(A) IN GENERAL.

(1) THIS SUBSECTION DOES NOT APPLY TO § 21-624 OF THIS SUBTITLE.

(2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBTITLE IS GUILTY OF A

MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(B) VIOLATION OF STORMWATER MANAGEMENT MAINTENANCE PROVISIONS.

A PERSON WHO VIOLATES § 21-633, § 21-634, OR § 21-637 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

(C) SECOND OR SUBSEQUENT VIOLATIONS.

A PERSON MAY BE CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF A PROVISION OF THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section formerly was Art. 24, § 24-801.

In subsection (b) of this section, the former reference to "(special provisions applicable to Takoma Park and Prince George's County, except the City of Bowie)" is deleted as surplusage.

The only other changes are in style.

Defined term: "Person" § 1-101

GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 24, § 24-204, which provided that powers granted under former Title 24 were in addition to those conferred by any other law, is deleted as an unnecessary statement of statutory construction.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the inclusion of the municipalities of Bowie and Takoma Park in this subtitle may violate municipal home rule. The provisions of this title were originally codified in Article 29, Washington Suburban Sanitary Commission, and have been included in that article since its enactment in 1983. The provisions were transferred to Article 24, by Chapter 37 of the Acts of the General Assembly of 2010, as part of the revision of Article 29 into the Public Utilities Article.

SUBTITLE 7. DISTRICTS FOR TRANSPORTATION IMPROVEMENTS.

21-701. EXEMPTION FROM COUNTY TAX LIMITATIONS.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "COST" HAS THE MEANING STATED IN § 21-501 OF THIS TITLE.

(3) "COUNTY TAX LIMITATION" MEANS A PROVISION OF A COUNTY CHARTER THAT LIMITS:

(I) THE MAXIMUM PROPERTY TAX RATE THAT A COUNTY MAY IMPOSE; OR

(II) THE RATE OF GROWTH OF COUNTY PROPERTY TAX REVENUES.

(4) "COUNTY TRANSPORTATION IMPROVEMENT" INCLUDES:

(I) FOR COUNTY ROADS AND HIGHWAYS:

1. A COUNTY RIGHT-OF-WAY, ROADWAY SURFACE, ROADWAY SUBGRADE, SHOULDER, MEDIAN DIVIDER, DRAINAGE FACILITY OR STRUCTURE, RELATED STORMWATER MANAGEMENT FACILITY OR STRUCTURE, ROADWAY CUT, ROADWAY FILL, GUARDRAIL, BRIDGE, HIGHWAY GRADE SEPARATION STRUCTURE, TUNNEL, OVERPASS, UNDERPASS, INTERCHANGE, ENTRANCE PLAZA, APPROACH, OR OTHER STRUCTURE FORMING AN INTEGRAL PART OF A STREET, ROAD, OR HIGHWAY, INCLUDING A BICYCLE OR WALKING PATH, DESIGNATED BUS LANE, SIDEWALK, PEDESTRIAN PLAZA, STREETSCAPING, OR RELATED INFRASTRUCTURE; OR

2. ANY OTHER PROPERTY ACQUIRED FOR THE CONSTRUCTION, OPERATION, OR USE OF THE HIGHWAY; AND

(II) FOR A COUNTY TRANSIT FACILITY, ANY ONE OR MORE OR COMBINATION OF TRACKS, RIGHTS-OF-WAY, BRIDGES, TUNNELS, SUBWAYS, ROLLING STOCK, STATIONS, TERMINALS, PORTS, PARKING AREAS, EQUIPMENT, FIXTURES, BUILDING STRUCTURES, OTHER REAL OR PERSONAL PROPERTY, OR SERVICES INCIDENTAL TO OR USEFUL OR DESIGNED FOR USE IN CONNECTION WITH THE RENDERING OF TRANSIT SERVICE BY ANY MEANS, INCLUDING RAIL, BUS, MOTOR VEHICLE, OR OTHER MODE OF TRANSPORTATION, BUT DOES NOT INCLUDE ANY RAILROAD FACILITY.

(5) “SPECIAL TAXING DISTRICT” MEANS A DEFINED GEOGRAPHIC AREA DESIGNATED BY A COUNTY WITHIN WHICH AD VALOREM OR SPECIAL TAXES ARE IMPOSED TO FINANCE THE COST OF INFRASTRUCTURE IMPROVEMENTS.

(6) “STATE TRANSPORTATION IMPROVEMENT” INCLUDES A HIGHWAY FACILITY, A TRANSIT FACILITY, AND RELATED INFRASTRUCTURE.

(7) “TRANSIT FACILITY” HAS THE MEANING STATED IN § 3–101(K) OF THE TRANSPORTATION ARTICLE.

(B) IN GENERAL.

A COUNTY TAX LIMITATION THAT WOULD OTHERWISE APPLY TO AD VALOREM OR SPECIAL TAXES IMPOSED ONLY IN A SPECIAL TAXING DISTRICT DOES NOT APPLY FOR THE PURPOSE OF FINANCING THE COST OF STATE TRANSPORTATION IMPROVEMENTS OR COUNTY TRANSPORTATION IMPROVEMENTS.

REVISOR’S NOTE: This section formerly was Art. 24, § 9–1302(b) and (a)(1) through (4) and (6) through (8).

The only changes are in style.

Former Art. 24, § 9–1302(a)(5), which defined “highway facility”, is deleted as unnecessary because that term is not used in this section.

Defined terms: “County” § 1–101

“State” § 1–101

21–702. AUTHORIZATION TO ISSUE BONDS.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “BOND” MEANS A SPECIAL OBLIGATION BOND, NOTE, OR OTHER SIMILAR INSTRUMENT ISSUED BY A COUNTY UNDER THIS SECTION.

(3) “COST” MEANS ANY EXPENSE NECESSARY OR INCIDENT TO ACQUIRING, BUILDING, OR FINANCING ANY TRANSPORTATION IMPROVEMENT

AS MAY BE PROVIDED BY THE LOCAL LAW AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION.

(4) (I) "SPECIAL TAX" MEANS AN AD VALOREM OR A SPECIAL TAX, AN ASSESSMENT, A FEE, OR A CHARGE IMPOSED BY A COUNTY IN A SPECIAL TAXING DISTRICT.

(II) "SPECIAL TAX" DOES NOT INCLUDE AN AD VALOREM OR A SPECIAL TAX, AN ASSESSMENT, A FEE, OR A CHARGE IMPOSED UNDER CHAPTER 20A OF THE MONTGOMERY COUNTY CODE.

(5) (I) "SPECIAL TAXING DISTRICT" MEANS A SPECIAL TAXING DISTRICT, SPECIAL ASSESSMENT DISTRICT, OR SIMILAR DEFINED GEOGRAPHICAL AREA IN A COUNTY IN WHICH THE COUNTY IS AUTHORIZED TO IMPOSE A SPECIAL TAX.

(II) "SPECIAL TAXING DISTRICT" DOES NOT INCLUDE A DEVELOPMENT DISTRICT CREATED UNDER CHAPTER 20A OF THE MONTGOMERY COUNTY CODE.

(6) "TRANSPORTATION IMPROVEMENT" MEANS A STATE TRANSPORTATION IMPROVEMENT OR A COUNTY TRANSPORTATION IMPROVEMENT AS DEFINED IN § 21-701 OF THIS SUBTITLE.

(B) IN GENERAL.

NOTWITHSTANDING ANY OTHER PUBLIC GENERAL LAW, PUBLIC LOCAL LAW, OR CHARTER OF A CHARTER COUNTY, A COUNTY MAY ENACT A LAW TO PROVIDE FOR THE ISSUANCE OF BONDS TO FINANCE THE COST OF TRANSPORTATION IMPROVEMENTS FOR WHICH THE PRINCIPAL, INTEREST, AND ANY PREMIUM SHALL BE PAID FROM AND SECURED BY SPECIAL TAXES COLLECTED BY THE COUNTY IN A SPECIAL TAXING DISTRICT.

(C) TERMS AND CONDITIONS OF BONDS.

(1) BONDS ISSUED UNDER THIS SECTION ARE SPECIAL OBLIGATIONS OF THE COUNTY AND DO NOT CONSTITUTE A GENERAL OBLIGATION DEBT OF THE COUNTY OR A PLEDGE OF THE COUNTY'S FULL FAITH AND CREDIT OR GENERAL TAXING POWER.

(2) BONDS ISSUED UNDER THIS SECTION MAY BE SOLD IN ANY MANNER, EITHER AT PUBLIC OR PRIVATE SALE, AND ON TERMS AS THE COUNTY CONSIDERS BEST.

(3) BONDS ISSUED UNDER THIS SECTION ARE NOT SUBJECT TO §§ 19–205 AND 19–206 OF THIS ARTICLE.

(4) BONDS ISSUED UNDER THIS SECTION, THEIR TRANSFER, THE INTEREST PAYABLE ON THEM, AND ANY INCOME DERIVED FROM THEM, INCLUDING ANY PROFIT REALIZED ON THEIR SALE OR EXCHANGE, ARE EXEMPT FROM TAXATION BY THE STATE, A COUNTY, OR A MUNICIPALITY.

(5) BONDS ISSUED UNDER THIS SECTION SHALL BE TREATED AS SECURITIES TO THE SAME EXTENT AS BONDS ISSUED UNDER SUBTITLE 5 OF THIS TITLE.

(D) ADDITIONAL SECURITY.

IN ADDITION TO THE SPECIAL TAXES, BONDS ISSUED UNDER THIS SECTION MAY BE SECURED BY OTHER REVENUES GENERATED IN THE SPECIAL TAXING DISTRICT.

(E) CONSTRUCTION OF SECTION.

THIS SECTION, BEING NECESSARY FOR THE WELFARE OF THE STATE AND ITS RESIDENTS, SHALL BE LIBERALLY CONSTRUED TO EFFECT ITS PURPOSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–1303(a) through (d) and (f).

In subsection (a)(4)(ii) of this section, the reference to a tax, an assessment, a fee, or a charge “imposed” is substituted for the former reference to a tax, an assessment, a fee, or a charge “levied” for consistency within this section and with other similar provisions of the Code.

In subsection (b) of this section, the former phrase “[i]n addition to other powers a county may have” is deleted as surplusage.

In subsection (c)(4) of this section, the former reference to bonds being exempt “at all times from every kind and nature of” taxation is deleted as surplusage.

Former Art. 24, § 9–1303(e), which provided that powers granted under former Art. 24, § 9–1303 were supplemental to and not in derogation of other power, is deleted as unnecessary in that it simply restated a normal practice of statutory interpretation.

Defined terms: "Charter county" § 1-101

"County" § 1-101

"Municipality" § 1-101

"State" § 1-101

SUBTITLE 8. MISCELLANEOUS PROVISIONS.

21-801. STREET LIGHTING DISTRICTS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL COUNTIES EXCEPT BALTIMORE CITY.

(B) IN GENERAL.

THE GOVERNING BODY OF A COUNTY MAY:

(1) PROVIDE FOR STREET LIGHTING ALONG THE ROADS OF THE COUNTY; AND

(2) ENTER INTO CONTRACTS FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF STREET LIGHTING.

(C) TAXES.

EXCEPT AS PROVIDED IN SUBSECTIONS (G) AND (H) OF THIS SECTION, A COUNTY SHALL PAY THE COSTS OF STREET LIGHTING PROVIDED FOR UNDER THIS SECTION BY AN AD VALOREM TAX IMPOSED ON EACH PROPERTY IN THE DISTRICT SERVED BY THE STREET LIGHTING.

(D) STREET LIGHTING DISTRICTS.

(1) EXCEPT AS PROVIDED IN SUBSECTIONS (E) AND (F) OF THIS SECTION, THE GOVERNING BODY OF A COUNTY MAY CREATE A STREET LIGHTING DISTRICT ONLY ON RECEIPT OF A PETITION SIGNED BY 60% OF THE OWNERS OF PROPERTY LOCATED IN THE PROPOSED DISTRICT.

(2) THE PETITION SHALL DESCRIBE THE BOUNDARIES OF THE PROPOSED ELECTRIC LIGHTING DISTRICT.

(3) (I) ON RECEIPT OF THE PETITION, THE GOVERNING BODY OF THE COUNTY SHALL HOLD A PUBLIC HEARING AT WHICH THE RESIDENTS IN

THE PROPOSED STREET LIGHTING DISTRICT SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD.

(II) THE GOVERNING BODY SHALL:

1. HOLD THE HEARING NOT LESS THAN 14 DAYS NOR MORE THAN 60 DAYS FOLLOWING RECEIPT OF THE PETITION; AND

2. PUBLISH NOTICE OF THE HEARING AT LEAST ONCE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE BOUNDARIES OF THE PROPOSED STREET LIGHTING DISTRICT.

(4) (I) AFTER THE HEARING THE GOVERNING BODY OF THE COUNTY MAY ESTABLISH THE STREET LIGHTING DISTRICT AND IMPOSE ON ALL PROPERTY THAT IS SUBJECT TO COUNTY TAXES AND IS LOCATED IN THE DISTRICT AD VALOREM TAXES AT A RATE SUFFICIENT TO PAY THE COST OF THE STREET LIGHTING.

(II) ALL TAXES UNDER THIS SUBSECTION SHALL BE IMPOSED IN THE SAME MANNER AS COUNTY TAXES.

(E) FREDERICK COUNTY DISTRICTS.

(1) IN ADDITION TO THE PROCESS SET FORTH UNDER SUBSECTIONS (B), (C), AND (D) OF THIS SECTION, THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY CREATE, ON THEIR OWN INITIATIVE, A STREET LIGHTING DISTRICT FOR UNDEVELOPED LAND IN THE COUNTY IF:

(I) A SUBDIVISION PLAT FOR THE LAND HAS NOT BEEN APPROVED BY THE COUNTY PLANNING COMMISSION OR RECORDED BY THE CLERK OF THE COURT; AND

(II) THE DISTRICT IS CREATED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

(2) (I) BEFORE ESTABLISHING A STREET LIGHTING DISTRICT UNDER THIS SECTION, THE COUNTY COMMISSIONERS SHALL HOLD A PUBLIC HEARING ON THE PROPOSAL, AT WHICH TIME THE BOUNDARIES OF THE PROPOSED DISTRICT SHALL BE FULLY DESCRIBED.

(II) A NOTICE OF PUBLIC HEARING TOGETHER WITH A SUMMARY OF THE PROPOSAL SHALL BE PUBLISHED IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONCE EACH WEEK FOR THE 2 SUCCESSIVE WEEKS IMMEDIATELY BEFORE THE HEARING.

(F) ST. MARY'S COUNTY DISTRICTS.

THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY CREATE A STREET LIGHTING DISTRICT ON RECEIPT OF A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF PROPERTY LOCATED IN THE PROPOSED DISTRICT.

(G) TAXES IMPOSED IN SOMERSET COUNTY.

SOMERSET COUNTY MAY PAY THE COST OF STREET LIGHTING PROVIDED IN ACCORDANCE WITH THIS SECTION BY A TAX IMPOSED EQUALLY ONLY ON IMPROVED PROPERTY IN THE DISTRICT.

(H) COSTS IN WASHINGTON COUNTY.

(1) TO COVER THE COSTS OF STREET LIGHTING, THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY IMPOSE EITHER:

(I) AN AD VALOREM TAX AS PROVIDED IN SUBSECTION (C) OF THIS SECTION; OR

(II) A FIXED AMOUNT PER TAX ACCOUNT THAT SHALL BE UNIFORM IN THE STREET LIGHTING DISTRICT.

(2) LATE PAYMENTS ARE SUBJECT TO INTEREST FROM THE DATE DUE AT THE SAME RATE, AND SUBJECT TO THE SAME COLLECTION PROCEDURES, AS OVERDUE COUNTY PROPERTY TAXES.

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the scope of this section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in Article 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsections (b) through (h) of this section are new language derived without substantive change from former Art. 25, § 2B.

Throughout this section, the references to "street" lighting are substituted for the former references to "electric" lighting to use more modern terminology.

In the introductory language of subsection (b) of this section, the former phrase “in addition to, but not in substitution of, the powers which may have been or may hereafter be granted them” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “roads” is substituted for the former reference to “streets, lanes, alleys and public ways” for brevity.

Also in subsection (b)(1) of this section, the former reference to lighting along “all or any part of” roads is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to entering into contracts with “any person, partnership or corporation” is deleted as implicit.

In subsections (c), (d)(4), and (g) of this section, the references to taxes “impose[d]” are substituted for the former references to taxes “lev[ied]” for consistency with other similar provisions of the Code.

In subsections (d)(1) and (f) of this section, the references to “owners of property located in the proposed district” are substituted for the former references to “property owners within the proposed district” for clarity.

In subsection (d)(3)(i) of this section, the former reference to “taxpayers” is deleted as surplusage.

In subsection (d)(4)(i) of this section, the former reference to “ordinary” county taxes is deleted as surplusage.

In subsection (d)(4)(ii) of this section, the reference to taxes “imposed in the same manner as county taxes” is substituted for the former reference to taxes “levied in the same manner, upon the same assessments, for the same period or periods, and as of the same date or dates of finality as are now or may hereafter be prescribed” for brevity and consistency with other similar provisions of this article.

In subsection (e) of this section, the former reference to the subsection “prevail[ing] ... to the extent of any inconsistency” is deleted as unnecessary because the more specific provision would always prevail over the more general.

In subsection (e)(2)(ii) of this section, the former reference to a “fair” summary is deleted as surplusage.

In subsection (h)(1)(i) of this section, the reference to “an ad valorem tax” is substituted for the former reference to a “fee for electric lighting” for consistency with subsection (c) of this section.

Defined terms: “County” § 1–101

“Governing body” § 1–101

21–802. REPORT BY SPECIAL TAXING AREA COMMISSIONS IN ALLEGANY COUNTY.

(A) ANNUAL REPORT.

WITHIN 60 DAYS AFTER THE END OF EACH FISCAL OR CALENDAR YEAR, A SPECIAL TAXING AREA COMMISSION OR BOARD IN ALLEGANY COUNTY THAT HAS THE RIGHT TO COLLECT TAXES OR FEES SHALL FILE A REPORT WITH THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY TO ACCOUNT FOR ALL TAXES COLLECTED AND DISBURSED.

(B) REQUIREMENTS.

(1) A REPORT REQUIRED UNDER THIS SECTION SHALL BE NOTARIZED.

(2) THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY MAY REQUIRE A CERTIFIED AUDIT.

(C) PUBLIC ACCESS.

A REPORT REQUIRED UNDER THIS SECTION SHALL BE OPEN FOR PUBLIC REVIEW AT THE COURTHOUSE AND AT A CONVENIENT LOCATION IN THE AREA WHERE TAXES OR FEES ARE COLLECTED.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 24, § 9–111.

In subsection (a) of this section, the former reference to filing an “annual” report is deleted as implicit in the requirement that the report be filed after the end of “each fiscal or calendar year”.

In subsection (b)(2) of this section, the former reference to the county commissioners requiring a report “at their discretion” is deleted as implicit in the word “may”.

21-803. SPECIAL TAXING DISTRICTS IN ANNE ARUNDEL COUNTY FOR PARKING FACILITIES AND PEDESTRIAN MALLS.**(A) AUTHORIZED.****THE GOVERNING BODY OF ANNE ARUNDEL COUNTY MAY:****(1) ESTABLISH SPECIAL TAXING DISTRICTS; AND**

(2) IMPOSE AD VALOREM TAXES ON ALL REAL PROPERTY IN A SPECIAL TAXING DISTRICT AT A RATE SUFFICIENT TO PROVIDE ADEQUATE ANNUAL REVENUE TO PAY THE PRINCIPAL OF AND INTEREST ON ANY BONDS OR OTHER OBLIGATIONS OF THE COUNTY ISSUED TO FINANCE THE DESIGN, ACQUISITION, ESTABLISHMENT, IMPROVEMENT, EXTENSION, OPERATION, OR ALTERATION OF PUBLIC PARKING FACILITIES OR PEDESTRIAN MALLS.

(B) AD VALOREM TAXES.

AD VALOREM TAXES IMPOSED UNDER THIS SECTION SHALL BE IMPOSED IN THE SAME MANNER, ON THE SAME ASSESSMENTS, FOR THE SAME PERIOD, AND AS OF THE SAME DATE OF FINALITY AS COUNTY REAL PROPERTY TAXES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 10C.

In this section, the references to taxes "impose[d]" are substituted for the former references to taxes "lev[ied]" for consistency with other similar provisions of the Code.

In the introductory language of subsection (a) of this section, the former phrase "in addition to, but not in substitution of, the powers which may have been or may hereafter be granted them," is deleted as surplusage.

In subsection (a)(1) of this section, the former reference to authority for Anne Arundel County to establish special taxing districts "within the county limits" is deleted as implicit in the general authority of a county to act within the county limits.

In subsection (a)(2) of this section, the former reference to real property "subject to ordinary county taxes" is deleted in light of the reference in subsection (b) of this section to taxes being imposed in the same manner as county real property taxes.

Also in subsection (a)(2) of this section, the former reference to interest “as it becomes due” is deleted as surplusage.

In subsection (b) of this section, the reference to the same manner, assessments, period, and date of finality “as county real property taxes” is substituted for the former reference to the same manner, assessments, period, and date of finality “as are now or may hereafter be prescribed for ordinary county taxes” for clarity and brevity.

Also in subsection (b) of this section, the former reference to “periods” is deleted in light of the reference to “period” and Art. 1, § 8, which provides that the singular generally includes the plural.

Defined term: “Governing body” § 1–101

21–804. STORMWATER MANAGEMENT DISTRICTS IN CALVERT COUNTY.

(A) ESTABLISHMENT AUTHORIZED; STORMWATER MANAGEMENT PLAN REQUIRED.

(1) BY ORDINANCE, THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY ESTABLISH STORMWATER MANAGEMENT DISTRICTS.

(2) BEFORE ADOPTING AN ORDINANCE ESTABLISHING STORMWATER MANAGEMENT DISTRICTS, THE COUNTY COMMISSIONERS BY ORDINANCE SHALL ADOPT A COMPREHENSIVE STORMWATER MANAGEMENT PLAN.

(B) PETITION REQUESTING CREATION OF DISTRICT.

(1) IN THIS SUBSECTION, “AREA AFFECTED” MEANS THE CRITICAL AREA GENERATING THE RUN–OFF WATER AND THE AREA FLOODED.

(2) A WRITTEN PETITION REQUESTING THE CREATION OF A STORMWATER MANAGEMENT DISTRICT AND A STORMWATER MANAGEMENT PROJECT MAY BE PRESENTED TO THE COUNTY COMMISSIONERS OF CALVERT COUNTY BY:

(I) TWO–THIRDS OF THE REAL PROPERTY OWNERS IN THE AREA AFFECTED; OR

(II) THE OWNERS OF TWO–THIRDS OF THE REAL PROPERTY IN THE AREA AFFECTED.

(C) NOTICE AND HEARING REQUIREMENTS ON RECEIPT OF VALID PETITION.

(1) ON RECEIPT OF A VALID PETITION, THE COUNTY COMMISSIONERS OF CALVERT COUNTY SHALL:

(I) HOLD A PUBLIC HEARING;

(II) MAIL A NOTICE OF THE TIME AND PLACE OF THE HEARING TO EACH OWNER OF REAL PROPERTY IN THE PROPOSED DISTRICT AT THE ADDRESS SHOWN ON THE ASSESSMENT RECORDS; AND

(III) PUBLISH NOTICE OF THE TIME AND PLACE OF THE HEARING IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY FOR 2 SUCCESSIVE WEEKS.

(2) AT THE HEARING, THE COUNTY COMMISSIONERS SHALL:

(I) DETERMINE, WITH THE ADVICE OF THE CALVERT SOIL CONSERVATION DISTRICT, THE SCOPE OF THE STORMWATER MANAGEMENT PROJECT; AND

(II) ADVISE THE PROPERTY OWNERS OF THE APPROXIMATE COST AND ESTIMATED BENEFIT CHARGES TO BE IMPOSED ON PROPERTY IN THE STORMWATER MANAGEMENT DISTRICT.

(D) DETERMINATIONS BY COUNTY COMMISSIONERS.

(1) THE COUNTY COMMISSIONERS OF CALVERT COUNTY SHALL:

(I) DETERMINE, WITH THE ADVICE OF THE CALVERT SOIL CONSERVATION DISTRICT, THE EXTENT TO WHICH THE COUNTY SHALL ASSUME RESPONSIBILITY FOR DESIGN, CONSTRUCTION, AND MAINTENANCE OF THE STORMWATER MANAGEMENT PROJECT;

(II) DETERMINE RESPONSIBILITY FOR DESIGN, CONSTRUCTION, AND MAINTENANCE THAT IS NOT TO BE ASSUMED BY THE COUNTY;

(III) DETERMINE WHETHER TO PROCEED WITH PLANS AND SPECIFICATIONS; AND

(IV) SET A DATE FOR A FINAL HEARING.

(2) THE DATE FOR THE FINAL HEARING MAY BE CHANGED ONLY AFTER NOTICE IS GIVEN IN ACCORDANCE WITH SUBSECTION (C)(1) OF THIS SECTION.

(E) ACTIONS BY COUNTY COMMISSIONERS AT FINAL HEARING.

(1) AT THE FINAL HEARING, THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY ESTABLISH THE STORMWATER MANAGEMENT DISTRICT AND DESIGNATE THE AREA INCLUDED IN THE DISTRICT.

(2) IF THE COUNTY COMMISSIONERS ESTABLISH A STORMWATER MANAGEMENT DISTRICT, THE COUNTY COMMISSIONERS SHALL DETERMINE:

(I) THE SCOPE OF THE STORMWATER MANAGEMENT PROJECT;

(II) THE ESTIMATED COST OF THE PROJECT;

(III) THE ESTIMATED COSTS TO BE ASSUMED BY THE COUNTY;

(IV) THE COSTS TO BE ASSUMED BY OTHER PERSONS; AND

(V) ESTIMATED BENEFIT CHARGES TO BE IMPOSED ON EACH INDIVIDUAL PROPERTY.

(3) THE ESTIMATED BENEFIT CHARGES TO BE IMPOSED ON EACH INDIVIDUAL PROPERTY SHALL BE BASED ON THE BENEFITS ACCRUING TO EACH PROPERTY IN THE STORMWATER MANAGEMENT DISTRICT TO THE EXTENT THE PROPERTY IS BENEFITED BY THE PROJECT, AS DETERMINED BY THE COUNTY COMMISSIONERS.

(4) THE TOTAL COST OF THE PROJECT MAY BE FUNDED BY THE COUNTY COMMISSIONERS, WITH INDIVIDUAL COSTS PAID BACK TO THE COUNTY BY PROPERTY OWNERS IN A PERIOD OF TIME AND WITH INTEREST AT A RATE SET BY THE COUNTY COMMISSIONERS.

(F) AWARDING CONTRACTS.

IF THE COUNTY COMMISSIONERS OF CALVERT COUNTY PROCEED WITH A STORMWATER MANAGEMENT PROJECT, THE COUNTY COMMISSIONERS SHALL:

(1) ADVERTISE FOR BIDS IN THE PROPER MANNER; AND

(2) AWARD THE CONTRACT TO THE LOWEST RESPONSIBLE BIDDER.

(G) BENEFIT CHARGES.

(1) ON COMPLETION OF A STORMWATER MANAGEMENT PROJECT, THE COUNTY COMMISSIONERS OF CALVERT COUNTY SHALL IMPOSE BENEFIT CHARGES ON ALL REAL PROPERTY IN THE STORMWATER MANAGEMENT DISTRICT.

(2) THE BENEFIT CHARGES IMPOSED UNDER THIS SUBSECTION SHALL BE SUFFICIENT TO MEET THE COSTS OF THE PROJECT OTHER THAN THE COSTS TO BE ASSUMED BY THE COUNTY.

(3) A BENEFIT CHARGE IMPOSED UNDER THIS SUBSECTION:

(I) IS A LIEN ON THE REAL PROPERTY ON WHICH IT IS IMPOSED; AND

(II) SHALL BE PAID ANNUALLY AS COUNTY TAXES ARE REQUIRED TO BE PAID, FOR THE PERIOD OF TIME ESTABLISHED BY THE COUNTY COMMISSIONERS.

(H) ACCEPTANCE OF GIFTS AND PURCHASE OF LAND AND EASEMENTS.

THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY ACCEPT AS A GIFT, OR CONTRACT TO PURCHASE, LAND AND EASEMENTS REQUIRED FOR THE STORMWATER MANAGEMENT DISTRICT.

(I) MAINTENANCE OF STORMWATER SYSTEM.

(1) ON COMPLETION OF THE STORMWATER MANAGEMENT PROJECT TO COUNTY SPECIFICATIONS:

(I) CALVERT COUNTY SHALL MAINTAIN THE PORTIONS OF THE SYSTEM THAT ARE LOCATED:

1. ON COUNTY-OWNED RIGHTS-OF-WAY AND DRAINAGE WAYS; AND

2. ON DRAINAGE WAYS FOR WHICH THE COUNTY HAS ACCEPTED A PERMANENT EASEMENT; AND

(II) ALL OTHER PORTIONS OF THE SYSTEM SHALL BE MAINTAINED BY THE OWNER OF THE PROPERTY ON WHICH A PORTION OF THE SYSTEM IS LOCATED.

(2) (I) IF THE OWNER OF THE PROPERTY DOES NOT MAINTAIN THE PORTION OF THE DRAINAGE SYSTEM LOCATED ON THE PROPERTY, THE COUNTY, AFTER PROPER NOTICE, MAY ENTER THE PROPERTY AND CORRECT THE DRAINAGE PROBLEM.

(II) ALL COSTS FOR ACTIONS TAKEN BY THE COUNTY UNDER THIS PARAGRAPH SHALL BE CHARGED AS A LIEN ON THE REAL PROPERTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 155B.

In subsection (b)(2) of this section, the references to "real" property are added for clarity.

In subsection (c)(2)(ii) of this section, the reference to "benefit charges to be imposed on property in the stormwater management district" is substituted for the former reference to "levies" for clarity and consistency with other similar provisions of this section.

In the introductory language of subsection (e)(2) of this section, the requirement that the "county commissioners shall determine" the scope, costs, and charges related to a project is substituted for the former requirement that the scope, costs, and charges "shall be provided" for clarity.

In subsection (e)(2)(iv) of this section, the former references to "parties" is deleted as included in the reference to "persons".

In subsection (e)(2)(v) and (3) of this section, the references to estimated "benefit charges to be imposed on each individual property" are substituted for the former references to estimated "individual levies" for clarity and consistency with other similar provisions of this section.

In subsection (e)(3) of this section, the reference to each "property" is substituted for the former reference to each "of the lots or parcels of land" for brevity.

In subsection (g)(1) of this section, the reference to “impos[ing]” benefit charges is substituted for the former reference to “fix[ing] and levy[ing]” benefit charges for consistency with other similar provisions of the Code.

In subsection (g)(2) of this section, the reference to costs “other than the costs to be assumed by the county” is substituted for the former reference to costs “assessed to persons and parties” for clarity.

In subsection (g)(3)(ii) of this section, the former reference to benefit charges being paid “by all the owners of lots or parcels of land in the district” is deleted as surplusage.

Also in subsection (g)(3)(ii) of this section, the former reference to the period of time “previously” established is deleted as surplusage.

In subsection (h) of this section, the former reference to “agree[ing]” with owners for the purchase of land is deleted as included in the reference to “contract[ing]” with owners.

Also in subsection (h) of this section, the former reference to land and easements required for “use in connection with” the district is deleted as surplusage.

Also in subsection (h) of this section, the former reference to contracting “with owners” to purchase land and easements is deleted as surplusage.

In subsection (i)(1)(ii) of this section, the reference to the property “on which a portion of the system is located” is added for clarity.

Also in subsection (i)(1)(ii) of this section, the reference to “the owner of the property” is substituted for the former reference to “a person or party owning the property” for brevity. Correspondingly, in subsection (i)(2)(i) of this section, the reference to “the owner of the property” is substituted for the former reference to “such person or party”.

In subsection (i)(2)(ii) of this section, the former reference to real property “against which assessed” is deleted as unnecessary.

Defined term: “Person” § 1–101

21–805. CROFTON POLICE DEPARTMENT.

(A) “DEPARTMENT” DEFINED.

IN THIS SECTION, “DEPARTMENT” MEANS THE CROFTON POLICE DEPARTMENT.

(B) ESTABLISHMENT.

THERE IS A CROFTON POLICE DEPARTMENT.

(C) PURPOSE AND STATUS.

(1) THE DEPARTMENT IS:

(I) ESTABLISHED TO PROVIDE PROTECTION FOR THE CROFTON SPECIAL COMMUNITY BENEFIT DISTRICT IN ANNE ARUNDEL COUNTY; AND

(II) RESPONSIBLE FOR ENFORCING THE APPLICABLE LAWS, ORDINANCES, AND REGULATIONS OF THE STATE AND ANNE ARUNDEL COUNTY.

(2) (I) THE DEPARTMENT IS NOT AN AGENCY OF ANNE ARUNDEL COUNTY.

(II) THE OFFICERS, EMPLOYEES, AND AGENTS OF THE DEPARTMENT ARE NOT OFFICERS, EMPLOYEES, OR AGENTS OF ANNE ARUNDEL COUNTY.

(3) ANNE ARUNDEL COUNTY IS NOT RESPONSIBLE FOR THE ACTS OR OMISSIONS OF THE DEPARTMENT OR THE OFFICERS, EMPLOYEES, OR AGENTS OF THE DEPARTMENT.

(D) CHIEF OF POLICE.

(1) THERE IS A CHIEF OF POLICE OF THE DEPARTMENT.

(2) (I) THE CHIEF OF POLICE SHALL BE APPOINTED BY THE TOWN MANAGER OF THE CROFTON SPECIAL COMMUNITY BENEFIT DISTRICT, WITH THE APPROVAL OF THE BOARD OF DIRECTORS OF THE CROFTON CIVIC ASSOCIATION, INCORPORATED, ACTING AS ADMINISTRATOR OF THE CROFTON SPECIAL COMMUNITY BENEFIT DISTRICT.

(II) THE CHIEF OF POLICE SHALL BE:

1. EXPERIENCED IN THE COMMAND OF UNIFORMED PATROLS AND IN THE DETECTION AND INVESTIGATION OF CRIME; AND

2. SELECTED SOLELY ON THE BASIS OF QUALIFICATIONS FOR THE POSITION.

(3) (I) THE CHIEF OF POLICE SHALL BE RESPONSIBLE DIRECTLY TO THE TOWN MANAGER.

(II) ALL ORDERS TO THE DEPARTMENT FROM THE TOWN MANAGER SHALL BE DIRECTED THROUGH THE CHIEF OF POLICE OR THE DESIGNEE OF THE CHIEF OF POLICE.

(4) (I) THE CHIEF OF POLICE SHALL COMMAND AND ADMINISTER THE DEPARTMENT.

(II) THE DUTIES OF THE CHIEF OF POLICE INCLUDE:

1. BEING RESPONSIBLE FOR THE EFFICIENCY AND GOOD CONDUCT OF THE DEPARTMENT;

2. OVERSEEING THE GENERAL OPERATION OF THE DEPARTMENT;

3. HIRING EMPLOYEES AND APPOINTING OFFICERS; AND

4. DISCIPLINING EMPLOYEES AND OFFICERS.

(5) THE CHIEF OF POLICE:

(I) SHALL SERVE AT THE PLEASURE OF THE TOWN MANAGER; AND

(II) SUBJECT TO THE APPROVAL OF THE BOARD OF DIRECTORS OF THE CROFTON CIVIC ASSOCIATION, INCORPORATED, ACTING AS ADMINISTRATOR OF THE CROFTON SPECIAL COMMUNITY BENEFIT DISTRICT, MAY BE REMOVED BY THE TOWN MANAGER.

(E) POWERS AND JURISDICTION OF MEMBERS.

(1) A MEMBER OF THE DEPARTMENT HAS ALL THE POWERS GRANTED TO A PEACE OFFICER AND A POLICE OFFICER OF THE STATE.

(2) THE POWERS GRANTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE EXERCISED ONLY ON PROPERTY IN THE CROFTON SPECIAL COMMUNITY BENEFIT DISTRICT AND NOT ON ANY OTHER PROPERTY, UNLESS A MEMBER OF THE DEPARTMENT IS:

(I) ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;

(II) SPECIALLY REQUESTED OR ALLOWED TO EXERCISE THE POWERS IN A POLITICAL SUBDIVISION BY THE CHIEF EXECUTIVE OFFICER OR CHIEF POLICE OFFICER OF THE POLITICAL SUBDIVISION; OR

(III) ORDERED TO EXERCISE THE POWERS BY THE GOVERNOR.

(3) MEMBERS OF THE DEPARTMENT HAVE CONCURRENT JURISDICTION IN THE PERFORMANCE OF THEIR DUTIES WITH THE LAW ENFORCEMENT AGENCIES OF THE STATE AND ANNE ARUNDEL COUNTY.

(4) THIS SECTION DOES NOT:

(I) RELIEVE THE STATE OR ANNE ARUNDEL COUNTY FROM A DUTY TO PROVIDE POLICE, FIRE, AND OTHER PUBLIC SAFETY SERVICE AND PROTECTION; OR

(II) AFFECT THE JURISDICTION OF OTHER POLICE, FIRE, AND PUBLIC SAFETY AGENCIES.

(F) STANDARDS, QUALIFICATIONS, AND PREREQUISITES.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE MARYLAND POLICE TRAINING COMMISSION SHALL ADOPT STANDARDS, QUALIFICATIONS, AND PREREQUISITES OF CHARACTER, TRAINING, EDUCATION, HUMAN AND PUBLIC RELATIONS, AND EXPERIENCE FOR THE DEPARTMENT, INCLUDING STANDARDS FOR THE PERFORMANCE OF THE DUTIES OF THE DEPARTMENT.

(2) THE MARYLAND POLICE TRAINING COMMISSION MAY DELEGATE TO THE BOARD OF DIRECTORS OF THE CROFTON CIVIC ASSOCIATION, INCORPORATED, THE AUTHORITY TO ADOPT STANDARDS, QUALIFICATIONS, AND PREREQUISITES UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(G) RULES AND REGULATIONS.

(1) THE BOARD OF DIRECTORS OF THE CROFTON CIVIC ASSOCIATION, INCORPORATED, ACTING AS ADMINISTRATOR OF THE CROFTON SPECIAL COMMUNITY BENEFIT DISTRICT, SHALL ADOPT RULES AND REGULATIONS GOVERNING THE OPERATION AND CONDUCT OF THE DEPARTMENT, INCLUDING ITS POLICE OFFICERS.

(2) THE RULES AND REGULATIONS OF THE BOARD OF DIRECTORS CONCERNING POLICE OFFICERS SHALL SUPPLEMENT ANY RULES OR REGULATIONS OF THE MARYLAND POLICE TRAINING COMMISSION.

(3) DISOBEDIENCE TO THE LAWFUL COMMANDS, RULES, OR REGULATIONS OF THE MARYLAND POLICE TRAINING COMMISSION OR THE BOARD OF DIRECTORS SHALL BE GROUNDS FOR DISCIPLINARY ACTION, INCLUDING REMOVAL.

(H) FUNDING.

(1) FUNDING FOR THE DEPARTMENT SHALL COME FROM REVENUE DERIVED FROM SPECIAL TAXES OR ASSESSMENTS IMPOSED ON REAL PROPERTY LOCATED IN THE CROFTON SPECIAL COMMUNITY BENEFIT DISTRICT.

(2) THE DEPARTMENT OR THE BOARD OF DIRECTORS OF THE CROFTON CIVIC ASSOCIATION, INCORPORATED, ACTING AS ADMINISTRATOR OF THE CROFTON SPECIAL COMMUNITY BENEFIT DISTRICT, MAY APPLY FOR, ACCEPT, AND SPEND ANY GIFT OR GRANT FOR THE BENEFIT OR USE OF THE DEPARTMENT FROM THE FEDERAL GOVERNMENT, ANY STATE UNIT, ANY FOUNDATION, OR ANY OTHER PERSON.

REVISOR'S NOTE: Subsection (a) of this section is new language added to avoid repetition of the full reference to the "Crofton Police Department".

Subsections (b) through (h) of this section are new language derived without substantive change from former Art. 26, § 5.

In the introductory language of subsection (e)(2) of this section, the reference to "a member of the Department" is added for clarity.

In subsection (e)(2)(ii) and (iii) of this section, the references to "exercis[ing] the powers" are substituted for the former references to "do[ing] so" for clarity.

In subsection (h)(1) of this section, the reference to taxes or assessments “imposed” is substituted for the former reference to taxes or assessments “levied” for consistency with other similar provisions of the Code.

In subsection (h)(2) of this section, the reference to a State “unit” is substituted for the former reference to a State “agency or office” for consistency with other similar provisions of the Code.

Defined terms: “Person” § 1-101
“State” § 1-101

21-806. OCEAN PINES POLICE DEPARTMENT.

(A) “DEPARTMENT” DEFINED.

IN THIS SECTION, “DEPARTMENT” MEANS THE OCEAN PINES POLICE DEPARTMENT.

(B) ESTABLISHMENT.

THERE IS AN OCEAN PINES POLICE DEPARTMENT.

(C) PURPOSE AND STATUS.

(1) THE DEPARTMENT IS:

(I) ESTABLISHED TO PROVIDE PROTECTION FOR THE OCEAN PINES COMMUNITY IN WORCESTER COUNTY; AND

(II) RESPONSIBLE FOR ENFORCING THE APPLICABLE LAWS, ORDINANCES, AND REGULATIONS OF THE STATE AND WORCESTER COUNTY.

(2) (I) THE DEPARTMENT IS NOT AN AGENCY OF WORCESTER COUNTY.

(II) THE OFFICERS, EMPLOYEES, AND AGENTS OF THE DEPARTMENT ARE NOT OFFICERS, EMPLOYEES, OR AGENTS OF WORCESTER COUNTY.

(3) WORCESTER COUNTY IS NOT RESPONSIBLE FOR THE ACTS OR OMISSIONS OF THE DEPARTMENT OR THE OFFICERS, EMPLOYEES, OR AGENTS OF THE DEPARTMENT.

(D) CHIEF OF POLICE.

(1) THERE IS A CHIEF OF POLICE OF THE DEPARTMENT.

(2) (I) THE CHIEF OF POLICE SHALL BE APPOINTED BY THE GENERAL MANAGER OF THE OCEAN PINES ASSOCIATION.

(II) THE CHIEF OF POLICE SHALL BE:

1. EXPERIENCED IN THE COMMAND OF UNIFORMED PATROLS AND THE DETECTION AND INVESTIGATION OF CRIME; AND

2. SELECTED SOLELY ON THE BASIS OF QUALIFICATIONS FOR THE POSITION.

(3) (I) THE CHIEF OF POLICE SHALL BE RESPONSIBLE DIRECTLY TO THE GENERAL MANAGER.

(II) ALL ORDERS TO THE DEPARTMENT FROM THE GENERAL MANAGER SHALL BE DIRECTED THROUGH THE CHIEF OF POLICE OR THE DESIGNEE OF THE CHIEF OF POLICE.

(4) (I) THE CHIEF OF POLICE SHALL COMMAND AND ADMINISTER THE DEPARTMENT.

(II) THE DUTIES OF THE CHIEF OF POLICE INCLUDE:

1. BEING RESPONSIBLE FOR THE EFFICIENCY AND GOOD CONDUCT OF THE DEPARTMENT;

2. OVERSEEING THE GENERAL OPERATION OF THE DEPARTMENT;

3. HIRING EMPLOYEES AND APPOINTING OFFICERS, SUBJECT TO THE APPROVAL OF THE GENERAL MANAGER; AND

4. DISCIPLINING EMPLOYEES AND OFFICERS.

(5) THE CHIEF OF POLICE SHALL SERVE AT THE PLEASURE OF THE GENERAL MANAGER AND MAY BE REMOVED BY THE GENERAL MANAGER.

(E) POWERS AND JURISDICTION OF MEMBERS.

(1) A MEMBER OF THE DEPARTMENT HAS ALL THE POWERS GRANTED TO A PEACE OFFICER AND A POLICE OFFICER OF THE STATE.

(2) THE POWERS GRANTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE EXERCISED ONLY ON PROPERTY IN THE OCEAN PINES COMMUNITY AND NOT ON ANY OTHER PROPERTY, UNLESS A MEMBER OF THE DEPARTMENT IS:

(I) ACTING UNDER AN AGREEMENT WITH ANOTHER LAW ENFORCEMENT AGENCY;

(II) ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;

(III) SPECIALLY REQUESTED OR ALLOWED TO EXERCISE THE POWERS IN A POLITICAL SUBDIVISION BY THE CHIEF EXECUTIVE OFFICER OR CHIEF POLICE OFFICER OF THE POLITICAL SUBDIVISION; OR

(IV) ORDERED TO EXERCISE THE POWERS BY THE GOVERNOR.

(3) MEMBERS OF THE DEPARTMENT HAVE CONCURRENT JURISDICTION IN THE PERFORMANCE OF THEIR DUTIES WITH THE LAW ENFORCEMENT AGENCIES OF THE STATE AND WORCESTER COUNTY.

(4) THIS SECTION DOES NOT:

(I) RELIEVE THE STATE OR WORCESTER COUNTY FROM A DUTY TO PROVIDE POLICE, FIRE, AND OTHER PUBLIC SAFETY SERVICE AND PROTECTION; OR

(II) AFFECT THE JURISDICTION OF OTHER POLICE, FIRE, AND PUBLIC SAFETY AGENCIES.

(F) STANDARDS, QUALIFICATIONS, AND PREREQUISITES.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE MARYLAND POLICE TRAINING COMMISSION SHALL ADOPT STANDARDS, QUALIFICATIONS, AND PREREQUISITES OF CHARACTER, TRAINING, EDUCATION, HUMAN AND PUBLIC RELATIONS, AND EXPERIENCE FOR THE DEPARTMENT, INCLUDING STANDARDS FOR THE PERFORMANCE OF THE DUTIES OF THE DEPARTMENT.

(2) THE MARYLAND POLICE TRAINING COMMISSION MAY DELEGATE TO THE BOARD OF DIRECTORS OF THE OCEAN PINES ASSOCIATION, INCORPORATED, THE AUTHORITY TO ADOPT STANDARDS, QUALIFICATIONS, AND PREREQUISITES UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(G) RULES AND REGULATIONS.

(1) THE BOARD OF DIRECTORS OF THE OCEAN PINES ASSOCIATION, INCORPORATED, SHALL ADOPT RULES GOVERNING THE OPERATION AND CONDUCT OF THE DEPARTMENT, INCLUDING ITS POLICE OFFICERS.

(2) THE RULES OF THE BOARD OF DIRECTORS CONCERNING POLICE OFFICERS SHALL SUPPLEMENT ANY RULES OR REGULATIONS OF THE MARYLAND POLICE TRAINING COMMISSION.

(3) DISOBEDIENCE TO THE LAWFUL COMMANDS, RULES, OR REGULATIONS OF THE MARYLAND POLICE TRAINING COMMISSION OR THE BOARD OF DIRECTORS SHALL BE GROUNDS FOR DISCIPLINARY ACTION, INCLUDING REMOVAL.

(H) FUNDING.

(1) FUNDING FOR THE DEPARTMENT SHALL COME FROM REVENUE DERIVED FROM ASSESSMENTS IMPOSED ON REAL PROPERTY LOCATED IN THE OCEAN PINES COMMUNITY AND OTHER AVAILABLE SOURCES.

(2) THE DEPARTMENT OR THE BOARD OF DIRECTORS OF THE OCEAN PINES ASSOCIATION, INCORPORATED, ACTING AS ADMINISTRATOR OF THE OCEAN PINES COMMUNITY, MAY APPLY FOR, ACCEPT, AND SPEND ANY GIFT OR GRANT FOR THE BENEFIT OR USE OF THE DEPARTMENT FROM THE FEDERAL GOVERNMENT, ANY STATE UNIT, ANY FOUNDATION, OR ANY OTHER PERSON.

REVISOR'S NOTE: Subsection (a) of this section is new language added to avoid repetition of the full reference to the "Ocean Pines Police Department".

Subsections (b) through (h) of this section are new language derived without substantive change from former Art. 26, § 6.

In the introductory language of subsection (e)(2) of this section, the reference to "a member of the Department" is added for clarity.

In subsection (e)(2)(iii) and (iv) of this section, the references to “exercis[ing] the powers” are substituted for the former references to “do[ing] so” for clarity.

In subsection (g)(2) of this section, the reference to “rules” of the Maryland Police Training Commission is added for consistency with other similar provisions of this subtitle.

In subsection (h)(1) of this section, the reference to assessments “imposed” is substituted for the former reference to assessments “levied” for consistency with other similar provisions of the Code.

In subsection (h)(2) of this section, the reference to a State “unit” is substituted for the former reference to a State “agency or office” for consistency with other similar provisions of the Code.

Defined terms: “Person” § 1–101

“State” § 1–101

TITLE 22. RESERVED.

TITLE 23. RESERVED.

DIVISION V. OTHER LOCAL ENTITIES.

TITLE 24. REGIONAL COUNCILS OF GOVERNMENTS.

24–101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This section is new language added as the standard introductory language to a definition section.

(B) COUNCIL.

“COUNCIL” MEANS A REGIONAL COUNCIL OF GOVERNMENTS.

REVISOR’S NOTE: This section is new language added to avoid repetition of the full reference to a “regional council of governments”.

(C) MEMBER.

“MEMBER” MEANS A COUNTY OR MUNICIPALITY THAT PARTICIPATES IN A COUNCIL.

REVISOR’S NOTE: This section is new language added for brevity and consistency and to avoid repetition of the former phrase “participating governing bodies”.

Defined terms: “Council” § 24–101

“County” § 1–101

“Municipality” § 1–101

24–102. AUTHORIZATION.

(A) IN GENERAL.

(1) BY RESOLUTION, THE GOVERNING BODY OF ANY COUNTY OR MUNICIPALITY MAY ESTABLISH, ORGANIZE, AND PARTICIPATE IN A COUNCIL.

(2) A COUNCIL MAY INCLUDE A COUNTY, CITY, OR TOWN OUTSIDE THE STATE.

(B) PURPOSE.

A COUNCIL MAY BE ESTABLISHED TO:

(1) STUDY GOVERNMENTAL PROBLEMS OF MUTUAL INTEREST AND CONCERN; AND

(2) MAKE RECOMMENDATIONS FOR REVIEW AND ACTION BY ITS MEMBERS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 26A(a).

In subsection (a) of this section, the former reference to a county or municipality “or any combination thereof” is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to the studies of the council “including such matters as facility studies on sewers and sewage disposal, water, storm drainage, roads, rubbish and garbage disposal, recreation, zoning, parks and ports” is deleted as unnecessary in light of the more general list of powers of the council in § 24–104(a) of this title.

Also in subsection (b)(1) of this section, the former reference to “area” governmental problems is deleted as implicit in the fact that the council is regional.

Defined terms: “Council” § 24–101

“County” § 1–101

“Governing body” § 1–101

“Member” § 24–101

“Municipality” § 1–101

“State” § 1–101

24–103. MEMBERSHIP.

(A) IN GENERAL.

THE COUNCIL SHALL CONSIST OF AT LEAST ONE REPRESENTATIVE FROM EACH MEMBER.

(B) REPRESENTATIVES.

EACH REPRESENTATIVE OF A MEMBER SHALL BE:

(1) ITS ELECTED CHIEF EXECUTIVE; OR

(2) AN INDIVIDUAL FROM ITS GOVERNING BODY CHOSEN BY THE GOVERNING BODY.

(C) WITHDRAWAL FROM COUNCIL.

(1) A MEMBER MAY WITHDRAW FROM THE COUNCIL BY RESOLUTION OF ITS GOVERNING BODY.

(2) A WITHDRAWAL MAY NOT TAKE EFFECT UNTIL AT LEAST 60 DAYS AFTER THE ADOPTION OF THE RESOLUTION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 26A(b).

In this section, the references to a “member” are substituted for the former references to a “participating county, city or town” and a “county, city or town which has become a member” for brevity and consistency within this title.

In subsection (b)(2) of this section, the reference to a representative being “an individual from” the governing body is substituted for the former

reference to a representative being “a member or members of” the governing body to avoid confusion with the defined term “member” in § 24–101 of this title.

In subsection (c)(1) of this section, the reference to withdrawal being by “resolution” of the governing body is substituted for the former reference to “formal action” of the governing body for consistency with the membership process under § 24–102(a)(1) of this title.

In subsection (c)(2) of this section, the reference to a withdrawal “not tak[ing] effect until at least 60 days after the adoption” of the resolution is substituted for the former reference to withdrawal “upon 60 days notice subsequent to” the resolution for clarity.

Defined terms: “Council” § 24–101

“Governing body” § 1–101

“Member” § 24–101

24–104. POWERS AND DUTIES.

(A) IN GENERAL.

A COUNCIL MAY:

(1) STUDY GOVERNMENTAL PROBLEMS COMMON TO TWO OR MORE OF ITS MEMBERS, INCLUDING MATTERS AFFECTING:

(I) ECONOMIC CONDITIONS;

(II) EDUCATION;

(III) ENVIRONMENT;

(IV) HEALTH;

(V) REGIONAL DEVELOPMENT;

(VI) SAFETY; AND

(VII) WELFARE;

(2) PROMOTE COOPERATIVE ARRANGEMENTS AND COORDINATE ACTION AMONG ITS MEMBERS; AND

(3) MAKE RECOMMENDATIONS FOR REVIEW AND ACTION TO ITS MEMBERS AND OTHER PUBLIC AGENCIES THAT PERFORM FUNCTIONS IN THE REGION.

(B) STAFF.

A COUNCIL MAY EMPLOY STAFF AND CONSULTANTS.

(C) BYLAWS.

A COUNCIL SHALL ADOPT BYLAWS THAT DESIGNATE ITS OFFICERS AND PROVIDE FOR THE CONDUCT OF ITS BUSINESS.

(D) ANNUAL REPORT.

A COUNCIL SHALL SUBMIT AN ANNUAL REPORT OF ITS ACTIVITIES TO ITS MEMBERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 26A(c), (d), (e), and (f)(3).

In the introductory language of subsection (a)(1) of this section, the former phrase "as it deems appropriate" is deleted as surplusage. Similarly, in subsection (b) of this section, the former phrase "as it deems necessary" is deleted.

Also in the introductory language of subsection (a)(1) of this section, the former reference to "area" governmental problems is deleted as implicit in the fact that the council is regional.

In subsection (b) of this section, the reference to "consultants" is substituted for the former reference to "consult and retain such experts" for brevity.

Defined terms: "Council" § 24-101
"Member" § 24-101

24-105. FUNDS.

(A) MEMBER APPROPRIATIONS FOR EXPENSES.

EACH MEMBER:

(1) MAY APPROPRIATE FUNDS TO MEET THE EXPENSES OF THE COUNCIL; AND

(2) MAY MAKE NONMONETARY CONTRIBUTIONS, INCLUDING PERSONNEL SERVICES, USE OF EQUIPMENT AND OFFICE SPACE, AND OTHER NECESSARY SERVICES, AS PART OF THE MEMBER'S FINANCIAL SUPPORT.

(B) IN KIND AND OTHER CONTRIBUTIONS.

A COUNCIL MAY ACCEPT GRANTS AND OTHER MONETARY OR NONMONETARY CONTRIBUTIONS FROM THE FEDERAL GOVERNMENT, THE STATE GOVERNMENT, ANY OTHER GOVERNMENTAL UNIT, OR ANY PRIVATE SOURCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 26A(f)(1) and (2).

In the introductory language of subsection (a) of this section, the reference to a "member" is substituted for the former reference to the "governing bodies of the participating governments" for brevity.

In subsection (a)(2) of this section, the reference to "nonmonetary contributions" is added for clarity.

In subsection (b) of this section, the reference to "grants and other monetary or nonmonetary contributions" is substituted for the former reference to "funds, grants, gifts, and services" for clarity.

Also in subsection (b) of this section, the reference to contributions "from the federal government, the State government, any other governmental unit or any private source" is substituted for the former reference to contributions "from the government of the United States or its agencies, from the State of Maryland or its departments, agencies or instrumentalities, or from any government unit whether participating in the council or not, and from private and civic sources" for brevity.

Defined terms: "Council" § 24-101

"Member" § 24-101

"State" § 1-101

24-106. METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS.

(A) STATE CONTRIBUTION.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE STATE SHALL PROVIDE FINANCIAL SUPPORT TO THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS OPERATING UNDER THIS TITLE TO ASSIST THE COUNCIL IN CARRYING OUT ITS ACTIVITIES ON THE BASIS OF 50% OF THE PER CAPITA CONTRIBUTIONS OF THE MARYLAND MEMBERS OF THE COUNCIL.

(B) LIMITATION ON STATE CONTRIBUTION.

THE STATE CONTRIBUTION MAY NOT EXCEED AN AMOUNT EQUAL TO THE SUM OF \$3,200 FOR EACH 50,000 RESIDENTS IN THE MARYLAND COUNTIES AND MUNICIPALITIES PARTICIPATING IN THE COUNCIL.

(C) INCLUSION IN STATE BUDGET.

THE GOVERNOR SHALL INCLUDE THE FUNDING REQUIRED IN THIS SECTION IN THE ANNUAL STATE BUDGET.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 26A(g).

In subsection (a) of this section, the reference to the State "provid[ing] financial support" is substituted for the former reference to the Metropolitan Washington Council of Governments being "entitled to receive" financial support for consistency with other provisions of the Code.

In subsection (b) of this section, the reference to the "Maryland counties and municipalities" is substituted for the former reference to the "participating Maryland governments" for clarity.

Also in subsection (b) of this section, the former phrase "computed on the basis" is deleted as surplusage.

In subsection (c) of this section, the former reference to the amount in the State budget being "subject to review by the General Assembly" is deleted as implicit in the budget process.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the limit in subsection (b) of this section on the amount of the State contribution may be an unconstitutional restriction on the Governor's budgetary powers under Art. III, § 52(3) of the Maryland Constitution to formulate a budget that contains "a complete plan of proposed expenditures and estimated revenues" for each fiscal year. *See e.g.*, 62 OAG 106. The General Assembly may want to consider amending this section to remove that restriction.

Defined terms: “County” § 1–101

“Municipality” § 1–101

“State” § 1–101

TITLE 25. PUBLIC WATERSHED ASSOCIATIONS.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

25–101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This subsection is new language added as the standard introductory language to a definition section.

(B) BOARD OF DIRECTORS.

“BOARD OF DIRECTORS” MEANS THE BOARD OF DIRECTORS OF A WATERSHED ASSOCIATION.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full name of the board.

Defined term: “Watershed association” § 25–101

(C) BOARD OF VIEWERS.

“BOARD OF VIEWERS” MEANS A BOARD OF WATERSHED VIEWERS ESTABLISHED UNDER THIS TITLE.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full name of the board.

(D) DESIGNATED OFFICER.

“DESIGNATED OFFICER” MEANS:

(1) THE CLERK OF THE COUNTY COMMISSIONERS FOR A CODE COUNTY OR COMMISSION COUNTY IF THERE IS A CLERK FOR THE COUNTY; OR

(2) AN EMPLOYEE OR OFFICIAL OF THE COUNTY WHO IS DESIGNATED BY THE LEGISLATIVE BODY TO PERFORM THE RESPONSIBILITIES OF THE DESIGNATED OFFICER UNDER THIS TITLE.

REVISOR'S NOTE: This subsection is new language added to substitute a term for "clerk of the county commissioners" because many counties no longer have a clerk of the county commissioners or have transferred responsibilities formerly exercised by the clerk of the county commissioners to another official.

Defined terms: "Code county" § 1-101

"Commission county" § 1-101

"County" § 1-101

(E) LANDOWNER.

"LANDOWNER" MEANS A PERSON WHO OWNS, OR HAS CONTRACTED TO PURCHASE, LAND THAT WOULD BE AFFECTED BY A WATERSHED PROJECT BEING CONSIDERED BY A WATERSHED ASSOCIATION OR PROPOSED WATERSHED ASSOCIATION.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 25, § 169(d).

The reference to land "that would be affected" is substituted for the former reference to land "which shall be benefitted and/or damaged" for brevity.

In this section and throughout this title, the reference to a "watershed project" is substituted for the former reference to "works of improvement" for consistency with other similar provisions in the Code.

The reference to a person who "owns" land is substituted for the former reference to a person who "hold[s] title to" land for brevity.

The former reference to an "owner of land" as a defined term is deleted because the term "landowner" has been used exclusively as the defined term in this title.

The former reference to a "firm, or corporation" is deleted as included in the reference to a "person".

The former reference to a watershed association "organized or proposed to be organized under this subtitle" is deleted as unnecessary in light of the definition of a "watershed association" and the reference to a "proposed" watershed association.

The former reference to a “proposed” watershed project is deleted as included in the reference to a watershed project that is “being considered”.

Defined terms: “Person” § 1–101
 “Watershed association” § 25–101

(F) WATERSHED ASSOCIATION.

“WATERSHED ASSOCIATION” MEANS A PUBLIC WATERSHED ASSOCIATION ESTABLISHED UNDER THIS TITLE.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 25, § 169(c).

The reference to a public watershed association “established under this title” is added for clarity.

The former reference to “association” as a defined term is deleted because the term “watershed association” has been used exclusively in this title.

REVISOR’S NOTE TO SECTION:

Former Art. 25, § 169(b), which defined “county commissioners” to include a county council and the Mayor and City Council of Baltimore City and the term “county” to include Baltimore City, is deleted as unnecessary in light of the use of the complete terminology throughout this title.

25–102. CONSTRUCTION OF TITLE.

THIS TITLE DOES NOT AUTHORIZE:

- (1) THE INTERFERENCE WITH LEGAL WATER RIGHTS; OR**
- (2) THE DIVERSION OF WATER IN A MANNER THAT DEPRIVES AN OWNER OF LAND OVER WHICH WATER FLOWS OF THE BENEFITS AND WATER RIGHTS TO WHICH THE OWNER OF THE LAND IS LEGALLY ENTITLED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 212.

In item (2) of this section, the former reference to benefits and water rights “now enjoyed by” the owner of the land is deleted as included in the

reference to the benefits and water rights “to which the owner of the land is legally entitled”.

25-103. POWER TO ESTABLISH.

(A) IN GENERAL.

ON A PETITION FILED UNDER § 25-201 OF THIS TITLE, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY ESTABLISH A WATERSHED ASSOCIATION.

(B) PURPOSE.

A WATERSHED ASSOCIATION MAY:

(1) CONSTRUCT, OPERATE, AND MAINTAIN A WATERSHED PROJECT FOR:

(I) WATERSHED PROTECTION;

(II) FLOOD PREVENTION;

(III) RECREATION;

(IV) SOIL CONSERVATION;

(V) DRAINAGE;

(VI) THE CONSERVATION, DEVELOPMENT, STORAGE, USE, AND DISPOSAL OF WATER FOR ANY BENEFICIAL PURPOSE IN WATERSHED AND SUBWATERSHED AREAS; OR

(VII) THE PROTECTION OF AREAS SUBJECT TO SEDIMENT OR EROSION DAMAGE; AND

(2) COOPERATE WITH LOCAL, STATE, AND FEDERAL UNITS OF GOVERNMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from the first clause of former Art. 25, § 169(a).

In subsection (a) of this section, the reference to “[o]n a petition filed under § 25-201 of this title” is added for clarity.

Also in subsection (a) of this section, the word “may” is substituted for the former phrase “shall have jurisdiction, power, and authority” for brevity.

Also in subsection (a) of this section, the former phrase “in their respective counties or Baltimore City” is deleted as implicit.

In subsection (b)(1) of this section, the former reference to “carrying out” a watershed project is deleted as included in the reference to “construct[ing], operat[ing], and maintain[ing]” a watershed project.

In subsection (b)(2) of this section, the reference to “units of government” is substituted for the former reference to “agencies” for consistency with other revised articles of the Code.

Also in subsection (b)(2) of this section, the former reference to “county” units of government is deleted as included in the reference to “local” units of government.

Defined terms: “State” § 1–101
 “Watershed association” § 25–101

25–104. STATEMENT OF PUBLIC BENEFIT.

WATERSHED PROTECTION, FLOOD PREVENTION, RECREATION, SOIL CONSERVATION, DRAINAGE, AND THE CONSERVATION, DEVELOPMENT, STORAGE, USE, AND DISPOSAL OF WATER FOR ANY BENEFICIAL PURPOSE BENEFIT THE PUBLIC AND PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE.

REVISOR’S NOTE: This section is new language derived without substantive change from the second clause of former Art. 25, § 169(a).

The reference to the watershed project “promot[ing]” the public health, safety, and welfare is substituted for the former reference to the watershed project being “conducive to” public health, safety, and welfare for brevity.

The former clause “and it is hereby declared that such” is deleted as surplusage.

SUBTITLE 2. PETITION TO ESTABLISH WATERSHED ASSOCIATION.

25–201. FILING.

A PETITION TO ESTABLISH A WATERSHED ASSOCIATION SHALL BE FILED WITH THE DESIGNATED OFFICER OF THE COUNTY IN WHICH ALL OR A MAJORITY OF THE LAND IN THE WATERSHED OR SUBWATERSHED AREA TO BE AFFECTED BY THE PROPOSED WATERSHED ASSOCIATION IS LOCATED.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 25, § 170, as it related to the filing of a petition to establish a watershed association with the clerk of the county.

The reference to a petition "to establish a watershed association" is added for clarity.

The word "shall" is substituted for the former word "may" to clarify that it is a requirement that a petition be filed with the designated officer.

The reference to a "majority" of the land is substituted for the former reference to a "greater part" of the land for clarity.

The reference to "the land in the watershed or subwatershed area to be affected by the proposed watershed association" is substituted for the former reference to "such land" for clarity.

Defined terms: "County" § 1-101
"Designated officer" § 25-101
"Watershed association" § 25-101

25-202. PETITION.

(A) CONTENTS.

THE PETITION SHALL:

(1) CLEARLY DESCRIBE THE AREA'S LOCATION, BOUNDARIES, AND PROBLEMS TO BE ADDRESSED BY THE ESTABLISHMENT OF A WATERSHED ASSOCIATION;

(2) DESCRIBE THE PUBLIC BENEFIT OR THE PUBLIC HEALTH, SAFETY, OR WELFARE THAT WOULD BE PROMOTED BY ESTABLISHING A WATERSHED PROJECT FOR WATERSHED PROTECTION, FLOOD PREVENTION, RECREATION, SOIL CONSERVATION, DRAINAGE, OR THE CONSERVATION, DEVELOPMENT, STORAGE, USE, AND DISPOSAL OF WATER FOR ANY BENEFICIAL PURPOSE; AND

(3) REQUEST THE ESTABLISHMENT OF A WATERSHED ASSOCIATION FOR THE PURPOSES LISTED IN ITEM (2) OF THIS SUBSECTION.

(B) REQUIRED SIGNATURES.

A PETITION IS VALID ONLY IF SIGNED BY AT LEAST ONE-THIRD OF THE LANDOWNERS OR THE OWNERS OF AT LEAST ONE-THIRD OF THE LAND IN A WATERSHED OR SUBWATERSHED AREA.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 25, § 170, except as it related to the filing of a petition to establish a watershed association with the clerk of the county.

In subsection (a)(1) of this section, the reference to “clearly” describing the area is substituted for the former reference to describing the area “in such a way as to convey an intelligent idea” for brevity.

Also in subsection (a)(1) of this section, the reference to “problems to be addressed by the establishment of a watershed association” is substituted for the former reference to “problems of watershed protection ... for all beneficial purposes” for brevity and clarity.

In subsection (b) of this section, the phrase “[a] petition is valid only if” is substituted for the former phrase “[a] petition ... may be filed” for clarity.

Defined terms: “Landowner” § 25–101
“Watershed association” § 25–101

25–203. REPORT REQUIRED.

(A) IN GENERAL.

(1) THE PETITION SHALL BE ACCOMPANIED BY A REPORT FROM THE LOCAL SOIL CONSERVATION DISTRICTS SERVING THE AREA TO BE AFFECTED BY THE PROPOSED WATERSHED ASSOCIATION.

(2) THE REPORT SHALL STATE:

(I) THE SIZE AND LOCATION OF THE AREA TO BE AFFECTED BY THE PROPOSED WATERSHED ASSOCIATION;

(II) THE NATURE OF THE PROBLEM TO BE ADDRESSED;

(III) THE TYPE OF TREATMENT BELIEVED TO BE NEEDED AND THE BENEFITS ANTICIPATED;

(IV) WHETHER THE PROPOSED WATERSHED ASSOCIATION IS FEASIBLE AND IS GENERALLY SUPPORTED BY THE LANDOWNERS IN THE AREA;

(V) WHETHER THE PROPOSED WATERSHED ASSOCIATION WILL BENEFIT THE PUBLIC AND PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE;

(VI) THE NAME OF THE PROPOSED WATERSHED ASSOCIATION, IN THE FORM OF THE “_____ PUBLIC WATERSHED ASSOCIATION”; AND

(VII) THE NUMBER OF DIRECTORS, EQUALING NOT LESS THAN THREE, TO SERVE AS THE BOARD OF DIRECTORS.

(B) MAPS OF AREA AFFECTED.

THE LOCAL SOIL CONSERVATION DISTRICTS SHALL FILE WITH THE REPORT MAPS THAT SHOW:

(1) A GENERAL DELINEATION OF THE AREA TO BE AFFECTED BY THE PROPOSED WATERSHED ASSOCIATION; AND

(2) THE AREA’S LOCATION IN EACH COUNTY IN WHICH THE PROPOSED WATERSHED ASSOCIATION LIES.

REVISOR’S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 25, § 170.

In subsections (a)(1) and (b) of this section, the former references to soil conservation “districts” are deleted in light of the references to a soil conservation “district” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (a)(1) and (2)(i) of this section, the references to the “area to be affected by” the proposed watershed association are added for clarity and consistency within this title.

In subsection (a)(1) of this section, the reference to the districts “serving” the area is substituted for the former reference to the districts “lying in whole or in part within” the area for clarity.

In subsection (a)(2)(ii) of this section, the reference to the problems “to be addressed” is added for clarity.

In subsection (a)(2)(iv) of this section, the former reference to whether the proposed watershed association is “practicable” is deleted as implicit in the reference to whether the association is “feasible”.

In subsection (a)(2)(v) of this section, the reference to the watershed project “promot[ing]” the public health, safety, and welfare is substituted for the former reference to the watershed project “be[ing] conducive to” public health, safety, and welfare for brevity.

In subsection (a)(2)(vii) of this section, the reference to the “board of directors” is substituted for the former reference to the “governing body” for clarity and to avoid the erroneous use of the defined term “governing body”.

In the introductory language of subsection (b) of this section, the reference to a “local” soil conservation district is added for consistency within this title.

In subsection (b)(2) of this section, the reference to “each county in which the proposed watershed association lies” is substituted for the former reference to “the county or counties indicated” for clarity.

Defined terms: “Board of directors” § 25–101

“County” § 1–101

“Landowner” § 25–101

“Watershed association” § 25–101

25–204. EXAMINATIONS OF PETITION AND REPORT; HEARING; NOTICE.

(A) EXAMINATION OF PETITION AND REPORT.

(1) THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL EXAMINE THE PETITION AND REPORT AT THE FIRST MEETING AFTER RECEIVING THE PETITION AND REPORT.

(2) IF THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY FIND THE PETITION AND REPORT ARE NOT IN PROPER FORM OR NOT IN COMPLIANCE WITH THE LAW, THE PETITION AND REPORT SHALL BE RETURNED TO THE PETITIONERS TO BE CORRECTED AND RESUBMITTED.

(3) IF THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY FIND THE PETITION AND REPORT ARE IN PROPER FORM AND IN COMPLIANCE WITH THE LAW, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL SET A DATE FOR A PUBLIC HEARING ON THE PETITION AND REPORT.

(B) NOTICE.

(1) AT LEAST 10 DAYS BEFORE THE HEARING, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL:

(I) PUBLISH NOTICE OF THE TIME AND PLACE OF THE HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY IN THE AREA IN WHICH THE WATERSHED ASSOCIATION WOULD BE LOCATED; AND

(II) SEND NOTICE OF THE HEARING AND ANY LATER HEARING TO THE:

- 1. DEPARTMENT OF AGRICULTURE;**
- 2. STATE SOIL CONSERVATION COMMITTEE IN THE DEPARTMENT OF AGRICULTURE;**
- 3. DEPARTMENT OF THE ENVIRONMENT; AND**
- 4. WATER MANAGEMENT ADMINISTRATION IN THE DEPARTMENT OF THE ENVIRONMENT.**

(2) THE NOTICE OF THE HEARING SHALL STATE THAT A COPY OF THE REPORT IS AVAILABLE FOR INSPECTION IN THE OFFICE OF THE DESIGNATED OFFICER.

(C) REPORT AVAILABLE FOR INSPECTION.

A COPY OF THE REPORT SHALL BE AVAILABLE FOR INSPECTION IN THE OFFICE OF THE DESIGNATED OFFICER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 171.

In subsection (a)(2) of this section, the reference to the petition and report being “resubmitted” is substituted for the former reference to the petition and report being “returned to the county commissioners at a subsequent meeting” for brevity.

Also in subsection (a)(2) of this section, the reference to the petition being “returned” is substituted for the former reference to the petition being “referred back” for clarity.

In subsection (b)(1)(i) of this section, the reference to a newspaper of general circulation “in each county in the area in which the watershed association would be located” is substituted for the former reference to “in the county or counties in which the lands in the watershed association are located” for clarity.

Also in subsection (b)(1)(i) of this section, the former reference to “newspapers” is deleted in light of the reference to “newspaper” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (b)(1)(ii)2 of this section and throughout this title, the references to the State Soil Conservation Committee “in the Department of Agriculture” are added for clarity. Similarly, in subsection (b)(1)(ii)4 of this section, the reference to the Water Management Administration “in the Department of the Environment” is added.

In subsection (b)(2) of this section, the reference to the notice “stat[ing] that a copy of the report is available for inspection in the office of the designated officer” is substituted for the former reference to “the notices shall so state” for clarity and consistency with subsection (c) of this section.

In subsection (c) of this section, the former reference to inspection “of any landowners or other person interested” is deleted as surplusage.

Also in subsection (c) of this section, the former reference to “[d]uring this time” is deleted as surplusage.

Defined terms: “County” § 1–101

“Designated officer” § 25–101

“State” § 1–101

“Watershed association” § 25–101

25–205. MULTIPLE COUNTIES — JURISDICTION AND VENUE.

IF THE LAND DESCRIBED IN THE PETITION IS LOCATED IN TWO OR MORE COUNTIES, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND

CITY COUNCIL OF BALTIMORE CITY OF AN AFFECTED COUNTY MAY EXERCISE THE JURISDICTION CONFERRED IN THIS TITLE, BUT THE VENUE SHALL LIE IN THE COUNTY IN WHICH THE PETITION IS FILED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 172.

Defined term: "County" § 1-101

25-206. HEARING AND ACTION ON PETITION AND REPORT.

(A) PARTICIPANTS.

AT THE HEARING ON THE PETITION AND REPORT, THE PETITIONERS, ANY AFFECTED LOCAL SOIL CONSERVATION DISTRICT, AND ANY OTHER PERSON MAY APPEAR IN PERSON OR BY COUNSEL AND OBJECT TO ANY PART OF THE REPORT.

(B) AUTHORITY OF COUNTY.

THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY:

(1) DISAPPROVE THE PETITION AND REPORT AND RETURN THEM TO THE PETITIONERS FOR AMENDMENT IN VIEW OF THE OBJECTIONS PRESENTED; OR

(2) APPROVE THE PETITION AND REPORT AS SUBMITTED OR AMENDED.

REVISOR'S NOTE: This section is new language derived without substantive change from the first and second sentences of former Art. 25, § 174.

In subsection (a) of this section, the reference to the hearing "on the petition and report" is added for clarity.

Also in subsection (a) of this section, the reference to a "local" soil conservation district is added for consistency within this title.

Also in subsection (a) of this section, the reference to any "other person" is substituted for the former reference to any "person interested in the matter" for brevity.

Also in subsection (a) of this section, the former reference to a soil conservation district "being represented" is deleted as surplusage.

Also in subsection (a) of this section, the former reference to “districts” is deleted in light of the reference to “district” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (b) of this section, the reference to “return[ing] them” is substituted for the former reference to “refer[ring] them back” for brevity.

Defined term: “Person” § 1–101

SUBTITLE 3. ESTABLISHMENT AND ORGANIZATION.

25–301. ESTABLISHMENT OF WATERSHED ASSOCIATION.

(A) APPROVAL OF PETITION AND REPORT.

ON APPROVAL OF THE PETITION AND REPORT FILED UNDER SUBTITLE 2 OF THIS TITLE, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL:

(1) ESTABLISH A WATERSHED ASSOCIATION THAT IS COMPOSED OF THE LANDOWNERS; AND

(2) NAME THE ORGANIZATION THE “_____ PUBLIC WATERSHED ASSOCIATION”.

(B) STATUS.

A WATERSHED ASSOCIATION CREATED UNDER THIS TITLE IS A POLITICAL SUBDIVISION OF THE STATE AND A BODY POLITIC AND CORPORATE.

(C) AUTHORIZED.

A WATERSHED ASSOCIATION MAY:

(1) ACQUIRE, HOLD, AND CONVEY PROPERTY;

(2) SUE AND BE SUED;

(3) ADOPT A SEAL; AND

(4) EXERCISE CORPORATE POWERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 175 and the third sentence of § 174.

In the introductory language of subsection (a) of this section, the reference to filing "under Subtitle 2 of this title" is added for clarity.

In subsection (a)(1) of this section, the former reference to "all the lands within the boundaries of the Association" is deleted as surplusage.

In subsection (b) of this section, the former reference to a watershed association "under the name and style of the '.... Public Watershed Association'" is deleted as unnecessary since it is established in subsection (a) of this section that the commissioners will name the watershed association.

In subsection (c) of this section, the former references to "alter[ing]" the seal "at pleasure" are deleted as implicit in the reference to "adopt[ing]" the seal.

Defined terms: "Landowner" § 25-101

"State" § 1-101

"Watershed association" § 25-101

25-302. BOARD OF DIRECTORS — INITIAL ELECTION.

(A) MEETING OF LANDOWNERS.

WITHIN 30 DAYS AFTER THE APPROVAL OF THE PETITION AND REPORT, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL CALL A MEETING OF THE LANDOWNERS TO:

(1) ELECT A BOARD OF DIRECTORS; AND

(2) DETERMINE THE COMPENSATION FOR THE BOARD OF DIRECTORS.

(B) NOTICE.

(1) AT LEAST 10 DAYS BEFORE THE MEETING, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL POST A NOTICE OF THE MEETING AT FOUR PUBLIC PLACES IN THE AREA OR VICINITY OF THE AREA AFFECTED BY THE WATERSHED ASSOCIATION.

(2) THE NOTICE SHALL STATE THE TIME, PLACE, AND PURPOSE OF THE MEETING.

(C) RIGHT TO VOTE.

EACH LANDOWNER IS ENTITLED TO ONE VOTE IN THE ELECTION OF THE BOARD OF DIRECTORS.

(D) STAGGERING OF INITIAL TERMS.

THE BOARD OF DIRECTORS ELECTED UNDER SUBSECTION (A) OF THIS SECTION SHALL DETERMINE BY A RANDOM DRAWING THE DIRECTORS WHO:

(1) SERVE UNTIL THE DATE OF THE FIRST REGULAR ANNUAL MEETING;

(2) SERVE UNTIL THE DATE OF THE FIRST REGULAR ANNUAL MEETING AND FOR 1 YEAR THEREAFTER; OR

(3) SERVE UNTIL THE DATE OF THE FIRST REGULAR ANNUAL MEETING AND FOR 2 YEARS THEREAFTER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 176 and 177.

In the introductory language of subsection (a) of this section, the reference to calling "a meeting of the landowners" is substituted for the former reference to calling "together the owners of all land" for clarity and consistency within this subtitle.

In subsection (a)(2) of this section, the former reference to the "rate of" compensation is deleted as surplusage.

In subsection (b)(1) of this section, the reference to places "in the area or vicinity of the area affected by the watershed association" is substituted for the former reference to places "within the watershed association or in the vicinity thereof" for clarity and consistency within this title.

In subsection (c) of this section, the reference to the election "of the board of directors" is substituted for the former reference to "such" election for clarity.

Also in subsection (c) of this section, the reference to each landowner being “entitled to one” vote is added for consistency with § 25–403(c) of this subtitle.

In subsection (d) of this section, the reference to determining “by a random drawing” is substituted for the former reference to determining “by the drawing of lots” to provide clarity through the use of more modern terminology.

Also in subsection (d) of this section, the former reference to an annual meeting “as hereinafter provided in this subtitle” is deleted as surplusage.

Defined terms: “Board of directors” § 25–101

“Landowner” § 25–101

“Watershed association” § 25–101

25–303. BOARD OF DIRECTORS — ANNUAL ELECTION OR APPOINTMENT.

(A) ELECTION.

EACH YEAR, THE LANDOWNERS SHALL MEET TO ELECT A SUCCESSOR TO:

(1) ANY DIRECTOR WHOSE TERM EXPIRED ON OR BEFORE THE DATE OF THE MEETING; AND

(2) ANY DIRECTOR WHO DIED OR RESIGNED SINCE THE LAST ANNUAL MEETING.

(B) APPOINTMENT INSTEAD OF ELECTION.

(1) THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL APPOINT AN INDIVIDUAL TO FILL A VACANCY ON THE BOARD OF DIRECTORS IF:

(I) THE BOARD OF DIRECTORS DOES NOT CALL AN ANNUAL MEETING OF LANDOWNERS; OR

(II) THE BOARD OF DIRECTORS HOLDS AN ANNUAL MEETING OF LANDOWNERS BUT THE LANDOWNERS DO NOT ELECT A DIRECTOR AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(2) IF THERE IS A VACANCY ON THE BOARD OF DIRECTORS, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF

BALTIMORE CITY MAY APPOINT A DIRECTOR TO SERVE UNTIL THE NEXT ANNUAL MEETING OF LANDOWNERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art 25, § 182, the first sentence of § 181, and the second sentence of § 183.

In subsections (a)(1) and (b)(2) of this section, the former references to “directors” are deleted in light of the references to “director” and Art. 1, § 8, which states that the singular generally includes the plural. Similarly, in the introductory language of subsection (b)(1) of this section, the former reference to “vacancies” is deleted in light of the reference to “vacancy”.

In subsection (a)(2) of this section, the reference to any “director” is substituted for the former reference to any “other or others” for clarity.

Also in subsection (a)(2) of this section, the reference to the last “annual” meeting is substituted for the former reference to the last “regular” meeting for clarity and consistency throughout this subtitle.

In the introductory language of subsection (b)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person or persons” because only a human being and not the other entities included in the definition of “person” can serve as a director.

Also in the introductory language of subsection (b)(1) of this section, the former phrase “upon proof being given” is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the phrase “as required under subsection (a) of this section” is added for clarity.

In subsection (b)(2) of this section, the reference to the annual meeting “of landowners” is added for clarity.

Also in subsection (b)(2) of this section, the former reference to a vacancy “caused by death, resignation, or for any other reason” is deleted as surplusage.

Defined terms: “Board of directors” § 25–101
 “Landowner” § 25–101

25–304. BOARD OF DIRECTORS — TENURE; VACANCIES.

(A) REGULAR TERM.

(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE TERM OF EACH DIRECTOR ELECTED OR APPOINTED UNDER § 25-303 OF THIS SUBTITLE IS 3 YEARS.

(2) EACH DIRECTOR SHALL SERVE UNTIL A SUCCESSOR IS ELECTED OR APPOINTED.

(B) VACANCIES.

A DIRECTOR WHO IS ELECTED OR APPOINTED TO FILL A VACANCY CAUSED BY DEATH OR RESIGNATION SHALL HOLD THE OFFICE FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS ELECTED OR APPOINTED.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 25, § 183.

In subsection (a)(1) of this section, the phrase "[e]xcept as provided in subsection (b) of this section" is added for clarity.

In subsection (b) of this section, the reference to the "rest of the" term is substituted for the former reference to the "unexpired" term for clarity and consistency with other revised articles of the Code.

Defined term: "Board of directors" § 25-101

25-305. OFFICERS; SURETY BONDS.

(A) OFFICERS.

THE BOARD OF DIRECTORS SHALL ELECT A CHAIR, A SECRETARY, AND ANY OTHER NECESSARY OFFICER FROM AMONG ITS MEMBERS.

(B) SURETY BONDS.

THE BOARD OF DIRECTORS SHALL OBTAIN A SURETY BOND FOR ANY OFFICER OR EMPLOYEE WHO IS ENTRUSTED WITH MONEY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 178.

In subsection (a) of this section, the former reference to the board of directors "so elected having determined the length of term of the several

members,” is deleted as redundant of § 25–302(d) of this subtitle, which provides for the election and term of a director.

Also in subsection (a) of this section, the former phrase “proceed at once to organize by” electing officers is deleted as surplusage.

In subsection (b) of this section, the reference to “obtain[ing]” a surety bond is substituted for the former reference to “provid[ing] for the execution of” a surety bond for brevity.

Defined term: “Board of directors” § 25–101

25–306. IMMUNITY FROM LIABILITY.

AN OFFICER OR A DIRECTOR OF A WATERSHED ASSOCIATION SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED IN § 5–508(B) OF THE COURTS ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 60, as it related to the immunity from liability of an officer or a director of a watershed association.

Defined term: “Watershed association” § 25–101

25–307. DISTRIBUTION AND RETENTION OF PETITION AND REPORT.

THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL:

(1) RETAIN THE ORIGINAL PETITION AND REPORT APPROVED UNDER § 25–206(B) OF THIS TITLE; AND

(2) DELIVER A COPY OF THE APPROVED PETITION AND REPORT TO THE BOARD OF DIRECTORS AND THE STATE SOIL CONSERVATION COMMITTEE IN THE DEPARTMENT OF AGRICULTURE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 179.

The former reference to the petition and report as approved “by the board of county commissioners” is deleted as surplusage.

In item (1) of this section, the reference to the petition and report approved “under § 25–206(b) of this title” is added for clarity.

Also in item (1) of this section, the former reference to retaining a “copy of” the petition and report is deleted as surplusage.

Also in item (1) of this section, the former reference to retaining the petition and report “in their official records” is deleted as implicit.

In item (2) of this section, the former reference to “a second” copy is deleted as surplusage.

Defined term: “Board of directors” § 25–101

25–308. WATERSHED FILE.

(A) DESIGNATED OFFICER TO MAINTAIN.

THE DESIGNATED OFFICER WITH WHOM A PETITION FOR THE ESTABLISHMENT OF A WATERSHED ASSOCIATION IS FILED SHALL MAINTAIN A WATERSHED FILE.

(B) CONTENTS.

THE WATERSHED FILE SHALL CONTAIN THE PETITIONS, MOTIONS, ORDERS, REPORTS, AND OTHER EXHIBITS NECESSARY FOR A COMPLETE RECORD OF THE ESTABLISHMENT OF EACH WATERSHED ASSOCIATION IN THE COUNTY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 173.

In subsection (a) of this section, the reference to a petition “for the establishment of a watershed association” is added for clarity.

In subsection (b) of this section, the former reference to a “continuous” record is deleted as included in the reference to a “complete” record.

Defined terms: “County” § 1–101

“Designated officer” § 25–101

“Watershed association” § 25–101

25–309. ANNUAL MEETING OF LANDOWNERS.

(A) IN GENERAL.

IN JANUARY OF EACH YEAR, THE BOARD OF DIRECTORS SHALL CALL A MEETING OF LANDOWNERS.

(B) NOTICE.

(1) AT LEAST 10 DAYS BEFORE THE MEETING, THE BOARD OF DIRECTORS SHALL POST A NOTICE OF THE MEETING AT FOUR PUBLIC PLACES IN THE AREA OR VICINITY OF THE AREA AFFECTED BY THE WATERSHED ASSOCIATION.

(2) THE NOTICE SHALL STATE THE TIME, PLACE, AND PURPOSE OF THE MEETING.

(C) ANNUAL REPORT AND OTHER BUSINESS.

AT THE MEETING, THE LANDOWNERS SHALL:

(1) RECEIVE THE ANNUAL REPORT OF THE BOARD OF DIRECTORS;
AND

(2) TRANSACT ANY OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE LANDOWNERS.

(D) FILING OF ANNUAL REPORT AND MINUTES.

THE BOARD OF DIRECTORS SHALL FILE A COPY OF THE ANNUAL REPORT AND A COPY OF THE MINUTES FROM THE MEETING WITH THE DESIGNATED OFFICER.

REVISOR'S NOTE: This section is new language derived without substantive change from the first and second sentences of former Art. 25, § 180 and the second and third sentences of § 181.

In subsection (a) of this section, the former reference to "their successors" is deleted as implicit and possibly misleading since any successors cannot take any actions until they become directors.

Also in subsection (a) of this section, the former reference to "on a date they select" in January is deleted as surplusage.

In subsection (b)(1) of this section, the reference to places "in the area or vicinity of the area affected by the watershed association" is substituted for the former reference to places "within the association, or in the vicinity thereof," for clarity and consistency within this title.

In the introductory language of subsection (c) of this section, the phrase “[a]t the meeting” is added for clarity.

In subsection (d) of this section, the former reference to the “annual” meeting is deleted as surplusage.

Defined terms: “Board of directors” § 25–101

“Designated officer” § 25–101

“Landowner” § 25–101

“Watershed association” § 25–101

25–310. SPECIAL MEETINGS.

(A) IN GENERAL.

THE BOARD OF DIRECTORS MAY CALL A SPECIAL MEETING OF LANDOWNERS AT ANY TIME.

(B) NOTICE.

(1) AT LEAST 10 DAYS BEFORE THE MEETING, THE BOARD OF DIRECTORS SHALL:

(I) POST A NOTICE OF THE MEETING AT FOUR PUBLIC PLACES IN THE AREA OR VICINITY OF THE AREA AFFECTED BY THE WATERSHED ASSOCIATION; AND

(II) MAIL A NOTICE TO EACH LANDOWNER IN THE WATERSHED ASSOCIATION.

(2) THE NOTICE SHALL STATE THE TIME, PLACE, AND PURPOSE OF THE MEETING.

REVISOR’S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 25, § 180.

In subsection (b)(1)(i) of this section, the reference to “[a]t least 10 days before the meeting ... post[ing] a notice of the meeting at four public places in the area or vicinity of the area affected by the watershed association” is substituted for the former reference to giving notice “as aforesaid” for clarity.

In subsection (b)(1)(ii) of this section, the former reference to a “written or printed” notice is deleted as implicit in the reference to a “mail[ed]” notice.

In subsection (b)(2) of this section, the reference to the notice “stat[ing] the time, place, and purpose of the meeting” is substituted for the former reference to giving notice “as aforesaid” for clarity.

Defined terms: “Board of directors” § 25–101

“Landowner” § 25–101

“Watershed association” § 25–101

SUBTITLE 4. WATERSHED WORK PLAN.

25–401. DEVELOPMENT.

(A) DUTY OF BOARD OF DIRECTORS.

(1) THE BOARD OF DIRECTORS OF THE WATERSHED ASSOCIATION SHALL DEVELOP A WORK PLAN FOR THE WATERSHED OR SUBWATERSHED AREA.

(2) THE WATERSHED WORK PLAN MAY INCLUDE:

(I) WATERSHED PROTECTION;

(II) FLOOD PREVENTION;

(III) RECREATION;

(IV) SOIL CONSERVATION;

(V) DRAINAGE; AND

(VI) THE CONSERVATION, DEVELOPMENT, STORAGE, USE, AND DISPOSAL OF WATER FOR ANY BENEFICIAL PURPOSE.

(B) PLANNING AND ENGINEERING SERVICES.

IN DEVELOPING THE WATERSHED WORK PLAN, THE BOARD OF DIRECTORS:

(1) SHALL ENGAGE THE SERVICES OF PRIVATE ENGINEERS; OR

(2) MAY USE THE SERVICES OF PLANNERS AND ENGINEERS OF LOCAL, STATE, AND FEDERAL UNITS OF GOVERNMENT.

(c) RIGHT OF ENTRY.

A MEMBER OR AN AGENT OF THE BOARD OF DIRECTORS:

(1) MAY ENTER THE LAND TO MAKE SURVEYS AND EXAMINATIONS FOR DEVELOPING A WATERSHED WORK PLAN; AND

(2) IS LIABLE FOR ACTUAL DAMAGE DONE TO ANY LAND ENTERED DURING A SURVEY OR EXAMINATION.

REVISOR'S NOTE: This section is new language derived without substantive change from the first through third sentences of former Art. 25, § 184.

In subsection (a)(2) of this section and throughout this subtitle, the references to a "watershed work" plan are added for clarity and consistency.

In subsection (b)(1) of this section, the former reference to a "competent and experienced" private engineer is deleted as implicit.

In subsection (b)(2) of this section, the reference to "units of government" is substituted for the former reference to "agencies" for consistency with other revised articles of the Code.

In subsection (c) of this section, the former reference to "employees" of the board of directors is deleted as included in the reference to an "agent" of the board of directors.

In subsection (c)(1) of this section, the former reference to "the lands within or without the area" is deleted as implicit.

Also in subsection (c)(1) of this section, the reference to "developing a watershed work plan" is substituted for the former reference to "accomplish[ing] their purpose" for clarity.

In subsection (c)(2) of this section, the reference to damage done "to any land entered during a survey or examination" is added for clarity.

Defined terms: "Board of directors" § 25-101

"State" § 1-101

"Watershed association" § 25-101

25-402. CONTENTS.

THE WATERSHED WORK PLAN DEVELOPED UNDER § 25-401 OF THIS SUBTITLE SHALL INCLUDE:

(1) THE LOCATION OF EACH PROPOSED WATERSHED PROJECT ON A MAP, DRAWING, OR AERIAL PHOTOGRAPH;

(2) A GENERAL DELINEATION OF THE BOUNDARIES OF THE AREA AFFECTED BY THE WATERSHED ASSOCIATION WITH THE GENERAL LOCATION IN THE COUNTY AFFECTED;

(3) ENGINEERING PLANS IN SUFFICIENT DETAIL TO DESCRIBE THE PROPOSED PROJECT;

(4) A GENERAL DELINEATION OF THE BOUNDARIES OF EACH TRACT OF LAND IN THE AREA AFFECTED BY THE WATERSHED ASSOCIATION, INCLUDING AN ESTIMATE OF THE ACREAGE OF EACH TRACT; AND

(5) THE TOTAL ESTIMATED CONSTRUCTION COST OF EACH PROPOSED WATERSHED PROJECT.

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 25, § 186.

In the introductory language of this section, the reference to the plan "developed under § 25-401 of this subtitle" is added for clarity.

In items (2) and (4) of this section, the references to the "area affected by the" watershed association are added for clarity and consistency within this title.

In item (2) of this section, the former reference to "counties" is deleted in light of the reference to a "county" and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in item (3) of this section, the former reference to "projects" is deleted in light of the reference to a "project".

In item (4) of this section, the reference to each "tract of land" is substituted for the former reference to each "affected individual ownership" for clarity. Similarly, the reference to the acreage of each "tract" is substituted for the former reference to "which each contains".

Defined terms: "County" § 1-101

“Watershed association” § 25-101

25-403. ADOPTION OF PLAN.

(A) MEETING OF LANDOWNERS.

ON COMPLETION OF THE WATERSHED WORK PLAN, OR ON THE ACCEPTANCE OF A PREVIOUSLY COMPLETED WATERSHED WORK PLAN, THE BOARD OF DIRECTORS SHALL CALL A MEETING OF THE LANDOWNERS TO VOTE ON THE ADOPTION OF THE PLAN FOR SUBMISSION TO THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY.

(B) NOTICE.

(1) AT LEAST 10 DAYS BEFORE THE MEETING, THE BOARD OF DIRECTORS SHALL:

(I) POST A NOTICE OF THE MEETING IN FOUR PUBLIC PLACES IN THE AREA OR VICINITY OF THE AREA AFFECTED BY THE WATERSHED ASSOCIATION; AND

(II) MAIL A NOTICE TO EACH LANDOWNER.

(2) THE NOTICE SHALL STATE THE TIME, PLACE, AND PURPOSE OF THE MEETING.

(C) RIGHT TO VOTE.

AT THE MEETING REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:

(1) EACH LANDOWNER IS ENTITLED TO ONE VOTE; AND

(2) ANY LANDOWNER MAY VOTE BY PROXY IF THE PROXY IS DATED, SIGNED BY THE INDIVIDUAL ENTITLED TO VOTE, AND WITNESSED BY AT LEAST ONE INDIVIDUAL.

(D) DETERMINATION BY BOARD OF DIRECTORS.

(1) THE BOARD OF DIRECTORS SHALL DETERMINE WHETHER TO SUBMIT THE WATERSHED WORK PLAN TO THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY FOR REVIEW AND APPROVAL.

(2) IN MAKING THE DETERMINATION, THE BOARD OF DIRECTORS SHALL CONSIDER:

(I) THE VOTE OF EACH LANDOWNER;

(II) THE PROBABLE APPORTIONMENT OF BENEFITS TO EACH LANDOWNER BASED ON ACREAGE;

(III) THE LOCATION OF THE WATERSHED PROJECT; AND

(IV) THE EXTENT OF THE BENEFITS TO THE VOTER'S LAND BY THE WATERSHED PROJECT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 185.

In subsection (b)(1)(i) of this section, the reference to places "in the area or vicinity of the area affected by the watershed association" is substituted for the former reference to places "within the association or in the vicinity thereof" for clarity and consistency within this title.

In subsection (b)(1)(ii) of this section, the former reference to a "written or printed" notice is deleted as implicit in the reference to a "mail[ed]" notice.

In the introductory language of subsection (c) of this section, the phrase "[a]t the meeting required under subsection (a) of this section" is substituted for the former phrase "[a]t such meeting" for clarity.

In subsection (c)(2) of this section, the references to an "individual" being entitled to vote or being a witness are substituted for the former references to a "person" being entitled to vote or being a witness since the reference is intended to apply only to human beings and not the other entities included in the definition of "person".

Also in subsection (c)(2) of this section, the word "duly", which formerly modified "witnessed", is deleted as surplusage.

In subsection (d)(2)(i) of this section, the reference to the vote "of each landowner" is added for clarity.

In subsection (d)(2)(ii) of this section, the reference to the benefits "to each landowner" is added for clarity.

In subsection (d)(2)(iii) of this section, the reference to the location “of the watershed project” is added for clarity.

Defined terms: “Board of directors” § 25–101

“Landowner” § 25–101

“Watershed association” § 25–101

25–404. FILING WITH COUNTY.

(A) FILING.

(1) IF THE BOARD OF DIRECTORS DECIDES TO SUBMIT THE WATERSHED WORK PLAN TO THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY, THE BOARD OF DIRECTORS SHALL SUBMIT THREE COPIES OF THE WATERSHED WORK PLAN.

(2) THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL FORWARD A COPY OF THE WATERSHED WORK PLAN TO THE STATE SOIL CONSERVATION COMMITTEE IN THE DEPARTMENT OF AGRICULTURE.

(B) STATEMENT.

THE BOARD OF DIRECTORS SHALL INCLUDE WITH THE SUBMISSION OF THE WATERSHED WORK PLAN A STATEMENT THAT THE BOARD OF DIRECTORS HAS DETERMINED THAT THE WATERSHED PROJECT:

(1) IS FEASIBLE;

(2) WILL BENEFIT THE PUBLIC AND PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE; AND

(3) WILL PRODUCE SUFFICIENT BENEFITS TO WARRANT THE EXPENDITURE.

REVISOR’S NOTE: This section is new language derived without substantive change from the first, second, and fourth sentences of former Art. 25, § 186.

In subsection (a)(2) of this section, the reference to “[t]he county commissioners, county council, or Mayor and City Council of Baltimore City” is added for clarity.

In subsection (b)(2) of this section, the reference to the watershed project “promot[ing]” the public health, safety, and welfare is substituted for the former reference to the watershed project “be[ing] conducive to” public health, safety, and welfare for brevity.

Defined term: “Board of directors” § 25–101

25–405. SUPPLEMENTAL WORK PLAN.

(A) DEVELOPMENT.

(1) IF, AFTER THE REVIEW AND APPROVAL OF THE WATERSHED WORK PLAN UNDER § 25–404 OF THIS SUBTITLE, THE BOARD OF DIRECTORS DETERMINES THAT IT IS IN THE INTEREST OF THE WATERSHED ASSOCIATION TO MODIFY THE PURPOSE, SCOPE, OR LOCATION OF THE WATERSHED PROJECT COVERED IN THE WATERSHED WORK PLAN IN A MANNER THAT WOULD CHANGE THE BENEFITS OR DAMAGES TO LANDOWNERS, THE BOARD OF DIRECTORS SHALL DEVELOP A SUPPLEMENTAL WATERSHED WORK PLAN.

(2) THE SUPPLEMENTAL WATERSHED WORK PLAN SHALL:

(I) BE DEVELOPED AS PROVIDED IN § 25–401 OF THIS SUBTITLE; AND

(II) INCLUDE THE MODIFIED WATERSHED PROJECT.

(B) IMPLEMENTATION.

THE BOARD OF DIRECTORS AND THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL FOLLOW THE PROCEDURES SET FORTH IN §§ 25–402 THROUGH 25–404 OF THIS SUBTITLE IN IMPLEMENTING THE SUPPLEMENTAL WATERSHED WORK PLAN.

(C) EFFECT OF APPROVAL.

A WATERSHED VIEWERS’ REPORT REQUIRED UNDER § 25–505 OF THIS TITLE BASED ON A SUPPLEMENTAL WORK PLAN DEVELOPED AND SUBMITTED UNDER THIS SUBTITLE THAT IS APPROVED BY THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL SUPERSEDE ANY PRIOR WATERSHED VIEWERS’ REPORT.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 216A.

In subsection (a)(1) of this section, the reference to the review and approval of the watershed work plan under “§ 25–404 of this subtitle” is substituted for the former reference to “§ 187 of this subtitle” to correct the former erroneous cross–reference.

Also in subsection (a)(1) of this section, the former reference to “affected” landowners is deleted as surplusage in light of the definition of “landowner” in § 25–101 of this title.

Also in subsection (a)(1) of this section, the former reference to “change” is deleted as include in the reference to “modify”.

In subsection (b) of this section, the phrase “set forth in §§ 25–402 through 25–404 of this subtitle” is substituted for the former phrase “outlined in § 185 of this subtitle and subsequent sections” for clarity.

In subsection (c) of this section, the reference to a watershed viewers’ report “required under § 25–505 of this title” is added for clarity.

Defined terms: “Board of directors” § 25–101

“Landowner” § 25–101

“Watershed association” § 25–101

SUBTITLE 5. BOARD OF VIEWERS.

25–501. APPOINTMENT.

(A) IN GENERAL.

(1) ON APPROVAL OF A WATERSHED WORK PLAN SUBMITTED IN ACCORDANCE WITH § 25–404 OF THIS TITLE, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL APPOINT A BOARD OF VIEWERS COMPOSED OF AT LEAST THREE IMPARTIAL INDIVIDUALS.

(2) A MEMBER OF THE BOARD OF VIEWERS MAY NOT BE A LANDOWNER.

(B) MULTIPLE COUNTIES.

IF A WATERSHED PROJECT DESCRIBED IN A WATERSHED WORK PLAN IS LOCATED IN MORE THAN ONE COUNTY, AT LEAST ONE MEMBER OF THE BOARD OF VIEWERS SHALL BE FROM EACH COUNTY IN WHICH THE WATERSHED PROJECT IS LOCATED.

(C) NOTICE OF ACCEPTANCE.

AN INDIVIDUAL WHO IS APPOINTED AS A MEMBER OF A BOARD OF VIEWERS MAY NOT ACT IN THAT CAPACITY UNTIL THE INDIVIDUAL PROVIDES WRITTEN NOTICE OF ACCEPTANCE OF THE APPOINTMENT TO THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY.

(D) COMPENSATION.

THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL SET THE COMPENSATION FOR THE MEMBERS OF A BOARD OF VIEWERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 187.

In subsection (a) of this section, the reference to a watershed "work" plan is added for consistency with subsection (b) of this section.

In subsection (a)(1) of this section, the reference to "individuals" is substituted for the former reference to "citizens" because the meaning of "citizens" in this context is unclear.

Also in subsection (a)(1) of this section, the former reference to "judicious" individuals is deleted as unnecessary in light of the reference to "impartial" individuals.

Also in subsection (a)(1) of this section, the former reference to the "review" of a watershed work plan is deleted as implicit in the reference to "approval" of the plan.

In subsections (b) and (d) of this section, the references to the "board of" viewers are added for consistency with subsections (a) and (c) of this section.

In subsection (c) of this section, the reference to an "individual" is substituted for the former reference to a "person" since a member of a board of viewers would be a human being and not the other entities included in the definition of "person".

In subsection (d) of this section, the former reference to the "rate of" compensation is deleted for brevity.

Defined terms: "Board of viewers" § 25-101
"County" § 1-101
"Landowner" § 25-101

25-502. DUTIES.

(A) EXAMINATION TO DETERMINE BENEFITS AND DAMAGES.

ON RECEIPT OF A COPY OF A WATERSHED WORK PLAN FROM THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY, A BOARD OF VIEWERS:

**(1) (I) SHALL ENGAGE THE SERVICES OF PRIVATE ENGINEERS;
OR**

(II) MAY USE THE SERVICES OF PLANNERS AND ENGINEERS OF LOCAL, STATE, AND FEDERAL UNITS OF GOVERNMENT;

(2) ENTER AND VIEW, WITH THE INDIVIDUALS DESCRIBED IN ITEM (1) OF THIS SUBSECTION, THE LAND DESCRIBED IN THE WATERSHED WORK PLAN AND THE PROPOSED WATERSHED PROJECT AS LAID OUT ON THE GROUND; AND

(3) MAKE CAREFUL AND THOROUGH EXAMINATION OF THE AREA TO DETERMINE THE BENEFITS AND DAMAGES THAT WOULD RESULT FROM THE PROPOSED WATERSHED PROJECT TO THE LAND IN THE AREA AFFECTED BY THE WATERSHED ASSOCIATION.

(B) CONSIDERATION OF DAMAGES.

A BOARD OF VIEWERS SHALL CONSIDER AS DAMAGES, WITHOUT REGARD TO ANY BENEFIT THAT WOULD RESULT FROM THE PROPOSED WATERSHED PROJECT:

(1) THE VALUE OF LAND TAKEN FOR CONSTRUCTION OF THE PROPOSED WATERSHED PROJECT;

(2) INCONVENIENCE IMPOSED BY THE CONSTRUCTION OF THE PROPOSED WATERSHED PROJECT; AND

(3) OTHER LAWFULLY COMPENSABLE DAMAGES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 188.

In the introductory language of subsection (a) of this section, the reference to a “watershed work” plan is added for consistency with § 25–501 of this subtitle. Similarly, in subsection (a)(2) of this section, the reference to a watershed “work” plan is added.

In subsection (a)(1)(i) of this section, the former reference to “competent and experienced” private engineers is deleted as implicit.

In subsection (a)(1)(ii) of this section, the reference to “units of government” is substituted for the former reference to “agencies” for consistency with other similar provisions of the Code.

In subsection (a)(2) of this section, the reference to the “proposed” watershed project is added for consistency with subsections (a)(3) and (b) of this section.

In subsection (a)(3) of this section, the reference to the proposed “watershed” project is added for consistency with similar provisions of the Code. Similarly, in subsection (b)(1) and (2) of this section, the references to the “watershed project” are substituted for the former references to the “improvements”.

In the introductory language of subsection (b) of this section, the reference to considering damages “without regard to” any benefit is substituted for the former reference to considering damages “separate and apart” from any benefit for clarity.

In subsection (b)(1) of this section, the reference to considering as damages “the value of” land taken is added for clarity.

In subsection (b)(3) of this section, the reference to “lawfully compensable damages” is substituted for the former reference to “legal damage sustained” for clarity.

Defined terms: “Board of viewers” § 25–101

“State” § 1–101

“Watershed association” § 25–101

25–503. COSTS.

(A) ASSESSMENT.

A BOARD OF VIEWERS:

(1) SHALL DETERMINE THE AMOUNT SUFFICIENT TO PAY:

(I) THE COST OF A PROPOSED WATERSHED PROJECT;

(II) ANY DAMAGES AWARDED;

(III) ANY COMPENSATION FOR AN EXISTING WATERSHED PROJECT THAT THE BOARD OF VIEWERS ADOPTS IN ACCORDANCE WITH § 25-504 OF THIS SUBTITLE;

(IV) THE EXPENSES OF THE BOARD OF VIEWERS; AND

(V) THE COSTS OF ESTABLISHING THE WATERSHED ASSOCIATION;

(2) SHALL SUBTRACT FROM THE AMOUNT DETERMINED UNDER ITEM (1) OF THIS SUBSECTION ANY AMOUNTS IN MONEY OR SERVICE RECEIVED FROM THE COUNTY OR ANY OTHER SOURCE;

(3) SHALL ASSESS EACH TRACT OF LAND IN THE AREA AFFECTED BY THE WATERSHED ASSOCIATION A PROPORTION OF THE AMOUNT DESCRIBED IN ITEM (2) OF THIS SUBSECTION, BASED ON THE BENEFITS THAT WOULD ACCRUE TO THE TRACT OF LAND FROM THE WATERSHED PROJECT; AND

(4) MAY NOT ASSESS A TRACT OF LAND FOR AN AMOUNT THAT IS MORE THAN THE BENEFITS THAT WOULD ACCRUE TO THE TRACT OF LAND FROM THE WATERSHED PROJECT.

(B) CONTRIBUTION BY COUNTY.

NOTWITHSTANDING ANY OTHER LAW, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY:

(1) CONTRIBUTE IN MONEY, SERVICES, EQUIPMENT, OR MATERIALS TOWARD THE COSTS OF ANY WATERSHED PROJECT AUTHORIZED UNDER THIS TITLE FROM GENERAL FUNDS OF THE COUNTY; OR

(2) ALLOCATE TOWARD THE COSTS OF ANY WATERSHED PROJECT ANY OTHER MONEY THAT IS AVAILABLE FOR THE WATERSHED PROJECT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 189 and the second and fourth sentences of § 190.

In subsection (a)(1) of this section, the reference to a board of viewers “determin[ing]” an amount is added for clarity.

In subsection (a)(1)(i) of this section, the reference to a “proposed” watershed project is substituted for the former reference to “such” watershed projects for clarity.

In subsection (a)(1)(iii) of this section, the reference to “an existing watershed project that the board of viewers adopts in accordance with § 25–504 of this subtitle” is substituted for the former reference to “adopted improvements previously constructed” for clarity.

In subsection (a)(3) of this section, the reference to “each tract of land in the area affected by” the watershed association is substituted for the former reference to “[a]ll benefited lands within” the watershed association for clarity.

Also in subsection (a)(3) of this section, the reference to assessing each tract of land “a proportion of the amount ... based on the benefits that would accrue to the tract of land from the watershed project” is substituted for the former reference to assessing “against such lands respectively a sum proportional to the benefits accruing thereto” for clarity.

Also in subsection (a)(3) of this section, the former reference to the requirement that the board of viewers “adjudge thereof” is deleted as unnecessary in light of the requirement that the board “assess” an amount for each tract of land.

Also in subsection (a)(3) of this section, the reference to the “amount described in item (2) of this subsection” is substituted for the former reference to the “cost and expense of carrying out the proposed works of improvement” for clarity and brevity.

In subsection (b) of this section, the references to a “watershed project” are substituted for the former references to an “improvement” and “improvements” for consistency with similar provisions of the Code.

Defined terms: “Board of viewers” § 25–101

“County” § 1–101

“Watershed association” § 25–101

25-504. EXISTING WATERSHED PROJECTS.

(A) ADOPTION.

A BOARD OF VIEWERS MAY ADOPT AN EXISTING WATERSHED PROJECT, AS A WHOLE WATERSHED PROJECT OR AS A PART OF A WATERSHED PROJECT, UNDER THIS TITLE.

(B) COMPENSATION FOR PROJECTS.

IF AN EXISTING WATERSHED PROJECT IS ADOPTED BY THE BOARD OF VIEWERS, THE BOARD OF VIEWERS SHALL PAY FAIR COMPENSATION TO EACH LANDOWNER FOR THE VALUE OF WORK ALREADY DONE ON THE WATERSHED PROJECT.

REVISOR'S NOTE: This section is new language derived without substantive change from the first and third sentences of former Art. 25, § 190.

In subsection (a) of this section and throughout this subtitle, the references to "an existing" watershed project are substituted for the former references to a watershed project "already constructed" or "previously constructed" for clarity.

In subsection (a) of this section, the references to a "watershed project" are substituted for the former references to "watershed improvements" and "works of improvement" for consistency with similar provisions of the Code.

In subsection (b) of this section, the phrase "[i]f an existing watershed project is adopted by the board of viewers," is added for clarity.

Also in subsection (b) of this section, the reference to "pay[ing]" fair compensation is substituted for the former reference to "allow[ing]" fair compensation for clarity.

Defined terms: "Board of viewers" § 25-101
"Landowner" § 25-101

25-505. REPORT TO COUNTY.

(A) REPORT REQUIRED.

AT THE EARLIEST PRACTICABLE DATE, THE BOARD OF VIEWERS SHALL SUBMIT THREE COPIES OF A WRITTEN REPORT TO THE COUNTY

COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY.**(B) CONTENTS.****THE REPORT SHALL STATE:**

(1) THE NAME OF EACH PERSON ENTITLED TO DAMAGES AND THE AMOUNT OF THE DAMAGES;

(2) THE NAME OF EACH PERSON ENTITLED TO COMPENSATION FOR A WATERSHED PROJECT ADOPTED UNDER § 25-504 OF THIS SUBTITLE AND THE AMOUNT OF THE COMPENSATION;

(3) THE AMOUNT DETERMINED UNDER § 25-503(A)(1) OF THIS SUBTITLE; AND

(4) THE AMOUNT FOR WHICH EACH BENEFITED TRACT OF LAND SHALL BE ASSESSED AS ITS SHARE OF THE TOTAL COST OF THE WATERSHED PROJECT AND ITS PROPORTION OF THE WHOLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 191.

In subsection (a) of this section, the reference to the requirement that the board of viewers "submit" a report is substituted for the former reference to the requirement that the board "make out and return" a report for brevity.

In subsection (b)(2) of this section, the reference to a "watershed project" is substituted for the former reference to "improvements" for consistency with similar provisions of the Code.

Also in subsection (b)(2) of this section, the reference to a project "adopted under § 25-504 of this subtitle" is substituted for the former reference to a project "previously constructed" for clarity.

In subsection (b)(3) of this section, the reference to the "amount determined under § 25-503(a)(1) of this subtitle" is substituted for the former reference to the "total estimated cost of improvements, including construction, damages, compensation and organization expenses" for brevity and clarity.

In subsection (b)(4) of this section, the former reference to the “sum” for which benefitted tracts of land shall be assessed is deleted as implicit in the reference to the “amount”.

Defined terms: “Board of viewers” § 25–101

“Person” § 1–101

25–506. EXAMINATION OF REPORT; HEARING; NOTICE; REPORT OPEN TO INSPECTION.

(A) EXAMINATION.

(1) THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL EXAMINE A REPORT SUBMITTED BY A BOARD OF VIEWERS UNDER § 25–505 OF THIS SUBTITLE AT THE FIRST MEETING AFTER RECEIVING THE REPORT.

(2) IF THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY FIND THAT THE REPORT IS NOT IN PROPER FORM OR NOT IN COMPLIANCE WITH THE LAW, THE REPORT SHALL BE RETURNED TO THE BOARD OF VIEWERS TO BE CORRECTED AND RESUBMITTED.

(3) IF THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY FIND THAT THE REPORT IS IN PROPER FORM AND IN COMPLIANCE WITH THE LAW, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL SET A DATE FOR A PUBLIC HEARING ON THE REPORT.

(B) NOTICE.

(1) AT LEAST 30 DAYS BEFORE A HEARING UNDER THIS SECTION, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL:

(I) PUBLISH NOTICE OF THE TIME AND PLACE OF THE HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY IN WHICH THE LAND TO BE AFFECTED BY THE WATERSHED ASSOCIATION IS LOCATED;

(II) MAIL A NOTICE TO EACH PERSON NAMED IN THE REPORT; AND

(III) IF A LANDOWNER OR AN OWNER OF OTHER PROPERTY NAMED IN THE REPORT RESIDES OUTSIDE THE STATE, SERVE WRITTEN NOTICE OF THE HEARING ON THE TENANT OR AGENT OF THE LANDOWNER OR OWNER OF THE OTHER PROPERTY.

(2) NOTICE OF THE HEARING SHALL STATE THAT A COPY OF THE REPORT IS AVAILABLE FOR INSPECTION IN AN OFFICE OF THE DESIGNATED OFFICER.

(C) REPORT AVAILABLE FOR INSPECTION.

A COPY OF THE BOARD OF VIEWERS REPORT SHALL BE AVAILABLE FOR INSPECTION IN THE OFFICE OF THE DESIGNATED OFFICER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 192 and 195.

In subsection (a)(2) of this section, the reference to a report "not in proper form or not in compliance with the law" is substituted for the former reference to a report "not to be in due form and in accordance with the law" for clarity. Similarly, in subsection (a)(3) of this section, the reference to a report in "proper form and in compliance with the law" is substituted for the former reference to a report in "due form and in accordance with the law".

Also in subsection (a)(2) of this section, the reference to the report being "resubmitted" is substituted for the former reference to the report being "returned to the county commissioners at a subsequent meeting" for brevity.

Also in subsection (a)(2) of this section, the reference to the report being "returned" is substituted for the former reference to the report being "referred back" for clarity.

In subsection (b)(1)(i) of this section, the reference to a newspaper of general circulation "in each county" in which the land to be affected is located is substituted for the former reference to "the county or counties" in which the lands are located for brevity.

Also in subsection (b)(1)(i) of this section, the former reference to "newspapers" is deleted in light of the reference to "newspaper" and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (b)(1)(ii) of this section, the former reference to a “written or printed” notice is deleted as implicit in the reference to a “mail[ed]” notice.

In subsection (b)(1)(iii) of this section, the reference to a “hearing” is substituted for the former reference to “proceedings of the county commissioners” for clarity and consistency within this section.

Also in subsection (b)(1)(iii) of this section, the reference to a “landowner or an owner of other property named in the report” is substituted for the former reference to an “owner of land or other property affected by any proceedings hereinbefore provided” for clarity and consistency within this section.

Also in subsection (b)(1)(iii) of this section, the former reference to notice being “good and sufficient as if said owner resided in the State” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “stat[ing] in the notice that a copy of the report is available for inspection in the office of the designated officer” is substituted for the former reference to “the notices shall so state” for clarity and consistency with subsection (c) of this section.

In subsection (c) of this section, the former reference to “[d]uring this time” is deleted as surplusage.

Also in subsection (c) of this section, the former reference to inspection “of any landowner or other person interested” is deleted as surplusage.

Defined terms: “Board of viewers” § 25–101

“County” § 1–101

“Designated officer” § 25–101

“Landowner” § 25–101

“Person” § 1–101

“Watershed association” § 25–101

25–507. HEARING PROCEDURE.

(A) PARTICIPANTS.

AT A HEARING UNDER § 25–506 OF THIS SUBTITLE:

(1) THE BOARD OF VIEWERS AND ENGINEERS SHALL BE PRESENT;

AND

(2) ANY PERSON MAY APPEAR IN PERSON OR BY COUNSEL AND OBJECT TO ANY PART OF THE REPORT.

(B) CONSIDERATION BY COUNTY.

THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL CONSIDER CAREFULLY EACH OBJECTION PRESENTED, TAKING INTO ACCOUNT THE APPORTIONMENT OF COSTS AND BENEFITS.

(C) CHANGE IN REPORT.

IF A WELL FOUNDED OBJECTION CAN BE RESOLVED AT THE HEARING BY CHANGING THE REPORT, THE BOARD OF VIEWERS SHALL MAKE THE CHANGES NECESSARY TO TREAT EACH CONCERNED PERSON EQUITABLY.

(D) OPTIONAL VOTE OF AFFECTED LANDOWNERS.

TO HELP MAKE A DECISION, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY POLL THE LANDOWNERS PRESENT WHO ARE NAMED IN THE REPORT OF THE BOARD OF VIEWERS, CONSIDERING THE APPORTIONMENT OF BENEFITS AND DAMAGES.

(E) ACTION ON REPORT.

THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY:

(1) DISAPPROVE THE REPORT;

(2) RETURN THE REPORT TO THE BOARD OF VIEWERS FOR AMENDMENT OR RECONSIDERATION IN VIEW OF AN OBJECTION PRESENTED; OR

(3) APPROVE THE REPORT AS SUBMITTED OR AS AMENDED.

(F) POWERS OF BOARD OF DIRECTORS ON APPROVAL OF REPORT.

ON APPROVAL OF THE REPORT BY THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY, THE BOARD OF DIRECTORS MAY INSTALL, OPERATE, AND MAINTAIN THE WATERSHED PROJECT DESCRIBED IN THE WATERSHED WORK PLAN.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 193.

In subsections (a)(1), (c), and (d) of this section, the references to the "board of viewers" are substituted for the former references to "viewers" for consistency with § 25–501 of this subtitle. Similarly, in subsection (e)(2) of this section, the reference to the "board of viewers" is substituted for the former reference to "watershed viewers".

In subsection (a)(1) of this section, the clause "the board of viewers and engineers shall be present" is substituted for the former clause "the viewers and engineers being present" to make explicit that which was previously implied, that the board of viewers and engineers are required to be present at the hearing.

In subsection (a)(2) of this section, the former reference to a person "interested in the matter" is deleted as surplusage.

In subsection (b) of this section, the reference to "taking into account" the apportionment of costs and benefits is substituted for the former reference to "giving full weight" to the apportionment for clarity.

In subsection (c) of this section, the reference to an objection being "resolved" is substituted for the former reference to an objection being "met" for clarity.

Also in subsection (c) of this section, the reference to "treat[ing] each concerned person equitably" is substituted for the former reference to "render[ing] substantial and equal justice to all persons concerned" for brevity.

In subsection (d) of this section, the reference to "poll[ing]" landowners is substituted for the former reference to "call[ing] for a vote" for brevity.

Also in subsection (d) of this section, the reference to "considering" the apportionment is substituted for the former reference to "giving due consideration" for brevity.

Also in subsection (d) of this section, the former reference to "affected" landowners is deleted as included in the definition of "landowner".

In subsection (e)(2) of this section, the reference to "return[ing]" the report is substituted for the former reference to the report being "refer[red] ... back" for clarity.

Defined terms: "Board of directors" § 25–101

“Board of viewers” § 25–101

“Landowner” § 25–101

“Person” § 1–101

25–508. PAYMENT OF EXPENSES IF REPORT DISAPPROVED.

(A) PAYMENT BY COUNTY.

IF A REPORT IS DISAPPROVED, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL PAY THE EXPENSES PROPERLY INCURRED IN MAKING THE SURVEY AND REPORT AND IN PUBLISHING NOTICES.

(B) IMPOSITION OF SPECIAL ASSESSMENT ON PETITIONERS.

TO REIMBURSE THE COUNTY FOR THE EXPENSES DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY IMPOSE A SPECIAL ASSESSMENT IN EQUAL AMOUNTS ON THE PROPERTY OF THE LANDOWNERS WHO SIGNED THE PETITION FILED UNDER SUBTITLE 2 OF THIS TITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 194.

In subsection (b) of this section, the reference to a petition “filed under Subtitle 2 of this title” is added for clarity.

Also in subsection (b) of this section, the reference to “reimburs[ing] the county for the expenses described in subsection (a) of this section” is substituted for the former reference to “the proceeds of such tax to be used to reimburse the board of county commissioners for the said payment of the said expenses” for brevity.

Also in subsection (b) of this section, the reference to a “special assessment” is substituted for the former reference to a “tax” for consistency with Subtitle 8 of this title.

Defined terms: “County” § 1–101

“Landowner” § 25–101

25–509. PROTECTION OF INTERESTS OF MINOR.

IF THE PROPERTY OR INTEREST OF A MINOR WHO DOES NOT HAVE A GUARDIAN IS AFFECTED BY A WATERSHED PROJECT UNDER THIS SUBTITLE, THE ORPHANS' COURT OF THE COUNTY SHALL APPOINT A GUARDIAN TO PROTECT THE INTERESTS OF THE MINOR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 196.

The former reference to a minor "person under eighteen years of age" is deleted as unnecessary in light of Art. 1, § 24, which defines minor to mean a person.

Defined term: "County" § 1-101

25-510. AMENDMENT OF PETITION OR RELATED PROCEEDINGS.

(A) IN GENERAL.

THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR CIRCUIT COURT FOR THE COUNTY IN WHICH THE PROCEEDINGS ARE PENDING MAY, ON APPLICATION OF ANY PARTY AND AT ANY TIME BEFORE A FINAL DECISION IS MADE, GRANT LEAVE TO A PARTY TO AMEND THE PETITION OR ANY PART OF THE PROCEEDINGS THAT MAY BE DEFECTIVE OR INFORMAL SO AS TO BRING THE MERITS OF THE CASE BEFORE THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY FOR A DECISION OR A JURY OF THE CIRCUIT COURT FOR TRIAL.

(B) COSTS.

THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE CIRCUIT COURT MAY AWARD COSTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 197.

In subsection (a) of this section, the reference to referring to the county commissioners, county council, or Mayor and City Council of Baltimore City "for a decision" is added for clarity and to distinguish the action of the county commissioners, county council, or Mayor and City Council of Baltimore City and the jury of the circuit court.

In subsection (b) of this section, the former reference to awarding costs "according to the right of the matter" is deleted as surplusage.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the intention of former Art. 25, § 197, in connection with authority to amend “any part of the proceedings ... so as to bring the merits of the case before ... a jury of the circuit court for trial” is unclear. To the extent the intent is to allow a de novo appeal to the circuit court with a right to a jury trial, this would contradict case law that has held that a statute that provides for a de novo trial with the right of electing to have a jury is void as being unconstitutional. *See Department of Natural Resources v. Linchester Sand & Gravel Corp.*, 274 Md. 211 (1974).

Defined term: “County” § 1–101

25–511. APPLICATION FOR ORDER OF REVIEW.

(A) IN GENERAL.

A PERSON WHO MAY BE ADVERSELY AFFECTED BY ANY WATERSHED PROJECT CONNECTED WITH THE PROPOSED WATERSHED ASSOCIATION MAY APPLY FOR AN ORDER OF REVIEW TO THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY AT ANY TIME BEFORE THE APPROVAL OF THE REPORT.

(B) APPOINTMENT OF VIEWERS TO REVIEW REPORT.

THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY GRANT AN ORDER OF REVIEW AND APPOINT ANOTHER BOARD OF VIEWERS TO REDO THE WORK DONE BY THE ORIGINAL BOARD OF VIEWERS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 198.

In subsection (a) of this section, the reference to “adversely affected” is substituted for the former reference to “injured” to conform to modern usage.

Also in subsection (a) of this section, the reference to a watershed project “connected with the proposed watershed association” is substituted for the former reference to a watershed project “laid out as aforesaid” for clarity.

In subsection (b) of this section, the reference to “an order of review” is substituted for the former reference to “such order” for clarity.

Also in subsection (b) of this section, the reference to “another board of viewers ... redo[ing] the work done” is substituted for the former reference to “other watershed viewers ... perform[ing] the same duty” for clarity.

Defined terms: “Board of viewers” § 25–101

“Person” § 1–101

“Watershed association” § 25–101

25–512. JUDICIAL REVIEW.

(A) IN GENERAL.

A PERSON WHO IS AGGRIEVED BY A DETERMINATION OF THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY, OR BY ANY PROCEEDINGS UNDER THIS TITLE RELATING TO A WATERSHED PROJECT, MAY APPEAL TO THE CIRCUIT COURT OF THE COUNTY IN WHICH THE DETERMINATION WAS MADE OR PROCEEDINGS WERE CONDUCTED.

(B) OPTION FOR TRIAL BY JURY.

EITHER PARTY MAY ELECT A TRIAL BY JURY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 199.

Defined terms: “County” § 1–101

“Person” § 1–101

SUBTITLE 6. RIGHTS–OF–WAY, EASEMENTS, AND CONDEMNATION.

25–601. RIGHTS–OF–WAY AND EASEMENTS GENERALLY.

(A) POWER TO ACQUIRE.

A WATERSHED ASSOCIATION MAY ACQUIRE ANY RIGHT–OF–WAY, EASEMENT, OR OTHER PROPERTY RIGHT NECESSARY TO CONSTRUCT AND MAINTAIN THE WATERSHED PROJECT FOR:

(1) WATERSHED PROTECTION;

(2) FLOOD PREVENTION;

(3) RECREATION;

(4) SOIL CONSERVATION;

(5) DRAINAGE; AND

(6) THE CONSERVATION, DEVELOPMENT, STORAGE, USE, AND DISPOSAL OF WATER FOR ANY BENEFICIAL PURPOSE.

(B) EASEMENT RECORD.

(1) A WATERSHED ASSOCIATION SHALL SUBMIT TO THE CLERK OF THE CIRCUIT COURT IN THE APPROPRIATE COUNTY A BOOK, TO BE KNOWN AS THE “EASEMENT RECORD”, THAT CONTAINS EACH EASEMENT FOR MAINTENANCE OR RIGHT-OF-WAY, ACCORDING TO THE ORIGINAL DESIGN SPECIFICATIONS OR FOR NOT LESS THAN 20 FEET, THAT THE WATERSHED ASSOCIATION HAS IN THE COUNTY.

(2) A WATERSHED ASSOCIATION SHALL KEEP THE EASEMENT RECORD CURRENT.

(3) THE CLERK OF A CIRCUIT COURT SHALL MAKE AN EASEMENT RECORD AVAILABLE FOR INSPECTION BY THE PUBLIC.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 200.

In the introductory language of subsection (a) of this section, the former phrase “by virtue of this subtitle” is deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former reference to “possess[ing]” property rights is deleted as included in the reference to “acquir[ing]”.

In subsection (b)(1) of this section, the former reference to a “suitable” book is deleted as surplusage.

Also in subsection (b)(1) of this section, the former reference to a right-of-way “on land” in the county is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to the requirement that a watershed association keep the easement record “up to date” is deleted as unnecessary in light of the requirement that the easement record be kept “current”.

Defined terms: "County" § 1-101
"Watershed association" § 25-101

25-602. RIGHTS-OF-WAY AND EASEMENTS FOR CHANNEL IMPROVEMENTS AND DISPOSITION OF EXCAVATED MATERIAL GENERALLY.

FOR A WATERSHED PROJECT THAT CONSISTS OF STREAM CHANNEL IMPROVEMENT OR DRAINAGE, THE BOARD OF DIRECTORS SHALL ACQUIRE ANY RIGHT-OF-WAY OR EASEMENT NECESSARY TO CONSTRUCT AND MAINTAIN THE CHANNEL IMPROVEMENTS TO DISPOSE OF EXCAVATED MATERIAL ACCORDING TO STANDARDS OF GOOD ENGINEERING PRACTICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 200B.

The reference to "acquir[ing]" any right-of-way or easement is substituted for the former reference to "hav[ing] and possess[ing]" for consistency with § 25-601 of this subtitle.

The former phrase "by virtue of the procedures contained in this subtitle" is deleted as surplusage.

Defined term: "Board of directors" § 25-101

25-603. RIGHTS-OF-WAY AND EASEMENTS FOR DRAINAGE IMPROVEMENTS AND DISPOSITION OF EXCAVATED MATERIAL IN CHARLES COUNTY.

FOR A WATERSHED PROJECT THAT CONSISTS OF STREAM CHANNEL IMPROVEMENT OR DRAINAGE, THE BOARD OF DIRECTORS OF A WATERSHED ASSOCIATION IN CHARLES COUNTY SHALL ACQUIRE ANY RIGHT-OF-WAY OR EASEMENT NECESSARY TO CONSTRUCT AND MAINTAIN THE DRAINAGE IMPROVEMENTS AND TO DISPOSE OF EXCAVATED MATERIAL ACCORDING TO STANDARDS OF GOOD DRAINAGE PRACTICE, REGARDLESS OF THE DATE THAT THE WATERSHED ASSOCIATION WAS FORMED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 200A.

The phrase "regardless of the date that the watershed association was formed" is substituted for the former phrase "whether the association was formed before or after the effective date of this section" for brevity and clarity.

The reference to “acquir[ing]” any right-of-way or easement is substituted for the former reference to “hav[ing] and possess[ing]” for consistency with § 25–601 of this subtitle.

The former phrase “by virtue of the procedures contained in this subtitle” is deleted as surplusage.

Defined terms: “Board of directors” § 25–101

“Watershed association” § 25–101

25–604. CONDEMNATION PROCEEDINGS.

(A) IN GENERAL.

IF A LANDOWNER REFUSES TO ACCEPT THE DAMAGES AWARDED TO THE LANDOWNER BY THE BOARD OF VIEWERS AND APPROVED BY THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY AND REFUSES THE NECESSARY ACCESS TO THE LANDOWNER’S LAND, THE BOARD OF DIRECTORS MAY BEGIN CONDEMNATION PROCEEDINGS UNDER TITLE 12 OF THE REAL PROPERTY ARTICLE TO ACQUIRE A RIGHT-OF-WAY, EASEMENT, OR OTHER PROPERTY RIGHT.

(B) UNAUTHORIZED PURPOSE.

THIS TITLE DOES NOT AUTHORIZE THE USE OF CONDEMNATION PROCEEDINGS TO ACQUIRE THE RIGHT TO USE WATER SEPARATE AND APART FROM THE LAND TO WHICH THE WATER IS INCIDENT.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 201.

In subsection (a) of this section, the former reference to “the damages awarded as compensation shall be paid by the board of directors in lieu of the damages awarded by the watershed viewers” is deleted as implicit in the condemnation law established in Title 12 of the Real Property Article.

In subsection (b) of this section, the reference to “condemnation” proceedings is substituted for the former reference to “eminent domain” proceedings for consistency with other similar provisions of the Code.

Defined terms: “Board of directors” § 25–101

“Board of viewers” § 25–101

“Landowner” § 25–101

SUBTITLE 7. IMPLEMENTATION OF PLAN.

25-701. POWERS AND DUTIES OF DIRECTORS.

(A) IN GENERAL.

THE BOARD OF DIRECTORS SHALL IMPLEMENT THE WATERSHED PROJECT.

(B) SPECIFIC AUTHORITY.

THE BOARD OF DIRECTORS MAY:

- (1) HIRE EMPLOYEES;**
- (2) BUY, HIRE, OR RENT MACHINES, AND BUY EXPLOSIVES AND OTHER MATERIALS;**
- (3) AWARD CONTRACTS;**
- (4) ENTER INTO AN AGREEMENT WITH COUNTY, STATE, OR FEDERAL UNITS OF GOVERNMENT;**
- (5) ACQUIRE AND HOLD WATER RIGHTS;**
- (6) PLAN AND CARRY OUT WATERSHED PROJECTS FOR STORAGE, USE, AND DISTRIBUTION OF WATER;**
- (7) CHARGE FOR THE USE OF WATER IN THE WATERSHED, USING THE PROCEEDS FROM THE SALE OF THE WATER TO PAY FOR WATER RIGHTS OR TO CONSTRUCT, MAINTAIN, REPAIR, IMPROVE, AND OPERATE THE WATERSHED PROJECT; AND**
- (8) DO OTHER ACTS AS NECESSARY, INCLUDING BORROWING MONEY, IN THE NAME OF THE BOARD OF DIRECTORS, IF THE BORROWING IS APPROVED BY THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY.**

(C) ACCOUNTING AND REPORTING.

THE BOARD OF DIRECTORS SHALL:

**(1) KEEP A REGULAR ACCOUNT OF ITS INCOME AND EXPENSES;
AND**

(2) REPORT ITS INCOME AND EXPENSES AT THE ANNUAL MEETINGS OF THE WATERSHED ASSOCIATION AND OTHER MEETINGS OF THE LANDOWNERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 208 and 211.

In subsection (a) of this section, the reference to watershed "project[s]" is substituted for the former reference to watershed "improvements" for consistency within this title.

Also in subsection (a) of this section, the former reference to the "plan of" the watershed improvements is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former phrase "in exercising the authority herein conferred" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "hir[ing] employees" is substituted for the former reference to "employ[ing] supervisors, ditchers and laborers" to use more modern terminology.

In subsection (b)(2) of this section, the former references to "dredges" and "excavators" are deleted as included in the reference to "machines".

In subsection (b)(3) of this section, the former reference to contracts for "all or part of the work" is deleted as surplusage.

In subsection (b)(4) of this section, the reference to county, State, or federal "units of government" is substituted for the former reference to county, State, or federal "agencies" for consistency with similar provisions of the Code.

In subsection (b)(5) of this section, the former reference to water rights "under existing law of this State" is deleted as surplusage.

In subsection (b)(7) of this section, the reference to water "in the watershed" is substituted for the former reference to "such" water for clarity.

In subsection (b)(8) of this section, the former reference to the county commissioners "of the applicable county" is deleted as surplusage.

Also in subsection (b)(8) of this section, the former reference to borrowing money “by promissory notes” is deleted as surplusage.

Also in subsection (b)(8) of this section, the former reference to borrowing money from “banks, other lending agencies or persons” is deleted as unnecessary because the reference is inclusive of all sources of borrowing money.

In subsection (c)(1) of this section, the reference to “income and expenses” is substituted for the former reference to “receipts and expenditures” to use more modern terminology.

In subsection (c)(2) of this section, the reference to “income and expenses” is substituted for the former reference to the “same” for clarity.

Defined terms: “Board of directors” § 25–101

“County” § 1–101

“Landowner” § 25–101

“State” § 1–101

“Watershed association” § 25–101

25–702. MAINTENANCE AND OPERATION OF WATERSHED PROJECTS.

(A) IN GENERAL.

THE BOARD OF DIRECTORS SHALL CONTROL AND SUPERVISE EACH WATERSHED PROJECT UNDER THIS TITLE FOR:

(1) WATERSHED PROTECTION;

(2) FLOOD PREVENTION;

(3) RECREATION;

(4) SOIL CONSERVATION;

(5) DRAINAGE; OR

(6) THE CONSERVATION, DEVELOPMENT, STORAGE, USE, AND DISPOSAL OF WATER FOR ANY BENEFICIAL PURPOSE.

(B) DUTY TO KEEP IN GOOD REPAIR.

THE BOARD OF DIRECTORS SHALL KEEP EACH WATERSHED PROJECT IN GOOD REPAIR.

REVISOR'S NOTE: This section is new language derived without substantive change from the first and second sentences of former Art. 25, § 209.

In subsection (b) of this section and in the introductory language of subsection (a) of this section, the references to “watershed project[s]” are substituted for the former references to “improvements” for consistency within this title.

Defined term: “Board of directors” § 25–101

SUBTITLE 8. FINANCING.

25–801. IMPOSITION OF SPECIAL ASSESSMENTS ON BENEFITED LANDS.

(A) IN GENERAL.

A SPECIAL ASSESSMENT IMPOSED UNDER THIS TITLE SHALL BE IMPOSED ON THE LAND BENEFITED BY A WATERSHED PROJECT.

(B) DIVISION OF ASSESSMENT IF PROPERTY DIVIDED.

IF A TRACT OF LAND SUBJECT TO A SPECIAL ASSESSMENT UNDER THIS TITLE IS DIVIDED, THE BOARD OF DIRECTORS SHALL DETERMINE THE RATIO IN WHICH ANY LATER SPECIAL ASSESSMENT IS TO BE IMPOSED ON EACH SUBDIVIDED TRACT OF LAND BASED ON THE PROPORTION OF THE BENEFIT TO EACH TRACT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 204.

In this section and throughout this subtitle, the references to a “special assessment” are substituted for the former references to a “tax levied”, “taxation”, and “tax[es]” to more accurately describe the nature of the charge.

In subsection (a) of this section, the reference to lands benefited “by a watershed project” is added for clarity.

Also in subsection (a) of this section, the reference to a special assessment being “imposed” is substituted for the former reference to the special assessment being “taxes” for accuracy. Similarly, in subsection (b) of this

section and throughout this subtitle, the reference to a special assessment “impos[ed]” is substituted for the former reference to a special assessment “lev[ied]”.

In subsection (b) of this section, the reference to a “tract of land” is substituted for the former reference to a “piece of property” for consistency within this title.

Also in subsection (b) of this section, the references to “each subdivided tract of land” and “a tract” are substituted for the former references to the “several holdings” for consistency within this title.

Also in subsection (b) of this section, the former reference to the requirement that the special assessment “be divided between” the subdivided tracts of land is deleted as included in the reference to the requirement that the special assessment be imposed “based on the proportion of the benefit”.

Defined term: “Board of directors” § 25–101

25–802. PAYMENTS BY UNITS OF GOVERNMENT.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A UNIT OF STATE OR LOCAL GOVERNMENT THAT IS A LANDOWNER SHALL PAY A FEE OR SPECIAL ASSESSMENT IMPOSED UNDER THIS TITLE IF THE FEE OR SPECIAL ASSESSMENT IS IMPOSED ON ALL LAND THAT IS SIMILARLY BENEFITED OR DAMAGED BY THE PROPOSED WATERSHED PROJECT IN AN AREA AFFECTED BY A WATERSHED ASSOCIATION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 169(e).

The reference to a project “in an area affected by” a watershed association is substituted for the former reference to a project “within” a watershed association for consistency within this title.

Defined terms: “Landowner” § 25–101

“State” § 1–101

“Watershed association” § 25–101

25–803. IMPLEMENTATION OF PLAN.

(A) AMOUNT.

THE BOARD OF DIRECTORS SHALL DETERMINE THE AMOUNT TO BE RAISED TO IMPLEMENT AN APPROVED WATERSHED PROJECT.

(B) PREPARATION OF ASSESSMENT LIST.

THE BOARD OF DIRECTORS SHALL PREPARE AN ASSESSMENT LIST THAT SHOWS THE AMOUNT DUE FROM EACH LANDOWNER SUBJECT TO THE SPECIAL ASSESSMENT.

(C) PROPORTIONAL IMPOSITION OF SPECIAL ASSESSMENTS.

THE SPECIAL ASSESSMENTS IMPOSED ON EACH TRACT OF LAND SHALL BE PROPORTIONAL TO THE TOTAL ASSESSMENTS.

(D) SIGNATURE AND TRANSMISSION OF ASSESSMENT LIST.

THE ASSESSMENT LIST REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE:

(1) SIGNED BY THE BOARD OF DIRECTORS; AND

(2) SENT TO THE DESIGNATED OFFICER.

(E) CERTIFICATION.

(1) THE DESIGNATED OFFICER SHALL CERTIFY THE CONFORMANCE OF THE ASSESSMENT LIST WITH THIS SECTION.

(2) AFTER RECEIVING THE CERTIFICATION OF THE ASSESSMENT LIST, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL CERTIFY THE ASSESSMENT LIST TO THE COUNTY TAX COLLECTOR.

(F) INCLUSION IN TAX BILLS.

(1) THE COUNTY TAX COLLECTOR SHALL INCLUDE THE SPECIAL ASSESSMENTS IMPOSED UNDER THIS SECTION IN THE NEXT BILLS FOR COUNTY TAXES.

(2) THE SPECIAL ASSESSMENTS ARE:

(I) DUE AND COLLECTIBLE AT THE SAME TIME AND IN THE SAME MANNER AS COUNTY TAXES; AND

(II) SUBJECT TO THE SAME INTEREST AND PENALTIES FOR LATE PAYMENT AND NONPAYMENT AS COUNTY TAXES.

(G) LATER SPECIAL ASSESSMENT.

IF THE SPECIAL ASSESSMENTS COLLECTED UNDER THIS SECTION ARE INSUFFICIENT TO COMPLETE THE WATERSHED PROJECT, A SUPPLEMENTAL SPECIAL ASSESSMENT SHALL BE IMPOSED IN THE SAME MANNER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 202.

In this section and throughout this subtitle, the reference to an "assessment list" is substituted for the former reference to a "tax roll" to accurately reflect the reference to "assessments" throughout this subtitle.

In subsections (a) and (g) of this section, the references to the "watershed project" are substituted for the former references to the "plan of watershed improvements" and "plan of works of improvements", respectively, for consistency within this title.

In subsection (a) of this section, the reference to raising an amount "to implement an approved watershed project" is substituted for the former reference to "[f]or the purpose of raising funds necessary to carry out the plan of watershed improvements described in the report of the watershed viewers and approved by the county commissioners" for brevity.

Also in subsection (a) of this section, the former reference to "which sum may be less than the total assessment" is deleted as implicit.

In subsection (b) of this section, the former reference to the "sum" due from each landowner is deleted as included in the reference to the "amount" due.

Also in subsection (b) of this section, the former reference to the special assessment "in the report made out and returned by the watershed viewers and approved by the county commissioners" is deleted as implicit.

In subsection (c) of this section, the reference to "total" assessments is substituted for the former reference to "respective" assessments for clarity.

In subsection (e)(1) of this section, the reference to the conformance "of the assessment list" is substituted for the former reference to "its" conformance for clarity.

Also in subsection (e)(1) of this section, the former reference to certifying “to the county commissioners” is deleted as unnecessary in light of subsection (e)(2) of this section.

In subsection (e)(2) of the section, the clause “[a]fter receiving the certification of the assessment list” is substituted for the former word “thereupon” for clarity.

In subsection (f) of this section, the former reference to tax bills “sent out from his office” is deleted as surplusage.

In subsection (f)(1) of this section, the former reference to “State” taxes is deleted for consistency with subsection (f)(2) of this section.

In subsection (f)(2)(ii) of this section, the reference to “interest” for late payment is added for consistency with § 25–804(g)(4)(ii) of this subtitle.

In subsection (g) of this section, the reference to “special assessments collected under this section” is substituted for the former reference to “funds raised in this manner” for clarity.

Also in subsection (g) of this section, the former reference to special assessments “collected” is deleted as implicit in the authority to impose special assessments.

Defined terms: “Board of directors” § 25–101

“County” § 1–101

“Designated officer” § 25–101

“Landowner” § 25–101

“Tax collector” § 1–101

25–804. ISSUANCE OF BONDS OR NOTES.

(A) IN GENERAL.

AS AN ALTERNATIVE TO RAISING FUNDS AS PROVIDED IN § 25–803 OF THIS SUBTITLE, THE BOARD OF DIRECTORS MAY ISSUE AND SELL BONDS OR NOTES AS PROVIDED IN THIS SECTION FOR AN AMOUNT NOT EXCEEDING THE TOTAL COST OF THE WATERSHED PROJECT.

(B) NOTICE OF PROPOSAL.

(1) THE BOARD OF DIRECTORS SHALL GIVE NOTICE OF A PROPOSAL TO ISSUE BONDS OR NOTES BY:

(I) PUBLICATION AT LEAST ONCE EACH WEEK FOR AT LEAST 3 WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH ANY PART OF THE AREA AFFECTED BY THE WATERSHED ASSOCIATION IS LOCATED;

(II) POSTING A NOTICE FOR AT LEAST 15 DAYS AT THE DOOR OF THE COURTHOUSE IN THE COUNTY IN WHICH ANY PART OF THE AREA AFFECTED BY THE WATERSHED ASSOCIATION IS LOCATED; AND

(III) POSTING A NOTICE FOR AT LEAST 15 DAYS AT FOUR PUBLIC PLACES IN THE AREA OR VICINITY OF THE AREA AFFECTED BY THE WATERSHED ASSOCIATION.

(2) THE NOTICE SHALL PROVIDE:

(I) THE PROPOSAL TO ISSUE BONDS OR NOTES TO PAY FOR THE COST OF THE WATERSHED PROJECT;

(II) THE AMOUNT OF BONDS OR NOTES TO BE ISSUED;

(III) THE INTEREST RATE FOR THE BONDS OR NOTES OR THE METHOD OF DETERMINING THE INTEREST; AND

(IV) THE DATE WHEN THE BONDS OR NOTES ARE PAYABLE.

(C) PAYMENT BY LANDOWNER IN ADVANCE.

(1) WITHIN 15 DAYS AFTER THE PUBLICATION OR POSTING OF THE NOTICE IN SUBSECTION (B) OF THIS SECTION, A LANDOWNER MAY PAY TO THE COUNTY TAX COLLECTOR THE FULL AMOUNT FOR WHICH THE LANDOWNER IS LIABLE, AS PROVIDED IN THE REPORT OF THE BOARD OF VIEWERS.

(2) IF A LANDOWNER PAYS THE FULL AMOUNT AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, THE LANDOWNER IS RELIEVED FROM FURTHER LIABILITY FOR THE PARTICULAR WATERSHED PROJECT.

(3) BEFORE ISSUING ANY BONDS OR NOTES UNDER THIS SECTION, THE BOARD OF DIRECTORS SHALL DEDUCT FROM THE ESTIMATED AMOUNT OF BONDS OR NOTES TO BE ISSUED THE AMOUNT PAID IN ADVANCE BY A LANDOWNER AND SHALL ISSUE BONDS OR NOTES ONLY IN THE DECREASED AMOUNT.

(4) ANY AMOUNT PAID IN ADVANCE TO THE COUNTY TAX COLLECTOR SHALL BE HELD IN A SEPARATE FUND TO BE ADDED TO THE PROCEEDS OF THE BONDS OR NOTES ISSUED AND TO BE SPENT TO IMPLEMENT THE PLAN OF WATERSHED PROJECTS.

(D) CERTIFICATION OF AMOUNT; ASSESSMENT LIST.

THE BOARD OF DIRECTORS SHALL:

(1) CERTIFY TO THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY THE AMOUNT OF BONDS OR NOTES TO BE ISSUED; AND

(2) SUBMIT AN ASSESSMENT LIST OF ALL PROPERTIES FOR WHICH PAYMENTS HAVE NOT BEEN MADE, SHOWING FOR EACH LANDOWNER THE FULL AMOUNT DUE, LESS INTEREST, WITH THE TOTAL AMOUNT FOR ALL LANDOWNERS EQUALING THE CERTIFIED AMOUNT.

(E) ISSUANCE AND SALE OF BONDS OR NOTES.

(1) AFTER THE ASSESSMENT LIST HAS BEEN SUBMITTED AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE BOARD OF DIRECTORS SHALL ISSUE BONDS OR NOTES IN THE CERTIFIED AMOUNT.

(2) ALL BONDS OR NOTES ISSUED UNDER THIS SECTION:

(I) SHALL BE SOLD UNDER THE SERIAL MATURITY PLAN;

(II) SHALL HAVE A MATURITY DATE OF 12 YEARS OR LESS FROM THE DATE OF ISSUE;

(III) MAY NOT BE SOLD FOR A PRICE LESS THAN PAR; AND

(IV) MAY BE SOLD AT A PUBLIC OR PRIVATE SALE.

(3) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF DIRECTORS MAY PROVIDE FOR THE FORM, DATE, INTEREST RATE, AND OTHER DETAILS INCIDENT TO THE OFFERING, SALE, EXECUTION, AND DELIVERY OF THE BONDS.

(4) BONDS ISSUED UNDER THIS SECTION ARE EXEMPT FROM §§ 19-205 AND 19-206 OF THIS ARTICLE.

(F) DISPOSITION OF PROCEEDS.

(1) THE BOARD OF DIRECTORS SHALL PAY THE PROCEEDS FROM THE SALE OF BONDS UNDER THIS SECTION TO THE COUNTY TAX COLLECTOR.

(2) THE COUNTY TAX COLLECTOR SHALL:

(I) RETAIN THE PROCEEDS IN A SPECIAL FUND;

(II) DISBURSE THE PROCEEDS AS AUTHORIZED BY THE BOARD OF DIRECTORS TO CARRY OUT THE PLAN OF WATERSHED PROJECTS; AND

(III) USE ANY SURPLUS TO REDEEM BONDS.

(G) ANNUAL SPECIAL ASSESSMENTS FOR PAYMENT OF PRINCIPAL AND INTEREST.

(1) THE BOARD OF DIRECTORS SHALL CERTIFY TO THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY AND TO THE COUNTY TAX COLLECTOR THE TOTAL AMOUNT DUE EACH YEAR FOR THE REDEMPTION OF THE BONDS OR NOTES ISSUED UNDER THIS SECTION, INCLUDING ALL PAYMENTS OF PRINCIPAL AND INTEREST.

(2) EACH YEAR, THE COUNTY TAX COLLECTOR SHALL COMPUTE THE AMOUNT DUE FROM EACH LANDOWNER, BASED ON THE AMOUNTS SHOWN IN THE WATERSHED ASSESSMENT LIST, SO THAT THE TOTAL AMOUNTS INDIVIDUALLY DUE IN ANY YEAR EQUAL THE AGGREGATE SUM REQUIRED IN THAT YEAR TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS OR NOTES.

(3) THE COUNTY TAX COLLECTOR SHALL INCLUDE IN THE REGULAR TAX BILL FOR EACH TAXABLE YEAR THE AMOUNTS COMPUTED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(4) THE SPECIAL ASSESSMENTS ARE:

(I) DUE AND COLLECTIBLE AT THE SAME TIME AND IN THE SAME MANNER AS COUNTY TAXES; AND

(II) SUBJECT TO THE SAME INTEREST AND PENALTIES FOR LATE PAYMENT OR NONPAYMENT AS COUNTY TAXES.

(H) PAYMENT FOR EXISTING IMPROVEMENTS.

IF THE WATERSHED WORK PLAN APPROVED BY THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY PROVIDES FOR ADOPTING ANY EXISTING WATERSHED PROJECT, THE BOARD OF DIRECTORS MAY:

(1) PAY THE AMOUNT NECESSARY TO ACQUIRE THE EXISTING WATERSHED PROJECT FROM THE PROCEEDS OF ANY BONDS OR NOTES ISSUED UNDER THIS SECTION; OR

(2) REIMBURSE A LANDOWNER FROM THE PROCEEDS OF ANY BONDS OR NOTES ISSUED UNDER THIS SECTION FOR ANY AMOUNT SPENT BY THE LANDOWNER IN THE CONSTRUCTION OF THE EXISTING WATERSHED PROJECT.

(I) REPORT AND DISBURSEMENT OF COLLECTIONS.

(1) THE COUNTY TAX COLLECTOR SHALL REPORT TO THE BOARD OF DIRECTORS AT REGULAR INTERVALS ON THE AMOUNT COLLECTED AS SPECIAL ASSESSMENTS DURING EACH INTERVAL, INCLUDING A LIST SHOWING THE AMOUNT RECEIVED FROM EACH LANDOWNER.

(2) THE BOARD OF DIRECTORS SHALL ORDER THE AMOUNT COLLECTED AS SPECIAL ASSESSMENTS TO BE PAID BY THE COUNTY TAX COLLECTOR FOR THE PRINCIPAL OF AND INTEREST ON THE BONDS OR NOTES ISSUED.

(J) BONDHOLDER'S RIGHT OF ACTION ON DEFAULT.

(1) IF AN INSTALLMENT OF PRINCIPAL OF OR INTEREST ON THE BONDS OR NOTES ISSUED UNDER THIS SUBTITLE IS NOT PAID AT THE TIME AND IN THE MANNER IT IS DUE AND PAYABLE AND THE DEFAULT CONTINUES FOR A PERIOD OF 6 MONTHS, THE HOLDER OF THE BOND OR NOTE IN DEFAULT SHALL HAVE A RIGHT OF ACTION AGAINST THE BOARD OF DIRECTORS.

(2) THE CIRCUIT COURT OF THE COUNTY MAY ISSUE A WRIT OF MANDAMUS AGAINST THE BOARD OF DIRECTORS THAT DIRECTS THE IMPOSITION OF A SPECIAL ASSESSMENT AGAINST LANDOWNERS IN DEFAULT IN AN AMOUNT NECESSARY TO MEET UNPAID INSTALLMENTS OF PRINCIPAL AND INTEREST AND THE COSTS OF THE ACTION.

(3) THE BOARD OF DIRECTORS SHALL CERTIFY THE AMOUNT OF THE SPECIAL ASSESSMENT TO THE COUNTY TAX COLLECTOR WHO SHALL PROCEED IMMEDIATELY TO COLLECT THE SPECIAL ASSESSMENT FROM THE LANDOWNERS IN DEFAULT ACCORDING TO THE PROCEDURE PROVIDED IN THIS SUBTITLE.

(4) WHEN THE COUNTY TAX COLLECTOR COLLECTS THE AMOUNTS CERTIFIED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE COUNTY TAX COLLECTOR, ON ORDER OF THE BOARD OF DIRECTORS, SHALL PAY THE INSTALLMENTS OF PRINCIPAL AND INTEREST IN DEFAULT AND THE COSTS OF THE ACTION.

(5) THE OFFICIAL BONDS OF THE COUNTY TAX COLLECTOR AND ANY OTHER OFFICERS SHALL BE LIABLE FOR THE FAITHFUL PERFORMANCE OF THE DUTIES ASSIGNED TO THE OFFICERS UNDER THIS SUBTITLE.

(6) THE HOLDER OF ANY BOND OR NOTE IN DEFAULT MAY BRING SUIT AGAINST ANY OFFICER ON THE OFFICIAL BOND OF THE OFFICER FOR FAILING TO PERFORM A DUTY REQUIRED UNDER THIS SECTION.

(K) APPLICABILITY OF TITLE.

THIS TITLE SHALL APPLY TO WATERSHED PROJECTS COMPLETED UNDER THIS SECTION AS IF COMPLETED WITH FUNDS BY ASSESSMENTS WITHOUT ISSUING BONDS OR NOTES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 203.

Throughout this section, the references to "watershed project" or "watershed projects" are substituted for the former references to "improvement" or "improvements" and "watershed improvements" for consistency within this title.

In subsection (a) of this section, the former reference to a plan for imposing special assessments "necessary to carry out the plan of watershed improvements described in the watershed work plan and approved by the county commissioners" is deleted as implicit in the reference to imposing special assessments "as provided in § 25-803 of this subtitle".

In subsection (b)(1)(i) of this section, the reference to "any part of the area affected by the watershed association" is substituted for the former

reference to the “watershed association area or some part thereof” for clarity and consistency within this title.

Also in subsection (b)(1)(i) of this section, the former phrase “if there be such a newspaper” is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the reference to the county “in which any part of the area affected by the watershed association is located” is substituted for the former reference to “such” county for clarity and consistency within this title.

In subsection (b)(1)(iii) of this section, the reference to the places “in the area or vicinity of the area affected by the watershed association” is substituted for the former reference to the places “within the watershed, or in the vicinity thereof” for clarity and consistency within this title.

In subsection (b)(2)(iv) of this section, the reference to the “date” when the bonds or notes are payable is substituted for the former reference to the “time” when payable for consistency with other similar provisions of the Code.

In subsection (c)(1) of this section, the reference to “the landowner” being liable is substituted for the former reference to “his land” being liable because a landowner makes the payment and is therefore liable, rather than the “land” being liable. Similarly, in subsection (c)(2) of this section, the reference to the “landowner” is substituted for the former reference to “his lands and himself”, and in subsection (d)(2) of this section, the reference to the “amount due” is substituted for the former reference to an amount “for which his land” is liable.

Also in subsection (c)(1) of this section, the reference to the “board” of watershed viewers is added for consistency within this title.

In subsection (c)(3) and (4) of this section, the former references to “amounts” are deleted in light of the references to “amount” and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in subsection (e)(3) of this section, the former reference to “rates” is deleted in light of the reference to “rate”.

In subsection (c)(3) of this section, the reference to the amount paid in advance “by a landowner” is substituted for the former reference to the amount “so” paid in advance for clarity.

In subsection (d)(2) of this section, the reference to the “certified amount” is substituted for the former reference to the “amount so certified to the county commissioners” for brevity. Similarly, in subsection (e)(1) of this

section, the reference to the “certified amount” is substituted for the former reference to the “amount which has been certified to the county commissioners”.

Also in subsection (d)(2) of this section, the former phrase “[a]long with such certification” is deleted as surplusage.

In subsection (e)(1) of this section, the phrase “[a]fter the assessment list has been submitted as provided in subsection (d) of this section,” is substituted for the former reference to “thereupon” for clarity.

In subsection (e)(3) of this section, the phrase “may provide for” is substituted for the former phrase “shall be within the discretion of” for brevity.

In subsection (e)(4) of this section, the former phrase “as amended from time to time” is deleted as surplusage.

In subsection (f)(1) of this section, the reference to proceeds “from the sale of bonds under this section” is substituted for the former reference to proceeds “therefrom” for clarity.

In subsection (f)(2)(ii) of this section, the reference to disbursing the proceeds “as authorized by” the board of directors to carry out the plan is substituted for the former references to the proceeds being disbursed “upon warrant of” the board of directors and “be[ing] devoted entirely” to carrying out the plan for brevity.

In subsection (g)(2) of this section, the reference to “pay[ing] the principal of and interest on” the bonds or notes is substituted for the former reference to the “redemption of the bonds or notes and interest” for consistency with similar provisions of this article. Similarly, in subsection (i)(2) of this section, the reference to the “principal of and interest on” is substituted for the former reference to “redemption of the bonds or notes issued and the interest thereon”.

Also in subsection (g)(2) of this section, the former reference to each “individual” landowner is deleted as surplusage.

In subsection (g)(3) of this section, the reference to the “amounts computed under paragraph (2) of this subsection” is substituted for the former reference to the “sum as so computed” for clarity.

In subsection (g)(4)(ii) of this section, the reference to the taxes being subject to the same interest and penalties “as county taxes” is added for consistency within this subtitle.

In subsection (h) of this section, the reference to “any” of the watershed project is substituted for the former reference to “the whole or as part” of the watershed project for brevity.

Also in subsection (h) of this section, the former reference to “taking over” the watershed project is deleted as included in the reference to “adopting” a watershed project.

Also in subsection (h) of this section, the former reference to a watershed project “to be provided under this subtitle” is deleted as surplusage.

In subsection (i)(2) of this section, the reference to “the amount collected as special assessments” is substituted for the former reference to “all such moneys” for clarity.

In subsection (j)(1) and (6) of this section, the former references to “holders” and “bonds or notes” are deleted in light of the references to “holder” and “bond or note” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (j)(1) of this section, the reference to an installment of “principal of or interest on the bonds or notes issued under this subtitle” is substituted for the former reference to an installment of “principal or interest represented by the said bonds or notes” for clarity and consistency within this section.

In subsection (j)(2) of this section, the former reference to “the collection of” the special assessments is deleted as implicit in the authority to impose special assessments.

In subsection (j)(4) of this section, the former reference to “unpaid” installments is deleted as unnecessary in light of the reference to installments “in default”.

In subsection (k) of this section, the former phrase “[e]xcept as provided in this section” is deleted as surplusage.

Also in subsection (k) of this section, the former phrase “in all respects” is deleted as surplusage.

Defined terms: “Board of directors” § 25–101

“Board of viewers” § 25–101

“County” § 1–101

“Landowner” § 25–101

“Tax collector” § 1–101

“Watershed association” § 25–101

25–805. ANNUAL AND SPECIAL ASSESSMENT FOR MAINTENANCE AND OPERATION.

(A) ANNUAL SPECIAL ASSESSMENT.

(1) THE BOARD OF DIRECTORS SHALL IMPOSE AN ANNUAL SPECIAL ASSESSMENT ON THE BENEFITED LAND TO PROVIDE A FUND TO MAINTAIN, REPAIR, AND OPERATE A WATERSHED PROJECT CONSTRUCTED UNDER THIS TITLE.

(2) THE AMOUNT OF THE ANNUAL SPECIAL ASSESSMENT SHALL BE EQUAL TO THE ESTIMATED COST TO OPERATE AND MAINTAIN THE WATERSHED PROJECT AS DETERMINED BY AN ANNUAL INSPECTION TO BE MADE AT A TIME SET BY THE BOARD OF DIRECTORS, LESS ANY AMOUNT THAT MAY BE RECEIVED FROM ANY OTHER SOURCE.

(B) SUPPLEMENTAL ASSESSMENT.

IF THE FUNDS RECEIVED UNDER SUBSECTION (A) OF THIS SECTION ARE INADEQUATE TO PROVIDE FOR THE NECESSARY MAINTENANCE, REPAIR, OR OPERATION, A SUPPLEMENTAL ASSESSMENT MAY BE IMPOSED ON THE BENEFITED LAND.

(C) PROCEDURE FOR IMPOSITION AND DISBURSEMENT.

THE ASSESSMENTS UNDER THIS SECTION SHALL BE IMPOSED AND DISBURSED IN THE SAME MANNER AS PROVIDED FOR THE SPECIAL ASSESSMENTS UNDER § 25–803 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from the third, fourth, and fifth sentences of former Art. 25, § 209.

In subsection (a)(1) of this section, the reference to the “board of directors” is added to clarify who imposes the annual tax.

Also in subsection (a)(1) of this section, the reference to benefited “land” is substituted for the former reference to benefited “property” for consistency within this subtitle.

In subsection (a)(2) of this section, the former references to “inspections” and “times” are deleted in light of the references to “inspection” and

“time” and Art. 1, § 8, which provides that the singular generally includes the plural.

Also in subsection (a)(2) of this section, the former reference to amounts “received from the board of county commissioners” is deleted as unnecessary in light of the reference to amounts received from “any other source”.

In subsection (b) of this section, the reference to a “supplemental assessment” is substituted for the former reference to a “special tax” for clarity because of the reference to a “special” assessment in subsection (a) of this section in contrast to the authorization for an additional assessment in subsection (b) of this section.

In subsection (c) of this section, the reference to “assessments under this section” is substituted for the former reference to “[s]uch taxes” for clarity.

Also in subsection (c) of this section, the reference to special assessments “under § 25–803 of this subtitle” is substituted for the former reference to “original” taxes for clarity.

Also in subsection (c) of this section, the former reference to special assessments being “collected” is deleted as implicit in the authority to impose special assessments.

The first and second sentences of former Art. 25, § 209 are revised in § 25–702 of this title.

Defined term: “Board of directors” § 25–101

25–806. DUTIES OF COUNTY TAX COLLECTOR.

(A) DISBURSEMENT.

THE SPECIAL ASSESSMENTS IMPOSED UNDER THIS SUBTITLE SHALL REMAIN IN THE COUNTY TREASURY UNTIL DISBURSED BY THE COUNTY TAX COLLECTOR ON ORDERS SIGNED BY THE BOARD OF DIRECTORS.

(B) RECORDS.

FOR EACH WATERSHED ASSOCIATION IN THE COUNTY, THE COUNTY TAX COLLECTOR SHALL KEEP A SEPARATE RECORD THAT SHOWS ALL INCOME AND EXPENSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 205.

In subsection (a) of this section, the reference to special assessments imposed "under this subtitle" is substituted for the former reference to special assessments imposed "in this manner" for clarity.

Also in subsection (a) of this section, the former reference to special assessments "collected" is deleted as implicit in the authority to impose special assessments.

Also in subsection (a) of this section, the former reference to orders being "drawn" is deleted as surplusage.

In subsection (b) of this section, the reference to "income and expenses" is substituted for the former reference to "receipts and expenditures" to use more modern terminology.

Defined terms: "Board of directors" § 25-101

"County" § 1-101

"Tax collector" § 1-101

"Watershed association" § 25-101

25-807. COLLECTION OF SPECIAL ASSESSMENTS IF LAND IN MULTIPLE COUNTIES.

(A) SEPARATE ASSESSMENT LIST.

IF THE LAND AFFECTED BY THE WATERSHED ASSOCIATION THAT IS SUBJECT TO ASSESSMENT IS LOCATED IN TWO OR MORE COUNTIES, THE BOARD OF DIRECTORS SHALL PREPARE A SEPARATE ASSESSMENT LIST FOR EACH COUNTY.

(B) TRANSMITTAL TO DESIGNATED OFFICER.

THE BOARD OF DIRECTORS SHALL SEND THE ASSESSMENT LISTS FOR EACH COUNTY TO THE DESIGNATED OFFICER FOR THE COUNTY IN WHICH THE WATERSHED ASSOCIATION WAS ORGANIZED.

(C) PROCEDURE.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE PROCEDURE FOR IMPOSING SPECIAL ASSESSMENTS UNDER THIS SECTION SHALL BE AS PROVIDED FOR IN § 25-803 OF THIS SUBTITLE.

(2) THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN WHICH THE WATERSHED ASSOCIATION WAS ORGANIZED SHALL CERTIFY THE ASSESSMENT LISTS FOR THE OTHER COUNTIES TO THE APPROPRIATE GOVERNING BODY.

(3) THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL THEN CERTIFY THE ASSESSMENT LISTS TO THE RESPECTIVE COUNTY TAX COLLECTORS FOR ACTION AS PROVIDED FOR IN § 25-803 OF THIS SUBTITLE.

(D) PROCEEDS.

ALL MONEY COLLECTED IN THE SEVERAL COUNTIES AS PROVIDED UNDER THIS SECTION SHALL BE PAID OVER TO THE COUNTY TAX COLLECTOR OF THE COUNTY IN WHICH THE WATERSHED ASSOCIATION WAS ORGANIZED AND CREDITED TO THE WATERSHED ASSOCIATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 206.

In subsection (a) of this section, the reference to lands "affected by" the watershed association is substituted for the former reference to lands "in" the watershed association for consistency within this title.

In subsection (b) of this section, the reference to the assessment lists "for each county" is substituted for the former reference to "such" assessment list for clarity.

In subsection (c)(1) of this section, the reference to the procedure "for imposing special assessments under this section" is added for clarity.

In subsection (d) of this section, the reference to "the county in which the watershed association was organized" is added for clarity.

Defined terms: "Board of directors" § 25-101

"County" § 1-101

"Designated officer" § 25-101

"Governing body" § 1-101

"Tax collector" § 1-101

"Watershed association" § 25-101

25-808. ORDER OF PAYMENTS TO BE MADE BY BOARD OF DIRECTORS.

(A) FIRST FUNDS.

FROM THE MONEY THAT FIRST BECOMES AVAILABLE UNDER THIS TITLE TO THE BOARD OF DIRECTORS, THE BOARD OF DIRECTORS SHALL PAY:

(1) THE COMPENSATION AND EXPENSES OF THE BOARD OF VIEWERS AND THE ENGINEERS;

(2) ANY DAMAGES AWARDED;

(3) ANY COMPENSATION AWARDED FOR EXISTING WATERSHED PROJECTS; AND

(4) THE EXPENSES INCIDENT TO THE ORGANIZATION OF THE WATERSHED ASSOCIATION.

(B) ADVANCEMENT.

(1) ON REQUEST BY THE BOARD OF DIRECTORS, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY ADVANCE FUNDS TO PAY THE COSTS IN SUBSECTION (A) OF THIS SECTION.

(2) AN ADVANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REPAID FROM THE MONEY FIRST RECEIVED FROM SPECIAL ASSESSMENTS IMPOSED ON THE LANDOWNERS FOR THE WATERSHED PROJECT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 207.

In subsection (a)(3) of this section, the reference to "watershed projects" is substituted for the former reference to "improvements" for consistency within this title.

Defined terms: "Board of directors" § 25-101

"Landowner" § 25-101

"Watershed association" § 25-101

25-809. APPROPRIATIONS BY GOVERNMENTAL ENTITIES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO THE FOLLOWING GOVERNMENTAL ENTITIES:

(1) A COUNTY;

- (2) A DRAINAGE DISTRICT;
- (3) A MUNICIPALITY;
- (4) A PUBLIC DRAINAGE ASSOCIATION; OR
- (5) A SOIL CONSERVATION DISTRICT.

(B) AUTHORITY.

A GOVERNMENTAL ENTITY THAT MAY REASONABLY BE EXPECTED TO RECEIVE A BENEFIT FROM THE CONSTRUCTION, IMPROVEMENT, OPERATION, OR MAINTENANCE OF ANY WATERSHED PROJECT UNDER THIS SUBTITLE MAY SPEND MONEY TO CONSTRUCT, IMPROVE, OPERATE, OR MAINTAIN THE WATERSHED PROJECT, EVEN IF THE WATERSHED PROJECT IS NOT LOCATED IN THE AREA SERVED BY THE GOVERNMENTAL ENTITY OR IN THE STATE.

(C) EXCEPTION.

(1) IF THE PAYMENT UNDER SUBSECTION (B) OF THIS SECTION IS NOT MADE DIRECTLY BY THE GOVERNMENTAL ENTITY FOR A WATERSHED PROJECT, THE PAYMENT SHALL BE MADE ONLY THROUGH A SOIL CONSERVATION DISTRICT OR A WATERSHED ASSOCIATION ORGANIZED UNDER THE LAWS OF THE STATE.

(2) IT IS NOT NECESSARY THAT ANY PART OF THE AREA SERVED BY THE GOVERNMENTAL ENTITY BE LOCATED IN THE SOIL CONSERVATION DISTRICT OR WATERSHED ASSOCIATION THROUGH WHICH THE PAYMENT IS MADE.

(3) A GOVERNMENTAL ENTITY MAY PROVIDE IN ITS BUDGET MONEY FOR WATERSHED PROJECTS.

(4) A MUNICIPALITY OR COUNTY MAY IMPOSE TAXES FOR WATERSHED PROJECTS IN THE MANNER PROVIDED BY LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 210.

Subsection (a) of this section is revised as a scope provision for clarity and consistency with similar provisions of this article.

In subsection (a) of this section, the former reference to “governing body” is deleted as surplusage.

In subsection (b) of this section, the phrase “under this subtitle” is substituted for the former phrase “herein provided for” for clarity.

Also in subsection (b) of this section, the reference to a governmental entity “spend[ing]” money is substituted for the former reference to a governmental entity “appropriat[ing]” money because not all the governmental entities would have a formal appropriation process.

Also in subsection (b) of this section, the former reference to an expectation that “exists as to any part of” the governmental entity is deleted as surplusage.

Also in subsection (b) of this section, the reference to “in the area served by” the governmental entity is substituted for the former reference to the “corporate limits” of the governmental entity because not all of the governmental entities would have corporate limits. Similarly, in subsection (c)(2) of this section, the reference to “located in” is substituted for the former reference to “limits”.

In subsection (c)(1) and (2) of this section, the references to “payment” are substituted for the former references to “expenditure” to use more modern terminology.

In subsection (c)(2) of this section, the reference to the part of the “area served by” the governmental entity is added for clarity and consistency.

In subsection (c)(3) of this section, the former reference to “[s]uch governing bodies” is deleted as included in the reference to a “governmental entity”.

Also in subsection (c)(3) of this section, the former reference to money “to be spent” is deleted as surplusage.

In subsection (c)(4) of this section, the reference to “impos[ing]” taxes is substituted for the reference to “levy[ing]” taxes for consistency with other revised articles of the Code.

Also in subsection (c)(4) of this section, the former reference to the “collect[ion]” of taxes is deleted as implicit in the authority to impose taxes.

Defined terms: “County” § 1–101
“Municipality” § 1–101

“State” § 1–101

“Watershed association” § 25–101

SUBTITLE 9. DISSOLUTION.

25–901. DISSOLUTION PROCEDURE GENERALLY.

(A) PETITION.

(1) A MAJORITY OF THE LANDOWNERS OR THE OWNERS OF A MAJORITY OF THE LAND AFFECTED BY A WATERSHED ASSOCIATION MAY SUBMIT A PETITION TO DISSOLVE THE WATERSHED ASSOCIATION TO THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN WHICH THE WATERSHED ASSOCIATION WAS ORGANIZED.

(2) A COMPLETE LIST OF THE CREDITORS OF THE WATERSHED ASSOCIATION CERTIFIED UNDER OATH BY THE BOARD OF DIRECTORS SHALL ACCOMPANY THE PETITION.

(B) HEARING; NOTICE.

ON RECEIPT OF A PETITION UNDER SUBSECTION (A) OF THIS SECTION, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL:

(1) SET A DATE FOR A PUBLIC HEARING ON THE PETITION; AND

(2) GIVE NOTICE OF THE TIME, PLACE, AND PURPOSE OF THE HEARING AT LEAST 30 DAYS BEFORE THE HEARING BY:

(i) NOTICE MAILED TO EACH CREDITOR OF THE WATERSHED ASSOCIATION AND EACH LANDOWNER; AND

(ii) PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY AFFECTED BY THE WATERSHED ASSOCIATION.

(C) ACTION ON PETITION.

(1) THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY DENY OR APPROVE A PETITION FOR DISSOLUTION AFTER A PUBLIC HEARING UNDER THIS SECTION.

(2) ON APPROVAL OF A PETITION FOR DISSOLUTION, THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL GIVE NOTICE OF THE DISSOLUTION IN THE SAME MANNER AS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

(D) DISTRIBUTION OF REMAINING FUNDS.

AFTER PAYMENT OF ALL DEBTS, ANY BALANCE IN THE COUNTY TREASURY TO THE CREDIT OF THE DISSOLVED WATERSHED ASSOCIATION SHALL BE DISTRIBUTED TO THE LANDOWNERS IN PROPORTION TO THE ORIGINAL ASSESSMENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 217.

In subsection (a) of this section, the former phrase “[e]xcept as provided in § 217.1 of this subtitle” is deleted as surplusage.

In subsection (a)(1) of this section, the reference to land “affected by” a watershed association is substituted for the former reference to land “in” a watershed association for consistency within this title.

In the introductory language of subsection (b) of this section, the phrase “[o]n receipt of a petition under subsection (a) of this section” is substituted for the former reference to “thereupon” for clarity.

In subsection (b)(2)(i) of this section, the reference to each creditor “of the watershed association” is added for clarity.

Also in subsection (b)(2)(i) of this section, the former reference to “written or printed” notice is deleted as unnecessary in light of the reference to “mailed” notice.

In subsection (b)(2)(ii) of this section, the reference to “each county affected by the watershed association” is substituted for the former reference to “the county or counties in which such watershed association is located” for consistency within this title.

Also in subsection (b)(2)(ii) of this section, the former reference to “newspapers” is deleted in light of the reference to “newspaper” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (c)(2) of this section, the reference to a notice “of the dissolution” is added for clarity.

Also in subsection (c)(2) of this section, the phrase “[o]n approval of a petition for dissolution” is substituted for the former reference to “[i]n case of approval” for clarity.

Also in subsection (c)(2) of this section, the reference to giving notice “in the same manner as required under subsection (b) of this section” is substituted for the former reference to giving “the same” notice “as for the hearing on the petition” for clarity.

In subsection (d) of this section, the reference to “debts” is substituted for the former reference to “bills” for consistency with terminology used in other articles of the Code.

Defined terms: “Board of directors” § 25–101

“County” § 1–101

“Landowner” § 25–101

“Watershed association” § 25–101

25–902. INACTIVE ASSOCIATION IN WASHINGTON COUNTY.

(A) PETITION FOR DISSOLUTION.

NOTWITHSTANDING § 25–901 OF THIS SUBTITLE, ON A WRITTEN PETITION FOR DISSOLUTION BY ANY MEMBER OF THE MOST RECENTLY ELECTED OR APPOINTED BOARD OF DIRECTORS OF A WATERSHED ASSOCIATION IN WASHINGTON COUNTY CONSIDERED INACTIVE AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY PROMPTLY SHALL:

(1) CONSIDER ALL AVAILABLE INFORMATION TO DETERMINE THE CURRENT OPERATING STATUS AND FORESEEABLE OPERATING POTENTIAL OF THE WATERSHED ASSOCIATION; AND

(2) APPROVE OR DENY THE PETITION FOR DISSOLUTION.

(B) CRITERIA.

FOR THE PURPOSE OF THIS SECTION, A WATERSHED ASSOCIATION IN WASHINGTON COUNTY IS CONSIDERED INACTIVE IF FOR AT LEAST 5 YEARS THE WATERSHED ASSOCIATION HAS NOT COMPLIED SUBSTANTIALLY WITH A MAJORITY OF THE ORDINARY OPERATING PROCEDURES REQUIRED UNDER THIS TITLE, INCLUDING:

- (1) THE MAINTENANCE OF ONGOING AND CURRENT INFORMATION IN THE WATERSHED FILE AT THE OFFICE OF THE CLERK OF THE COUNTY;**
- (2) ELECTION OF A BOARD OF DIRECTORS AND OFFICERS OF THE BOARD;**
- (3) AN ANNUAL MEETING OF LANDOWNERS IN THE AREA AFFECTED BY THE WATERSHED ASSOCIATION;**
- (4) THE SUBMISSION OF AN ANNUAL REPORT BY THE BOARD OF DIRECTORS TO THE CLERK OF THE COUNTY;**
- (5) THE DEVELOPMENT, APPROVAL, FILING, EXECUTION, OR MAINTENANCE OF A WORK PLAN APPLICABLE TO PROPERTY OWNED BY THE WATERSHED ASSOCIATION; AND**
- (6) THE SUBMISSION AND REGULAR UPDATING OF THE WATERSHED ASSOCIATION'S EASEMENT RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN THE APPLICABLE COUNTY.**

(C) ACTIONS AFTER APPROVAL.

- (1) THIS SUBSECTION APPLIES ONLY AFTER THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY APPROVE A PETITION FOR DISSOLUTION UNDER THIS SECTION.**
- (2) IF ANY BALANCE REMAINS IN THE COUNTY TREASURY TO THE CREDIT OF THE DISSOLVED WATERSHED ASSOCIATION, THE COUNTY COMMISSIONERS SHALL:**
 - (I) SATISFY ALL OUTSTANDING DEBTS OF THE WATERSHED ASSOCIATION; AND**
 - (II) RETAIN ANY REMAINING BALANCE.**
- (3) THE COUNTY COMMISSIONERS SHALL PROVIDE FOR THE TRANSFER OF ANY INTEREST IN REAL PROPERTY HELD BY THE WATERSHED ASSOCIATION TO THE COUNTY IN WHICH THE PROPERTY IS LOCATED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 217.1.

In subsection (a) of this section, the reference to a watershed association “considered inactive as provided in subsection (b) of this section” is substituted for the former reference to a watershed association “considered currently inactive” for clarity.

In subsection (a)(2) of this section, the former reference to “[b]y majority vote” is deleted as implicit.

Subsection (b) of this section is revised as a substantive provision instead of a definition of “inactive association” because the defined term was used only once.

In subsection (b)(3) of this section, the reference to land “in the area affected by” the watershed association is substituted for the former reference to land “within” the watershed association for consistency within this title.

In subsection (b)(5) of this section, the former reference to “appropriate” filing is deleted as surplusage.

In subsection (c)(1) of this section, the reference to “[t]his subsection appl[y]ing only after the County Commissioners of Washington County approve a petition for dissolution” is substituted for the former reference to “[i]f the Board of County Commissioners” approves a petition “the Board shall” for clarity.

In subsection (c)(2) of this section, the former reference to “counties” is deleted in light of the reference to “county” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (c)(2)(ii) of this section, the reference to the county commissioners “retain[ing] any remaining balance” is substituted for the former reference to the county commissioners “[d]istribut[ing] any remainder to the Board of County Commissioners” for clarity and brevity.

Defined terms: “Board of directors” § 25–101

“County” § 1–101

“Landowner” § 25–101

“Watershed association” § 25–101

SUBTITLE 10. MISCELLANEOUS.

25–1001. RIGHT TO OPEN CROSS DITCHES OR DRAINS.

(A) IN GENERAL.

A PERSON WHO IS ASSESSED FOR A DITCH OR DRAIN THAT DOES NOT PASS THROUGH OR UNDER THE PERSON'S LAND MAY OPEN A DITCH OR INSTALL DRAIN TILE THROUGH THE INTERVENING LAND TO CONNECT TO THE MAIN DITCH AND KEEP THE DITCH OR DRAIN TILE OPEN AT THE PERSON'S EXPENSE AND CONTROL.

(B) EXCEPTION.

A PERSON MAY NOT OPEN A DITCH OR INSTALL DRAIN TILE UNDER THIS SECTION THROUGH THE LAND OF ANOTHER PERSON WITHOUT THE CONSENT OF THE OWNER OF THE LAND.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 213.

In subsection (a) of this section, the reference to opening a ditch or installing a drain tile "to connect to the main ditch" is substituted for the former reference to opening a ditch or installing a drain tile "into such main ditch" for clarity.

Also in subsection (a) of this section, the reference to a person's "control" is substituted for the former reference to a person's "charge" for clarity.

Also in subsection (a) of this section, the former references to "ditches" are deleted in light of the references to a "ditch" and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (b) of this section, the reference to drain "tile" is added for consistency with subsection (a) of this section.

Defined term: "Person" § 1-101

25-1002. REQUIREMENTS WHEN IMPROVEMENT CROSSES PUBLIC HIGHWAY.

(A) COUNTY TO BEAR COST.

IF A WATERSHED PROJECT ESTABLISHED UNDER THIS TITLE CROSSES A PUBLIC HIGHWAY AT THE INTERSECTION OF THE HIGHWAY WITH A NATURAL WATERCOURSE OR DEPRESSION THROUGH WHICH WATER FLOWS DURING PERIODS OF HIGH WATER, THE COUNTY IN WHICH THE BRIDGE IS LOCATED OR THE GOVERNMENTAL UNIT REQUIRED BY LAW TO MAINTAIN THE HIGHWAY THAT IS INTERSECTED SHALL:

(1) PAY THE COST OF AN EXISTING BRIDGE, REPAIRING OR ENLARGING AN EXISTING BRIDGE AND CULVERT, OR CONSTRUCTING A NEW BRIDGE OR CULVERT; AND

(2) MAINTAIN THE BRIDGE OR CULVERT DESCRIBED IN ITEM (1) OF THIS SUBSECTION.

(B) WATERSHED ASSOCIATION TO BEAR COST.

IF A WATERSHED PROJECT ESTABLISHED UNDER THIS TITLE CROSSES A PUBLIC HIGHWAY AT A POINT WHERE THE HIGHWAY DOES NOT INTERSECT A NATURAL WATERCOURSE OR DEPRESSION:

(1) THE WATERSHED ASSOCIATION SHALL PAY THE COST OF CONSTRUCTING A NEW BRIDGE OR CULVERT; AND

(2) AFTER CONSTRUCTION, THE COUNTY OR OTHER GOVERNMENTAL UNIT REQUIRED BY LAW TO MAINTAIN THE HIGHWAY THAT IS INTERSECTED SHALL MAINTAIN THE BRIDGE AND ANY CULVERT CONSTRUCTED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 215.

Throughout this section, the references to "a watershed project" are substituted for the former references to "any ditch, drain, or other improvement" for consistency within this title.

In the introductory language of subsection (a) of this section, the reference to the "governmental unit" is substituted for the former reference to the "other authority" for consistency with other revised articles of the Code. Similarly, in subsection (b)(2) of this section, the reference to the other "governmental unit" is substituted for the former reference to other "authority".

In subsection (a)(1) of this section, the reference to the cost of an "existing" bridge is added to distinguish between that cost and the cost of constructing a new bridge.

In subsection (b)(2) of this section, the former reference to bridges and culverts being maintained "at the expense" of the county or other governmental unit is deleted as implicit in the requirement to maintain them.

Defined terms: "County" § 1-101

"Watershed association" § 25-101

25-1003. REQUIREMENTS WHEN CHANNEL CROSSES RAILROAD RIGHT-OF-WAY.

(A) RAILROAD TO BEAR COST.

IF A CHANNEL ESTABLISHED UNDER THIS TITLE CROSSES A RAILROAD RIGHT-OF-WAY AT THE INTERSECTION OF THE RIGHT-OF-WAY WITH A NATURAL WATERCOURSE OR DEPRESSION THROUGH WHICH WATER FLOWS AT PERIODS OF HIGH WATER, THE RAILROAD COMPANY SHALL:

(1) CONSTRUCT, BUILD, AND MAINTAIN ANY NECESSARY NEW BRIDGE OR CULVERT; OR

(2) ENLARGE, STRENGTHEN, RECONSTRUCT, OR REPLACE ANY EXISTING BRIDGE OR CULVERT.

(B) ELEMENT OF DAMAGE.

THE EXPENSE TO BUILD A RAILROAD UNDER SUBSECTION (A) OF THIS SECTION SHALL BE:

(1) CONSIDERED AN ELEMENT OF DAMAGE TO THE RAILROAD COMPANY BY THE BOARD OF VIEWERS; AND

(2) SHOWN AS A DAMAGE IN THE REPORT OF THE BOARD OF VIEWERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 216.

In subsection (b)(1) of this section, the reference to the "board of" viewers is added for consistency within this title. Similarly, in subsection (b)(2) of this section, the reference to the report "of the board of viewers" is substituted for "their" report.

Defined term: "Board of viewers" § 25-101

SUBTITLE 11. PROHIBITED ACTS.

25-1101. PREVENTING ENTRY ON WATERSHED LAND.

(A) PROHIBITED.

A PERSON MAY NOT PREVENT A MEMBER OF THE BOARD OF DIRECTORS OR AN EMPLOYEE OR AGENT OF THE BOARD OF DIRECTORS FROM ENTERING LAND AS AUTHORIZED UNDER § 25-401(C) OF THIS TITLE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from the fourth sentence of Art. 25, § 184.

In subsection (a) of this section, the reference to a person entering land "as authorized under § 25-401(c) of this title" is substituted for the former reference to "such" entrance for clarity.

Also in subsection (a) of this section, the former reference to a "corporation" is deleted as included in the defined term "person".

In subsection (b) of this section, the former reference to the amount of the fine being "in the discretion of the court" is deleted as surplusage.

Defined terms: "Board of directors" § 25-101
"Person" § 1-101

25-1102. OBSTRUCTION OF WATERSHED PROJECT.

(A) PROHIBITED.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT OBSTRUCT A WATERSHED PROJECT CONSTRUCTED UNDER THIS TITLE IN A MANNER THAT IMPEDES THE FREE FLOW OF WATER.

(2) A PERSON MAY PLACE A PROPERLY CONSTRUCTED SWINGING WATER GATE ACROSS A DITCH ON A FENCE LINE TO PREVENT LIVESTOCK FROM TRESPASSING THROUGH THE DITCH.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$20 FOR EACH OFFENSE.

(C) DISTRIBUTION OF FINES.

EACH FINE COLLECTED UNDER THIS SECTION SHALL BE PAID TO THE COUNTY TAX COLLECTOR AND CREDITED TO THE WATERSHED ASSOCIATION THAT SUFFERED THE DAMAGE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 214.

In subsection (a)(1) of this section, the reference to a "watershed project" is substituted for the former reference to a "ditch or drain or other improvement" for consistency in this title.

Also in subsection (a)(1) of this section, the former reference to "stop[ping] up" a watershed project is deleted as included in the reference to "obstruct[ing]" a watershed project.

In subsection (a)(2) of this section, the reference to "livestock" is substituted for the former reference to "stock" for clarity.

Defined terms: "Person" § 1-101

"Tax collector" § 1-101

"Watershed association" § 25-101

GENERAL REVISOR'S NOTE TO TITLE

Former Art. 25, § 218, which provided for the severability of this title, is deleted as unnecessary in light of the severability clause of Art. 1, § 23.

TITLE 26. PUBLIC DRAINAGE ASSOCIATIONS.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

26-101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection is new language added as the standard introductory language to a definition section.

(B) BOARD OF MANAGERS.

“BOARD OF MANAGERS” MEANS THE BOARD OF MANAGERS OF A DRAINAGE ASSOCIATION.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full name of the board.

Defined term: “Drainage association” § 26–101

(C) BOARD OF VIEWERS.

“BOARD OF VIEWERS” MEANS THE BOARD OF DRAINAGE VIEWERS ESTABLISHED UNDER THIS TITLE.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full name of the board.

(D) DESIGNATED OFFICER.

“DESIGNATED OFFICER” MEANS:

(1) THE CLERK OF THE COUNTY COMMISSIONERS FOR A CODE COUNTY OR COMMISSION COUNTY IF THERE IS A CLERK FOR THE COUNTY; OR

(2) AN EMPLOYEE OR OFFICIAL OF THE COUNTY WHO IS DESIGNATED BY THE COUNTY COMMISSIONER OR COUNTY COUNCIL TO PERFORM THE RESPONSIBILITIES OF THE DESIGNATED OFFICER UNDER THIS TITLE.

REVISOR’S NOTE: This subsection is new language added to substitute a term for “clerk of the county commissioners” because many counties no longer have a clerk of the county commissioners or have transferred responsibilities formerly exercised by the clerk of the county commissioners to another official.

Defined terms: “Code county” § 1–101

“Commission county” § 1–101

“County” § 1–101

(E) DRAINAGE ASSOCIATION.

“DRAINAGE ASSOCIATION” MEANS A PUBLIC DRAINAGE ASSOCIATION ESTABLISHED UNDER THIS TITLE.

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full name of the association.

(F) LANDOWNER.

“LANDOWNER” MEANS A PERSON WHO OWNS, OR HAS CONTRACTED TO PURCHASE, LAND THAT IS TO BE AFFECTED BY A DRAINAGE PROJECT BEING CONSIDERED BY A DRAINAGE ASSOCIATION OR PROPOSED DRAINAGE ASSOCIATION.

REVISOR'S NOTE: This subsection is new language added for clarity and to conform to a similar provision in Title 25 of this article.

Defined terms: “Drainage association” § 26–101
 “Person” § 1–101

26–102. SCOPE OF TITLE.

THIS TITLE DOES NOT APPLY TO BALTIMORE CITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 52(c) and, as it related to the scope of this title, (a).

The reference to the title “not apply[ing] to Baltimore City” is substituted for the former references to the “boards of county commissioners of the several counties in the State of Maryland” and to the title “apply[ing] in those counties having a charter form of government under Article XI–A of the Maryland Constitution, with the term ‘county council’ being substituted in each instance in this subtitle for the term ‘county commissioners’” and “apply[ing] in those counties having adopted code home rule under Article XI–F of the Maryland Constitution” for brevity. Baltimore City is the only jurisdiction that is not a code county or governed by county commissioners or a county council.

Former Art. 25A, § 4(b), which provided that the “Draining Lands” Subtitle in Article 25 applied to a charter county, is deleted as unnecessary in light of the scope of this title.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that although Title 25 (Watershed Associations) applies to Baltimore City, this title and Title 27 (Drainage Districts) seem to exclude Baltimore City.

26–103. CONSTRUCTION OF TITLE.

THIS TITLE DOES NOT:

(1) RESTRICT A CHARTER COUNTY OR CODE COUNTY FROM EXERCISING A POWER GRANTED UNDER § 10-321 OF THIS ARTICLE; OR

(2) AUTHORIZE:

(I) THE REMOVAL OF A MILLDAM;

(II) THE INTERFERENCE WITH LEGAL WATER RIGHTS OF A MILL; OR

(III) THE DIVERSION OF WATER IN A MANNER THAT DEPRIVES AN OWNER OF LAND OVER WHICH WATER FLOWS OF THE BENEFITS AND WATER RIGHTS TO WHICH THE OWNER OF THE LAND IS LEGALLY ENTITLED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 95 and 52(d).

In item (1) of this section, the former reference to "Article 25B, § 13 of the Code" is deleted as unnecessary in light of the organization of the revised article.

Also in item (1) of this section, the former reference to powers "which do not conflict with this subtitle" is deleted as implicit.

In item (2)(iii) of this section, the reference to the benefits and water rights "to which the owner of the land is legally entitled" is substituted for the former reference to benefits and water rights "now enjoyed by" the owner of the land for consistency with Title 25.

26-104. POWER TO ESTABLISH.

(A) IN GENERAL.

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF A COUNTY MAY ESTABLISH A DRAINAGE ASSOCIATION.

(B) PURPOSE.

A DRAINAGE ASSOCIATION MAY:

(1) LOCATE AND ESTABLISH A DITCH, DRAIN, OR CANAL; AND

(2) ESTABLISH AND MAINTAIN A WATERSHED DRAINAGE SYSTEM BY CONSTRUCTING, STRAIGHTENING, WIDENING, OR DEEPENING ANY DITCH, DRAIN, OR WATERCOURSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 52(a), as it related to the power to establish a drainage association, and (c), as it related to the authority of the county councils of charter counties.

In subsection (a) of this section, and throughout this title, the references to a "county council" are added to reflect the intent of former Art. 25, § 52(c) that "the term 'county council' [be] substituted in each instance for the term 'county commissioners'".

In subsection (a) of this section, the word "may" is substituted for the former phrase "shall have jurisdiction, power, and authority" for brevity.

Also in subsection (a) of this section, the former phrase "in their respective counties" is deleted as implicit.

Also in subsection (a) of this section, the former reference to "in the State of Maryland" is deleted as surplusage.

In subsection (b) of this section, the reference to a "drainage association" locating and establishing a ditch, drain, or canal is added for clarity.

Defined term: "Drainage association" § 26–101

26–105. STATEMENT OF PUBLIC BENEFIT.

A DRAINAGE PROJECT ESTABLISHED AND MAINTAINED BY A DRAINAGE ASSOCIATION BENEFITS THE PUBLIC AND PROMOTES PUBLIC HEALTH, SAFETY, AND WELFARE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 52(a), as it related to the statement of the public benefit of drainage.

The reference to a drainage project "established and maintained by a drainage association" is substituted for the former reference to "such" drainage for clarity.

The reference to drainage "benefit[ing] the public and promot[ing] public health, safety, and welfare" is substituted for the former reference to

drainage “be[ing] considered a public benefit and conducive to the public health, convenience and welfare” for consistency with similar terminology in the Code.

The former clause “and it is hereby declared that” is deleted as surplusage.

26-106. NOTICE TO UNITS OF STATE GOVERNMENT.

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL NOTIFY THE SECRETARY OF AGRICULTURE AND THE STATE SOIL CONSERVATION COMMITTEE IN THE DEPARTMENT OF AGRICULTURE OF THE ESTABLISHMENT OF A DRAINAGE ASSOCIATION SO THAT COORDINATION AND ASSISTANCE MAY BE PROVIDED IN ACCORDANCE WITH § 8-602 OF THE AGRICULTURE ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 52(b).

The reference to the “county commissioners or county council” is added to clarify who is required to give notice.

In this section and throughout this title, the references to the State Soil Conservation Committee “in the Department of Agriculture” are added for clarity.

Defined term: “Drainage association” § 26-101

26-107. NOTICE TO AFFECTED NONRESIDENT.

IF ANY OWNER OF PROPERTY AFFECTED BY ANY PROCEEDINGS UNDER THIS TITLE RESIDES OUT OF STATE, A WRITTEN NOTICE OF THE PROCEEDINGS OF THE COUNTY COMMISSIONER OR COUNTY COUNCIL SERVED ON THE TENANT OR AGENT OF THE OWNER AT LEAST 30 DAYS BEFORE THE PROCEEDINGS SHALL BE AS GOOD AND SUFFICIENT AS IF THE OWNER RESIDED IN THE STATE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 76.

The former reference to “land” is deleted as included in the reference to “property”.

Defined term: “State” § 1-101

SUBTITLE 2. PETITION TO ESTABLISH DRAINAGE ASSOCIATION.

26-201. FILING.

A PETITION TO ESTABLISH A DRAINAGE ASSOCIATION SHALL BE FILED WITH THE DESIGNATED OFFICER OF THE COUNTY IN WHICH ALL OR A PART OF THE LAND TO BE AFFECTED BY THE PROPOSED DRAINAGE ASSOCIATION IS LOCATED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 53(a), as it related to the filing of a petition to establish a drainage association.

The reference to a petition "to establish a drainage association" is added for clarity.

The word "shall" is substituted for the former word "may" to clarify that it is a requirement that a petition be filed with the county.

The reference to "the land to be affected by the proposed drainage association" is substituted for the former reference to "such body of land" for clarity.

Defined terms: "County" § 1-101
"Designated officer" § 26-101
"Drainage association" § 26-101

26-202. PETITION.

(A) CONTENTS.

THE PETITION SHALL:

(1) CLEARLY DESCRIBE THE AREA'S LOCATION, BOUNDARIES, AND NEED OF DRAINAGE FOR OPTIMAL CROP PRODUCTION;

(2) DESCRIBE HOW DRAINING OR DITCHING THE AREA OR CHANGING THE NATURAL WATERCOURSE BENEFITS THE PUBLIC OR PROMOTES THE PUBLIC HEALTH, SAFETY, OR WELFARE; AND

(3) REQUEST THE ESTABLISHMENT OF A DRAINAGE ASSOCIATION FOR THE PURPOSES LISTED IN ITEM (2) OF THIS SUBSECTION.

(B) REQUIRED SIGNATURES.

A PETITION IS VALID ONLY IF SIGNED BY AT LEAST ONE-THIRD OF THE LANDOWNERS OR THE OWNERS OF AT LEAST ONE-THIRD OF THE LAND IN A WATERSHED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 53(a), as it related to the content of a petition to establish a drainage association and the signatures required for the petition.

In subsection (a)(1) of this section, the reference to “clearly” describing the area is substituted for the former reference to describing the area “in such a way as to convey an intelligent idea” for brevity.

In subsection (a)(2) of this section, the reference to draining “benefit[ing] the public or promot[ing] the public health, safety, or welfare” is substituted for the former reference to “the public benefit or utility, or the public health, convenience or welfare would be promoted by draining” for consistency with similar terminology in the Code.

Also in subsection (a)(2) of this section, the reference to the “area” is substituted for the former reference to the “same” for clarity.

Also in subsection (a)(2) of this section, the former reference to “improving” the natural watercourse is deleted as included in the reference to “changing” the natural watercourse.

In subsection (b) of this section, the phrase “[a] petition is valid only if” is substituted for the former phrase “[a] petition ... may be filed” for clarity.

Defined terms: “Drainage association” § 26–101
 “Landowner” § 26–101

26–203. REPORT REQUIRED.

(A) IN GENERAL.

(1) THE PETITION SHALL BE ACCOMPANIED BY A REPORT FROM THE LOCAL SOIL CONSERVATION DISTRICTS SERVING THE AREA OF THE PROPOSED DRAINAGE ASSOCIATION.

(2) THE REPORT SHALL STATE:

(I) THE SIZE AND LOCATION OF THE AREA OF THE PROPOSED DRAINAGE ASSOCIATION;

(II) THE NATURE OF THE PROBLEM TO BE ADDRESSED;

(III) THE TYPE OF TREATMENT BELIEVED TO BE NEEDED AND THE BENEFITS ANTICIPATED;

(IV) WHETHER THE PROPOSED DRAINAGE ASSOCIATION IS FEASIBLE AND IS GENERALLY SUPPORTED BY THE LANDOWNERS IN THE AREA;

(V) WHETHER THE PROPOSED DRAINAGE ASSOCIATION WILL BENEFIT THE PUBLIC AND PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE;

(VI) THE NAME OF THE PROPOSED DRAINAGE ASSOCIATION, IN THE FORM OF THE “_____ PUBLIC DRAINAGE ASSOCIATION”; AND

(VII) THE NUMBER OF MANAGERS, EQUALING NOT LESS THAN THREE, TO SERVE AS THE BOARD OF MANAGERS.

(B) MAPS OF AREA AFFECTED.

THE LOCAL SOIL CONSERVATION DISTRICTS SHALL FILE WITH THE REPORT MAPS THAT SHOW:

(1) A GENERAL DELINEATION OF THE AREA OF THE PROPOSED DRAINAGE ASSOCIATION; AND

(2) THE AREA’S LOCATION IN EACH COUNTY IN WHICH IT LIES.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 53(b).

In subsections (a)(1) and (2)(i) and (b)(1) of this section, the references to the area “of” the proposed drainage association are added for clarity and consistency within this title.

In subsection (a)(1) of this section, the reference to the districts “serving” the area is substituted for the former reference to the districts “lying in whole or in part within” the area for clarity.

In subsection (a)(2)(ii) of this section, the reference to the problem “to be addressed” is added for clarity.

In subsection (a)(2)(iv) of this section, the former reference to the drainage association being “practicable” is deleted as implicit in the reference to the association being “feasible”.

In subsection (a)(2)(v) of this section, the reference to the drainage association “benefit[ing] the public and promot[ing] the public health, safety, and welfare” is substituted for the former reference to the drainage association “promot[ing] the public benefit, and be[ing] conducive to the public health, safety, and welfare” for consistency with similar terminology in the Code.

In subsection (a)(2)(vii) of this section, the reference to the “board of managers” is substituted for the former reference to the “governing body” for clarity and to avoid the erroneous application of the defined term “governing body”.

In the introductory language of subsection (b) of this section, the reference to a “local” soil conservation district is added for consistency within this title.

In subsection (b)(2) of this section, the reference to “each county in which it lies” is substituted for the former reference to “the county or counties indicated” for clarity.

Defined terms: “Board of managers” § 26–101

“County” § 1–101

“Drainage association” § 26–101

“Landowner” § 26–101

26–204. EXAMINATION OF PETITION AND REPORT; HEARING; NOTICE.

(A) EXAMINATION OF PETITION AND REPORT.

(1) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL EXAMINE THE PETITION AND REPORT AT THE FIRST MEETING AFTER RECEIVING THE PETITION AND REPORT.

(2) IF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL FIND THE PETITION AND REPORT ARE NOT IN PROPER FORM OR NOT IN COMPLIANCE WITH THE LAW, THE PETITION AND REPORT SHALL BE RETURNED TO THE PETITIONERS TO BE CORRECTED AND RESUBMITTED.

(3) IF THE PETITION AND REPORT ARE IN PROPER FORM AND IN COMPLIANCE WITH THE LAW, THE COUNTY COMMISSIONERS OR COUNTY

COUNCIL SHALL SET A DATE FOR A PUBLIC HEARING ON THE PETITION AND REPORT.

(B) NOTICE.

(1) AT LEAST 10 DAYS BEFORE THE HEARING, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL:

(I) PUBLISH NOTICE OF THE TIME AND PLACE OF THE HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY IN THE AREA IN WHICH THE PROPOSED DRAINAGE ASSOCIATION WOULD BE LOCATED; AND

(II) SEND NOTICE OF THE HEARING AND ANY LATER HEARING TO THE:

- 1. DEPARTMENT OF AGRICULTURE; AND**
- 2. STATE SOIL CONSERVATION COMMITTEE IN THE DEPARTMENT OF AGRICULTURE.**

(2) THE NOTICE OF THE HEARING SHALL STATE THAT A COPY OF THE REPORT IS AVAILABLE FOR INSPECTION IN THE OFFICE OF THE DESIGNATED OFFICER.

(C) REPORT AVAILABLE FOR INSPECTION.

A COPY OF THE REPORT SHALL BE AVAILABLE FOR INSPECTION IN THE OFFICE OF THE DESIGNATED OFFICER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 54.

In subsection (a)(1) of this section, the reference to the requirement that the local authority "examine the petition and report" is added for consistency with § 25-204 of this article, which applies to watershed associations.

In subsection (a)(2) of this section, the reference to the petition and report being "resubmitted" is substituted for the former reference to the petition and report being returned "to the county commissioners at a subsequent meeting" for brevity.

Also in subsection (a)(2) of this section, the reference to the petition being “returned” is substituted for the former references to the petition being “reject[ed]” and “referred back” for clarity.

In subsection (b)(1)(i) of this section, the reference to each “county in the area in which the proposed drainage association would be located” is substituted for the former reference to the “county or counties in which the lands in the drainage association are located” for clarity.

Also in subsection (b)(1)(i) of this section, the former reference to “newspapers” is deleted in light of the reference to “newspaper” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (c) of this section, the former reference to “[d]uring this time” is deleted as surplusage.

Also in subsection (c) of this section, the former reference to inspection “by any landowners or other person interested” is deleted as surplusage.

Defined terms: “County” § 1–101
 “Designated officer” § 26–101
 “Drainage association” § 26–101

26–205. MULTIPLE COUNTIES — JURISDICTION AND VENUE.

IF THE LAND DESCRIBED IN THE PETITION IS LOCATED IN TWO OR MORE COUNTIES, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF AN AFFECTED COUNTY MAY EXERCISE THE JURISDICTION CONFERRED IN THIS TITLE, BUT THE VENUE SHALL LIE IN THE COUNTY IN WHICH THE PETITION IS FILED.

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 25, § 55.

Defined term: “County” § 1–101

26–206. HEARING AND ACTION ON PETITION AND REPORT.

(A) PARTICIPANTS.

AT THE HEARING ON THE PETITION AND REPORT, THE PETITIONERS, ANY AFFECTED LOCAL SOIL CONSERVATION DISTRICT, AND ANY OTHER PERSON MAY APPEAR IN PERSON OR BY COUNSEL AND OBJECT TO ANY PART OF THE REPORT.

(B) AUTHORITY OF COUNTY.

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL MAY:

(1) DISAPPROVE THE PETITION AND REPORT AND RETURN THEM TO THE PETITIONERS FOR AMENDMENT IN VIEW OF THE OBJECTIONS PRESENTED; OR

(2) APPROVE THE PETITION AND REPORT AS SUBMITTED OR AMENDED.

REVISOR'S NOTE: This section is new language derived without substantive change from the first and second sentences of former Art. 25, § 57.

In subsection (a) of this section, the reference to the hearing "on the petition and report" is added for clarity.

Also in subsection (a) of this section, the reference to a "local" soil conservation district is added for consistency within this title.

Also in subsection (a) of this section, the former reference to soil conservation "districts" is deleted in light of the reference to a soil conservation "district" and Art. 1, § 8, which provides that the singular generally includes the plural.

Also in subsection (a) of this section, the former reference to a soil conservation district "being represented" is deleted as surplusage.

Also in subsection (a) of this section, the reference to any "other person" is substituted for the former reference to any "person interested in the matter" for brevity.

In subsection (b)(1) of this section, the reference to "return[ing] them" is substituted for the former reference to "refer[ring] them back" for brevity.

Defined term: "Person" § 1-101

SUBTITLE 3. ESTABLISHMENT AND ORGANIZATION.

26-301. ESTABLISHMENT OF DRAINAGE ASSOCIATION.

(A) APPROVAL OF PETITION AND REPORT.

ON APPROVAL OF THE PETITION AND REPORT FILED UNDER SUBTITLE 2 OF THIS TITLE, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL:

(1) ESTABLISH A DRAINAGE ASSOCIATION THAT IS COMPOSED OF THE LANDOWNERS; AND

(2) NAME THE ORGANIZATION THE “_____ PUBLIC DRAINAGE ASSOCIATION”.

(B) STATUS.

A DRAINAGE ASSOCIATION CREATED UNDER THIS TITLE IS A POLITICAL SUBDIVISION OF THE STATE AND A BODY POLITIC AND CORPORATE.

(C) POWERS.

A DRAINAGE ASSOCIATION MAY:

(1) ACQUIRE, HOLD, AND CONVEY PROPERTY;

(2) SUE AND BE SUED;

(3) ADOPT A SEAL; AND

(4) EXERCISE CORPORATE POWERS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 59 and the third sentence of § 57.

In the introductory language of subsection (a) of this section, the reference to filing “under Subtitle 2 of this title” is added for clarity.

In subsection (a)(1) of this section, the former reference to “all the lands within the boundaries of the association” is deleted as surplusage.

In subsection (b) of this section, the former reference to a drainage association “under the name and title of the ‘_____ Public Drainage Association’” is deleted as unnecessary since it is established in subsection (a) of this section that the commissioners will name the drainage association.

In subsection (c)(3) of this section, the former reference to “alter[ing]” the seal “at pleasure” is deleted as implicit in the reference to “adopt[ing]” the seal.

Defined terms: “Drainage association” § 26–101

“Landowner” § 26-101
“State” § 1-101

26-302. BOARD OF MANAGERS — INITIAL ELECTION.

(A) MEETING OF LANDOWNERS.

WITHIN 30 DAYS AFTER THE APPROVAL OF THE PETITION AND REPORT, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL CALL A MEETING OF THE LANDOWNERS TO ELECT A BOARD OF MANAGERS.

(B) NOTICE.

(1) AT LEAST 10 DAYS BEFORE THE MEETING, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL POST A NOTICE OF THE MEETING AT FOUR PUBLIC PLACES IN THE AREA OR VICINITY OF THE AREA OF THE DRAINAGE ASSOCIATION.

(2) THE NOTICE SHALL STATE THE TIME, PLACE, AND PURPOSE OF THE MEETING.

(C) RIGHT TO VOTE.

(1) EACH LANDOWNER IS ENTITLED TO VOTE IN THE ELECTION OF THE BOARD OF MANAGERS UNTIL THE BOARD OF VIEWERS REPORT IS APPROVED BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL.

(2) WHEN THE REPORT OF THE BOARD OF VIEWERS IS APPROVED, EACH LANDOWNER IS ENTITLED TO VOTE ACCORDING TO THE SPECIAL ASSESSMENT ON THE LANDOWNER SHOWN IN THE REPORT AS FOLLOWS:

(I) FOR ANY SPECIAL ASSESSMENT NOT EXCEEDING \$15, ONE VOTE;

(II) FOR ANY SPECIAL ASSESSMENT MORE THAN \$15 AND NOT EXCEEDING \$35, TWO VOTES;

(III) FOR ANY SPECIAL ASSESSMENT MORE THAN \$35 AND NOT EXCEEDING \$60, THREE VOTES;

(IV) FOR ANY SPECIAL ASSESSMENT MORE THAN \$60 AND NOT EXCEEDING \$100, FOUR VOTES;

(V) FOR ANY SPECIAL ASSESSMENT MORE THAN \$100, ONE ADDITIONAL VOTE FOR EACH \$50 IN EXCESS OF \$100, PLUS ONE ADDITIONAL VOTE FOR ANY REMAINING PART LESS THAN \$50.

(3) ANY LANDOWNER MAY VOTE BY WRITTEN PROXY SIGNED BY THE LANDOWNER.

(D) QUORUM.

A QUORUM CONSISTS OF THE NUMBER OF LANDOWNERS WHO ARE ENTITLED TO CAST A MAJORITY OF ALL THE VOTES AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

(E) APPOINTMENT IN ABSENCE OF QUORUM.

ON PROOF THAT NOTICE HAS BEEN GIVEN AS REQUIRED IN SUBSECTION (B) OF THIS SECTION, IF A QUORUM IS NOT OBTAINED, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL APPOINT THE MANAGERS.

(F) STAGGERING OF INITIAL TERMS.

THE BOARD OF MANAGERS ELECTED UNDER SUBSECTION (A) OF THIS SECTION SHALL DETERMINE BY A RANDOM DRAWING THE MANAGERS WHO:

(1) SERVE UNTIL THE DATE OF THE FIRST REGULAR ANNUAL MEETING;

(2) SERVE UNTIL THE DATE OF THE FIRST REGULAR ANNUAL MEETING AND FOR 1 YEAR THEREAFTER; OR

(3) SERVE UNTIL THE DATE OF THE FIRST REGULAR ANNUAL MEETING AND FOR 2 YEARS THEREAFTER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 58 and 61.

In subsection (a) of this section, the reference to calling "a meeting of the landowners" is substituted for the former reference to calling "together the owners of all land within the public drainage association" for clarity and consistency within this subtitle.

In subsection (b)(1) of this section, the reference to places “in the area or vicinity of the area of the drainage association” is substituted for the former reference to places “within the drainage association or in the vicinity thereof” for clarity and consistency within this title.

In subsection (c)(1) of this section, the reference to the election “of the board of managers” is substituted for the former reference to “such” election for clarity.

In subsection (c)(3) of this section, the reference to a “written proxy signed by the landowner” is substituted for the former reference to a “proxy, authorized by writing, under his hand” for clarity.

In subsection (d) of this section, the reference to the “number of landowners who are entitled” is substituted for the former reference to “[l]andowners who shall be entitled” for clarity.

Also in subsection (d) of this section, the former reference to a quorum “for the purposes aforesaid” is deleted as surplusage.

In subsection (e) of this section, the reference to a “quorum [that] is not obtained” is substituted for the former reference to “such landowners constituting a quorum [that] refuse or fail to meet” for brevity.

In subsection (f) of this section, the reference to determining “by a random drawing” is substituted for the former reference to determining “by the drawing of lots” to provide clarity through the use of more modern terminology.

Also in subsection (f) of this section, the former reference to an annual meeting “as hereinafter provided in this subtitle” is deleted as surplusage.

Defined terms: “Board of managers” § 26–101

“Board of viewers” § 26–101

“Drainage association” § 26–101

“Landowner” § 26–101

26–303. BOARD OF MANAGERS — TENURE; VACANCIES.

(A) TENURE.

(1) THE TERM OF EACH MANAGER IS 3 YEARS.

(2) EACH MANAGER SHALL SERVE UNTIL A SUCCESSOR IS ELECTED OR APPOINTED.

(B) ELECTION TO FILL VACANCIES.

(1) EACH YEAR, THE LANDOWNERS SHALL MEET TO ELECT A SUCCESSOR TO:

(I) ANY MANAGER WHOSE TERM EXPIRED ON OR BEFORE THE DATE OF THE MEETING; AND

(II) ANY MANAGER WHO DIED OR RESIGNED SINCE THE LAST ANNUAL MEETING.

(2) A MANAGER WHO IS ELECTED TO FILL A VACANCY CAUSED BY DEATH OR RESIGNATION SHALL HOLD THE OFFICE FOR THE REST OF THE TERM.

(C) APPOINTMENT TO FILL VACANCIES.

(1) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL APPOINT AN INDIVIDUAL TO FILL A VACANCY ON THE BOARD OF MANAGERS IF:

(I) THE BOARD OF MANAGERS DOES NOT CALL AN ANNUAL MEETING OF LANDOWNERS; OR

(II) THE BOARD OF MANAGERS HOLDS AN ANNUAL MEETING OF LANDOWNERS BUT A QUORUM IS NOT PRESENT.

(2) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL MAY APPOINT A MANAGER TO FILL A VACANCY ON THE BOARD OF MANAGERS UNTIL THE NEXT ANNUAL MEETING OF LANDOWNERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 65 and 66 and the first sentence of § 64.

In subsection (a)(1) of this section, the reference to "each manager" is substituted for the former reference to "[m]embers of the board of managers elected or appointed under § 64 or § 65 of this subtitle" for brevity.

In subsection (b)(1)(ii) of this section, the reference to any "manager" is substituted for the former reference to any "other or others" for clarity.

Also in subsection (b)(1)(ii) of this section, the reference to the last "annual" meeting is substituted for the former reference to the last "regular" meeting for clarity and consistency throughout this subtitle.

In subsection (b)(2) of this section, the reference to the “rest of the” term is substituted for the former reference to the “unexpired balance” of the term for clarity and consistency with other revised articles of the Code.

Also in subsection (b)(2) of this section, the former reference to managers holding an office “until his successor is elected or appointed” is deleted as redundant of subsection (a)(2) of this section.

In the introductory language of subsection (c)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person or persons” because only a human being and not the other entities included in the definition of “person” can serve as a manager.

Also in the introductory language of subsection (c)(1) of this section, the former phrase “upon proof being given” is deleted as surplusage.

Also in the introductory language of subsection (c)(1) of this section, the former reference to “vacancies” is deleted in light of the reference to “vacancy” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (c)(2) of this section, the former reference to a vacancy “caused by death, resignation, or for any reason” is deleted as surplusage.

Defined terms: “Board of managers” § 26–101
 “Landowner” § 26–101

26–304. OFFICERS.

THE BOARD OF MANAGERS SHALL ELECT A CHAIR AND A SECRETARY FROM AMONG ITS MEMBERS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 60A.

The former reference to the board of managers “so elected or appointed having determined the length of term of the several members,” is deleted as redundant of § 26–302(d) of this subtitle which provides for the election or appointment and term of a manager.

The former phrase “proceed at once to organize by” electing officers is deleted as surplusage.

Defined term: “Board of managers” § 26–101

26-305. IMMUNITY FROM LIABILITY.

AN OFFICER OR DIRECTOR OF A DRAINAGE ASSOCIATION SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED IN § 5-508(B) OF THE COURTS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 60, as it related to the immunity from liability of an officer or director of a drainage association.

Defined term: "Drainage association" § 26-101

26-306. DISTRIBUTION AND RETENTION OF PETITION AND REPORT.

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL:

(1) RETAIN THE ORIGINAL PETITION AND REPORT APPROVED UNDER § 26-206(B) OF THIS TITLE; AND

(2) DELIVER A COPY OF THE APPROVED PETITION AND REPORT TO THE BOARD OF MANAGERS AND THE STATE SOIL CONSERVATION COMMITTEE IN THE DEPARTMENT OF AGRICULTURE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 62.

The former reference to the petition and report as approved "by the board of county commissioners" is deleted as surplusage.

In item (1) of this section, the reference to the petition and report approved "under § 26-206(b) of this title" is added for clarity.

Also in item (1) of this section, the former reference to retaining the original "in their official records" is deleted as surplusage.

Also in item (1) of this section, the former reference to retaining "one copy of" the petition is deleted as surplusage. Similarly, in item (2) of this section, the former reference to a "third" copy is deleted.

Defined term: "Board of managers" § 26-101

26-307. DRAINAGE FILE.

(A) DESIGNATED OFFICER TO MAINTAIN.

THE DESIGNATED OFFICER SHALL MAINTAIN A DRAINAGE FILE.

(B) CONTENTS.

THE DRAINAGE FILE SHALL CONTAIN THE PETITIONS, MOTIONS, ORDERS, REPORTS, AND OTHER EXHIBITS NECESSARY FOR A COMPLETE RECORD OF THE ESTABLISHMENT OF EACH DRAINAGE ASSOCIATION IN THE COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 75.

In subsection (b) of this section, the former reference to a "continuous" record is deleted as included in the reference to a "complete" record.

Defined terms: "County" § 1-101
"Designated officer" § 26-101
"Drainage association" § 26-101

26-308. ANNUAL MEETINGS OF LANDOWNERS.

(A) IN GENERAL.

IN JANUARY OF EACH YEAR, THE BOARD OF MANAGERS SHALL CALL A MEETING OF THE LANDOWNERS.

(B) NOTICE.

(1) AT LEAST 10 DAYS BEFORE THE MEETING, THE BOARD OF MANAGERS SHALL POST A NOTICE OF THE MEETING AT FOUR PUBLIC PLACES IN THE VICINITY OF THE DRAINAGE PROJECT.

(2) THE NOTICE SHALL STATE THE TIME, PLACE, AND PURPOSE OF THE MEETING.

(C) ANNUAL REPORT AND OTHER BUSINESS.

AT THE MEETING, THE LANDOWNERS SHALL:

(1) RECEIVE THE ANNUAL REPORT OF THE BOARD OF MANAGERS;
AND

(2) TRANSACT ANY OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE LANDOWNERS.

REVISOR'S NOTE: This section is new language derived without substantive change from the first and second sentences of former Art. 25, § 63 and the second sentence of § 64.

In subsection (a) of this section, the former reference to “on a date they select” is deleted as surplusage.

In subsection (b) of this section, the former reference to “the most” public places is deleted as surplusage.

In the introductory language of subsection (c) of this section, the phrase “[a]t the meeting” is added for clarity.

Defined terms: “Board of managers” § 26–101

“County” § 1–101

“Landowner” § 26–101

26–309. SPECIAL MEETINGS.

(A) IN GENERAL.

THE BOARD OF MANAGERS MAY CALL A SPECIAL MEETING OF LANDOWNERS AT ANY TIME.

(B) NOTICE.

(1) AT LEAST 10 DAYS BEFORE THE MEETING, THE BOARD OF MANAGERS SHALL:

(i) POST A NOTICE OF THE MEETING AT FOUR PUBLIC PLACES IN THE VICINITY OF THE DRAINAGE PROJECT; AND

(ii) MAIL A NOTICE TO:

- 1. EACH LANDOWNER;**
- 2. THE COUNTY COMMISSIONERS OR COUNTY COUNCIL; AND**
- 3. THE STATE SOIL CONSERVATION COMMITTEE IN THE DEPARTMENT OF AGRICULTURE.**

(2) THE NOTICE SHALL STATE THE TIME, PLACE, AND PURPOSE OF THE MEETING.

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 25, § 63.

In subsection (b)(1)(i) of this section, the reference to “[a]t least 10 days before the meeting ... post[ing] a notice of the meeting at four public places in the vicinity of the drainage project” is substituted for the former reference to giving notice “as aforesaid” for clarity.

In subsection (b)(1)(ii) of this section, the former reference to a “written or printed” notice is deleted as unnecessary in light of the reference to a “mailed” notice.

In subsection (b)(2) of this section, the reference to the notice “stat[ing] the time, place, and purpose of the meeting” is substituted for the former reference to giving notice “as aforesaid” for clarity.

Defined terms: “Board of managers” § 26–101
“Landowner” § 26–101

SUBTITLE 4. PLAN.

26–401. DEVELOPMENT.

(A) DUTY OF BOARD OF MANAGERS.

THE BOARD OF MANAGERS SHALL DEVELOP A PLAN FOR AGRICULTURAL DRAINAGE AND SOIL CONSERVATION TO PROMOTE OPTIMAL CROP PRODUCTION BY ESTABLISHING AND MAINTAINING DRAINAGE SYSTEMS THAT PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE.

(B) PLANNING AND ENGINEERING SERVICES.

IN DEVELOPING THE PLAN, THE BOARD OF MANAGERS:

(1) SHALL ENGAGE THE SERVICES OF PRIVATE ENGINEERS; OR

(2) MAY USE THE SERVICES OF PLANNERS AND ENGINEERS OF LOCAL, STATE, AND FEDERAL UNITS OF GOVERNMENT.

(C) RIGHT OF ENTRY.

A MEMBER OR AN AGENT OF THE BOARD OF MANAGERS OR A MEMBER OR AN AGENT OF THE BOARD OF VIEWERS:

(1) MAY ENTER ANY LAND TO MAKE SURVEYS AND EXAMINATIONS FOR DEVELOPING A PLAN; AND

(2) IS LIABLE FOR ACTUAL DAMAGE DONE TO ANY LAND ENTERED DURING A SURVEY OR EXAMINATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 67(a) and the first sentence of (b).

In subsection (a) of this section, the reference to public health, "safety," and welfare is substituted for the former reference to public health, "convenience," and welfare for consistency with other provisions of the Code.

Also in subsection (a) of this section, the former reference to "the watershed or subwatershed area" is deleted as surplusage.

Also in subsection (a) of this section, the former reference to "watershed" drainage systems is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to a "competent and experienced" private engineer is deleted as implicit.

In subsection (b)(2) of this section, the reference to "units of government" is substituted for the former reference to "agencies" for consistency with other revised articles of the Code.

In subsection (c)(1) of this section, the reference to "any land" is substituted for the former reference to "the lands within or without the area" for brevity.

Also in subsection (c)(1) of this section, the reference to "developing a plan" is substituted for the former reference to "accomplish[ing] their purpose" for clarity.

Also in subsection (c)(1) of this section, the former reference to "employees" of the board of managers is deleted as included in the reference to an "agent" of the board of managers.

In subsection (c)(2) of this section, the reference to damage done "to any land entered during a survey or examination" is added for clarity.

Defined terms: "Board of managers" § 26-101
 "Board of viewers" § 26-101
 "State" § 1-101

26-402. CONTENTS.

THE PLAN DEVELOPED UNDER § 26-401 OF THIS SUBTITLE SHALL INCLUDE:

(1) THE LOCATION OF EACH PROPOSED DRAINAGE PROJECT ON A MAP, DRAWING, OR AERIAL PHOTOGRAPH;

(2) A GENERAL DELINEATION OF THE BOUNDARIES OF THE AREA AFFECTED BY THE DRAINAGE ASSOCIATION WITH THE GENERAL LOCATION IN THE COUNTY AFFECTED;

(3) ENGINEERING PLANS IN SUFFICIENT DETAIL TO DESCRIBE THE PROPOSED PROJECT;

(4) A GENERAL DELINEATION OF THE BOUNDARIES OF EACH TRACT OF LAND IN THE AREA AFFECTED BY THE DRAINAGE ASSOCIATION, INCLUDING AN ESTIMATE OF THE ACREAGE OF EACH TRACT; AND

(5) THE TOTAL ESTIMATED CONSTRUCTION COST OF EACH PROPOSED DRAINAGE PROJECT.

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 25, § 69(a).

In the introductory language of this section, the reference to the plan "developed under § 26-401 of this subtitle" is added for clarity.

In items (2) and (4) of this section, the references to the "area affected by" the drainage association are added for clarity and consistency within this title.

In item (2) of this section, the former reference to "counties" is deleted in light of the reference to a "county" and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in item (3) of this section, the former reference to "projects" is deleted in light of the reference to a "project".

In item (4) of this section, the reference to each "tract of land" is substituted for the former reference to each "affected individual

ownership”. Similarly, the reference to the acreage of each “tract” is substituted for the former reference to “which each contains”.

In item (5) of this section and throughout this subtitle, the references to a “drainage project” are substituted for the former references to “works of improvement” for consistency with similar provisions of the Code.

Defined terms: “County” § 1–101

“Drainage association” § 26–101

26–403. ADOPTION OF PLAN.

(A) MEETING OF LANDOWNERS.

ON COMPLETION OF THE PLAN, OR ON THE ACCEPTANCE OF A PREVIOUSLY COMPLETED PLAN, THE BOARD OF MANAGERS SHALL CALL A MEETING OF THE LANDOWNERS TO VOTE ON THE ADOPTION OF THE PLAN FOR SUBMISSION TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL.

(B) NOTICE.

(1) AT LEAST 10 DAYS BEFORE THE MEETING, THE BOARD OF MANAGERS SHALL:

(i) POST A NOTICE OF THE MEETING IN FOUR PUBLIC PLACES IN THE AREA OR VICINITY OF THE AREA OF THE DRAINAGE ASSOCIATION; AND

(ii) MAIL A NOTICE TO EACH LANDOWNER.

(2) THE NOTICE SHALL STATE THE TIME, PLACE, AND PURPOSE OF THE MEETING.

(C) RIGHT TO VOTE.

AT THE MEETING REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:

(1) EACH LANDOWNER IS ENTITLED TO ONE VOTE; AND

(2) ANY LANDOWNER MAY VOTE BY PROXY IF THE PROXY IS DATED, SIGNED BY THE INDIVIDUAL ENTITLED TO VOTE, AND WITNESSED BY AT LEAST ONE INDIVIDUAL.

(D) DETERMINATION BY BOARD OF MANAGERS.

(1) THE BOARD OF MANAGERS SHALL DETERMINE WHETHER TO SUBMIT THE PLAN TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL FOR REVIEW AND APPROVAL.

(2) IN MAKING THE DETERMINATION, THE BOARD OF MANAGERS SHALL CONSIDER:

(I) THE VOTE OF EACH LANDOWNER;

(II) THE PROBABLE APPORTIONMENT OF BENEFITS TO EACH LANDOWNER BASED ON ACREAGE;

(III) THE LOCATION OF THE DRAINAGE PROJECT; AND

(IV) THE EXTENT OF THE BENEFITS TO THE VOTER'S LAND BY THE DRAINAGE PROJECT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 68.

In subsection (b)(1)(i) of this section, the reference to places "in the area or vicinity of the area of the drainage association" is substituted for the former reference to places "within the association or in the vicinity thereof" for clarity and consistency within this title.

In subsection (b)(1)(ii) of this section, the former reference to a "written or printed" notice is deleted as unnecessary in light of the reference to a "mailed" notice.

In the introductory language of subsection (c) of this section, the phrase "[a]t the meeting required under subsection (a) of this section" is substituted for the former phrase "[a]t such meeting" for clarity.

In subsection (c)(2) of this section, the references to an "individual" being entitled to vote or being a witness are substituted for the former references to a "person" being entitled to vote or being a witness since the reference is intended to apply only to human beings and not the other entities included in the definition of "person".

In subsection (d)(2)(i) of this section, the reference to the vote "of each landowner" is added for clarity.

In subsection (d)(2)(ii) of this section, the reference to the benefits “to each landowner” is added for clarity.

In subsection (d)(2)(iii) of this section, the reference to the location “of the drainage project” is added for clarity.

Defined terms: “Board of managers” § 26–101

“Drainage association” § 26–101

“Landowner” § 26–101

26–404. FILING WITH COUNTY.

(A) FILING.

(1) IF THE BOARD OF MANAGERS DECIDES TO SUBMIT THE PLAN TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL, THE BOARD OF MANAGERS SHALL SUBMIT THREE COPIES OF THE PLAN.

(2) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL FORWARD A COPY OF THE PLAN TO THE STATE SOIL CONSERVATION COMMITTEE IN THE DEPARTMENT OF AGRICULTURE.

(B) STATEMENT.

THE BOARD OF MANAGERS SHALL INCLUDE WITH THE SUBMISSION OF THE PLAN A STATEMENT THAT THE BOARD OF MANAGERS HAS DETERMINED THAT THE DRAINAGE PROJECT:

(1) IS FEASIBLE;

(2) WILL BENEFIT THE PUBLIC AND PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE; AND

(3) WILL PRODUCE SUFFICIENT BENEFITS TO WARRANT THE EXPENDITURE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 69(b) and the first and second sentences of (a).

In subsection (a)(2) of this section, the reference to the “county commissioners or county council” is added for clarity.

In subsection (b)(2) of this section, the reference to the project “benefit[ing] the public and promot[ing] public health, safety, and welfare” is substituted for the former reference to the project “promot[ing] the public benefit and be[ing] conducive to the public health, safety, and welfare” for consistency with similar terminology in the Code.

Defined term: “Board of managers” § 26–101

SUBTITLE 5. BOARD OF VIEWERS.

26–501. APPOINTMENT.

(A) IN GENERAL.

(1) ON APPROVAL OF A PLAN SUBMITTED IN ACCORDANCE WITH § 26–404 OF THIS TITLE, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL APPOINT A BOARD OF VIEWERS COMPOSED OF AT LEAST THREE IMPARTIAL INDIVIDUALS WHO RESIDE IN THE VICINITY OF THE AREA OF THE DRAINAGE ASSOCIATION.

(2) A MEMBER OF THE BOARD OF VIEWERS MAY NOT BE A LANDOWNER.

(B) MULTIPLE COUNTIES.

IF A DRAINAGE PROJECT DESCRIBED IN A PLAN IS LOCATED IN MORE THAN ONE COUNTY, AT LEAST ONE MEMBER OF THE BOARD OF VIEWERS SHALL BE FROM EACH COUNTY IN WHICH THE DRAINAGE PROJECT IS LOCATED.

(C) NOTICE OF ACCEPTANCE.

AN INDIVIDUAL WHO IS APPOINTED AS A MEMBER OF A BOARD OF VIEWERS MAY NOT ACT IN THAT CAPACITY UNTIL THE INDIVIDUAL PROVIDES WRITTEN NOTICE OF ACCEPTANCE OF THE APPOINTMENT TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL.

(D) VACANCIES.

(1) IF ANY MEMBER OF THE BOARD OF VIEWERS DIES, MOVES FROM A COUNTY IN WHICH THE AREA OF THE DRAINAGE ASSOCIATION IS LOCATED, OR OTHERWISE IS UNABLE TO ACT, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL APPOINT A REPLACEMENT AS SOON AS FEASIBLE.

(2) THE APPOINTMENT OF A REPLACEMENT DOES NOT AFFECT THE VALIDITY OF ANY WORK OF THE BOARD OF VIEWERS.

(E) COMPENSATION OF VIEWERS AND ENGINEER.

EACH MEMBER OF A BOARD OF VIEWERS AND THE ENGINEER IS ENTITLED TO RECEIVE COMPENSATION FOR EACH DAY SPENT ON DUTIES AS AGREED BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL AND THE MEMBERS AND ENGINEER APPOINTED UNDER § 26–503 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 70 and 101 and the second sentence of § 55.

In subsection (a)(1) of this section, the reference to “individuals” is substituted for the former reference to “citizens” because the meaning of “citizens” in this context is unclear.

Also in subsection (a)(1) of this section, the former reference to the “review” of the plan is deleted as implicit in the reference to the “approval” of the plan.

Also in subsection (a)(1) of this section, the former reference to “judicious” individuals is deleted as unnecessary in light of the reference to “impartial” individuals.

In subsection (b) of this section, the reference to the “board of” viewers is added for consistency with subsections (a) and (c) of this section.

In subsection (c) of this section, the references to an “individual” are substituted for the former references to a “person” since a member of a board of viewers would be a human being and not the other entities included in the definition of “person”.

In subsection (d) of this section, the former reference to members “appointed by any order of the county commissioners” is deleted as surplusage.

Also in subsection (d) of this section, the former reference to “counties” is deleted in light of the reference to “county” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (e) of this section, the reference to the engineer “appointed under § 26–503 of this subtitle” is added for clarity.

Also in subsection (e) of this section, the reference to the “members and engineer” is substituted for the former reference to the “parties” for clarity.

Also in subsection (e) of this section, the former reference to the “discharge of” the members’ duties is deleted as surplusage.

Defined terms: “Board of viewers” § 26–101

“County” § 1–101

“Drainage association” § 26–101

“Landowner” § 26–101

26–502. NOTICE OF ACTION BY BOARD OF VIEWERS.

AT LEAST 10 DAYS BEFORE PROCEEDING WITH ITS DUTIES, THE BOARD OF VIEWERS SHALL:

(1) POST A NOTICE OF ITS INTENTION TO PROCEED AT FOUR PUBLIC PLACES IN THE AREA DESCRIBED IN THE PETITION;

(2) PUBLISH A NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN EACH COUNTY IN WHICH THE LANDS TO BE VIEWED ARE LOCATED; AND

(3) SEND A COPY OF THE NOTICE TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL, THE SECRETARY OF AGRICULTURE, AND THE STATE SOIL CONSERVATION COMMITTEE IN THE DEPARTMENT OF AGRICULTURE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 70A.

In the introductory language of this section, the former reference to the “execution” of the duties of the board of viewers is deleted as surplusage.

In item (2) of this section, the reference to “publish[ing] a notice in a newspaper of general circulation published in each county” is substituted for the former reference to “notice inserted in a newspaper or newspapers published in the county or counties” for consistency with other terminology in this article.

Defined terms: “Board of viewers” § 26–101

“County” § 1–101

26–503. DUTIES.

(A) EXAMINATION TO DETERMINE BENEFITS; MAKE SURVEYS.

ON RECEIPT OF A COPY OF THE PLAN FROM THE COUNTY COMMISSIONERS OR COUNTY COUNCIL, A BOARD OF VIEWERS SHALL:

- (1) (I) ENGAGE THE SERVICES OF A PRIVATE ENGINEER; OR**

(II) USE THE SERVICES OF AN ENGINEER OF A LOCAL, STATE, OR FEDERAL UNIT OF GOVERNMENT;
- (2) ENTER AND VIEW, WITH THE INDIVIDUALS DESCRIBED IN ITEM (1) OF THIS SUBSECTION, THE LAND DESCRIBED IN THE PETITION;**
- (3) MAKE CAREFUL AND THOROUGH EXAMINATION OF THE LAND DESCRIBED IN THE PETITION AND OF OTHER LAND IF NECESSARY TO LOCATE PROPERLY THE PROJECT THAT IS THE SUBJECT OF THE PETITION;**
- (4) INCLUDE IN THE AREA OF THE PROPOSED DRAINAGE ASSOCIATION ALL LAND THAT WOULD BE BENEFITED AND EXCLUDE ANY LAND DESCRIBED IN THE PETITION THAT IT DETERMINES WOULD NOT BE BENEFITED BY THE PROPOSED IMPROVEMENT;**
- (5) CONDUCT SURVEYS TO DETERMINE THE BOUNDARIES AND ELEVATIONS OF THE AREA AND TO DEVELOP A PLAN FOR THE PROJECT; AND**
- (6) LAY OUT ON THE GROUND A PLAINLY AND SUBSTANTIALLY MARKED LINE OF EACH DITCH OR DRAIN OR OTHER IMPROVEMENT THAT IT CONSIDERS NECESSARY.**

(B) CONSIDERATION OF DAMAGES.

A BOARD OF VIEWERS SHALL CONSIDER AS DAMAGES, WITHOUT REGARD TO ANY BENEFIT THAT WOULD RESULT FROM THE PROPOSED DRAINAGE PROJECT:

- (1) THE VALUE OF LAND TAKEN FOR CONSTRUCTION OF THE PROPOSED DRAINAGE PROJECT;**
- (2) INCONVENIENCE IMPOSED BY THE CONSTRUCTION OF THE PROPOSED DRAINAGE PROJECT; AND**

(3) OTHER LAWFULLY COMPENSABLE DAMAGES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, §§ 71 and 72.

In subsection (a)(1)(i) of this section, the former reference to a "competent and experienced" private engineer is deleted as implicit.

In subsection (a)(1)(ii) of this section, the reference to a "unit of government" is substituted for the former reference to "agency" for consistency with other similar provisions of the Code.

In subsection (a)(2) of this section, the reference to the "individuals described in item (1) of this subsection" is substituted for the former reference to "him" for clarity.

In subsection (a)(3) of this section, the reference to the "land described in the petition" is substituted for the former reference to the "area" for consistency with subsection (a)(2) of this section.

Also in subsection (a)(3) of this section, the reference to the "project" is substituted for the former reference to "improvement or improvements" for consistency with similar provisions of the Code. Similarly, in subsection (a)(5) of this section, the reference to the "project" is substituted for the former reference to the "necessary improvements".

In subsection (a)(5) of this section, the former reference to the "several parts" of the area is deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to considering damages "without regard to" any benefit is substituted for the former reference to considering damages "separate and apart from" any benefit for brevity.

In subsection (b)(1) of this section, the reference to considering as damages "the value of" land taken is added for clarity.

In subsection (b)(2) of this section, the conjunction "and" is substituted for the conjunction "or" to clarify that each item listed is to be considered.

In subsection (b)(3) of this section, the reference to "lawfully compensable damages" is substituted for the former reference to "legal damages sustained" for clarity.

Defined terms: "Board of viewers" § 26-101

"Drainage association" § 26-101

“State” § 1-101

26-504. COSTS.

(A) ASSESSMENTS.

A BOARD OF VIEWERS:

(1) SHALL DETERMINE THE AMOUNT SUFFICIENT TO PAY:

(I) THE COST OF CONSTRUCTING OR IMPROVING A PROPOSED DRAINAGE PROJECT;

(II) ANY DAMAGES AWARDED;

(III) ANY COMPENSATION FOR AN EXISTING DRAINAGE PROJECT THAT THE BOARD OF VIEWERS ADOPTS IN ACCORDANCE WITH § 26-505 OF THIS SUBTITLE;

(IV) THE EXPENSES OF THE BOARD OF VIEWERS; AND

(V) THE COSTS OF ESTABLISHING THE DRAINAGE ASSOCIATION;

(2) SHALL SUBTRACT FROM THE AMOUNT DETERMINED UNDER ITEM (1) OF THIS SUBSECTION ANY AMOUNTS RECEIVED FROM THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OR ANY OTHER SOURCE; AND

(3) SHALL ASSESS EACH LANDOWNER, INCLUDING THE STATE OR A POLITICAL SUBDIVISION OF THE STATE, THAT WILL DERIVE A BENEFIT FROM THE PROPOSED DRAINAGE PROJECT A PROPORTION OF THE AMOUNT DESCRIBED IN ITEM (2) OF THIS SUBSECTION, BASED ON THE BENEFITS THAT WOULD ACCRUE TO THE TRACT OF LAND FROM THE DRAINAGE PROJECT.

(B) CONTRIBUTION BY COUNTY.

NOTWITHSTANDING ANY OTHER LAW, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL MAY:

(1) CONTRIBUTE TOWARD THE COSTS OF A DRAINAGE PROJECT AUTHORIZED UNDER THIS TITLE FROM GENERAL FUNDS OF THE COUNTY; OR

**(2) ALLOCATE TOWARD THE COSTS OF ANY DRAINAGE PROJECT
ANY OTHER MONEY THAT IS AVAILABLE FOR THE DRAINAGE PROJECT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 73 and the second and fourth sentences of § 74.

In subsection (a)(1) of this section, the reference to a board of viewers "determin[ing]" an amount is added for clarity.

In subsection (a)(1)(i) of this section, the reference to a "proposed" drainage project is substituted for the former reference to "such ditches or drains or other drainage works" for consistency within this title.

In subsection (a)(1)(iii) of this section, the reference to "an existing drainage project that the board of viewers adopts in accordance with § 26-505 of this subtitle" is substituted for the former reference to "adopted improvements previously constructed" for clarity.

In subsection (a)(3) of this section, the reference to assessing each tract of land "a proportion of the amount ... based on the benefits that would accrue to the tract of land from the drainage project" is substituted for the former reference to assessing "against such persons respectively a sum proportional to the benefits accruing to their lands" for clarity.

Also in subsection (a)(3) of this section, the former reference to the requirement that the board of watershed viewers "adjudge thereof" is deleted as unnecessary in light of the requirement that the board "assess" an amount for each tract of land.

Also in subsection (a)(3) of this section, the reference to the "amount described in item (2) of this subsection" is substituted for the former reference to the "cost and expense of making the same" for clarity.

In subsection (b) of this section, the references to a "drainage project" are substituted for the former references to an "improvement" and "improvements" for consistency with similar provisions of the Code.

Defined terms: "Board of viewers" § 26-101

"County" § 1-101

"Drainage association" § 26-101

"Landowner" § 26-101

"State" § 1-101

26-505. EXISTING DRAINAGE PROJECTS.

(A) ADOPTION.

A BOARD OF VIEWERS MAY ADOPT AN EXISTING DRAINAGE PROJECT AS A WHOLE DRAINAGE PROJECT OR AS A PART OF A DRAINAGE PROJECT, UNDER THIS TITLE.

(B) COMPENSATION FOR PROJECT.

IF AN EXISTING DRAINAGE PROJECT IS ADOPTED BY THE BOARD OF VIEWERS, IT SHALL PAY FAIR COMPENSATION TO EACH LANDOWNER FOR THE VALUE OF WORK ALREADY DONE ON THE DRAINAGE PROJECT.

REVISOR'S NOTE: This section is new language derived without substantive change from the first and third sentences of former Art. 25, § 74.

In subsection (a) of this section and throughout this title, the references to an "existing" drainage project are substituted for the former references to a drainage project "already constructed" and "previously constructed" for clarity.

Also in subsection (a) of this section, the reference to "drainage project[s]" is substituted for the former reference to "drainage improvements" for consistency with similar provisions of the Code.

In subsection (b) of this section, the phrase "[i]f an existing drainage project is adopted by the board of viewers," is added for clarity.

Also in subsection (b) of this section, the reference to "pay[ing]" fair compensation is substituted for the former reference to "allow[ing]" fair compensation for clarity.

Defined terms: "Board of viewers" § 26-101
"Landowner" § 26-101

26-506. SUBSEQUENT BOARD OF VIEWERS.**(A) APPOINTMENT ON REQUEST OF BOARD OF MANAGERS.**

AT THE REQUEST OF THE BOARD OF MANAGERS, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL APPOINT A BOARD OF VIEWERS TO DETERMINE IF THE ORIGINAL DETERMINATION AS TO WHICH LANDS HAVE BENEFITED FROM THE IMPROVEMENTS HAS CHANGED.

(B) QUALIFICATIONS; POWERS; DUTIES.

THE BOARD OF VIEWERS APPOINTED UNDER THIS SECTION SHALL HAVE THE SAME QUALIFICATIONS, RIGHTS, POWERS, PRIVILEGES, AND DUTIES AS THE ORIGINAL BOARD OF VIEWERS.

(C) REPORT.

(1) THE BOARD OF VIEWERS SHALL REPORT ITS FINDINGS TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL.

(2) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL CONSIDER THE REPORT IN THE SAME MANNER AS THE ORIGINAL REPORT, AND THE REPORT SHALL BE SUBJECT TO A PUBLIC HEARING AND THE RIGHT TO JUDICIAL REVIEW AS PROVIDED UNDER § 26-513 OF THIS SUBTITLE.

(D) ASSESSMENTS.

ANY REVISION IN THE ORIGINAL DETERMINATION AS TO WHICH LANDS BENEFIT FROM THE DRAINAGE PROJECT SHALL BECOME THE BASIS FOR ALL FUTURE ASSESSMENTS FOR PAYING FOR THE DRAINAGE PROJECT, INCLUDING RELATED EXPENSES SUCH AS DAMAGES AND THE MAINTENANCE OF THE DRAINAGE PROJECT.

(E) CLASSIFICATION OF LAND.

NOTWITHSTANDING THE REQUIREMENTS OF THIS SECTION, THE BOARD OF MANAGERS, AT ANY TIME AFTER THE CREATION OF A DRAINAGE ASSOCIATION, MAY DETERMINE WHICH LAND IN THE ASSOCIATION IS CLASSIFIED AS WOODLAND, CROPLAND, COMMERCIAL, INDUSTRIAL, OR RESIDENTIAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 82.

In subsection (b) of this section, the reference to the board of viewers "appointed under this section" is added for clarity.

In subsection (c)(2) of this section, the reference to judicial review "as provided under § 26-513 of this subtitle" is added for clarity.

Also in subsection (c)(2) of this section, the reference to "the county commissioners or county council" is added for clarity.

In subsection (d) of this section, the former reference to lands “both public and private” is deleted as surplusage.

Defined terms: “Board of managers” § 26–101

“Board of viewers” § 26–101

“Drainage association” § 26–101

26–507. REPORT TO STATE AND COUNTY.

(A) REPORT REQUIRED.

AT THE EARLIEST FEASIBLE DATE, THE BOARD OF VIEWERS SHALL SUBMIT THREE COPIES OF A WRITTEN REPORT TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL AND TO THE STATE SOIL CONSERVATION COMMITTEE IN THE DEPARTMENT OF AGRICULTURE.

(B) CONTENTS.

THE REPORT SHALL STATE:

(1) WHETHER THE PROPOSED DRAINAGE PROJECT:

(I) IS FEASIBLE;

(II) WILL BENEFIT THE PUBLIC OR PROMOTE THE PUBLIC HEALTH, SAFETY, OR WELFARE; AND

(III) WILL BENEFIT THE LAND TO BE AFFECTED BY THE DRAINAGE PROJECT SUFFICIENTLY TO WARRANT THE PROBABLE EXPENDITURE;

(2) THE NAME OF EACH PERSON ENTITLED TO DAMAGES AND THE AMOUNT OF THE DAMAGES;

(3) THE NAME OF EACH PERSON ENTITLED TO COMPENSATION FOR A DRAINAGE PROJECT ADOPTED UNDER § 26–505 OF THIS SUBTITLE AND THE AMOUNT OF THE COMPENSATION;

(4) THE AMOUNT DETERMINED UNDER § 26–504(A)(1) OF THIS SUBTITLE; AND

(5) THE AMOUNT FOR WHICH EACH LANDOWNER SHALL BE ASSESSED AS A SHARE OF THE TOTAL COST OF THE DRAINAGE PROJECT AND ITS PROPORTION OF THE WHOLE.

(C) MAPS AND PROFILES.

THE BOARD OF VIEWERS SHALL FILE WITH THE REPORT THREE COPIES OF MAPS AND PROFILES THAT SHOW:

(1) THE LOCATION OF THE PROPOSED DRAINAGE PROJECT ON A MAP, DRAWING, OR AERIAL PHOTOGRAPH TO A SUITABLE SCALE;

(2) A GENERAL DELINEATION OF THE BOUNDARY OF THE AREA AFFECTED, WITH THE GENERAL LOCATION IN THE COUNTY INDICATED;

(3) A GENERAL DELINEATION OF THE BOUNDARIES OF EACH LANDOWNER'S TRACT, WITH AN ESTIMATE OF THE ACREAGE THAT EACH TRACT CONTAINS; AND

(4) THE DIMENSIONS AND PROFILES OF THE PROPOSED DRAINAGE PROJECT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 82A.

In subsection (a) of this section, the reference to the requirement that the board of viewers "submit" a report is substituted for the former reference to the requirement that the board "make out and return" a report for brevity.

In subsection (b)(1)(ii) of this section, the reference to the project "benefit[ing] the public or promot[ing] the public health, safety, or welfare" is substituted for the former reference to the project "promot[ing] the public benefit or utility, or the public health, convenience or welfare" for consistency with similar provisions of the Code.

In subsections (b)(3) and (c)(4) of this section, the references to a "drainage project" are substituted for the former references to "improvements" for consistency with similar provisions of the Code.

In subsection (b)(3) of this section, the reference to a project "adopted under § 26-505 of this subtitle" is substituted for the former reference to a project "previously constructed" for clarity.

In subsection (b)(4) of this section, the reference to the “amount determined under § 26–504(a)(1) of this subtitle” is substituted for the former reference to the “total estimated cost of improvements, including damages, compensations, and organization expenses” for brevity and clarity.

Defined terms: “Board of viewers” § 26–101

“Landowner” § 26–101

“Person” § 1–101

26–508. EXAMINATION OF REPORT; HEARING; NOTICE; REPORT AVAILABLE FOR INSPECTION.

(A) EXAMINATION.

(1) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL EXAMINE A REPORT SUBMITTED BY A BOARD OF VIEWERS UNDER § 26–507 OF THIS SUBTITLE AT THE FIRST MEETING AFTER RECEIVING THE REPORT.

(2) IF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL FIND THAT A REPORT UNDER § 26–507 OF THIS SUBTITLE IS NOT IN PROPER FORM OR NOT IN COMPLIANCE WITH THE LAW, THE REPORT SHALL BE RETURNED TO THE BOARD OF VIEWERS TO BE CORRECTED AND RESUBMITTED.

(3) IF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL FIND THAT A REPORT UNDER § 26–507 OF THIS SUBTITLE IS IN PROPER FORM AND IN COMPLIANCE WITH THE LAW, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL SET A DATE FOR A PUBLIC HEARING ON THE REPORT.

(B) NOTICE.

(1) AT LEAST 30 DAYS BEFORE A HEARING UNDER THIS SECTION, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL:

(I) PUBLISH NOTICE OF THE TIME AND PLACE OF THE HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY IN WHICH THE LAND AFFECTED IS LOCATED; AND

(II) MAIL A NOTICE TO EACH PERSON NAMED IN THE REPORT.

(2) NOTICE OF THE HEARING SHALL STATE THAT A COPY OF THE REPORT IS AVAILABLE FOR INSPECTION IN AN OFFICE OF THE DESIGNATED OFFICER.

(C) REPORT AVAILABLE FOR INSPECTION.

A COPY OF THE REPORT OF THE BOARD OF VIEWERS SHALL BE:

(1) AVAILABLE FOR INSPECTION IN AN OFFICE OF THE DESIGNATED OFFICER; AND

(2) SENT TO THE SECRETARY OF AGRICULTURE AND THE STATE SOIL CONSERVATION COMMITTEE IN THE DEPARTMENT OF AGRICULTURE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 84.

In subsection (a)(2) of this section, the reference to a report "not in proper form or not in compliance with the law" is substituted for the former reference to a report "not to be in due form and in accordance with the law" for clarity. Similarly, in subsection (a)(3) of this section, the reference to a report in "proper form and in compliance with the law" is substituted for the former reference to a report "in due form and in accordance with the law".

Also in subsection (a)(2) of this section, the reference to the report being "returned" is substituted for the former reference to the report being "referred back" for clarity.

Also in subsection (a)(2) of this section, the reference to the report being "resubmitted" is substituted for the former reference to the report being "returned to the county commissioners at a subsequent meeting" for brevity.

In subsection (b)(1)(i) of this section, the former reference to "newspapers" is deleted in light of the reference to "newspaper" and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in subsection (b)(1)(i) of this section, the former reference to "counties" is deleted in light of the reference to "county".

In subsection (b)(1)(ii) of this section, the former reference to a "written or printed" notice is deleted as implicit in the reference to a "mail[ed]" notice.

In subsection (b)(2) of this section, the reference to the requirement that the notice “state that a copy of the report is available for inspection in the office of the designated officer” is substituted for the former reference to the requirement that the notices “so state” for clarity.

In subsection (c) of this section, the reference to a copy of the report being “available for” inspection is substituted for the former references to a copy of the report being “on file ..., and shall be open to” the inspection for brevity.

Also in subsection (c) of this section, the former phrase “[d]uring this time” is deleted as surplusage.

Also in subsection (c) of this section, the former reference to inspection “of any landowner or other person interested” is deleted as surplusage.

Defined terms: “Board of viewers” § 26–101

“County” § 1–101

“Designated officer” § 26–101

“Person” § 1–101

26–509. HEARING PROCEDURE ON REPORT.

(A) PARTICIPANTS.

AT A HEARING UNDER § 26–508 OF THIS SUBTITLE:

(1) THE BOARD OF VIEWERS AND ENGINEERS SHALL BE PRESENT;
AND

(2) ANY PERSON MAY APPEAR IN PERSON OR BY COUNSEL AND OBJECT TO ANY PART OF THE REPORT.

(B) CONSIDERATION BY COUNTY.

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL CONSIDER CAREFULLY EACH OBJECTION PRESENTED UNDER SUBSECTION (A) OF THIS SECTION.

(C) CHANGE IN REPORT.

IF POSSIBLE AT THE HEARING, THE BOARD OF VIEWERS MAY MAKE CHANGES TO THE REPORT NECESSARY TO TREAT EACH CONCERNED PERSON EQUITABLY.

(D) ACTION ON REPORT.

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL MAY:

- (1) DISAPPROVE THE REPORT;**
- (2) RETURN THE REPORT TO THE BOARD OF VIEWERS FOR AMENDMENT OR RECONSIDERATION IN VIEW OF AN OBJECTION PRESENTED; OR**
- (3) APPROVE THE REPORT AS SUBMITTED OR AS AMENDED.**

(E) POWERS OF BOARD OF MANAGERS ON APPROVAL OF REPORT.

ON APPROVAL OF THE REPORT BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL, THE BOARD OF MANAGERS MAY INSTALL, OPERATE, AND MAINTAIN THE DRAINAGE PROJECT DESCRIBED IN THE REPORT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 85.

In subsections (a)(1) and (c) of this section, the references to the "board of viewers" are substituted for the former references to "viewers" for consistency with § 26–501 of this subtitle. Similarly, in subsection (d)(2) of this section, the reference to the "board of viewers" is substituted for the former reference to "drainage viewers".

In subsection (a)(1) of this section, the clause "the board of viewers and engineers shall be present" is substituted for the former clause "the viewers and the engineers being present" to make explicit that which was previously implied, that the board of viewers and engineers are required to be present at the hearing.

In subsection (a)(2) of this section, the former reference to a person interested "in the matter" is deleted as surplusage.

In subsection (c) of this section, the reference to changes necessary to "treat each concerned person equitably" is substituted for the former reference to changes necessary to "render substantial and equal justice to all persons concerned" for brevity.

In subsection (d)(2) of this section, the reference to "return[ing]" the report is substituted for the former reference to the report being "refer[red] back" for clarity.

In subsection (e) of this section, the former reference to the report of “drainage viewers” is deleted as surplusage.

Defined terms: “Board of managers” § 26–101

“Board of viewers” § 26–101

“Person” § 1–101

26–510. PAYMENT OF EXPENSES IF REPORT DISAPPROVED.

(A) PAYMENT BY COUNTY.

IF A REPORT IS DISAPPROVED, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL PAY THE EXPENSES PROPERLY INCURRED IN MAKING THE SURVEY AND REPORT AND IN PUBLISHING NOTICES.

(B) IMPOSITION OF SPECIAL ASSESSMENT ON PETITIONERS.

TO REIMBURSE THE COUNTY FOR THE EXPENSES DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL MAY IMPOSE A SPECIAL ASSESSMENT IN EQUAL AMOUNTS ON THE PROPERTY OF THE LANDOWNERS WHO SIGNED THE PETITION FILED UNDER SUBTITLE 2 OF THIS TITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 81.

In subsection (b) of this section, the reference to a petition “filed under Subtitle 2 of this title” is added for clarity.

Also in subsection (b) of this section, the reference to “reimburs[ing] the county for the expenses described in subsection (a) of this section” is substituted for the former reference to “the proceeds of such tax to be used to reimburse the board of county commissioners for the said payment of the said expenses” for brevity.

Also in subsection (b) of this section, the reference to “special assessment” is substituted for the former reference to “tax” for consistency with Subtitle 8 of this title.

Defined terms: “County” § 1–101

“Landowner” § 26–101

26–511. AMENDMENT OF PETITION OR RELATED PROCEEDINGS.

(A) IN GENERAL.

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OR CIRCUIT COURT FOR THE COUNTY IN WHICH PROCEEDINGS ARE PENDING MAY, ON APPLICATION OF ANY PARTY AND AT ANY TIME BEFORE A FINAL DECISION IS MADE, GRANT LEAVE TO THE PARTY TO AMEND THE PETITION OR ANY PART OF THE PROCEEDINGS THAT MAY BE DEFECTIVE OR INFORMAL TO BRING THE MERITS OF THE CASE BEFORE THE COUNTY COMMISSIONERS OR COUNTY COUNCIL FOR A DECISION OR BEFORE A JURY OF THE CIRCUIT COURT FOR TRIAL.

(B) COSTS.

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OR CIRCUIT COURT FOR THE COUNTY MAY AWARD COSTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 78.

In subsection (a) of this section, the reference to bringing the merits of the case before the county commissioners or county council "for a decision" is added for clarity to distinguish the action of the county commissioners or county council and the jury of the circuit court.

In subsection (b) of this section, the former reference to awarding costs "in their discretion, according to the right of the matter" is deleted as surplusage.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the intention of former Art. 25, § 197, in connection with authority to amend "any part of the proceedings ... so as to bring the merits of the case before ... [a] jury of the circuit court for trial" is unclear. To the extent the intent is to allow a de novo appeal to the circuit court with a right to a jury trial, this would contradict case law that has held that a statute that provides for a de novo trial with the right of electing to have a jury is void as being unconstitutional. *See Department of Natural Resources v. Linchester Sand & Gravel Corp.*, 274 Md. 211 (1974).

Defined term: "County" § 1-101

26-512. APPLICATION FOR ORDER OF REVIEW.

(A) IN GENERAL.

A PERSON WHO MAY BE ADVERSELY AFFECTED BY THE MAKING OF ANY DITCH OR DRAIN OR WHO MAY BE ASSESSED FOR ANY PART OF THE COSTS OF A DITCH OR DRAIN MAY APPLY FOR AN ORDER OF REVIEW TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL AT ANY TIME BEFORE THE APPROVAL OF THE REPORT.

(B) APPOINTMENT OF VIEWERS TO REVIEW REPORT.

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL MAY GRANT AN ORDER OF REVIEW AND APPOINT ANOTHER BOARD OF VIEWERS TO REDO THE WORK DONE BY THE ORIGINAL BOARD OF VIEWERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 79.

In subsection (a) of this section, the reference to "adversely affected" is substituted for the former reference to "injured" to conform to modern usage.

Also in subsection (a) of this section, the reference to the costs "of a ditch or drain" is substituted for the former reference to the costs "thereof" for clarity.

Also in subsection (a) of this section, the former reference to a ditch or drain "laid out as aforesaid" is deleted as surplusage.

In subsection (b) of this section, the reference to "an order of review" is substituted for the former reference to "such order" for clarity.

Also in subsection (b) of this section, the reference to "another board of viewers ... redo[ing] the work done" is substituted for the former reference to "other drainage viewers ... perform[ing] the same duty" for clarity.

Defined terms: "Board of viewers" § 26-101
 "Person" § 1-101

26-513. JUDICIAL REVIEW.

(A) IN GENERAL.

A PERSON WHO IS AGGRIEVED BY A DETERMINATION OF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OR BY ANY PROCEEDINGS UNDER THIS TITLE RELATING TO DRAINS MAY APPEAL TO THE CIRCUIT COURT OF THE

COUNTY IN WHICH THE DETERMINATION WAS MADE OR PROCEEDINGS WERE CONDUCTED.

(B) OPTION FOR TRIAL BY JURY.

EITHER PARTY MAY ELECT A TRIAL BY JURY AND THE JUDGMENT IN THE TRIAL SHALL BE FINAL BETWEEN THE PARTIES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 80.

In subsection (b) of this section, the reference to the judgment "in the trial" is substituted for the former reference to the judgment "rendered thereupon" for clarity.

Also in subsection (b) of this section, the former reference to the parties "thereto" is deleted as surplusage.

Defined terms: "County" § 1-101
"Person" § 1-101

SUBTITLE 6. RIGHTS-OF-WAY, EASEMENTS, AND CONDEMNATION.

26-601. RIGHTS-OF-WAY AND EASEMENTS GENERALLY.

(A) POWER TO ACQUIRE.

THE BOARD OF MANAGERS MAY ACQUIRE ANY RIGHT-OF-WAY AND EASEMENT NECESSARY TO CONSTRUCT AND MAINTAIN THE DRAINAGE PROJECTS OR DISPOSE OF EXCAVATED MATERIAL ACCORDING TO AN APPROVED OPERATION AND MAINTENANCE PLAN.

(B) EASEMENT RECORD.

(1) THE BOARD OF MANAGERS OF EACH DRAINAGE ASSOCIATION SHALL SUBMIT TO THE CLERK OF THE CIRCUIT COURT IN THE APPROPRIATE COUNTY A BOOK, TO BE KNOWN AS THE "EASEMENT RECORD", THAT CONTAINS EACH EASEMENT FOR MAINTENANCE OR RIGHT-OF-WAY, ACCORDING TO THE ORIGINAL DESIGN SPECIFICATIONS OR FOR NOT LESS THAN 20 FEET, THAT THE DRAINAGE ASSOCIATION HAS IN THE COUNTY.

(2) A DRAINAGE ASSOCIATION SHALL KEEP THE EASEMENT RECORD CURRENT.

(3) THE CLERK OF A CIRCUIT COURT SHALL MAKE AN EASEMENT RECORD AVAILABLE FOR INSPECTION BY THE PUBLIC.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 88.

In subsection (a) of this section, the reference to “acquir[ing]” rights-of-way and easements is substituted for the former reference to “hav[ing] and possess[ing]” rights-of-way and easements to avoid the implication that property in trust need not be acquired before use.

Also in subsection (a) of this section, the former phrase “by virtue of this subtitle” is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to a “suitable” book is deleted as surplusage.

Also in subsection (b)(1) of this section, the former reference to easements “on any land” in the county is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to the requirement that a watershed association keep the easement record “up to date” is deleted as unnecessary in light of the requirement that the easement record be kept “current”.

Defined terms: “Board of managers” § 26–101

“County” § 1–101

“Drainage association” § 26–101

26–602. CONDEMNATION PROCEEDINGS.

IF A LANDOWNER REFUSES TO ACCEPT THE DAMAGES AWARDED TO THE LANDOWNER BY THE BOARD OF VIEWERS AND APPROVED BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL AND REFUSES THE NECESSARY ACCESS TO THE LANDOWNER'S LAND, THE BOARD OF MANAGERS MAY BEGIN CONDEMNATION PROCEEDINGS UNDER TITLE 12 OF THE REAL PROPERTY ARTICLE TO ACQUIRE A RIGHT-OF-WAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 86.

The former reference to the requirement that “the damages awarded as compensation ... be paid by the board of managers in lieu of the damages awarded by the drainage viewers” is deleted as unnecessary in light of the reference to Title 12 of the Real Property Article.

Defined terms: "Board of managers" § 26-101

"Board of viewers" § 26-101

"Landowner" § 26-101

SUBTITLE 7. IMPLEMENTATION OF PLAN.

26-701. POWERS AND DUTIES OF MANAGERS.

(A) IN GENERAL.

THE BOARD OF MANAGERS SHALL IMPLEMENT THE DRAINAGE PROJECT.

(B) SPECIFIC AUTHORITY.

THE BOARD OF MANAGERS MAY:

(1) HIRE EMPLOYEES;

(2) BUY, HIRE, OR RENT MACHINES, AND BUY EXPLOSIVES;

(3) AWARD CONTRACTS;

(4) ENTER INTO AN AGREEMENT WITH ANY COUNTY, STATE, OR FEDERAL UNIT OF GOVERNMENT; AND

(5) DO OTHER ACTS AS NECESSARY, INCLUDING BORROWING MONEY, IN THE NAME OF THE BOARD OF MANAGERS, IF THE BORROWING IS APPROVED BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL.

(C) PAYMENTS OF DRAINAGE ASSOCIATION.

THE COUNTY TAX COLLECTOR SHALL MAKE PAYMENT ON BEHALF OF THE DRAINAGE ASSOCIATION AS DIRECTED BY THE BOARD OF MANAGERS.

(D) ACCOUNTING AND REPORTING.

THE BOARD OF MANAGERS SHALL:

(1) KEEP A REGULAR ACCOUNT OF ITS INCOME AND EXPENSES;

AND

(2) REPORT ITS INCOME AND EXPENSES TO THE ANNUAL MEETINGS OF THE DRAINAGE ASSOCIATION AND MEETINGS OF THE LANDOWNERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 92.

In subsection (a) of this section, the reference to the drainage "project" is substituted for the former reference to drainage "improvements" for consistency within this title.

Also in subsection (a) of this section, the former reference to the "plan of" drainage projects is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former phrase "in exercising the authority herein conferred" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "hir[ing] employees" is substituted for the former reference to "employ[ing] supervisors, ditchers and laborers" to use more modern terminology.

In subsection (b)(2) of this section, the former references to "dredges" and "excavators" are deleted as included in the reference to "machines".

In subsection (b)(3) of this section, the former reference to contracts for "all or part of the work" is deleted as surplusage.

In subsection (b)(4) of this section, the reference to any county, State, or federal "unit of government" is substituted for the former reference to county, State, or federal "agencies" for consistency with similar provisions of the Code.

In subsection (b)(5) of this section, the former reference to borrowing money "by promissory notes" is deleted as surplusage.

Also in subsection (b)(5) of this section, the former reference to the county commissioners "of the applicable county" is deleted as surplusage.

Also in subsection (b)(5) of this section, the former reference to borrowing money "from banks or other persons" is deleted as unnecessary because it is inclusive of all sources of borrowing money.

In subsection (c) of this section, the reference to a payment "on behalf of the drainage association" is added for clarity.

In subsection (d)(1) of this section, the reference to “income and expenses” is substituted for the former reference to “expenditures” to use more modern terminology.

In subsection (d)(2) of this section, the reference to the annual meetings of the “landowners” is substituted for the former reference to the annual meetings of the “taxables” for consistency within this title and to reflect that only the landowners pay a special assessment under this title.

Also in subsection (d)(2) of this section, the reference to “income and expenses” is substituted for the former reference to “the same” for clarity.

Defined terms: “Board of managers” § 26–101

“County” § 1–101

“Drainage association” § 26–101

“Landowner” § 26–101

“Tax collector” § 1–101

26–702. MAINTENANCE AND OPERATION OF DRAINAGE PROJECTS.

(A) IN GENERAL.

THE BOARD OF MANAGERS SHALL CONTROL AND SUPERVISE EACH DRAINAGE PROJECT UNDER THIS TITLE.

(B) DUTY TO KEEP IN GOOD REPAIR.

THE BOARD OF MANAGERS SHALL KEEP EACH DRAINAGE PROJECT IN GOOD REPAIR IN ACCORDANCE WITH AN APPROVED OPERATION AND MAINTENANCE PLAN.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 96(a).

Throughout this section, the references to each drainage “project” are substituted for the former references to drainage “improvements” for consistency within this title.

Defined term: “Board of managers” § 26–101

SUBTITLE 8. FINANCING.

26–801. IMPOSITION OF SPECIAL ASSESSMENTS ON BENEFITED LANDS.

(A) IN GENERAL.

A SPECIAL ASSESSMENT IMPOSED UNDER THIS TITLE SHALL BE IMPOSED ON THE LANDS BENEFITED BY A DRAINAGE PROJECT.

(B) DIVISION OF ASSESSMENT IF PROPERTY IS DIVIDED.

IF A TRACT OF LAND SUBJECT TO A SPECIAL ASSESSMENT UNDER THIS TITLE IS DIVIDED, THE BOARD OF MANAGERS SHALL DETERMINE THE RATIO IN WHICH ANY LATER SPECIAL ASSESSMENT IS TO BE IMPOSED ON EACH SUBDIVIDED TRACT OF LAND BASED ON THE PROPORTION OF THE BENEFIT TO EACH TRACT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 94.

In this section and throughout this subtitle, the references to a "special assessment" are substituted for the former references to a "tax levied", "taxation", and "tax[es]" to more accurately describe the nature of the charge.

In this section and throughout this subtitle, the references to a special assessment "imposed" are substituted for the former references to a special assessment "levied" for consistency with other revised articles of the Code.

In subsection (a) of this section, the reference to lands benefited "by a drainage project" is added for clarity.

In subsection (b) of this section, the reference to a "tract of land" is substituted for the former reference to a "piece of property" for consistency within this title.

Also in subsection (b) of this section, the reference to "each subdivided tract of land" is substituted for the former reference to the "several holdings" for consistency within this title.

Also in subsection (b) of this section, the former reference to the requirement that the tax "be divided between" the tracts of land is deleted as included in the reference to the requirement that the tax be imposed "based on the proportion of the benefit".

Defined term: "Board of managers" § 26-101

26-802. IMPLEMENTATION OF PLAN.

(A) AMOUNT.

THE BOARD OF MANAGERS SHALL DETERMINE THE AMOUNT OF MONEY TO BE RAISED TO IMPLEMENT AN APPROVED DRAINAGE PROJECT.

(B) PREPARATION OF ASSESSMENT LIST.

THE BOARD OF MANAGERS SHALL PREPARE AN ASSESSMENT LIST THAT SHOWS THE AMOUNT DUE FROM EACH LANDOWNER SUBJECT TO THE SPECIAL ASSESSMENT.

(C) PROPORTIONAL IMPOSITION OF SPECIAL ASSESSMENTS.

THE SPECIAL ASSESSMENTS IMPOSED ON EACH TRACT OF LAND SHALL BE PROPORTIONAL TO THE TOTAL ASSESSMENTS.

(D) SIGNATURE AND TRANSMISSION OF ASSESSMENT LIST.

THE ASSESSMENT LIST REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE:

- (1) SIGNED BY THE BOARD OF MANAGERS; AND**
- (2) SENT TO THE DESIGNATED OFFICER.**

(E) CERTIFICATION.

(1) THE DESIGNATED OFFICER SHALL CERTIFY THE CONFORMANCE OF THE ASSESSMENT LIST WITH THIS SECTION.

(2) AFTER RECEIVING THE CERTIFICATION OF THE ASSESSMENT LIST, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL CERTIFY THE ASSESSMENT LIST TO THE COUNTY TAX COLLECTOR.

(F) INCLUSION IN TAX BILLS.

(1) THE COUNTY TAX COLLECTOR SHALL INCLUDE THE SPECIAL ASSESSMENTS IMPOSED UNDER THIS SECTION IN THE NEXT BILLS FOR COUNTY TAXES.

- (2) THE SPECIAL ASSESSMENTS ARE:**

(I) DUE AND COLLECTIBLE AT THE SAME TIME AND IN THE SAME MANNER AS COUNTY TAXES; AND

(II) SUBJECT TO THE SAME INTEREST AND PENALTIES FOR LATE PAYMENT AND NONPAYMENT AS COUNTY TAXES.

(G) SUPPLEMENTAL SPECIAL ASSESSMENT.

IF THE SPECIAL ASSESSMENTS COLLECTED UNDER THIS SECTION ARE INSUFFICIENT TO COMPLETE THE DRAINAGE PROJECT, A SUPPLEMENTAL SPECIAL ASSESSMENT SHALL BE IMPOSED IN THE SAME MANNER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 87.

In this section and throughout this subtitle, the references to an "assessment list" are substituted for the former references to a "tax roll" to accurately reflect the references to "assessments" throughout this subtitle.

In subsections (a) and (g) of this section, the references to the "drainage project" are substituted for the former references to the "plan of drainage improvements" for consistency within this title.

In subsection (a) of this section, the reference to determining "the amount of money to be raised to implement an approved drainage project" is substituted for the former reference to determining "[f]or the purpose of raising funds necessary to carry out the plan of drainage improvements described in the report of the drainage viewers and confirmed by the county commissioners ... the amount to be raised" for brevity.

Also in subsection (a) of this section, the former reference to "which sum may be less than the total assessment" is deleted as implicit.

In subsection (b) of this section, the former reference to the "sum" due from each landowner is deleted as included in the reference to the "amount" due.

Also in subsection (b) of this section, the former reference to being subject to assessment "in the report made out and returned by the drainage viewers and confirmed by the county commissioners" is deleted as implicit.

In subsection (c) of this section, the reference to “special assessments imposed on each tract of land” is substituted for the former reference to “[s]uch drainage taxes” for clarity and consistency.

Also in subsection (c) of this section, the reference to “total” assessments is substituted for the former reference to “respective” assessments for clarity.

In subsection (e)(1) of this section, the reference to the conformance “of the assessment list” is substituted for the former reference to “its” conformance for clarity.

Also in subsection (e)(1) of this section, the former reference to certifying “to the county commissioners” is deleted as unnecessary in light of subsection (e)(2) of this section.

In subsection (e)(2) of this section, the clause “[a]fter receiving the certification of the assessment list” is substituted for the former word “thereupon” for clarity.

In subsection (f)(1) of this section, the former reference to tax bills “sent out from his office” is deleted as surplusage.

Also in subsection (f)(1) of this section, the former reference to “State” tax bills is deleted for consistency with subsection (f)(2) of this section.

In subsection (f)(2)(ii) of this section, the reference to the special assessments being subject to “interest” is added for consistency with § 26–803(g)(4)(ii) of this subtitle.

In subsection (g) of this section, the reference to “special assessments collected under this section” is substituted for the former reference to “funds raised in this manner” for clarity.

Also in subsection (g) of this section, the former reference to special assessments “collected” is deleted as implicit in the authority to impose special assessments.

Defined terms: “Board of managers” § 26–101

“County” § 1–101

“Designated officer” § 26–101

“Landowner” § 26–101

“Tax collector” § 1–101

26–803. ISSUANCE OF BONDS OR NOTES.

(A) IN GENERAL.

AS AN ALTERNATIVE TO RAISING FUNDS AS PROVIDED IN § 26-802 OF THIS SUBTITLE, THE BOARD OF MANAGERS MAY ISSUE AND SELL BONDS OR NOTES AS PROVIDED IN THIS SECTION FOR AN AMOUNT NOT EXCEEDING THE TOTAL COST OF THE DRAINAGE PROJECT.

(B) NOTICE OF PROPOSAL.

(1) THE BOARD OF MANAGERS SHALL GIVE NOTICE OF A PROPOSAL TO ISSUE BONDS OR NOTES BY:

(I) PUBLICATION AT LEAST ONCE A WEEK FOR AT LEAST 3 WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH ANY OF THE AREA OF THE DRAINAGE ASSOCIATION IS LOCATED;

(II) POSTING A NOTICE AT THE DOOR OF THE COURTHOUSE IN THE COUNTY IN WHICH ANY OF THE AREA OF THE DRAINAGE ASSOCIATION IS LOCATED; AND

(III) POSTING A NOTICE AT FIVE CONSPICUOUS PLACES IN THE AREA OR VICINITY OF THE AREA OF THE DRAINAGE ASSOCIATION.

(2) THE NOTICE SHALL PROVIDE:

(I) THE PROPOSAL TO ISSUE BONDS OR NOTES TO PAY FOR THE COST OF THE DRAINAGE PROJECT;

(II) THE AMOUNT OF BONDS OR NOTES TO BE ISSUED;

(III) THE INTEREST RATE FOR THE BONDS OR NOTES OR THE METHOD OF DETERMINING THE INTEREST; AND

(IV) THE DATE WHEN THE BONDS OR NOTES ARE PAYABLE.

(C) PAYMENT BY LANDOWNER IN ADVANCE.

(1) WITHIN 15 DAYS AFTER THE PUBLICATION OR POSTING OF THE NOTICE IN SUBSECTION (B) OF THIS SECTION, A LANDOWNER MAY PAY TO THE COUNTY TAX COLLECTOR THE FULL AMOUNT FOR WHICH THE LANDOWNER IS LIABLE, AS PROVIDED IN THE REPORT OF THE BOARD OF VIEWERS.

(2) IF A LANDOWNER PAYS THE FULL AMOUNT AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, THE LANDOWNER IS RELIEVED FROM FURTHER LIABILITY FOR THE PARTICULAR DRAINAGE PROJECT.

(3) BEFORE ISSUING ANY BONDS OR NOTES UNDER THIS SECTION, THE BOARD OF MANAGERS SHALL DEDUCT FROM THE ESTIMATED AMOUNT OF BONDS OR NOTES TO BE ISSUED THE AMOUNT PAID IN ADVANCE BY A LANDOWNER AND SHALL ISSUE BONDS OR NOTES ONLY IN THE DECREASED AMOUNT.

(4) ANY AMOUNT PAID IN ADVANCE TO THE COUNTY TAX COLLECTOR SHALL BE HELD IN A SEPARATE FUND TO BE ADDED TO THE PROCEEDS OF THE BONDS OR NOTES ISSUED AND TO BE SPENT TO IMPLEMENT THE PLAN OF DRAINAGE PROJECTS.

(D) CERTIFICATION OF AMOUNT; ASSESSMENT LIST.

THE BOARD OF MANAGERS SHALL:

(1) CERTIFY TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL THE AMOUNT OF BONDS OR NOTES TO BE ISSUED; AND

(2) SUBMIT AN ASSESSMENT LIST OF ALL PROPERTIES FOR WHICH PAYMENTS HAVE NOT BEEN MADE, SHOWING FOR EACH LANDOWNER THE FULL AMOUNT DUE, LESS INTEREST, WITH THE TOTAL AMOUNT FOR ALL LANDOWNERS EQUALING THE CERTIFIED AMOUNT.

(E) ISSUANCE AND SALE OF BONDS OR NOTES.

(1) AFTER THE ASSESSMENT LIST HAS BEEN SUBMITTED AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE BOARD OF MANAGERS SHALL ISSUE BONDS OR NOTES IN THE CERTIFIED AMOUNT.

(2) ALL BONDS OR NOTES ISSUED UNDER THIS SECTION:

(I) SHALL BE SOLD UNDER THE SERIAL MATURITY PLAN;

(II) SHALL HAVE A MATURITY DATE OF 12 YEARS OR LESS FROM THE DATE OF ISSUE;

(III) MAY NOT BE SOLD FOR A PRICE LESS THAN PAR; AND

(IV) MAY BE SOLD AT A PUBLIC OR PRIVATE SALE.

(3) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF MANAGERS MAY PROVIDE FOR THE FORM, DATE, INTEREST RATE, AND OTHER DETAILS INCIDENT TO THE OFFERING, SALE, EXECUTION, AND DELIVERY OF THE BONDS.

(4) BONDS ISSUED UNDER THIS SECTION ARE EXEMPT FROM §§ 19-205 AND 19-206 OF THIS ARTICLE.

(F) DISPOSITION OF PROCEEDS.

(1) THE BOARD OF MANAGERS SHALL PAY THE PROCEEDS FROM THE SALE OF BONDS UNDER THIS SECTION TO THE COUNTY TAX COLLECTOR.

(2) THE COUNTY TAX COLLECTOR SHALL:

(I) RETAIN THE PROCEEDS IN A SPECIAL FUND;

(II) DISBURSE THE PROCEEDS ONLY AS AUTHORIZED BY THE BOARD OF MANAGERS TO CARRY OUT THE PLAN OF DRAINAGE PROJECTS; AND

(III) USE ANY SURPLUS TO REDEEM BONDS.

(G) ANNUAL ASSESSMENT FOR PAYMENT OF PRINCIPAL AND INTEREST.

(1) THE BOARD OF MANAGERS SHALL CERTIFY TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL AND TO THE COUNTY TAX COLLECTOR THE TOTAL AMOUNT DUE EACH YEAR FOR THE REDEMPTION OF THE BONDS OR NOTES ISSUED UNDER THIS SECTION, INCLUDING ALL PAYMENTS OF PRINCIPAL AND INTEREST.

(2) EACH YEAR, THE COUNTY TAX COLLECTOR SHALL COMPUTE THE AMOUNT DUE FROM EACH LANDOWNER, BASED ON THE AMOUNTS SHOWN IN THE DRAINAGE ASSESSMENT LIST, SO THAT THE TOTAL AMOUNTS INDIVIDUALLY DUE IN ANY YEAR EQUAL THE AGGREGATE SUM REQUIRED IN THAT YEAR TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS OR NOTES.

(3) THE COUNTY TAX COLLECTOR SHALL INCLUDE IN THE REGULAR TAX BILL FOR EACH TAXABLE YEAR THE AMOUNTS COMPUTED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(4) THE SPECIAL ASSESSMENTS ARE:

(I) DUE AND COLLECTIBLE AT THE SAME TIME AND IN THE SAME MANNER AS COUNTY TAXES; AND

(II) SUBJECT TO THE SAME INTEREST AND PENALTIES FOR LATE PAYMENT OR NONPAYMENT AS COUNTY TAXES.

(H) PAYMENT FOR EXISTING IMPROVEMENTS.

IF THE DRAINAGE WORK PLAN APPROVED BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL PROVIDES FOR ADOPTING ANY EXISTING DRAINAGE PROJECT, THE BOARD OF MANAGERS MAY:

(1) PAY THE AMOUNT NECESSARY TO ACQUIRE THE EXISTING DRAINAGE PROJECT FROM THE PROCEEDS OF ANY BONDS OR NOTES ISSUED UNDER THIS SECTION; OR

(2) REIMBURSE A LANDOWNER FROM THE PROCEEDS OF ANY BONDS OR NOTES ISSUED UNDER THIS SECTION FOR ANY AMOUNT SPENT BY THE LANDOWNER IN THE CONSTRUCTION OF THE EXISTING DRAINAGE PROJECT.

(I) REPORT AND DISBURSEMENT OF COLLECTIONS.

(1) THE COUNTY TAX COLLECTOR SHALL REPORT TO THE BOARD OF MANAGERS AT REGULAR INTERVALS ON THE AMOUNT COLLECTED AS SPECIAL ASSESSMENTS DURING EACH INTERVAL, INCLUDING A LIST SHOWING THE AMOUNT RECEIVED FROM EACH LANDOWNER.

(2) THE BOARD OF MANAGERS SHALL ORDER THE AMOUNT COLLECTED AS SPECIAL ASSESSMENTS TO BE PAID BY THE COUNTY TAX COLLECTOR FOR THE PRINCIPAL OF AND INTEREST ON THE BONDS OR NOTES ISSUED.

(J) BONDHOLDER'S RIGHT OF ACTION ON DEFAULT.

(1) IF AN INSTALLMENT OF PRINCIPAL OF OR INTEREST ON THE BONDS OR NOTES ISSUED UNDER THIS SUBTITLE IS NOT PAID AT THE TIME AND IN THE MANNER IT IS DUE AND PAYABLE AND THE DEFAULT CONTINUES FOR A PERIOD OF 6 MONTHS, THE HOLDER OF THE BOND OR NOTE IN DEFAULT SHALL HAVE A RIGHT OF ACTION AGAINST THE BOARD OF MANAGERS.

(2) THE CIRCUIT COURT OF THE COUNTY MAY ISSUE A WRIT OF MANDAMUS AGAINST THE BOARD OF MANAGERS THAT DIRECTS THE IMPOSITION OF A SPECIAL ASSESSMENT AGAINST LANDOWNERS IN DEFAULT IN AN AMOUNT NECESSARY TO MEET UNPAID INSTALLMENTS OF PRINCIPAL AND INTEREST AND THE COSTS OF THE ACTION.

(3) THE BOARD OF MANAGERS SHALL CERTIFY THE AMOUNTS OF THE SPECIAL ASSESSMENT TO THE COUNTY TAX COLLECTOR WHO SHALL PROCEED IMMEDIATELY TO COLLECT THE SPECIAL ASSESSMENT FROM THE LANDOWNERS IN DEFAULT ACCORDING TO THE PROCEDURE PROVIDED IN THIS SUBTITLE.

(4) WHEN THE COUNTY TAX COLLECTOR COLLECTS THE AMOUNTS CERTIFIED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE COUNTY TAX COLLECTOR, ON ORDER OF THE BOARD OF MANAGERS, SHALL PAY THE INSTALLMENTS OF PRINCIPAL AND INTEREST IN DEFAULT AND THE COSTS OF THE ACTION.

(5) THE OFFICIAL BONDS OF THE COUNTY TAX COLLECTOR AND ANY OTHER OFFICERS SHALL BE LIABLE FOR THE FAITHFUL PERFORMANCE OF THE DUTIES ASSIGNED TO THE OFFICERS UNDER THIS SUBTITLE.

(6) THE HOLDER OF ANY BOND OR NOTE IN DEFAULT MAY BRING SUIT AGAINST ANY OFFICER ON THE OFFICIAL BOND OF THE OFFICER FOR FAILING TO PERFORM A DUTY REQUIRED UNDER THIS SECTION.

(K) APPLICABILITY OF TITLE.

THIS TITLE SHALL APPLY TO DRAINAGE PROJECTS COMPLETED UNDER THIS SECTION AS IF COMPLETED WITH FUNDS BY ASSESSMENTS WITHOUT ISSUING BONDS OR NOTES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 90.

Throughout this section, the references to "drainage project" or "drainage projects" are substituted for the former references to "improvement" or "improvements" and "drainage improvements" for consistency within this title.

In subsection (a) of this section, the former reference to a plan for raising funds "necessary to carry out the plan of drainage improvements described in the report of the drainage viewers and confirmed by the

county commissioners” is deleted as implicit in the reference to imposing taxes “as provided in § 26–802 of this subtitle”.

In subsection (b)(1)(i) of this section, the reference to “any of the area of the drainage association” is substituted for the former reference to the “drainage area or some part thereof” for clarity and consistency within this title.

Also in subsection (b)(1)(i) of this section, the former phrase “if there be such a newspaper” is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the reference to the county “in which any of the area of the drainage association is located” is substituted for the former reference to “such” county for clarity and consistency within this title.

In subsection (b)(1)(iii) of this section, the reference to the places “in the area or vicinity of the area of the drainage association” is substituted for the former reference to the places “in the drainage area” for clarity and consistency within this title.

In subsection (c)(1) of this section, the reference to “the landowner” being liable is substituted for the former reference to “the full amount for which his land is liable” because a landowner makes the payment and is therefore liable, rather than the “land” being liable. Similarly, in subsection (c)(2) of this section, the reference to the “landowner” is substituted for the former reference to “his lands and himself”, and in subsection (d)(2) of this section, the former reference to an amount “for which his land” is liable is deleted.

Also in subsection (c)(1) of this section, the reference to the “board” of drainage viewers is added for consistency within this title.

In subsection (c)(3) and (4) of this section, the former references to “amounts” are deleted in light of the references to “amount” and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in subsection (e)(3) of this section, the former reference to “rates” is deleted in light of the reference to “rate”.

In subsection (c)(3) of this section, the reference to the amount paid in advance “by a landowner” is substituted for the former reference to the amount “so” paid in advance for clarity.

In subsection (d)(2) of this section, the reference to the “certified amount” is substituted for the former reference to the “amount so certified to the county commissioners” for brevity. Similarly, in subsection (e)(1) of this

section, the reference to the “certified amount” is substituted for the former reference to the “amount which has been certified to the county commissioners”.

Also in subsection (d)(2) of this section, the former phrase “[a]long with such certification” is deleted as surplusage.

In subsection (e)(1) of this section, the phrase “[a]fter the assessment list has been submitted as provided in subsection (d) of this section,” is substituted for the former reference to “thereupon” for clarity.

In subsection (e)(3) of this section, the phrase “may provide for” is substituted for the former phrase “shall be within the discretion of” for brevity.

In subsection (f)(1) of this section, the reference to proceeds “from the sale of bonds under this section” is substituted for the former reference to proceeds “therefrom” for clarity.

In subsection (f)(2)(ii) of this section, the reference to disbursing the proceeds “as authorized by the board of managers” to carry out the plan is substituted for the former references to the proceeds being disbursed “only upon warrant of the board of managers” and “be[ing] devoted entirely” to carrying out the plan for brevity.

In subsection (g)(2) of this section, the reference to “pay[ing] the principal of and interest on” the bonds or notes is substituted for the former reference to the “redemption of the bonds or notes and interest” for consistency with similar provisions of this article. Similarly, in subsection (i)(2) of this section, the reference to the “principal of and interest on” is substituted for the former reference to “redemption of the bonds or notes issued and the interest thereon”.

Also in subsection (g)(2) of this section, the reference to each “landowner” is substituted for the former reference to each “individual taxable” for clarity and consistency within this title.

In subsection (g)(3) of this section, the reference to the “amounts computed under paragraph (2) of this subsection” is substituted for the former reference to the “sum as so computed” for clarity.

In subsection (g)(4)(ii) of this section, the reference to the taxes being subject to the same interest and penalties “as county taxes” is added for consistency within this subtitle.

In subsection (h) of this section, the reference to “any” of the drainage project is substituted for the former reference to “the whole or as part” of the drainage project for brevity.

Also in subsection (h) of this section, the former reference to “tak[ing] over” the drainage project is deleted as included in the reference to “adopting” a drainage project.

Also in subsection (h) of this section, the former reference to a drainage project “to be provided under this subtitle” is deleted as surplusage.

In subsection (i)(2) of this section, the reference to “the amount collected as special assessments” is substituted for the former reference to “all such moneys” for clarity.

In subsection (j)(1) and (6) of this section, the former references to “holders” and “bonds or notes” are deleted in light of the references to “holder” and “bond or note” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (j)(1) of this section, the reference to an installment of “principal of or interest on the bonds or notes issued under this subtitle” is substituted for the former reference to an installment of “principal and/or interest represented by the said bonds or notes” for clarity and consistency within this section.

In subsection (j)(2) of this section, the former reference to “the collection of” the special assessments is deleted as implicit in the authority to impose special assessments.

In subsection (j)(4) of this section, the former reference to “unpaid” installments is deleted as unnecessary in light of the reference to installments “in default”.

In subsection (k) of this section, the former phrase “[e]xcept as provided in this section” is deleted as surplusage.

Also in subsection (k) of this section, the former phrase “in all respects” is deleted as surplusage.

Defined terms: “Board of managers” § 26–101

“Board of viewers” § 26–101

“County” § 1–101

“Drainage association” § 26–101

“Landowner” § 26–101

“Tax collector” § 1–101

26-804. ANNUAL SPECIAL ASSESSMENT FOR MAINTENANCE AND OPERATION.**(A) IN GENERAL.**

(1) THE BOARD OF MANAGERS MAY IMPOSE A SPECIAL ASSESSMENT ON THE PUBLIC AND PRIVATE BENEFITED LAND FOR MAINTENANCE OF A DRAINAGE PROJECT CONSTRUCTED UNDER THIS TITLE.

(2) IF THE BOARD OF MANAGERS REQUESTS, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL MAY APPOINT A BOARD OF VIEWERS TO EVALUATE CHANGES IN LAND USE MADE AFTER THE ORIGINAL DETERMINATION FOR A DRAINAGE PROJECT.

(3) THE BOARD OF MANAGERS MAY USE THE EVALUATION REPORT AS A BASIS TO IMPOSE A SPECIAL ASSESSMENT FOR MAINTENANCE OF A DRAINAGE PROJECT.

(B) PROCEDURE FOR IMPOSITION AND DISBURSEMENT.

THE SPECIAL ASSESSMENTS UNDER THIS SECTION SHALL BE IMPOSED AND DISBURSED IN THE SAME MANNER AS PROVIDED FOR OTHER SPECIAL ASSESSMENTS UNDER THIS SUBTITLE, EXCEPT THAT THE BOARD OF MANAGERS MAY, AT ANY TIME, DETERMINE WHICH LAND IS CLASSIFIED AS WOODLAND, CROPLAND, COMMERCIAL, INDUSTRIAL, OR RESIDENTIAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 96(b) and (c).

In subsection (a)(1) of this section, the reference to the "board of managers" is added to clarify who imposes the annual special assessment.

In subsection (b) of this section, the reference to "special assessments under this section" is substituted for the former reference to "[t]axes for maintenance purposes" for clarity.

Also in subsection (b) of this section, the reference to special assessments "under this subtitle" is substituted for the former reference to "original" taxes for clarity.

Also in subsection (b) of this section, the former reference to special assessments being "collected" is deleted as implicit in the authority to impose special assessments.

Defined terms: "Board of managers" § 26-101
"Board of viewers" § 26-101

26-805. DUTIES OF COUNTY TAX COLLECTOR.

(A) DISBURSEMENT.

THE SPECIAL ASSESSMENTS IMPOSED UNDER THIS SUBTITLE SHALL REMAIN IN THE COUNTY TREASURY UNTIL DISBURSED BY THE COUNTY TAX COLLECTOR ON ORDERS SIGNED BY THE BOARD OF MANAGERS.

(B) RETENTION OF PROCEEDS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY TAX COLLECTOR SHALL BE ENTITLED TO RETAIN 3% OF THE DRAINAGE SPECIAL ASSESSMENTS COLLECTED UNDER THIS SUBTITLE AS COMPENSATION.

(2) IN CAROLINE COUNTY, THE COUNTY TAX COLLECTOR SHALL DEPOSIT ALL FEES COLLECTED INTO THE GENERAL FUND OF CAROLINE COUNTY.

(C) RECORDS.

FOR EACH DRAINAGE ASSOCIATION IN THE COUNTY, THE COUNTY TAX COLLECTOR SHALL KEEP A SEPARATE RECORD THAT SHOWS ALL INCOME AND EXPENSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 89.

In subsection (a) of this section, the reference to special assessments imposed "under this subtitle" is substituted for the former reference to taxes imposed "in this manner" for clarity.

Also in subsection (a) of this section, the former reference to special assessments "collected" is deleted as implicit in the authority to impose special assessments.

Also in subsection (a) of this section, the former reference to orders being "drawn" is deleted as surplusage.

In subsection (c) of this section, the reference to “income and expenses” is substituted for the former reference to “receipts and expenditures” to use more modern terminology.

Defined terms: “Board of managers” § 26–101

“County” § 1–101

“Drainage association” § 26–101

“Tax collector” § 1–101

26–806. COLLECTION OF SPECIAL ASSESSMENTS IF LAND IN MULTIPLE COUNTIES.

(A) SEPARATE ASSESSMENT LIST.

IF THE LANDS OF THE DRAINAGE ASSOCIATION THAT ARE SUBJECT TO ASSESSMENT ARE LOCATED IN TWO OR MORE COUNTIES, THE BOARD OF MANAGERS SHALL PREPARE A SEPARATE ASSESSMENT LIST FOR EACH COUNTY.

(B) TRANSMITTAL TO DESIGNATED OFFICER.

THE BOARD OF MANAGERS SHALL SEND THE ASSESSMENT LIST FOR EACH COUNTY TO THE DESIGNATED OFFICER FOR THE COUNTY IN WHICH THE DRAINAGE ASSOCIATION WAS ORGANIZED.

(C) PROCEDURE.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE PROCEDURE TO IMPOSE A SPECIAL ASSESSMENT UNDER THIS SECTION SHALL BE AS PROVIDED UNDER § 26–802 OF THIS SUBTITLE.

(2) (I) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF THE COUNTY IN WHICH THE DRAINAGE ASSOCIATION WAS ORGANIZED SHALL CERTIFY THE ASSESSMENT LISTS FOR THE OTHER COUNTIES TO THE APPROPRIATE COUNTY COMMISSIONERS OR COUNTY COUNCIL.

(II) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL THEN CERTIFY THE TAX ASSESSMENT LISTS TO THE RESPECTIVE COUNTY TAX COLLECTORS FOR ACTION AS PROVIDED UNDER § 26–802 OF THIS SUBTITLE.

(D) PROCEEDS.

ALL MONEY COLLECTED IN THE SEVERAL COUNTIES AS PROVIDED UNDER THIS SECTION SHALL BE PAID OVER TO THE COUNTY TAX COLLECTOR OF THE COUNTY IN WHICH THE DRAINAGE ASSOCIATION WAS ORGANIZED AND CREDITED TO THE DRAINAGE ASSOCIATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 93.

In subsection (a) of this section, the reference to lands "of" the drainage association is substituted for the former reference to lands "in" the drainage association for consistency within this title.

In subsection (b) of this section, the reference to the assessment list "for each county" is substituted for the former reference to "such" assessment lists for clarity.

In subsection (c)(1) of this section, the reference to the procedure "to impose a special assessment under this section" is added for clarity.

In subsection (c)(2)(i) of this section, the reference to "the county in which the drainage association was organized" is added for clarity.

Defined terms: "Board of managers" § 26-101

"County" § 1-101

"Designated officer" § 26-101

"Drainage association" § 26-101

"Tax collector" § 1-101

26-807. ORDER OF PAYMENTS TO BE MADE BY BOARD OF MANAGERS.

(A) FIRST FUNDS.

FROM THE MONEY THAT FIRST BECOMES AVAILABLE UNDER THIS TITLE TO THE BOARD OF MANAGERS, THE BOARD OF MANAGERS SHALL PAY:

(1) THE COMPENSATION AND EXPENSES OF THE BOARD OF VIEWERS AND THE ENGINEERS;

(2) ANY DAMAGES AWARDED;

(3) ANY COMPENSATION AWARDED FOR EXISTING DRAINAGE PROJECTS; AND

(4) THE EXPENSES INCIDENT TO THE ORGANIZATION OF THE DRAINAGE ASSOCIATION.

(B) ADVANCEMENT.

(1) ON REQUEST BY THE BOARD OF MANAGERS, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL MAY ADVANCE FUNDS TO PAY THE COSTS IN SUBSECTION (A) OF THIS SECTION.

(2) AN ADVANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REPAID FROM THE MONEY FIRST RECEIVED TO PAY SPECIAL ASSESSMENTS IMPOSED ON THE LANDOWNERS FOR THE DRAINAGE PROJECT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 91.

In subsection (a)(3) of this section, the reference to "drainage projects" is substituted for the former reference to "improvements" for consistency within this title.

Defined terms: "Board of managers" § 26-101

"Board of viewers" § 26-101

"Drainage association" § 26-101

"Landowner" § 26-101

SUBTITLE 9. DISSOLUTION.**26-901. DISSOLUTION PROCEDURE GENERALLY.****(A) PETITION.**

(1) A MAJORITY OF THE LANDOWNERS OR THE OWNERS OF A MAJORITY OF THE LAND IN THE AREA OF A DRAINAGE ASSOCIATION MAY SUBMIT A PETITION TO DISSOLVE THE DRAINAGE ASSOCIATION TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF THE COUNTY IN WHICH THE DRAINAGE ASSOCIATION WAS ORGANIZED.

(2) A COMPLETE LIST OF THE CREDITORS OF THE DRAINAGE ASSOCIATION CERTIFIED UNDER OATH BY THE BOARD OF MANAGERS SHALL ACCOMPANY THE PETITION.

(B) HEARING; NOTICE.

ON RECEIPT OF A PETITION UNDER SUBSECTION (A) OF THIS SECTION, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL:

(1) SET A DATE FOR A PUBLIC HEARING ON THE PETITION; AND

(2) GIVE NOTICE OF THE TIME, PLACE, AND PURPOSE OF THE HEARING AT LEAST 30 DAYS BEFORE THE HEARING BY:

(I) NOTICE MAILED TO EACH CREDITOR OF THE DRAINAGE ASSOCIATION AND EACH LANDOWNER; AND

(II) PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY AFFECTED BY THE DRAINAGE ASSOCIATION.

(C) ACTION ON PETITION.

(1) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL MAY DENY OR APPROVE A PETITION FOR DISSOLUTION AFTER A PUBLIC HEARING UNDER THIS SECTION.

(2) ON APPROVAL OF A PETITION FOR DISSOLUTION, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL GIVE NOTICE OF THE DISSOLUTION IN THE SAME MANNER AS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

(D) DISTRIBUTION OF REMAINING FUNDS.

AFTER PAYMENT OF ALL DEBTS, ANY BALANCE IN THE COUNTY TREASURY TO THE CREDIT OF THE DISSOLVED DRAINAGE ASSOCIATION SHALL BE DISTRIBUTED TO THE LANDOWNERS IN PROPORTION TO THE ORIGINAL ASSESSMENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 102(a).

In subsection (a)(1) of this section, the reference to land "in the area of" a drainage association is substituted for the former reference to land "in" a drainage association for consistency within this title.

In the introductory language of subsection (b) of this section, the phrase "[o]n receipt of a petition under subsection (a) of this section" is substituted for the former reference to "thereupon" for clarity.

In subsection (b)(2)(i) of this section, the reference to each creditor "of the drainage association" is added for clarity.

Also in subsection (b)(2)(i) of this section, the former reference to “written or printed” notice is deleted as unnecessary in light of the reference to “mail[ing]” the notice.

In subsection (b)(2)(ii) of this section, the reference to each county “affected by the drainage association” is substituted for the former reference to “the county or counties in which such drainage association is located” for consistency within this title.

Also in subsection (b)(2)(ii) of this section, the former reference to “newspapers” is deleted in light of the reference to “newspaper” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (c)(2) of this section, the reference to a notice “of the dissolution” is added for clarity.

Also in subsection (c)(2) of this section, the phrase “[o]n approval of a petition for dissolution” is substituted for the former phrase “[i]n case of approval” for clarity.

Also in subsection (c)(2) of this section, the reference to giving notice “in the same manner as required under subsection (b) of this section” is substituted for the former reference to giving “the same” notice “as for the hearing on the petition” for clarity.

In subsection (d) of this section, the reference to “debts” is substituted for the former reference to “bills” for consistency with terminology used in other articles of the Code.

Defined terms: “Board of managers” § 26–101

“County” § 1–101

“Drainage association” § 26–101

“Landowner” § 26–101

26–902. DISSOLUTION OF INACTIVE ASSOCIATION.

(A) CRITERIA FOR INACTIVITY.

FOR THE PURPOSE OF THIS SECTION, A DRAINAGE ASSOCIATION IS CONSIDERED INACTIVE IF FOR AT LEAST 5 YEARS THE DRAINAGE ASSOCIATION HAS NOT COMPLIED SUBSTANTIALLY WITH A MAJORITY OF THE ORDINARY OPERATING PROCEDURES REQUIRED UNDER THIS TITLE, INCLUDING:

- (1) THE MAINTENANCE OF ONGOING AND CURRENT INFORMATION IN THE DRAINAGE FILE AT THE OFFICE OF THE DESIGNATED OFFICER;**
- (2) ELECTION OF A BOARD OF MANAGERS AND OFFICERS OF THE BOARD;**
- (3) AN ANNUAL MEETING OF LANDOWNERS;**
- (4) THE SUBMISSION OF AN ANNUAL REPORT BY THE BOARD OF MANAGERS TO THE DESIGNATED OFFICER;**
- (5) THE DEVELOPMENT, APPROVAL, FILING, EXECUTION, OR MAINTENANCE OF A WORK PLAN APPLICABLE TO PROPERTY OWNED BY THE DRAINAGE ASSOCIATION; AND**
- (6) THE SUBMISSION AND REGULAR UPDATING OF THE DRAINAGE ASSOCIATION'S EASEMENT RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN THE APPLICABLE COUNTY.**

(B) PETITION FOR DISSOLUTION.

NOTWITHSTANDING § 26-901 OF THIS SUBTITLE, ON A WRITTEN PETITION FOR DISSOLUTION BY ANY MEMBER OF THE MOST RECENTLY ELECTED OR APPOINTED BOARD OF MANAGERS OF AN INACTIVE DRAINAGE ASSOCIATION, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF THE COUNTY IN WHICH THE DRAINAGE ASSOCIATION WAS ORGANIZED PROMPTLY SHALL:

- (1) PROVIDE PUBLIC NOTICE THAT THE COUNTY COMMISSIONERS OR COUNTY COUNCIL HAS RECEIVED AND IS CONSIDERING A PETITION FOR DISSOLUTION OF A DRAINAGE ASSOCIATION;**
- (2) HOLD A PUBLIC HEARING TO ACCEPT PUBLIC COMMENT BEFORE TAKING ANY ACTION ON THE PETITION;**
- (3) CONSIDER ALL AVAILABLE INFORMATION TO DETERMINE THE CURRENT OPERATING STATUS AND FORESEEABLE OPERATING POTENTIAL OF THE DRAINAGE ASSOCIATION; AND**
- (4) APPROVE OR DENY THE PETITION FOR DISSOLUTION.**

(C) ACTIONS AFTER APPROVAL.

IF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL APPROVE A PETITION FOR DISSOLUTION UNDER THIS SECTION, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL:

(1) SATISFY ALL OUTSTANDING DEBTS OF THE DRAINAGE ASSOCIATION IF ANY BALANCE REMAINS IN THE COUNTY TREASURY TO THE CREDIT OF THE DISSOLVED DRAINAGE ASSOCIATION;

(2) RETAIN ANY REMAINING BALANCE; AND

(3) PROVIDE FOR THE TRANSFER OF ANY INTEREST IN REAL PROPERTY HELD BY THE INACTIVE DRAINAGE ASSOCIATION TO ANY COUNTY IN WHICH THE PROPERTY IS LOCATED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 102(b), (c), and (d).

Subsection (a) of this section is revised as a substantive provision instead of definition of "inactive association" because the defined term was used only once.

In subsection (a)(5) of this section, the former reference to "appropriate" filing is deleted as surplusage.

In subsection (c)(2) of this section, the reference to the county commissioners "retain[ing] any remaining balance" is substituted for the former reference to the county commissioners "[d]istribut[ing] any remainder to the board of county commissioners" for clarity and brevity.

In subsection (c)(3) of this section, the former reference to "counties" is deleted in light of the reference to "county" and Art. 1, § 8, which provides that the singular generally includes the plural.

Defined terms: "Board of managers" § 26-101

"County" § 1-101

"Designated officer" § 26-101

"Drainage association" § 26-101

"Landowner" § 26-101

SUBTITLE 10. MISCELLANEOUS.

26-1001. RIGHT TO OPEN CROSS DITCHES OR DRAINS.

(A) IN GENERAL.

A PERSON WHO IS ASSESSED FOR A DITCH OR DRAIN THAT DOES NOT PASS THROUGH OR ON THE PERSON'S LAND MAY OPEN A DITCH OR INSTALL DRAIN TILE THROUGH THE INTERVENING LAND TO CONNECT TO THE MAIN DITCH AND KEEP THE DITCH OR DRAIN TILE OPEN AT THE PERSON'S EXPENSE AND CONTROL.

(B) EXCEPTION.

A PERSON MAY NOT OPEN A DITCH OR INSTALL DRAIN TILE THROUGH THE LAND OF ANOTHER PERSON WITHOUT THE CONSENT OF THE OWNER OF THE LAND, UNLESS THE DAMAGES TO THE LAND ACCRUING TO THE OWNER OF THE LAND ARE ASSESSED BY THREE OWNERS OF LAND APPOINTED BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL TO ASSESS THE DAMAGES.

(C) PAYMENT OF COSTS AND DAMAGES.

A PERSON SEEKING TO OPEN A DITCH OR INSTALL DRAIN TILE UNDER THIS SECTION SHALL:

(1) PAY THE COSTS OF LAYING OUT AND OPENING THE DITCH OR DRAIN; AND

(2) PAY ALL DAMAGES AWARDED TO ANY PERSON WHO IS INJURED BY THE DITCH OR DRAIN BEFORE MAKING THE DITCH OR DRAIN.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 97.

In subsection (a) of this section, the reference to opening a ditch or installing a drain tile "to connect to the main ditch" is substituted for the former reference to opening a ditch or installing a drain tile "into such main ditch" for clarity.

Also in subsection (a) of this section, the reference to a person's "control" is substituted for the former reference to a person's "charge" for clarity.

Also in subsection (a) of this section, the former references to "ditches" are deleted in light of the references to a "ditch" and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (b) of this section, the reference to drain "tile" is added for consistency with subsection (a) of this section.

Also in subsection (b) of this section, the reference to three “owners of land” is substituted for the former reference to three “freeholders” to use more modern terminology.

In subsection (c) of this section, the reference to “seeking to open a ditch or install drain tile under this section” is substituted for the former reference to “applying for such ditch or drain” for clarity and consistency with subsection (a) of this section.

Also in subsection (c) of this section, the reference to “person who is injured by the ditch or drain” is substituted for the former reference to “such persons as may be injured thereby” for clarity.

Also in subsection (c) of this section, the former reference to “tender[ing]” damages is deleted as implicit in the reference to “pay[ing]” damages.

Defined term: “Person” § 1–101

26–1002. REQUIREMENTS WHEN DRAINAGE PROJECT CROSSES PUBLIC HIGHWAY.

(A) COUNTY TO BEAR COST.

IF A DRAINAGE PROJECT ESTABLISHED UNDER THIS TITLE CROSSES A PUBLIC HIGHWAY AT THE INTERSECTION OF THE HIGHWAY WITH A NATURAL WATERCOURSE OR DEPRESSION THROUGH WHICH WATER FLOWS DURING PERIODS OF HIGH WATER, THE COUNTY IN WHICH THE BRIDGE IS LOCATED OR THE GOVERNMENTAL UNIT REQUIRED BY LAW TO MAINTAIN THE HIGHWAY THAT IS INTERSECTED SHALL:

(1) PAY THE COST OF AN EXISTING BRIDGE, REPAIRING OR ENLARGING AN EXISTING BRIDGE AND CULVERT, OR CONSTRUCTING A NEW BRIDGE OR CULVERT; AND

(2) MAINTAIN THE BRIDGE OR CULVERT DESCRIBED IN ITEM (1) OF THIS SUBSECTION.

(B) DRAINAGE ASSOCIATION TO BEAR COST.

IF A DRAINAGE PROJECT ESTABLISHED UNDER THIS TITLE CROSSES A PUBLIC HIGHWAY AT A POINT WHERE THE HIGHWAY DOES NOT INTERSECT A NATURAL WATERCOURSE OR DEPRESSION:

(1) THE DRAINAGE ASSOCIATION SHALL PAY THE COST OF CONSTRUCTING A NEW BRIDGE OR CULVERT; AND

(2) AFTER CONSTRUCTION, THE COUNTY OR OTHER GOVERNMENTAL UNIT REQUIRED BY LAW TO MAINTAIN THE HIGHWAY THAT IS INTERSECTED SHALL MAINTAIN THE BRIDGE AND ANY CULVERT CONSTRUCTED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 99.

Throughout this section, the references to "a drainage project" are substituted for the former references to "any ditch, drain, or other improvement" for consistency within this title.

In the introductory language of subsection (a) of this section, the reference to the "governmental unit" is substituted for the former reference to the "other authority" for consistency with other revised articles of the Code. Similarly, in subsection (b)(2) of this section, the reference to the other "governmental unit" is substituted for the former reference to other "authority".

In subsection (a)(1) of this section, the reference to the cost of an "existing" bridge is added to distinguish between that cost and the cost of constructing a new bridge.

In subsection (b)(2) of this section, the former reference to bridges and culverts being maintained "at the expense" of the county or other governmental unit is deleted as implicit in the requirement to maintain them.

Defined terms: "County" § 1-101
"Drainage association" § 26-101

26-1003. REQUIREMENTS WHEN DRAINAGE PROJECT CROSSES RAILROAD RIGHT-OF-WAY.

(A) RAILROAD TO BEAR COST.

IF A DRAINAGE PROJECT ESTABLISHED UNDER THIS TITLE CROSSES A RAILROAD RIGHT-OF-WAY AT THE INTERSECTION OF THE RIGHT-OF-WAY WITH A NATURAL WATERCOURSE OR DEPRESSION THROUGH WHICH WATER FLOWS AT PERIODS OF HIGH WATER, THE RAILROAD COMPANY SHALL:

(1) CONSTRUCT, BUILD, AND MAINTAIN ANY NECESSARY NEW BRIDGE OR CULVERT; OR

(2) ENLARGE, STRENGTHEN, RECONSTRUCT, OR REPLACE ANY EXISTING BRIDGE OR CULVERT.

(B) ELEMENT OF DAMAGE.

THE EXPENSE TO THE RAILROAD UNDER SUBSECTION (A) OF THIS SECTION SHALL BE:

(1) CONSIDERED AN ELEMENT OF DAMAGE TO THE RAILROAD COMPANY BY THE BOARD OF VIEWERS; AND

(2) SHOWN AS A DAMAGE IN THE REPORT OF THE BOARD OF VIEWERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 100.

In subsection (b)(1) of this section, the reference to the "board of" viewers is added for consistency within this title. Similarly, in subsection (b)(2) of this section, the reference to the report "of the board of viewers" is substituted for "their" report.

Defined term: "Board of viewers" § 26-101

SUBTITLE 11. PROHIBITED ACTS.

26-1101. PREVENTING ENTRY ON DRAINAGE LAND.

(A) PROHIBITED.

A PERSON MAY NOT PREVENT A MEMBER, AN EMPLOYEE, OR AN AGENT OF THE BOARD OF MANAGERS OR A MEMBER OR AN AGENT OF THE BOARD OF VIEWERS FROM ENTERING LAND AS AUTHORIZED UNDER § 26-401(C) OF THIS TITLE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 67(b), as it related to the prohibition

against entry on drainage land and criminal penalties for violating the prohibition.

In subsection (a) of this section, the reference to a person entering land “as authorized under § 26–401(c) of this title” is substituted for the former reference to “such” entrance for clarity.

In subsection (b) of this section, the former reference to the amount of the fine being “in the discretion of the court” is deleted as surplusage.

Defined terms: “Board of managers” § 26–101

“Board of viewers” § 26–101

“Person” § 1–101

26–1102. OBSTRUCTION OF DRAINAGE PROJECT.

(A) PROHIBITED.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT OBSTRUCT A DRAINAGE PROJECT CONSTRUCTED UNDER THIS TITLE IN A MANNER THAT IMPEDES THE FREE FLOW OF WATER.

(2) A PERSON MAY PLACE A PROPERLY CONSTRUCTED SWINGING WATER GATE ACROSS A DITCH ON A FENCE LINE TO PREVENT LIVESTOCK FROM TRESPASSING THROUGH THE DITCH.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 FOR EACH OFFENSE.

(C) DISTRIBUTION OF FINES.

EACH FINE COLLECTED UNDER THIS SECTION SHALL BE PAID TO THE COUNTY TAX COLLECTOR AND CREDITED TO THE DRAINAGE ASSOCIATION THAT SUFFERED THE DAMAGE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 98.

In subsection (a)(1) of this section, the reference to a “drainage project” is substituted for the former reference to a “ditch or drain or other improvement” for consistency in this title.

Also in subsection (a)(1) of this section, the former reference to “stop[ping] up” a drainage project is deleted as included in the reference to “obstruct[ing]” a drainage project.

In subsection (a)(2) of this section, the reference to “livestock” is substituted for the former reference to “stock” for clarity.

Defined terms: “Drainage association” § 26–101

“Person” § 1–101

“Tax collector” § 1–101

TITLE 27. DRAINAGE DISTRICTS.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

27–101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This subsection is new language added as the standard introductory language to a definition section.

(B) BOARD OF DRAINAGE COMMISSIONERS.

“BOARD OF DRAINAGE COMMISSIONERS” MEANS THE BOARD OF DRAINAGE COMMISSIONERS OF A DRAINAGE DISTRICT.

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “board of drainage commissioners of a drainage district”.

Defined term: “Drainage district” § 27–101

(C) BOARD OF VIEWERS.

“BOARD OF VIEWERS” MEANS THE BOARD OF VIEWERS OF A DRAINAGE DISTRICT ESTABLISHED UNDER THIS TITLE.

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the "board of viewers of a drainage district".

Defined term: "Drainage district" § 27-101

(D) DESIGNATED OFFICER.

"DESIGNATED OFFICER" MEANS:

(1) THE CLERK OF THE COUNTY COMMISSIONERS FOR A CODE COUNTY OR COMMISSION COUNTY IF THERE IS A CLERK FOR THE COUNTY; OR

(2) AN EMPLOYEE OR OFFICIAL OF A COUNTY WHO IS DESIGNATED BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL TO PERFORM THE RESPONSIBILITIES OF THE DESIGNATED OFFICER UNDER THIS TITLE.

REVISOR'S NOTE: This subsection is new language added to substitute a term for "clerk of the county commissioners" because many counties no longer have a clerk of the county commissioners or have transferred responsibilities formerly exercised by the clerk of the county commissioners to another official.

Defined terms: "Code county" § 1-101

"Commission county" § 1-101

"County" § 1-101

(E) DRAINAGE DISTRICT.

"DRAINAGE DISTRICT" MEANS A DRAINAGE DISTRICT ESTABLISHED UNDER THIS TITLE.

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the phrase "a drainage district established under this title".

(F) LANDOWNER.

"LANDOWNER" MEANS A PERSON WHO OWNS LAND LOCATED IN A DRAINAGE DISTRICT OR PROPOSED DRAINAGE DISTRICT.

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the phrase "a person who owns land located in a drainage district or proposed drainage district".

Defined terms: “Drainage district” § 27–101
“Person” § 1–101

27–102. SCOPE OF TITLE.

THIS TITLE DOES NOT APPLY TO BALTIMORE CITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 52(c) and, as it related to the scope of this title, the first clause of § 103.

The reference to this title “not apply[ing] to Baltimore City” is substituted for the former references to the “board of county commissioners of any county in the State of Maryland” and to this title “apply[ing] in those counties having a charter form of government under Article XI–A of the Maryland Constitution, with the term ‘county council’ being substituted in each instance in this subtitle for the term ‘county commissioners’” and “apply[ing] in those counties having adopted code home rule under Article XI–F of the Maryland Constitution” for brevity. Baltimore City is the only jurisdiction that is not a code county or governed by county commissioners or a county council.

27–103. CONSTRUCTION OF TITLE.

THIS TITLE SHALL BE LIBERALLY CONSTRUED TO PROMOTE THE DITCHING, DRAINING, LEVEEING, AND RECLAIMING OF WET AND OVERFLOWED LAND THAT CAN BE MADE AVAILABLE FOR AGRICULTURE.

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 25, § 121H, as it related to the construction of this title.

27–104. POWER TO ESTABLISH.

IN RESPONSE TO A PETITION FILED UNDER § 27–201 OF THIS TITLE, THE COUNTY COMMISSIONERS OR A COUNTY COUNCIL OF A COUNTY MAY ESTABLISH A DRAINAGE DISTRICT TO:

- (1) LOCATE AND ESTABLISH A LEVEE, DRAIN, OR CANAL;**
- (2) CONSTRUCT, STRAIGHTEN, WIDEN, OR DEEPEN A DITCH, DRAIN, OR WATERCOURSE; AND**

(3) CONSTRUCT LEVEES, EMBANKMENTS, TIDEWATER GATES, AND PUMPING PLANTS TO DRAIN AND RECLAIM WET, SWAMP, OR OVERFLOWED LAND.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 103, as it related to the power to establish a drainage district.

In the introductory language of this section, the reference to establishing a drainage district “[i]n response to a petition filed under § 27–201 of this title” is added for accuracy.

Also in the introductory language of this section, the former reference to establishing a “levee” is deleted as included in the authority to establish a drainage district and for consistency with other similar provisions of this title.

Also in the introductory language of this section, the former reference to establishing drainage districts “in their county” is deleted as implicit in the county’s authorization to act within their jurisdiction.

Also in the introductory language of this section, the former reference to “districts” is deleted in light of the reference to “district” and Art. 1, § 8, which provides that the singular generally includes the plural.

Defined terms: “County” § 1–101
 “Drainage district” § 27–101

27–105. DECLARATION OF PUBLIC BENEFIT.

THE DRAINAGE OF SWAMPS, THE DRAINAGE OF THE SURFACE WATER FROM AGRICULTURAL LAND, AND THE RECLAMATION OF TIDAL MARSHES BENEFIT THE PUBLIC AND PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 103, as it related to the statement of the public benefit of drainage.

The reference to drainage “benefit[ing] the public and promot[ing] public health, safety, and welfare” is substituted for the former reference to drainage “be[ing] considered a public benefit and conducive to the public health, convenience, utility and welfare” for brevity and consistency with other similar provisions of the Code.

The former phrase “and it is hereby declared that” is deleted as surplusage.

SUBTITLE 2. PETITION TO ESTABLISH DRAINAGE DISTRICT.**27-201. PETITION — FILING.**

A PETITION TO ESTABLISH A DRAINAGE DISTRICT SHALL BE FILED WITH THE DESIGNATED OFFICER WHERE ALL OR A PART OF THE LAND IS LOCATED.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 25, § 104, as it related to the filing of a petition to establish a drainage district.

The reference to a petition “to establish a drainage district” is added for clarity.

The reference to “all” or part of the land is added to state expressly that which was only implied in the former law, *i.e.*, that a drainage district can be established within a single county.

Defined terms: “Designated officer” § 27-101
“Drainage district” § 27-101

27-202. PETITION — CONTENTS AND SIGNATURES.**(A) CONTENTS.**

A PETITION SHALL:

(1) STATE THAT A SPECIFIC AREA OF LAND IS SUBJECT TO OVERFLOW OR IS TOO WET FOR CULTIVATION;

(2) DESCRIBE THE AREA'S LOCATION;

(3) DESCRIBE HOW DRAINING, DITCHING, OR LEVEEING THE AREA, CHANGING THE NATURAL WATERCOURSE, OR OTHER DRAINAGE PROJECTS BENEFIT THE PUBLIC OR PROMOTE THE PUBLIC HEALTH, SAFETY, OR WELFARE; AND

(4) SPECIFY, TO THE EXTENT PRACTICABLE, THE STARTING POINT, ROUTE, AND TERMINUS AND ANY LATERAL BRANCHES OF THE PROPOSED DRAINAGE PROJECT.

(B) REQUIRED SIGNATURES.

A PETITION IS VALID ONLY IF SIGNED BY THE MAJORITY OF THE RESIDENT LANDOWNERS IN THE PROPOSED DRAINAGE DISTRICT OR THE OWNERS OF THREE-FIFTHS OF THE LAND THAT WILL BE AFFECTED BY OR ASSESSED TO FINANCE THE PROPOSED DRAINAGE PROJECT.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 25, § 104, as it related to the content of a petition to establish a drainage district and the signatures required for the petition.

In this section and throughout this title, the references to a "drainage project" are substituted for the former references to "improvement[s]" for clarity and consistency within this title.

In subsection (a)(1) of this section, the reference to an "area of land" is substituted for the former reference to a "body or district of land in the county and adjoining counties" for clarity and brevity.

In subsection (a)(2) of this section, the former reference to describing the area "in such a way as to convey an intelligent idea" is deleted as implicit.

In subsection (a)(3) of this section, the reference to "other drainage projects" is added for clarity.

Also in subsection (a)(3) of this section, the reference to draining "benefit[ing] the public or promot[ing] the public health, safety, or welfare" is substituted for the former reference to "the public benefit or utility or the public health, convenience or welfare will be promoted by" draining for brevity and consistency with other similar provisions of the Code.

Also in subsection (a)(3) of this section, the former reference to "improving" the natural watercourse is deleted as implicit in the reference to "changing" the natural watercourse.

In subsection (a)(4) of this section, the reference to specifying "any" lateral branches is substituted for the former reference to setting forth lateral branches "if necessary" for brevity.

In subsection (b) of this section, the phrase "[a] petition is valid only if" signed by a majority of the landowners is added for clarity.

Also in subsection (b) of this section, the reference to being assessed "to finance" the project is substituted for the former reference to being assessed "for the expense of" the project for clarity.

Defined terms: "Drainage district" § 27-101
"Landowner" § 27-101

27-203. BOND.**(A) REQUIRED.**

A BOND SHALL BE FILED WITH A PETITION.

(B) SPECIFICATIONS.

THE BOND SHALL BE:

(1) IN THE AMOUNT OF \$50 PER MILE OF DITCH OR OTHER PROPOSED DRAINAGE PROJECT;

(2) SIGNED BY TWO OR MORE INDIVIDUAL SURETIES OR A LICENSED SURETY COMPANY;

(3) APPROVED BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL; AND

(4) CONDITIONED ON PAYMENT OF ALL COSTS AND EXPENSES OF THE PROCEEDINGS IF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL DO NOT GRANT THE PETITION.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 25, § 104, as it related to the filing of a bond with a petition.

In subsection (a) of this section, the reference to filing a bond "with a petition" is substituted for the former reference to filing "therewith" for clarity.

In subsection (b)(2) of this section, the reference to "individual" sureties is added for clarity.

Also in subsection (b)(2) of this section, the reference to "a licensed" surety company is substituted for the former reference to "some lawful and authorized" surety company for brevity and clarity.

In subsection (b)(4) of this section, the former reference to granting "the prayer" of the petition is deleted as surplusage.

27-204. RESPONDENTS; SUMMONSES.

(A) RESPONDENTS.

EACH LANDOWNER WHO HAS NOT SIGNED THE PETITION IS A RESPONDENT.

(B) SUMMONSES.

(1) THE DESIGNATED OFFICER SHALL ISSUE A SUMMONS TO BE SERVED ON EACH RESPONDENT.

(2) A SUMMONS MAY BE SERVED BY PUBLICATION AS TO ANY RESPONDENT WHO CANNOT BE SERVED AS PROVIDED BY LAW.

(C) MORTGAGE HOLDERS.

(1) IF A MORTGAGE IS HELD ON LAND IN THE PROPOSED DRAINAGE DISTRICT, NOTICE OF THE PROCEEDINGS SHALL BE GIVEN TO THE HOLDER OF THE MORTGAGE IN THE SAME MANNER AS TO A RESPONDENT.

(2) A MORTGAGE HOLDER MAY APPEAR BEFORE THE COUNTY COMMISSIONERS OR COUNTY COUNCIL IN PERSON OR BY COUNSEL.

REVISOR'S NOTE: Subsection (a) of this section is new language added to state explicitly that which was only formerly implied.

Subsections (b) and (c) of this section are new language derived without substantive change from the second and third sentences of former Art. 25, § 104, and the first sentence, as it related to defendants and summonses.

In this section, the references to a "respondent" are substituted for the former references to "defendant[s]" for accuracy.

In subsection (b)(2) of this section, the former reference to a defendant being "personally" served is deleted as surplusage.

In subsection (c)(1) of this section, the reference to notice "of the proceedings" is added for clarity.

Also in subsection (c)(1) of this section, the former reference to notice "as is provided in §§ 103 through 121H" is deleted as surplusage.

Defined terms: "Designated officer" § 27-101

"Drainage district" § 27-101

“Landowner” § 27–101

27–205. MULTIPLE COUNTIES — JURISDICTION AND VENUE.

IF THE LAND DESCRIBED IN THE PETITION IS LOCATED IN TWO OR MORE COUNTIES, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF AN AFFECTED COUNTY MAY EXERCISE THE JURISDICTION CONFERRED IN THIS TITLE, BUT THE VENUE SHALL LIE IN THE COUNTY IN WHICH THE PETITION IS FILED.

REVISOR’S NOTE: This section is new language derived without substantive change from the fifth sentence of former Art. 25, § 104.

The reference to the land “described in the petition” is substituted for the former reference to the land “proposed to be drained and created into a drainage district” for brevity and clarity.

The reference to “an affected” county is substituted for the former reference to “either” county for clarity.

The former reference to the county in which the petition is “first” filed is deleted as surplusage.

Defined term: “County” § 1–101

SUBTITLE 3. BOARD OF VIEWERS.

27–301. APPOINTMENT.

(A) REQUIRED.

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL APPOINT A BOARD OF VIEWERS TO:

- (1) EXAMINE THE LAND DESCRIBED IN THE PETITION; AND**
- (2) ISSUE A PRELIMINARY REPORT ON THE LAND.**

(B) COMPOSITION.

- (1) THE BOARD OF VIEWERS SHALL CONSIST OF:**
 - (I) A CIVIL AND DRAINAGE ENGINEER; AND**

(II) TWO RESIDENT LANDOWNERS OF THE COUNTY WHERE THE LAND IS LOCATED.

(2) (I) THE CIVIL AND DRAINAGE ENGINEER SHALL BE AN INDIVIDUAL RECOMMENDED BY THE STATE DRAINAGE ENGINEER.

(II) IF THERE IS NO STATE DRAINAGE ENGINEER, THE CIVIL AND DRAINAGE ENGINEER SHALL BE AN INDIVIDUAL RECOMMENDED BY THE STATE ROADS ENGINEER.

REVISOR'S NOTE: This section is new language derived without substantive change from the fourth sentence of former Art. 25, § 104.

In the introductory language of subsection (a) of this section, the former reference to "[u]pon the return day" is deleted as surplusage.

In subsection (b)(1)(i) of this section, the former reference to a "disinterested and competent" civil and drainage engineer is deleted as implicit and for consistency with other similar provisions of the Code.

In subsection (b)(1)(ii) of this section, the former reference to "counties" is deleted in light of the reference to "county" and Art. 1, § 8, which provides that the singular generally includes the plural.

Defined terms: "Board of viewers" § 27-101

"County" § 1-101

"Landowner" § 27-101

"State" § 1-101

27-302. DUTIES.

(A) EXAMINATION OF LANDS.

THE BOARD OF VIEWERS:

(1) SHALL MAKE A CAREFUL AND THOROUGH EXAMINATION OF THE LAND DESCRIBED IN THE PETITION AND OF OTHER LAND IF NECESSARY, TO LOCATE PROPERLY ANY IMPROVEMENT THAT IS PETITIONED FOR, ALONG THE ROUTE DESCRIBED IN THE PETITION OR ANY OTHER ROUTE THAT IS MORE PRACTICABLE OR FEASIBLE;

(2) SHALL ENSURE THAT THE LAND OF ANY PERSON WHO IS SEEKING TO BE INCLUDED IN THE DRAINAGE DISTRICT HAS BEEN INCLUDED IN THE DRAINAGE DISTRICT; AND

(3) MAY CONDUCT SURVEYS TO:

(I) DETERMINE THE BOUNDARIES AND ELEVATIONS OF THE PARTS OF THE DISTRICT; AND

(II) ENABLE THE BOARD OF VIEWERS TO FORM A TENTATIVE PLAN FOR DEVELOPMENT.

(B) REPORT.

(1) THE BOARD OF VIEWERS SHALL MAKE AND RETURN TO THE DESIGNATED OFFICER A WRITTEN REPORT THAT STATES WHETHER:

(I) THE PROPOSED DRAINAGE IS PRACTICABLE;

(II) THE PROPOSED DRAINAGE WILL BENEFIT THE PUBLIC HEALTH OR ANY PUBLIC HIGHWAY OR BE CONDUCTIVE TO THE GENERAL WELFARE OF THE COMMUNITY;

(III) THE PROPOSED DRAINAGE PROJECT WILL BENEFIT THE LAND IN QUESTION SUFFICIENTLY TO WARRANT THE PROBABLE EXPENDITURE; AND

(IV) ALL THE LAND THAT WILL BE BENEFITED IS INCLUDED IN THE PROPOSED DRAINAGE DISTRICT.

(2) THE REPORT SHALL BE AVAILABLE FOR INSPECTION IN AN OFFICE OF THE DESIGNATED OFFICER WITHIN 30 DAYS AFTER THE DATE ON WHICH THE DESIGNATED OFFICER RECEIVES THE REPORT, UNLESS THE COUNTY COMMISSIONERS OR COUNTY COUNCIL EXTEND THE TIME PERIOD FOR PROVIDING THE REPORT.

(C) MAP OF PROPOSED DRAINAGE DISTRICT.

THE REPORT SHALL INCLUDE A MAP OF THE PROPOSED DRAINAGE DISTRICT THAT:

(1) SHOWS THE LOCATION OF THE DITCH OR OTHER IMPROVEMENT TO BE CONSTRUCTED WITH AN ESTIMATE OF THE COST OF THE IMPROVEMENT;

(2) SHOWS THE LAND THAT WILL BE AFFECTED BY THE IMPROVEMENT, INCLUDING THE NAME OF EACH LANDOWNER, IF THE NAME OF THE LANDOWNER CAN BE OBTAINED; AND

(3) PROVIDES ANY OTHER INFORMATION COLLECTED BY THE BOARD OF VIEWERS THAT SUPPORTS THE BOARD'S FINDINGS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 105.

In subsection (a)(1) of this section, the former requirement that the board of viewers "at once proceed" to examine the land is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to "improvements" is deleted in light of the reference to "improvement" and Art. 1, § 8, which provides that the singular generally includes the plural.

Also in subsection (a)(1) of this section, the former reference to any other route "answering the same purpose" is deleted as surplusage.

In subsection (a)(2) of this section, the reference to the land of "any person who is seeking to be included" in the drainage district is substituted for the former reference to the land of "all who desire to come" in the drainage district for clarity.

In the introductory language of subsection (a)(3) of this section, the former reference to "necessary" surveys is deleted as surplusage.

In subsection (a)(3)(i) of this section, the former reference to the "several" parts of the district is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "the date on which the designated officer receives the report" is added for clarity.

Also in subsection (b)(2) of this section, the requirement that the report "be available for inspection" is substituted for the former requirement that the report "be placed on public file" for clarity and for consistency with other similar provisions of the Code.

In subsection (c)(1) of this section, the reference to the cost "of the improvement" is added for clarity.

Also in subsection (c)(1) of this section, the former reference to "ditches" is deleted in light of the reference to "ditch" and Art. 1, § 8, which provides that the singular generally includes the plural.

Also in subsection (c)(1) of this section, the former reference to an “approximate” estimate is deleted as unnecessary in light of the reference to an “estimate”.

In subsection (c)(3) of this section, the reference to the requirement that the report providing any other information collected by the board that “supports the board’s findings” is substituted for the former reference to the requirement that the report include information that “will tend to show the correctness of their findings” for clarity.

Defined terms: “Board of viewers” § 27-101

“Designated officer” § 27-101

“Drainage district” § 27-101

“Landowner” § 27-101

“Person” § 1-101

27-303. CONSIDERATION OF REPORT.

(A) IN GENERAL.

(1) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL REVIEW THE REPORT REQUIRED UNDER § 27-302 OF THIS SUBTITLE AT ITS FIRST MEETING AFTER RECEIVING THE REPORT.

(2) THE BOARD OF VIEWERS SHALL BE PRESENT AT THE MEETING.

(B) ACTION ON UNFAVORABLE REPORT.

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL DISMISS A PETITION FILED UNDER § 27-201 OF THIS TITLE AT THE COST OF THE PETITIONERS IF:

(1) THE BOARD OF VIEWERS FINDS THAT THE DRAINAGE:

(I) IS NOT PRACTICABLE;

(II) WILL NOT BENEFIT THE PUBLIC HEALTH OR ANY PUBLIC HIGHWAY; OR

(III) DOES NOT PROMOTE THE GENERAL WELFARE OF THE COMMUNITY; AND

(2) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL APPROVE THE FINDING.

(C) ACTION ON FAVORABLE REPORT.

IF THE FINDING OF THE BOARD OF VIEWERS IS FAVORABLE TO THE DRAINAGE PROJECT AND THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SUPPORT THE FINDING AFTER HEARING ALL OF THE EVIDENCE, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL:

(1) MAKE ANY NECESSARY RECOMMENDATIONS TO THE BOARD OF VIEWERS;

(2) DIRECT THE BOARD OF VIEWERS TO MAKE A COMPLETE SURVEY, PLANS AND SPECIFICATIONS, AND AN ESTIMATE OF COST FOR ANY TILE, DRAIN, LEVEE, OR OTHER IMPROVEMENT; AND

(3) SPECIFY A TIME WHEN THE BOARD OF VIEWERS SHALL FILE A FINAL REPORT, NOT TO EXCEED 60 DAYS, UNLESS EXTENDED BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL IN WRITING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 106.

In subsection (a)(1) of this section, the reference to the county commissioners or county council "review[ing] the report required under § 27–302 of this subtitle at its first meeting after receiving the report" is substituted for the former reference to the board of county commissioners "consider[ing] this report at their first meeting" for clarity.

In subsection (a)(2) of this section, the reference to the "board of viewers" being present at the meeting is substituted for the former reference to the "engineer and the other two viewers" being present for clarity and brevity.

In the introductory language of subsection (b) of this section, the reference to a petition "filed under § 27–201 of this title" is added for clarity.

In the introductory language of subsection (c) of this section, the reference to the "drainage" project is added for clarity and consistency with other similar provisions of this title.

In subsection (c)(1) of this section, the reference to “necessary” recommendations is substituted for the former reference to recommendations “as they think proper” for brevity.

In subsection (c)(3) of this section and throughout this subtitle, the references to the “board of viewers” are substituted for the former references to “engineer and viewers” for clarity.

Also in subsection (c)(3) of this section, the former reference to “complet[ing]” reports is deleted as implicit in the reference to “fil[ing]” reports.

Defined term: “Board of viewers” § 27–101

27–304. POWERS AND DUTIES OF BOARD OF VIEWERS.

(A) AUTHORITY TO EMPLOY ASSISTANTS.

THE BOARD OF VIEWERS MAY EMPLOY ASSISTANTS TO MAKE A COMPLETE SURVEY OF THE DRAINAGE DISTRICT.

(B) DUTIES.

(1) THE BOARD OF VIEWERS SHALL:

- (I) ENTER THE LAND SUBJECT TO THE PETITION;**
- (II) SURVEY THE MAIN DRAIN AND ANY LATERAL DRAIN;**
- (III) MARK ON THE GROUND THE LINE OF EACH DITCH, DRAIN, OR LEVEE;**
- (IV) NOTE THE COURSE AND DISTANCE OF EACH DITCH SO THAT EACH DITCH CAN BE ACCURATELY PLATTED AND MAPPED;**
- (V) RUN A LINE OF LEVELS FOR THE ENTIRE WORK AND SECURE SUFFICIENT DATA FROM WHICH ACCURATE PROFILES AND PLANS CAN BE MADE FOR EACH PROPOSED DRAIN OR LEVEE;**
- (VI) ESTABLISH FREQUENT BENCH MARKS ALONG THE LINE ON PERMANENT OBJECTS AND RECORD THE ELEVATION AND PROVIDE A FULL DESCRIPTION OF THE BENCH MARKS IN THE FIELD BOOKS, INCLUDING THE LOCATION OF THE BENCH MARKS ON A MAP;**

(VII) RUN OTHER LEVELS TO DETERMINE THE FALL FROM ONE PART OF THE DRAINAGE DISTRICT TO ANOTHER, IF THE BOARD OF VIEWERS FINDS IT EXPEDIENT; AND

(VIII) IF A WATERCOURSE, DITCH, OR CHANNEL IS BEING WIDENED, DEEPENED, OR STRAIGHTENED, CROSS-SECTION THE WATERCOURSE, DITCH, OR CHANNEL TO COMPUTE THE CUBIC YARDS OF EXCAVATION OR FILL SAVED BY USING THE WATERCOURSE, DITCH, OR CHANNEL.

(2) (I) AFTER COMPLETING THE SURVEY, THE BOARD OF VIEWERS SHALL COMPLETE A DRAINAGE MAP OF THE DISTRICT SHOWING:

1. THE LOCATION OF THE DITCH AND OTHER IMPROVEMENTS;

2. THE BOUNDARY, AS CLOSELY AS MAY BE DETERMINED BY THE RECORDS, OF THE LAND OWNED BY ANY INDIVIDUAL LANDOWNER; AND

3. THE LOCATION OF ANY RAILROAD OR PUBLIC HIGHWAY AND THE BOUNDARY OF ANY MUNICIPALITY.

(II) IN ADDITION TO THE MAP, THE BOARD OF VIEWERS SHALL PREPARE A PROFILE OF EACH LEVEE, DRAIN, OR WATERCOURSE SHOWING:

1. THE SURFACE OF THE GROUND;

2. THE BOTTOM OR GRADE OF THE PROPOSED IMPROVEMENT AND THE NUMBER OF CUBIC YARDS OF EXCAVATION OR FILL IN EACH MILE OR FRACTION OF A MILE;

3. THE TOTAL YARDS IN THE PROPOSED IMPROVEMENT AND THE NUMBER OF CUBIC YARDS OF EXCAVATION OR FILL IN EACH MILE OR FRACTION OF A MILE;

4. THE TOTAL YARDS IN THE PROPOSED IMPROVEMENT AND THE ESTIMATED COST OF THE IMPROVEMENT; AND

5. PLANS AND SPECIFICATIONS AND THE COST OF ANY OTHER NECESSARY WORK.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 107.

In subsection (a) of this section, the former reference to employing assistants “as may be necessary” is deleted as surplusage.

In subsection (b)(1)(i) of this section, the reference to the board of viewers entering “the land subject to the petition” is substituted for the former reference to the board entering “upon the ground” for clarity and consistency with other similar provisions of this title.

In subsection (b)(1)(ii) of this section, the former reference to “drains” is deleted in light of the reference to “drain” and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in subsection (b)(2)(i)1 of this section, the former reference to “ditches” is deleted in light of the reference to “ditch”.

In subsection (b)(1)(iii) of this section, the former reference to “plainly and substantially” marking a line is deleted as implicit in the duty to mark the line.

In subsection (b)(1)(iv) of this section, the former references to “carefully” and “sufficient[ly]” noting the course and distance of ditches are deleted as surplusage.

In subsection (b)(1)(viii) of this section, the reference to cubic yards of “excavation or fill” is added for clarity.

Also in subsection (b)(1)(viii) of this section, the reference to “the watercourse, ditch, or channel” is substituted for the former reference to “such old channel” for clarity.

Also in subsection (b)(1)(viii) of this section, the former reference to “accurately” cross-sectioning is deleted as implicit.

In subsection (b)(2)(i)2 and 3 of this section, the former phrase “within the district” is deleted as surplusage.

Defined terms: “Board of viewers” § 27–101

“Drainage district” § 27–101

“Landowner” § 27–101

“Municipality” § 1–101

27–305. ASSESSMENT OF DAMAGES.

(A) IN GENERAL.

THE BOARD OF VIEWERS SHALL ASSESS THE DAMAGES CLAIMED BY ANY PERSON THAT IS ENTITLED TO DAMAGES FOR LAND TAKEN OR FOR INCONVENIENCE CAUSED BY THE CONSTRUCTION OF THE IMPROVEMENT AND THE ESTABLISHMENT OF THE DRAINAGE DISTRICT OR FOR ANY OTHER LEGAL DAMAGES SUSTAINED.

(B) REQUIREMENTS.

THE DAMAGES ASSESSED UNDER THIS SECTION SHALL BE:

(1) CONSIDERED APART FROM ANY BENEFIT THE LAND WOULD RECEIVE BECAUSE OF THE PROPOSED IMPROVEMENT; AND

(2) PAID BY THE BOARD OF DRAINAGE COMMISSIONERS WHEN FUNDS ARE AVAILABLE AS PROVIDED IN § 27-502 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 108.

In subsection (a) of this section, the reference to a person that is "entitled" to damages is substituted for the former reference to a person that is "justly right and due" to damages for clarity.

In subsection (b)(1) of this section, the reference to the proposed "improvement" is substituted for the former reference to the proposed "work" for consistency with other similar provisions of this title.

Also in subsection (b)(1) of this section, the former reference to damages being "separate" is deleted as included in the reference to damages being "apart".

In subsection (b)(2) of this section, the reference to damages being paid "when funds are available as provided under § 27-502 of this title" is substituted for the former reference to damages being paid "when funds shall come into their hands as hereinafter set forth" for clarity.

Defined terms: "Board of drainage commissioners" § 27-101

"Board of viewers" § 27-101

"Drainage district" § 27-101

"Person" § 1-101

27-306. ASSESSMENT OF BENEFITS.

(A) IN GENERAL.

(1) THE BOARD OF VIEWERS SHALL EXAMINE THE LAND IN THE DRAINAGE DISTRICT AND CLASSIFY THE LAND WITH REFERENCE TO THE BENEFIT THAT THE LAND WILL RECEIVE FROM THE CONSTRUCTION OF THE LEVEE, DITCH, DRAIN, WATERCOURSE, OR OTHER IMPROVEMENT.

(2) IF DRAINAGE IS PROPOSED, THE BOARD OF VIEWERS SHALL CONSIDER THE DEGREE OF WETNESS OF THE LAND, THE PROXIMITY OF THE LAND TO THE DITCH OR A NATURAL OUTLET, AND THE FERTILITY OF THE SOIL IN DETERMINING THE AMOUNT OF BENEFIT THAT THE LAND WILL RECEIVE BY THE CONSTRUCTION OF THE DITCH.

(B) CLASSIFICATION OF LAND.

THE LAND BENEFITED SHALL BE SEPARATED INTO FIVE CLASSES IN THE FOLLOWING MANNER:

(1) THE LAND RECEIVING THE HIGHEST BENEFIT SHALL BE MARKED "CLASS A";

(2) THE LAND RECEIVING THE SECOND HIGHEST BENEFIT SHALL BE MARKED "CLASS B";

(3) THE LAND RECEIVING THE THIRD HIGHEST BENEFIT SHALL BE MARKED "CLASS C";

(4) THE LAND RECEIVING THE FOURTH HIGHEST BENEFIT SHALL BE MARKED "CLASS D"; AND

(5) THE LAND RECEIVING THE SMALLEST BENEFIT SHALL BE MARKED "CLASS E".

(C) DETERMINATION OF ACRES FOR EACH CLASS.

(1) THE BOARD OF VIEWERS SHALL DETERMINE:

(I) THE NUMBER OF ACRES IN THE DRAINAGE DISTRICT IN EACH CLASS LISTED IN SUBSECTION (B) OF THIS SECTION;

(II) THE TOTAL NUMBER OF ACRES OWNED BY ONE PERSON IN EACH CLASS; AND

(III) THE TOTAL NUMBER OF ACRES BENEFITED.

(2) THE HOLDINGS OF AN INDIVIDUAL LANDOWNER NEED NOT BE ALL IN ONE CLASS.

(3) THE BOARD OF VIEWERS NEED NOT MARK THE BOUNDARY ON THE GROUND OR SHOW ON A MAP THE NUMBER OF ACRES IN EACH CLASS.

(D) CLASSIFICATION OF ACRES FOR ENTIRE DRAINAGE DISTRICT.

THE BOARD OF VIEWERS SHALL DETERMINE THE TOTAL NUMBER OF ACRES OF EACH CLASS LISTED IN SUBSECTION (B) OF THIS SECTION IN THE ENTIRE DRAINAGE DISTRICT AND PRESENT THE INFORMATION IN TABULATED FORM.

(E) SCALE OF ASSESSMENT.

THE SCALE OF ASSESSMENT ON THE CLASSES OF LAND DETERMINED BY THE BOARD OF VIEWERS SHALL BE IN THE RATIO OF FIVE, FOUR, THREE, TWO, AND ONE IN ACCORDANCE WITH THE FOLLOWING EXAMPLE, IF FIVE MILLS PER ACRE IS ASSESSED AGAINST THE LAND IN "CLASS A":

(1) FOUR MILLS PER ACRE SHALL BE ASSESSED AGAINST THE LAND IN "CLASS B";

(2) THREE MILLS PER ACRE SHALL BE ASSESSED AGAINST THE LAND IN "CLASS C";

(3) TWO MILLS PER ACRE SHALL BE ASSESSED AGAINST THE LAND IN "CLASS D"; AND

(4) ONE MILL PER ACRE SHALL BE ASSESSED AGAINST THE LAND IN "CLASS E".

(F) MODIFICATION OF SCALE OF ASSESSMENT.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE SCALE OF ASSESSMENT SHALL FORM THE BASIS OF:

(I) THE ASSESSMENT OF BENEFITS TO THE LAND FOR DRAINAGE PURPOSES; AND

(II) ANY FUTURE ASSESSMENT, TAX, OR COST CONNECTED WITH THE DRAINAGE DISTRICT.

(2) THE SCALE OF ASSESSMENT MAY BE MODIFIED BY ORDER OF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL AT THE FINAL HEARING OR A COURT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 109.

In subsection (a)(1) of this section, the former reference to “personally” examining the land is deleted as surplusage.

In subsection (a)(2) of this section, the phrase “[i]f drainage is proposed” is substituted for the former phrase “[i]n the case of drainage” for clarity.

In subsections (c)(1) and (d) of this section, the phrase “[t]he board of viewers shall determine” is added for clarity.

In the introductory language of subsection (e) of this section, the reference to the classes of land “determined” is substituted for the former reference to the classes of land “returned” for clarity.

In subsection (f)(1)(ii) of this section, the former reference to future “levies” is deleted as included in the reference to a future “tax”.

In subsection (f)(2) of this section, the former reference to the requirement that the scale of assessment may be “changed” is deleted as unnecessary in light of the reference to the requirement that the scale of assessment may be “modified”.

Also in subsection (f)(2) of this section, the reference to “by order of ... a court” is substituted for the former reference to “to conform to any decree of the courts” for clarity.

Defined terms: “Board of viewers” § 27–101

“Drainage district” § 27–101

“Landowner” § 27–101

“Person” § 1–101

27–307. REPORT TO COUNTY COMMISSIONERS OR COUNTY COUNCIL.

THE BOARD OF VIEWERS SHALL REPORT TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL:

- (1) THE NAME OF ANY PERSON EMPLOYED TO CONDUCT THE SURVEY REQUIRED UNDER § 27-302 OF THIS SUBTITLE;**
- (2) THE NUMBER OF DAYS THE PERSON WAS EMPLOYED ON THE SURVEY;**
- (3) A DESCRIPTION OF THE WORK PERFORMED BY THE PERSON;**
- (4) ANY EXPENSES INCURRED BY THE PERSON IN TRAVELING TO AND FROM THE WORK; AND**
- (5) THE COST OF ANY SUPPLIES OR MATERIAL USED IN CONDUCTING THE SURVEY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 110.

In the introductory language of this section, the former requirement that the board of viewers shall "at all times keep an accurate account" is deleted as implicit in the requirement to "report".

In item (1) of this section, the reference to a survey "required under § 27-302 of this subtitle" is added for clarity.

In item (3) of this section, the reference to "a description" of the work is substituted for the former reference to "the kind" of work for clarity.

Defined terms: "Board of viewers" § 27-101
"Person" § 1-101

27-308. REPORT TO COUNTY.

(A) REQUIRED.

WHEN THE FINAL REPORT IS COMPLETE:

- (1) THE BOARD OF VIEWERS SHALL FILE THE REPORT WITH THE COUNTY COMMISSIONERS OR COUNTY COUNCIL; AND**
- (2) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL EXAMINE THE REPORT.**

(B) RE-REFERRAL IF NOT COMPLIANT.

IF THE COUNTY COMMISSIONERS OR THE COUNTY COUNCIL FINDS THAT THE REPORT IS NOT IN THE CORRECT FORM, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL MAY RETURN THE REPORT TO THE BOARD OF VIEWERS WITH INSTRUCTIONS TO PROVIDE FURTHER INFORMATION TO BE REPORTED AT A DATE SET BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL.

(C) SCHEDULING OF HEARING.

IF THE COUNTY COMMISSIONERS OR THE COUNTY COUNCIL FINDS THAT THE REPORT IS IN CORRECT FORM AND IN ACCORDANCE WITH THE LAW, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL:

(1) ACCEPT THE REPORT; AND

(2) SET A DATE FOR A FINAL HEARING ON THE REPORT THAT IS AT LEAST 30 DAYS AFTER THE REPORT IS ACCEPTED BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL.

(D) NOTICE.

FOR AT LEAST 2 WEEKS BEFORE THE FINAL HEARING ON THE REPORT, A NOTICE OF THE FINAL HEARING SHALL BE PROVIDED:

(1) BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY; AND

(2) BY POSTING A WRITTEN NOTICE ON THE DOOR OF THE COURTHOUSE AND AT FIVE CONSPICUOUS PLACES THROUGHOUT THE DRAINAGE DISTRICT.

(E) REPORT AVAILABLE FOR INSPECTION.

DURING THE 2-WEEK PERIOD IN SUBSECTION (D) OF THIS SECTION, A COPY OF THE REPORT SHALL BE:

(1) KEPT ON FILE IN THE OFFICE OF THE DESIGNATED OFFICER; AND

(2) OPEN TO INSPECTION BY ANY LANDOWNER OR INTERESTED PERSON IN THE DRAINAGE DISTRICT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 111.

In subsection (a)(1) of this section, the reference to “the board of viewers” filing the report with the county commissioners or county council is added to state explicitly that which was formerly implied.

In subsections (b) and (c) of this section, the references to “the county commissioners or county council find[ing]” that the report is not in correct form are added for clarity.

Also in subsections (b) and (c) of this section, the references to a report being in “correct” form are substituted for the former references to a report being in “due” form for clarity.

In subsection (b) of this section, the reference to “provid[ing]” information is substituted for the former reference to “secur[ing]” information for clarity.

In subsection (c) of this section, the former phrase “[w]hen the report is fully completed” is deleted as unnecessary in light of the requirement that a report must be “accepted” and would have therefore already been completed.

In subsection (d)(2) of this section, the former requirement to post a “printed” notice is deleted as included in the requirement to post a “written” notice.

In subsection (e) of this section, the reference to a copy of the report being on file “[d]uring the 2-week period in subsection (d) of this section” is substituted for the former reference to the report being on file “[d]uring this time” for clarity.

Defined terms: “Board of viewers” § 27-101

“County” § 1-101

“Designated officer” § 27-101

“Drainage district” § 27-101

“Landowner” § 27-101

“Person” § 1-101

27-309. SUMMONS OF DEFENDANT LANDOWNERS; NOTICE.

(A) SUMMONS.

THE DESIGNATED OFFICER SHALL SUMMON OR CAUSE TO BE SUMMONED ANY RESPONDENT THAT IS KNOWN TO THE DESIGNATED OFFICER OR TO THE BOARD OF VIEWERS.

(B) NOTICE IF OWNERS ARE UNASCERTAINABLE.

(1) IF THE DESIGNATED OFFICER FINDS BY AFFIDAVIT OR OTHERWISE THAT A LANDOWNER WHOSE NAME IS UNKNOWN CANNOT AFTER DUE DILIGENCE BE DETERMINED BY THE PETITIONERS, THE DESIGNATED OFFICER SHALL SUMMON THE UNKNOWN LANDOWNER BY PUBLISHING THE PETITION OR THE SUBSTANCE OF THE PETITION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY WHERE THE LAND IS LOCATED.

(2) THE SUMMONS SHALL:

(I) DESCRIBE THE LAND AS TO WHICH THE OWNER IS UNKNOWN;

(II) INCLUDE THE ORDER OF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL;

(III) INCLUDE THE DATE OF THE FINAL HEARING THAT WILL BE HELD BEFORE THE COUNTY COMMISSIONERS OR THE COUNTY COUNCIL ESTABLISHES THE DRAINAGE DISTRICT; AND

(IV) BE PUBLISHED FOR 4 SUCCESSIVE WEEKS BEFORE THE DATE OF THE FINAL HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 112.

In subsection (a) of this section, the reference to a "respondent" is substituted for the former reference to "defendant landowners, who have not signed the petition" for consistency with § 27-204(a) of this title.

In subsection (b) of this section, the former references to "owners" are deleted in light of the references to "owner" and Art. 1, § 8, which provides that the singular generally includes the plural.

Also in subsection (b) of this section, the former references to any "tract or tracts of" land are deleted as surplusage.

In subsection (b)(1) of this section, the reference to "the unknown landowner" is substituted for the former reference to "all such persons" for clarity.

Also in subsection (b)(1) of this section, the reference to a "landowner" is substituted for the former reference to "the owner or owners of the whole or any share of any tract or tracts of land" for brevity.

Also in subsection (b)(1) of this section, the former reference to "giv[ing] notice in the nature of a" summons is deleted as surplusage.

In subsection (b)(2)(i) of this section, the former reference to describing the land "generally" is deleted as surplusage.

Defined terms: "Board of viewers" § 27-101

"County" § 1-101

"Designated officer" § 27-101

"Drainage district" § 27-101

"Landowner" § 27-101

27-310. PROCEDURE AT HEARING ON REPORT.

(A) PARTICIPANTS.

ANY LANDOWNER MAY APPEAR AT THE HEARING IN PERSON OR BY COUNSEL AND OBJECT IN WRITING TO THE REPORT OF THE BOARD OF VIEWERS.

(B) CONSIDERATION BY COUNTY.

THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL:

(1) REVIEW THE REPORT OF THE BOARD OF VIEWERS AND ANY OBJECTION FILED TO THE REPORT; AND

(2) MAKE ANY CHANGE THAT IS NECESSARY TO TREAT EACH LANDOWNER IN THE DRAINAGE DISTRICT EQUITABLY.

(C) ACTION ON REPORT.

(1) IF THE COUNTY COMMISSIONERS OR THE COUNTY COUNCIL FINDS THAT THE COST OF CONSTRUCTION AND THE AMOUNT OF DAMAGES ASSESSED DO NOT EXCEED THE BENEFIT THAT WILL ACCRUE TO THE AFFECTED LAND, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL CONFIRM THE REPORT OF THE BOARD OF VIEWERS AND DECLARE THE DRAINAGE DISTRICT TO BE ESTABLISHED.

(2) IF THE COUNTY COMMISSIONERS OR THE COUNTY COUNCIL FINDS THAT THE COST OF CONSTRUCTION AND THE AMOUNT OF DAMAGES

ASSESSED EXCEED THE BENEFIT THAT WILL ACCRUE TO THE AFFECTED LAND, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL DISMISS THE PROCEEDINGS AT THE COST OF THE PETITIONERS, AND ANY SURETY ON THE BOND FILED BY THE PETITIONERS SHALL BE LIABLE FOR THE COSTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 113.

In subsection (a) of this section, the phrase "at the hearing" is substituted for the former phrase "[a]t the date set for hearing" for brevity and clarity.

Also in subsection (a) of this section, the reference to a landowner "object[ing]" is substituted for the former reference to a landowner "fil[ing] his objection" for brevity.

In subsection (b)(1) of this section, the former reference to the county commissioners or county council "carefully" reviewing the report is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the county commissioners or county council making changes necessary to "treat each landowner in the drainage district equitably" is substituted for the former reference to the county commissioners or county council making changes necessary to "render substantial and equal justice to all the landowners in the district" for brevity and consistency with other similar provisions of the Code.

Defined terms: "Board of viewers" § 27-101

"Drainage district" § 27-101

"Landowner" § 27-101

SUBTITLE 4. BOARD OF DRAINAGE COMMISSIONERS.

27-401. APPOINTMENT.

(A) REQUIRED.

AFTER THE COUNTY COMMISSIONERS OR COUNTY COUNCIL ESTABLISH A DRAINAGE DISTRICT, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL APPOINT THREE LANDOWNERS TO BE THE BOARD OF DRAINAGE COMMISSIONERS, SUBJECT TO THE WRITTEN APPROVAL OF A MAJORITY OF LANDOWNERS.

(B) VACANCIES.

A VACANCY THAT OCCURS ON THE BOARD OF DRAINAGE COMMISSIONERS SHALL BE FILLED IN THE SAME MANNER THAT INITIAL APPOINTMENTS ARE MADE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first and second sentences of former Art. 25, § 115.

In subsection (a) of this section and throughout this title, the references to "landowners" are substituted for the former references to "freeholders" for conformity with modern terminology.

In subsection (a) of this section, the former reference to "the survey and plan therefor [being] approved" is deleted as implicit in the reference to the establishment of the drainage district.

In subsection (b) of this section, the reference to a vacancy being filled "in the same manner that initial appointments are made" is substituted for the former reference to a vacancy being filled "in like manner" for clarity.

Defined terms: "Board of drainage commissioners" § 27-101
"Drainage district" § 27-101
"Landowner" § 27-101

27-402. INCORPORATION.

(A) STATUS.

THE BOARD OF DRAINAGE COMMISSIONERS SHALL ORGANIZE AS A CORPORATION NAMED "THE BOARD OF DRAINAGE COMMISSIONERS OF DISTRICT".

(B) POWERS.

A BOARD OF DRAINAGE COMMISSIONERS MAY:

- (1) EXERCISE CORPORATE POWERS;**
- (2) HOLD AND CONVEY PROPERTY; AND**
- (3) SUE AND BE SUED.**

(C) SEAL.

A BOARD OF DRAINAGE COMMISSIONERS SHALL ADOPT A SEAL.

REVISOR'S NOTE: This section is new language derived without substantive change from the third and seventh sentences of former Art. 25, § 115.

In subsection (a) of this section, the reference to a "corporation" is substituted for the former reference to a "corporate body" for conformity with modern terminology.

Also in subsection (a) of this section, the former reference to the Board of Drainage Commissioners being in a certain "style" is deleted as surplusage.

In subsection (b) of this section, the reference to "exercis[ing]" corporate powers is substituted for the former reference to "possess[ing]" corporate powers for clarity.

In subsection (c) of this section, the former reference to "alter[ing] at pleasure" a seal is deleted as implicit in the power to "adopt" a seal.

Defined term: "Board of drainage commissioners" § 27-101

27-403. OFFICERS.

(A) CHAIR AND VICE CHAIR.

THE BOARD OF DRAINAGE COMMISSIONERS SHALL ELECT A CHAIR AND A VICE CHAIR FROM AMONG ITS MEMBERS.

(B) SECRETARY.

THE BOARD OF DRAINAGE COMMISSIONERS SHALL ELECT A SECRETARY FROM AMONG ITS MEMBERS OR FROM OUTSIDE ITS MEMBERSHIP.

(C) COUNTY TAX COLLECTOR.

THE TAX COLLECTOR OF THE COUNTY WHERE THE PETITION WAS FILED SHALL BE AN EX OFFICIO MEMBER OF THE BOARD OF DRAINAGE COMMISSIONERS.

REVISOR'S NOTE: This section is new language derived without substantive change from the fourth, fifth, and sixth sentences of former Art. 25, § 115.

In subsection (a) of this section, the former reference to “organiz[ing] by” electing officers is deleted as surplusage.

In subsection (c) of this section, the reference to an ex officio “member” is added for clarity.

Also in subsection (c) of this section, the phrase “the petition was filed” is substituted for the former phrase “the proceeding was instituted” for clarity.

Defined terms: “Board of drainage commissioners” § 27–101

“County” § 1–101

“Tax collector” § 1–101

27–404. SUPERINTENDENT OF CONSTRUCTION.

(A) APPOINTMENT.

THE BOARD OF DRAINAGE COMMISSIONERS SHALL APPOINT A COMPETENT SUPERINTENDENT OF CONSTRUCTION.

(B) COMPENSATION.

THE BOARD OF DRAINAGE COMMISSIONERS SHALL DETERMINE THE COMPENSATION OF THE SUPERINTENDENT OF CONSTRUCTION.

(C) BOND.

(1) THE SUPERINTENDENT OF CONSTRUCTION SHALL POST A BOND WITH THE BOARD OF DRAINAGE COMMISSIONERS, CONDITIONED ON HONEST AND FAITHFUL PERFORMANCE.

(2) THE BOARD OF DRAINAGE COMMISSIONERS SHALL DETERMINE THE AMOUNT OF THE BOND AND APPROVE THE BOND.

(D) TERMINATION OF CONTRACT.

THE BOARD OF DRAINAGE COMMISSIONERS MAY TERMINATE THE CONTRACT OF THE SUPERINTENDENT OF CONSTRUCTION WHENEVER THE BOARD OF DRAINAGE COMMISSIONERS CONSIDERS THE SERVICES OF THE SUPERINTENDENT OF CONSTRUCTION TO BE NO LONGER NECESSARY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 116.

In subsection (c)(1) of this section, the reference to “post[ing] a bond with” the board of drainage commissioners is substituted for the former reference to “such bond to be in favor of” the board of drainage commissioners for clarity.

Defined term: “Board of drainage commissioners” § 27–101

27–405. DRAINAGE RECORD; EASEMENT RECORD.

(A) DRAINAGE RECORD.

(1) THE DESIGNATED OFFICER SHALL MAINTAIN A DRAINAGE RECORD IN WHICH THE DESIGNATED OFFICER SHALL RECORD EACH PETITION, MOTION, ORDER, REPORT, JUDGMENT, AND FINDING OF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL IN EACH DRAINAGE TRANSACTION THAT COMES BEFORE THE COUNTY COMMISSIONERS OR COUNTY COUNCIL AS TO MAKE A COMPLETE AND CONTINUOUS RECORD.

(2) COPIES OF ALL MAPS AND PROFILES SHALL BE:

- (I) FURNISHED BY THE ENGINEER;**
 - (II) MARKED “OFFICIAL COPIES” BY THE DESIGNATED OFFICER;**
 - (III) KEPT ON FILE IN THE DESIGNATED OFFICER’S OFFICE;**
- AND**
- (IV) OPEN TO PUBLIC INSPECTION.**

(B) EASEMENT RECORD.

(1) THE BOARD OF DRAINAGE COMMISSIONERS SHALL SUBMIT TO THE CLERK OF THE APPROPRIATE CIRCUIT COURT AN EASEMENT RECORD LISTING EACH EASEMENT FOR MAINTENANCE AND RIGHTS-OF-WAY THAT THE DRAINAGE DISTRICT HAS ON ANY LAND IN THE COUNTY.

(2) THE CLERK SHALL MAKE THE EASEMENT RECORD AVAILABLE FOR PUBLIC INSPECTION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 114.

In subsection (a)(1) of this section, the reference to “maintain[ing] a drainage record” is substituted for the former reference to “provid[ing] a suitable book, to be known as the ‘drainage record’” for brevity.

Also in subsection (a)(1) of this section, the former reference to a record “of the case” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “drainage district” is substituted for the former reference to “association” for clarity.

Also in subsection (b)(1) of this section, the reference to the “circuit” court is substituted for the former reference to the “county” court for clarity.

Also in subsection (b)(1) of this section, the former reference to the drainage commissioners “of every drainage district in this State” is deleted as surplusage.

Also in subsection (b)(1) of this section, the former reference to “a suitable book, to be known as the” easement record is deleted as surplusage.

Defined terms: “Board of drainage commissioners” § 27–101
 “County” § 1–101
 “Designated officer” § 27–101
 “Drainage district” § 27–101

SUBTITLE 5. RIGHTS-OF-WAY AND CONDEMNATION.

27–501. RIGHTS-OF-WAY ACROSS LAND NOT AFFECTED.

A DRAINAGE DISTRICT MAY ACQUIRE A RIGHT-OF-WAY ACROSS LAND THAT IS NOT AFFECTED BY THE DRAINAGE PROJECT BUT IS LOCATED IN THE DRAINAGE DISTRICT TO CONSTRUCT A DITCH OR CANAL OR FOR ANY OTHER NECESSARY PURPOSE AUTHORIZED BY LAW.

REVISOR’S NOTE: This section is new language derived without substantive change from the first and fourth clauses of former Art. 25, § 120.

The former reference to land which will not be “benefited” by a drainage project is deleted as included in the reference to land which is not “affected” by the drainage project.

The former reference to the “outer boundaries of” a drainage district is deleted as surplusage.

Defined term: “Drainage district” § 27–101

27-502. CONDEMNATION FOR RIGHT-OF-WAY.**(A) IN GENERAL.**

THE BOARD OF DRAINAGE COMMISSIONERS HAS THE POWER OF EMINENT DOMAIN AND MAY BEGIN CONDEMNATION PROCEEDINGS UNDER TITLE 12 OF THE REAL PROPERTY ARTICLE IF:

(1) IT IS NECESSARY TO ACQUIRE A RIGHT-OF-WAY THROUGH LAND NOT AFFECTED BY THE DRAINAGE; AND

(2) THE LAND CANNOT BE ACQUIRED BY PURCHASE.

(B) PAYMENT OF DAMAGES.

THE BOARD OF DRAINAGE COMMISSIONERS SHALL AWARD DAMAGES OUT OF THE FIRST FUNDS AVAILABLE FROM BOND PROCEEDS OR OTHERWISE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 121.

In subsection (a)(1) of this section, the former reference to the acquisition of a right-of-way "over" land is deleted as included in the reference to a right-of-way "through" land.

Also in subsection (a)(1) of this section, the former reference to acquiring "an outlet" is deleted as included in the reference to acquiring "a right-of-way".

In subsection (b) of this section, the former reference to damages "awarded as compensation" is deleted as surplusage.

Defined term: "Board of drainage commissioners" § 27-101

SUBTITLE 6. IMPLEMENTATION OF PLAN.**27-601. COMPETITIVE BIDDING.****(A) ADVERTISEMENT.**

THE BOARD OF DRAINAGE COMMISSIONERS:

(1) SHALL ADVERTISE FOR BIDS TO CONSTRUCT THE DRAINAGE PROJECT;

(2) SHALL AWARD THE CONTRACT FOR THE DRAINAGE PROJECT TO THE LOWEST RESPONSIBLE BIDDER; AND

(3) MAY REJECT ANY OR ALL BIDS AND READVERTISE FOR OTHER BIDS.

(B) TERMS OF CONTRACT.

THE BOARD OF DRAINAGE COMMISSIONERS SHALL SET:

(1) THE TERMS FOR PAYMENT WITH THE CONTRACTOR; AND

(2) THE AMOUNT OF THE CONTRACTOR'S BOND, WHICH SHALL BE GIVEN IN FAVOR OF THE BOARD OF DRAINAGE COMMISSIONERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 121D.

In subsection (a)(1) of this section, the former reference to the drainage project "either as a whole or in parts" is deleted as surplusage.

In subsection (a)(2) of this section, the phrase "award the contract for the drainage project" is substituted for the former phrase "be let to" for clarity.

Also in subsection (a)(2) of this section, the former reference to "bidders" is deleted in light of the reference to "bidder" and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (a)(3) of this section, the reference to readvertising "for other bids" is added for clarity.

In subsection (b)(1) of this section, the former phrase "as they deem proper" is deleted as surplusage.

Defined term: "Board of drainage commissioners" § 27-101

27-602. MAINTENANCE AND OPERATION OF DRAINAGE PROJECTS.

THE BOARD OF DRAINAGE COMMISSIONERS SHALL CONTROL, SUPERVISE, AND MAINTAIN EACH DRAINAGE PROJECT COMPLETED UNDER THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 121E, as it related to the duty of the board of drainage commissioners to maintain a drainage project.

The reference to “maintain[ing]” each drainage project is substituted for the former reference to “keep[ing] ... in good repair” for brevity.

The reference to each “drainage project” is substituted for the former reference to the “levee, ditch, drain or watercourse” for brevity and consistency with other similar provisions of this title.

Defined term: “Board of drainage commissioners” § 27–101

27–603. COMPENSATION AND EXPENSES.

(A) ENGINEERS, VIEWERS, AND LABORERS.

(1) THE ENGINEERS WHO ARE APPOINTED TO THE BOARD OF VIEWERS SHALL RECEIVE COMPENSATION PER DIEM, AS AGREED ON BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL.

(2) THE INDIVIDUALS, OTHER THAN THE ENGINEERS, WHO ARE APPOINTED TO THE BOARD OF VIEWERS SHALL RECEIVE \$3 PER DAY.

(3) THE RODMEN, AXMEN, CHAINMEN, AND OTHER LABORERS EMPLOYED BY A DRAINAGE DISTRICT SHALL RECEIVE COMPENSATION NOT TO EXCEED \$2 PER DAY EACH.

(B) DRAINAGE COMMISSIONERS.

THE BOARD OF DRAINAGE COMMISSIONERS MAY NOT RECEIVE A PER DIEM BUT SHALL BE REIMBURSED FOR EXPENSES INCURRED WHEN ENGAGED IN THE WORK OF THE DRAINAGE DISTRICT.

(C) OTHER FEES AND COSTS.

ALL OTHER FEES AND COSTS INCURRED UNDER THIS TITLE ARE THE SAME AS PROVIDED BY LAW FOR SIMILAR SERVICES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 121F.

In subsection (a)(1) of this section, the reference to engineers “who are appointed to the board of viewers” is substituted for the former reference to engineers “employed under the provisions of §§ 103 through 121H of this article” for accuracy.

In subsection (a)(2) of this section, the reference to “individuals ... who are appointed to the board of viewers” is substituted for the former reference to “viewers” for clarity.

In subsection (a)(3) of this section, the reference to rodmen, axmen, chainmen, and other laborers “employed by a drainage district” is added for clarity.

In subsection (b) of this section, the former references to “actual” expenses and “actually” engaged are deleted as surplusage.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the compensation amounts established in subsection (a) of this section are so low as to be obsolete.

Defined terms: “Board of drainage commissioners” § 27–101

“Board of viewers” § 27–101

“Drainage district” § 27–101

SUBTITLE 7. FINANCING.

27–701. ASCERTAINMENT OF COSTS.

(A) IN GENERAL.

THE BOARD OF DRAINAGE COMMISSIONERS SHALL ASCERTAIN THE TOTAL COST OF THE DRAINAGE PROJECT, INCLUDING THE PAYMENT OF DAMAGES AWARDED TO THE LANDOWNERS, AFTER:

(1) THE CLASSIFICATION OF LANDS AND THE RATIO OF ASSESSMENT OF THE DIFFERENT CLASSES OF LANDS HAS BEEN CONFIRMED BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL AT THE TIME OF THE FINAL HEARING; AND

(2) ANY APPEAL MADE TO THE CIRCUIT COURT HAS BEEN ADJUDICATED.

(B) SPECIFIC COSTS.

THE TOTAL COST OF THE DRAINAGE PROJECT MAY INCLUDE:

- (1) ALL COSTS AND INCIDENTAL EXPENSES;**
- (2) THE COMPENSATION OF MEMBERS OF THE BOARD OF VIEWERS AND ASSISTANTS AND THE SUPERINTENDENT OF CONSTRUCTION;**
- (3) THE EXPENSES OF THE BOARD OF DRAINAGE COMMISSIONERS;**
- (4) THE NECESSARY EXPENSES OF MAINTAINING THE DRAINAGE PROJECT FOR A PERIOD OF 3 YEARS AFTER THE COMPLETION OF THE CONSTRUCTION WORK; AND**
- (5) THE PAYMENT OF INTEREST ON DRAINAGE BONDS FOR A PERIOD OF 3 YEARS.**

(C) CERTIFICATION.

(1) THE BOARD OF DRAINAGE COMMISSIONERS, UNDER THE DIRECTION OF THE CHAIR AND SECRETARY OF THE BOARD, SHALL CERTIFY TO THE DESIGNATED OFFICER THE TOTAL ESTIMATED COST OF THE DRAINAGE PROJECT.

(2) THE CERTIFICATION SHALL BE RECORDED IN THE DRAINAGE RECORD AND OPEN TO INSPECTION BY ANY LANDOWNER.

(D) BONDS AUTHORIZED.

IF THE TOTAL ESTIMATED COST OF THE PROPOSED DRAINAGE PROJECT CONSTRUCTED UNDER THIS TITLE IS LESS THAN AN AVERAGE OF 25 CENTS PER ACRE OF THE TOTAL AREA, THE BOARD OF DRAINAGE COMMISSIONERS MAY ISSUE BONDS AND SHALL COLLECT THE ASSESSMENT FROM THE LANDOWNERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 117 and the thirteenth sentence of § 118.

In subsection (a)(1) of this section, the reference to different classes "of lands" is substituted for the former reference to "thereon" for clarity.

In subsection (a)(2) of this section, the former reference to an appeal "that may have been" made is deleted as surplusage.

In the introductory language of subsection (b) of this section, the phrase “[t]he total cost of the drainage project may include” is added for clarity.

In subsection (b)(2) of this section, the reference to “members of the board of viewers” is substituted for the former reference to “engineer[s], viewers” for clarity and consistency with other similar provisions of this title.

In subsection (c)(1) of this section, the reference to “the direction of” the chair is substituted for the former reference to “the hand of” the chair for clarity.

In subsection (d) of this section, the former reference to the assessment being paid “in cash” is deleted as surplusage.

Defined terms: “Board of drainage commissioners” § 27–101

“Board of viewers” § 27–101

“Designated officer” § 27–101

“Landowner” § 27–101

27–702. EXEMPTION OF LAND NOT BENEFITED.

(A) FORMATION OF THE DRAINAGE DISTRICT.

A DRAINAGE DISTRICT MAY INCLUDE LAND THAT MAY NOT BE AFFECTED BY THE COMPLETED DRAINAGE PROJECT.

(B) LAND NOT BENEFITED.

ANY LAND THAT WILL NOT BE AFFECTED BY THE COMPLETED DRAINAGE PROJECT MAY NOT BE ASSESSED ANY DRAINAGE ASSESSMENT.

REVISOR’S NOTE: This section is new language derived without substantive change from the first, second, and third clauses of former Art. 25, § 120.

In subsection (a) of this section, the reference to the “completed” drainage project is substituted for the former reference to “as finally established” for brevity and consistency with other similar provisions of this subtitle.

Also in subsection (a) of this section, the reference to the drainage district “includ[ing] land that may not be affected by the completed drainage project” is substituted for the former reference to any “lands which will not be affected or benefited by the drainage project shall be located within the outer boundaries” of the drainage district for brevity.

In subsection (b) of this section, the reference to a drainage “assessment” is substituted for the former reference to a drainage “tax” for consistency with other similar provisions of this article.

Defined term: “Drainage district” § 27–101

27–703. ASSESSMENTS.

(A) PREPARATION OF ASSESSMENT LIST.

WHEN THE BOARD OF DRAINAGE COMMISSIONERS HAS ESTIMATED THE TOTAL COST OF THE DRAINAGE PROJECT AS PROVIDED UNDER § 27–701 OF THIS SUBTITLE, THE BOARD SHALL IMMEDIATELY PREPARE 10 ASSESSMENT LISTS TO COVER THE PERIOD OF THE BOND ISSUE, PROVIDING:

(1) THE NAMES OF THE LANDOWNERS IN THE DRAINAGE DISTRICT AS DETERMINED FROM THE PUBLIC RECORDS;

(2) A BRIEF DESCRIPTION OF THE TRACTS OF LAND ASSESSED;
AND

(3) THE AMOUNT OF THE ASSESSMENT AGAINST EACH TRACT OF LAND.

(B) BASIS FOR EACH ASSESSMENT LIST.

(1) THE ASSESSMENT LISTS SHALL PROVIDE ASSESSMENTS SUFFICIENT FOR:

(I) THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BOND ISSUE; AND

(II) THE AMOUNTS THAT HAVE TO BE PAID FOR COLLECTION AND HANDLING OF THE ASSESSMENTS.

(2) THE ASSESSMENT LIST SHALL PROVIDE ASSESSMENTS FOR EACH YEAR OF THE BOND ISSUE BEGINNING WITH THE THIRD YEAR AND ENDING WITH THE 12TH YEAR.

(C) CONTENT OF ASSESSMENT LISTS.

(1) EACH ASSESSMENT LIST SHALL:

(I) SPECIFY THE TIME WHEN THE ASSESSMENT IS COLLECTIBLE; AND

(II) BE NUMBERED IN ORDER.

(2) THE AMOUNT ASSESSED AGAINST EACH TRACT OF LAND SHALL BE BASED ON THE BENEFIT RECEIVED, AS SHOWN BY THE CLASSIFICATION AND RATIO OF ASSESSMENTS MADE BY THE BOARD OF VIEWERS.

(D) SIGNING OF ASSESSMENT LISTS.

THE ASSESSMENT LISTS SHALL BE SIGNED BY THE CHAIR AND SECRETARY OF THE BOARD OF DRAINAGE COMMISSIONERS.

(E) FILING AND DISTRIBUTION.

AFTER THE DESIGNATED OFFICER HAS ATTACHED AN ORDER TO EACH ASSESSMENT LIST DIRECTING THE COLLECTION OF THE ASSESSMENTS, ONE COPY OF EACH ASSESSMENT LIST SHALL BE:

(1) FILED WITH THE DRAINAGE RECORD; AND

(2) DELIVERED TO THE COUNTY TAX COLLECTOR.

(F) LIEN ON PROPERTY.

AFTER THE ASSESSMENT LIST IS FILED AND DELIVERED, THE ASSESSMENTS CONSTITUTE A LIEN, SECOND ONLY TO STATE AND COUNTY REAL PROPERTY TAXES, ON THE LAND ASSESSED FOR THE PAYMENT OF BONDS AND THE INTEREST ON THE BONDS AS THE PAYMENT BECOMES DUE.

(G) DUE DATE.

THE ASSESSMENTS SHALL BE DUE AND PAYABLE ANNUALLY ON THE FIRST MONDAY IN JANUARY.

(H) COLLECTION.

EACH ASSESSMENT SHALL BE COLLECTED IN THE SAME MANNER AND BY THE SAME OFFICER AS STATE AND COUNTY REAL PROPERTY TAXES.

(I) SALE OF DELINQUENT LAND.

(1) IF THE ASSESSMENTS ARE NOT PAID IN FULL ON OR BEFORE APRIL 30 FOLLOWING THE DUE DATE, THE COUNTY TAX COLLECTOR SHALL SELL THE DELINQUENT LAND.

(2) THE SALE OF LAND SHALL BE BETWEEN 10 A.M. AND 4 P.M. AT THE COURTHOUSE DOOR OF THE COUNTY IN WHICH THE LAND IS LOCATED.

REVISOR'S NOTE: This section is new language derived without substantive change from the first through tenth sentences of former Art. 25, § 118.

In this section, the references to the "assessment list" are substituted for the former references to the "drainage tax list" and "assessment roll" for consistency with other similar provisions of this article.

In subsection (a) of this section, the former reference to preparing assessment lists "in duplicate" is deleted as surplusage.

In subsection (b)(1)(i) of this section, the reference to the "payment of principal ... on the bond issue" is substituted for the former reference to "the instalment of principal to fall due at the expiration of the third year after the date of issue" for brevity.

In subsection (b)(2) of this section, the reference to the assessment list providing assessments "for each year of the bond issue beginning with the third year and ending with the 12th year" is substituted for the former reference to "[t]he second assessment roll shall make like provisions for the fourth year; the third for the fifth year; the fourth for the sixth year; the fifth for the seventh year; the sixth for the eighth year; the seventh for the ninth year; the eighth for the tenth year; the ninth for the eleventh year; the tenth for the twelfth year" for brevity.

In subsections (e)(2) and (i)(1) of this section, the former references to the "sheriff" are deleted as obsolete because the sheriff does not have any authority to collect taxes.

In subsections (f) and (h) of this section, the references to State and county "real property" taxes are added for clarity.

In subsection (f) of this section, the former reference to the assessment list "hav[ing] the force and effect of a judgment as in the case of State and county taxes" is deleted for accuracy because taxes do not constitute a judgment.

Also in subsection (f) of this section, the former reference to a “first and paramount” lien is deleted as unnecessary in light of the reference to the assessments being “second only” to State and county real property taxes.

In subsection (h) of this section, the reference to assessments being collected “in the same manner” as State and county real property taxes is substituted for the former reference to “[t]he existing law as to the collection of” State and county real property taxes “hav[ing] application” to drainage assessments for consistency with other similar provisions of the Code.

In subsection (i)(1) of this section, the former reference to “lands” is deleted in light of the reference to “land” and Art. 1, § 8, which provides that the singular generally includes the plural.

Defined terms: “Board of drainage commissioners” § 27–101

“Board of viewers” § 27–101

“County” § 1–101

“Designated officer” § 27–101

“Drainage district” § 27–101

“Landowner” § 27–101

“State” § 1–101

“Tax collector” § 1–101

27–704. ASSESSMENT OF PUBLIC PROPERTY OR RAILROAD.

IF THE BOARD OF VIEWERS, WHEN MAKING THE EXAMINATION AND SURVEYS OF THE DRAINAGE PROJECT, FINDS THAT THE DRAINAGE PROJECT WILL BENEFIT A RAILROAD, PUBLIC HIGHWAY, OR OTHER PUBLIC PROPERTY, THE BOARD OF VIEWERS SHALL ASSESS THE RAILROAD, STATE, OR COUNTY FOR THE BENEFITS DERIVED FROM THE DRAINAGE DISTRICT.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 119.

The reference to making the examination and surveys of the “drainage project” is added for clarity.

The reference to assessing the “railroad” is substituted for the former reference to assessing a “corporation” for clarity.

The former reference to a drainage project “when carried out” is deleted as surplusage.

The former phrase “in their return” is deleted as surplusage.

The former reference to assessing “an amount which they consider just” is deleted as implicit in the authority to make an assessment relative to a benefit.

Defined terms: “Board of viewers” § 27–101

“County” § 1–101

“Drainage district” § 27–101

“State” § 1–101

27–705. ISSUANCE OF BONDS.

(A) NOTICE.

(1) THE BOARD OF DRAINAGE COMMISSIONERS SHALL GIVE NOTICE OF A PROPOSAL TO ISSUE BONDS BY:

(I) PUBLICATION FOR 3 WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY WHERE ANY PART OF THE DRAINAGE DISTRICT IS LOCATED;

(II) POSTING A NOTICE AT THE DOOR OF THE COURTHOUSE IN THE COUNTY WHERE ANY PART OF THE DRAINAGE DISTRICT IS LOCATED; AND

(III) POSTING A NOTICE AT FIVE CONSPICUOUS PLACES IN THE VICINITY OF THE DRAINAGE DISTRICT.

(2) THE NOTICE SHALL INCLUDE:

(I) THE PROPOSAL TO ISSUE BONDS TO PAY FOR THE TOTAL COST OF THE DRAINAGE PROJECT;

(II) THE AMOUNT OF BONDS TO BE ISSUED;

(III) THE INTEREST RATE FOR THE BONDS; AND

(IV) THE DATE WHEN THE BONDS ARE PAYABLE.

(B) PAYMENT BY LANDOWNER IN ADVANCE.

(1) A LANDOWNER THAT DOES NOT WANT TO PAY INTEREST ON THE BONDS MAY PAY TO THE COUNTY TAX COLLECTOR, WITHIN 15 DAYS AFTER THE PUBLICATION OF THE NOTICE IN SUBSECTION (A) OF THIS SECTION, THE

FULL AMOUNT DUE FOR THE LANDOWNER, AS PROVIDED IN THE CLASSIFICATION SHEET AND THE CERTIFICATE OF THE BOARD OF DRAINAGE COMMISSIONERS SHOWING THE TOTAL COST OF THE DRAINAGE PROJECT.

(2) IF THE LANDOWNER PAYS THE FULL AMOUNT, THE LANDOWNER IS RELIEVED FROM LIABILITY FOR THE DRAINAGE PROJECT.

(3) THE LANDOWNER SHALL CONTINUE TO BE LIABLE FOR ANY FUTURE ASSESSMENT FOR MAINTENANCE OR FOR ANY INCREASED ASSESSMENT AUTHORIZED UNDER LAW.

(C) ISSUANCE AND SALE OF BONDS.

(1) AT THE EXPIRATION OF THE 3 WEEKS AFTER THE PUBLICATION OF THE NOTICE IN SUBSECTION (A) OF THIS SECTION, THE BOARD OF DRAINAGE COMMISSIONERS MAY ISSUE BONDS OF THE DRAINAGE DISTRICT IN AN AMOUNT EQUAL TO THE TOTAL COST OF THE DRAINAGE PROJECT LESS ANY AMOUNT THAT HAS BEEN PAID TO THE COUNTY TAX COLLECTOR, INCLUDING AN AMOUNT SUFFICIENT TO PAY INTEREST ON THE BOND ISSUE FOR THE 3 YEARS AFTER THE DATE OF ISSUE.

(2) ALL BONDS ISSUED UNDER THIS SECTION:

(I) SHALL BEAR INTEREST;

(II) SHALL BE PAYABLE SEMIANNUALLY;

(III) SHALL BE PAID IN 10 EQUAL INSTALLMENTS, WITH THE FIRST INSTALLMENT OF PRINCIPAL MATURING 3 YEARS AFTER THE ISSUE, AND ONE INSTALLMENT FOR EACH SUCCEEDING YEAR FOR 9 ADDITIONAL YEARS;

(IV) SHALL BE NUMBERED BY THE BOARD OF DRAINAGE COMMISSIONERS;

(V) SHALL BE RECORDED IN THE DRAINAGE RECORD; AND

(VI) MAY NOT BE SOLD FOR A PRICE LESS THAN PAR.

(3) THE BOARD OF DRAINAGE COMMISSIONERS SHALL USE THE PROCEEDS OF THE BONDS TO PAY:

(I) FOR THE WORK AS IT PROGRESSES;

(II) THE INTEREST ON THE BONDS ISSUED FOR THE 3 YEARS AFTER THE DATE OF ISSUE; AND

(III) THE OTHER EXPENSES OF THE DRAINAGE DISTRICT PROVIDED UNDER THIS TITLE.

(D) DISPOSITION OF PROCEEDS.

(1) THE PROCEEDS FROM THE SALE OF BONDS UNDER THIS SECTION SHALL BE FOR THE EXCLUSIVE USE OF THE DRAINAGE DISTRICT SPECIFIED ON THE BONDS.

(2) THE DRAINAGE RECORD SHALL LIST THE LAND IN THE DRAINAGE DISTRICT ON WHICH THE ASSESSMENT HAS NOT BEEN PAID IN FULL.

(E) BONDHOLDER'S RIGHT OF ACTION ON DEFAULT.

(1) IF AN INSTALLMENT OF PRINCIPAL OR INTEREST ON THE BONDS IS NOT PAID AT THE TIME AND IN THE MANNER DUE AND THE DEFAULT CONTINUES FOR 6 MONTHS, THE HOLDER OF THE BOND IN DEFAULT HAS A RIGHT OF ACTION AGAINST THE DRAINAGE DISTRICT OR THE BOARD OF DRAINAGE COMMISSIONERS.

(2) IF AN ACTION IS BROUGHT, THE COURT MAY ISSUE A WRIT OF MANDAMUS AGAINST THE DRAINAGE DISTRICT AND ITS OFFICERS, INCLUDING THE COUNTY TAX COLLECTOR, THAT DIRECTS THE IMPOSITION OF A SPECIAL ASSESSMENT AGAINST LANDOWNERS IN DEFAULT IN AN AMOUNT NECESSARY TO MEET UNPAID INSTALLMENTS OF PRINCIPAL AND INTEREST AND THE COSTS OF THE ACTION.

(3) THE HOLDER OF ANY BOND IN DEFAULT MAY:

(I) PURSUE ANY OTHER REMEDY AUTHORIZED BY LAW; AND

(II) BRING SUIT AGAINST ANY OFFICER ON THE OFFICIAL BOND OF THE OFFICER FOR FAILING TO PERFORM A DUTY REQUIRED UNDER THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 121B and the first through sixth sentences of § 121C.

In subsection (a)(1)(i) of this section, the reference to “any part of the drainage district” is substituted for the former reference to “the district, or some part thereof” for clarity and consistency with other similar provisions of this title.

Also in subsection (a)(1)(i) of this section, the former phrase “if there be any such newspaper” is deleted as surplusage.

In subsection (a)(1)(ii) of this section, the phrase “in the county where any part of the drainage district is located” is added for clarity.

In subsection (a)(1)(iii) of this section, the reference to the places “in the vicinity of the drainage district” is added for clarity and consistency with other similar provisions of this title.

In subsection (b)(1) of this section, the reference to a “landowner ... pay[ing] ... the full amount due” is substituted for the former reference to “the full amount for which his land is liable” because a landowner makes the payment and is therefore liable, rather than the “land” being liable. Similarly, in subsections (b)(2) and (3) of this section, the references to the “landowner” are substituted for the former references to “his lands” and “such land”.

In subsection (c)(1) of this section, the former reference to “sell[ing]” bonds is deleted as implicit in the authority to “issue” bonds.

Also in subsection (c)(1) of this section, the former reference to paying “in cash” is deleted as overly limiting of the manner in which the amount due can be paid.

In subsection (d)(1) of this section, the reference to the drainage district specified on “the bonds” is substituted for the former reference to the district specified on “their face” for clarity.

Also in subsection (d)(1) of this section, the former reference to the “levee” specified on the bonds is deleted as included in the reference to the “drainage district” specified on the bonds.

In subsection (d)(2) of this section, the reference to the “assessment” is substituted for the former reference to the “tax” for consistency with other similar provisions of this title.

Also in subsection (d)(2) of this section, the former reference to lands “embraced” is deleted as surplusage.

Also in subsection (d)(2) of this section, the former phrase “which land is to be assessed as hereafter provided” is deleted as implicit.

In subsection (e) of this section, the former references to “holders” are deleted in light of the references to “holder” and Art. 1, § 8, which provides that the singular generally includes the plural. Similarly, in subsection (e) of this section, the former references to “bonds” are deleted in light of the references to “bond”.

In subsection (e)(1) of this section, the former reference to an installment being “payable” is deleted as included in the reference to an installment being “due”.

In subsection (e)(2) of this section, the reference to the “imposition of a special assessment against landowners in default” is substituted for the former reference to the “levying of a tax or special assessment as herein provided” for clarity and consistency within this title.

Also in subsection (e)(2) of this section, the phrase “[i]f an action is brought” is substituted for the former reference to “wherein” for clarity.

Also in subsection (e)(2) of this section, the former reference to the “collection” of an assessment is deleted as implicit in the “imposition” of an assessment.

In subsection (e)(3)(i) of this section, the reference to “any other remedy authorized by law” is substituted for the former reference to “such other remedies are hereby vested” for clarity.

Defined terms: “Board of drainage commissioners” § 27–101

“County” § 1–101

“Drainage district” § 27–101

“Landowner” § 27–101

“Tax collector” § 1–101

27–706. ASSESSMENTS TO MAINTAIN AND REPAIR IMPROVEMENTS.

(A) IN GENERAL.

(1) THE BOARD OF DRAINAGE COMMISSIONERS MAY IMPOSE AN ASSESSMENT ON THE LANDOWNER BENEFITED BY THE CONSTRUCTION OF THE DRAINAGE PROJECT TO MAINTAIN THE DRAINAGE PROJECT.

(2) THE ASSESSMENT UNDER THIS SECTION SHALL BE IMPOSED IN THE SAME MANNER AND IN THE SAME PROPORTION AS THE ORIGINAL

ASSESSMENT UNDER THIS SUBTITLE, IN AN AMOUNT NOT TO EXCEED 25% OF THE ORIGINAL ASSESSMENT.

(3) THE BOARD OF DRAINAGE COMMISSIONERS SHALL USE THE MONEY THAT IS COLLECTED TO REPAIR AND MAINTAIN THE DRAINAGE PROJECT.

(B) LANDOWNER'S LIABILITY FOR REPAIRS.

(1) THE BOARD OF DRAINAGE COMMISSIONERS SHALL IMPOSE THE COST OF ANY REPAIRS ON A LANDOWNER IF THE REPAIR IS NECESSARY BECAUSE OF:

(I) AN ACT OR NEGLIGENCE OF THE LANDOWNER OR AN AGENT OR EMPLOYEE OF THE LANDOWNER; OR

(II) THE CATTLE, HOGS, OR OTHER LIVESTOCK OF THE LANDOWNER OR OF AN AGENT OR EMPLOYEE OF THE LANDOWNER.

(2) THE COST OF REPAIRS AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE COLLECTED BY SUIT INSTITUTED BY THE BOARD OF DRAINAGE COMMISSIONERS.

REVISOR'S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 25, § 121E.

In subsection (a) of this section, the references to a "drainage project" are substituted for the former references to a "[levee,] ditch, drain or watercourse" for brevity and consistency with other similar provisions of this title.

In subsection (a)(1) and the introductory language of subsection (b)(1) of this section, the references to an assessment "impose[d]" are substituted for the former references to an assessment "lev[ied]" for clarity and consistency with other revised articles of the Code.

Also in subsection (a)(1) and the introductory language of subsection (b)(1) of this section, the references to assessment on the "landowner" are substituted for the former references to assessment on the "lands" because a landowner makes the payment and is therefore liable, rather than the "land" being liable.

In subsection (a)(1) of this section, the reference to "maintain[ing]" the drainage project is substituted for the former reference to "keep[ing] ... in good repair" for brevity.

In subsection (a)(3) of this section, the former reference to maintaining the drainage project “in perfect order” is deleted as surplusage.

In the introductory language of subsection (b)(1) of this section, the former reference to the landowner “alone” is deleted as surplusage.

In subsection (b)(1)(i) of this section, the reference to “landowner” is substituted for the former reference to “owner of any land through which such improvement is constructed” for brevity and consistency with other similar provisions of this title.

Defined terms: “Board of drainage commissioners” § 27–101
 “Landowner” § 27–101

27–707. ASSISTANCE FROM FEDERAL GOVERNMENT.

(A) IN GENERAL.

A DRAINAGE DISTRICT MAY USE ANY LOAN OR OTHER ASSISTANCE FROM THE FEDERAL GOVERNMENT FOR DRAINAGE OR RECLAMATION WORK.

(B) ISSUANCE OF BONDS.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, TO FACILITATE ANY COOPERATIVE CONSTRUCTION PLAN AGREED TO BY THE FEDERAL GOVERNMENT AND ANY DRAINAGE DISTRICT, THE BOARD OF DRAINAGE COMMISSIONERS MAY ISSUE BONDS OF THE DRAINAGE DISTRICT IN THE FORM AND MATURITIES REQUIRED BY THE FEDERAL GOVERNMENT.

(2) A CONTRACT OR AGREEMENT BETWEEN THE DRAINAGE DISTRICT AND THE FEDERAL GOVERNMENT FOR COOPERATIVE CONSTRUCTION WORK IS SUBJECT TO APPROVAL BY A MAJORITY OF THE LANDOWNERS OF THE DRAINAGE DISTRICT.

(C) DUTY OF STATE TO REQUEST FEDERAL COOPERATION.

STATE OFFICIALS SHALL SOLICIT THE COOPERATION OF THE FEDERAL GOVERNMENT TO DRAIN AND RECLAIM AGRICULTURE LANDS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 25, § 121G.

In subsection (a) of this section, the reference to a drainage district using “any loan or other assistance from the federal government” is substituted for the former reference to “[i]n the event that the United States government makes provisions for loans ... or provides for such work to be done in whole or in part, under the supervision of its officials” for brevity.

Also in subsection (a) of this section, the reference to the drainage district “us[ing]” any assistance is substituted for the former reference to “avail[ing] themselves of such provisions” for brevity.

Also in subsection (a) of this section, the former reference to “at any time” is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to facilitating the “carrying out of” an agreement is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to the landowners “giv[ing] such contract their written” approval is deleted as surplusage.

In subsection (c) of this section, the reference to the “federal government” is substituted for the former reference to “the various bureaus of the United States” for brevity.

Also in subsection (c) of this section, the former reference to “prosecuting” the drainage and reclaiming of agricultural lands is deleted as surplusage.

Defined terms: “Board of drainage commissioners” § 27–101

“Drainage district” § 27–101

“Landowner” § 27–101

“State” § 1–101

27–708. DRAINAGE DISTRICT FUND.

(A) “FUND” DEFINED.

IN THIS SECTION, “FUND” MEANS THE DRAINAGE DISTRICT FUND.

(B) ESTABLISHED.

THERE IS A DRAINAGE DISTRICT FUND.

(C) PURPOSE OF FUND.

(1) THE PURPOSE OF THE FUND IS TO ENCOURAGE DRAINAGE PROJECTS TO PROMOTE THE DITCHING, DRAINING, LEVEEING, AND RECLAIMING OF WET AND OVERFLOWED LAND THAT CAN BE MADE AVAILABLE FOR AGRICULTURE.

(2) LOANS NOT EXCEEDING \$2,000 MAY BE MADE FROM THE FUND FOR A DRAINAGE PROJECT TO PAY THE EXPENSES OF THE SURVEYS, BOARD OF VIEWERS, ADVERTISING, AND ALL OTHER INCIDENTAL FEES AND EXPENSES CONNECTED WITH THE DRAINAGE PROJECT UNTIL THE DRAINAGE DISTRICT IS ESTABLISHED AND THE WORK IS TURNED OVER TO THE BOARD OF DRAINAGE COMMISSIONERS.

(D) CONTENTS OF FUND.

THE SUM OF \$10,000 SHALL BE APPROPRIATED FROM MONEY IN THE STATE TREASURY, WHICH IS NOT OTHERWISE APPROPRIATED, TO THE CREDIT OF THE FUND.

(E) DUTIES OF STATE TREASURER AND COMPTROLLER.

WHEN THERE IS MONEY TO THE CREDIT OF THE FUND, THE STATE TREASURER SHALL PAY THE MONEY TO BE LOANED:

(1) ON WARRANT OF THE COMPTROLLER; AND

(2) ON THE RECEIPT OF AN ITEMIZED STATEMENT REQUESTING THE LOAN, ENDORSED BY THE DESIGNATED OFFICER AND PRESIDING OFFICER OF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF THE COUNTY IN WHICH THE ORIGINAL PETITION OF THE DRAINAGE DISTRICT WAS FILED.

(F) REPAYMENT OF LOAN.

THE FUNDS LOANED BY THE STATE SHALL BE RETURNED TO THE STATE TREASURY THROUGH THE COUNTY COMMISSIONERS OR COUNTY COUNCIL, WHO SHALL COLLECT THE AMOUNT LOANED UNDER A PETITION FILED UNDER THIS TITLE FROM:

(1) IF THE PETITION IS NOT ALLOWED, THE PETITIONER OR THE PETITIONER'S SURETY; OR

(2) IF THE DRAINAGE DISTRICT IS ESTABLISHED, THE BOARD OF DRAINAGE COMMISSIONERS OUT OF THE FIRST PROCEEDS OF THE SALE OF THE BONDS OF THE DRAINAGE DISTRICT CHARGED WITH THE LOAN.

(G) LIMIT ON LOAN.

IN ORDER FOR THE FUND TO BE AVAILABLE FOR OTHER PROJECTS, A LOAN TO ONE DRAINAGE DISTRICT MAY NOT BE GREATER THAN THE AMOUNT THAT IS NECESSARY FOR THE USE OF THE DRAINAGE DISTRICT.

REVISOR'S NOTE: Subsection (a) of this section is new language added to avoid repetition of the phrase "Drainage District Fund".

Subsections (b) through (g) of this section are new language derived without substantive change from former Art. 25, § 121H, as it related to the Drainage District Fund.

In subsection (c)(1) of this section, the reference to "drainage projects" is substituted for the former reference to "enterprises" for clarity and consistency with other similar provisions of this title.

In subsection (e)(2) of this section, the reference to "requesting the loan" is substituted for the former reference to "so requesting" for clarity.

Also in subsection (e)(2) of this section, the reference to the "drainage" district is substituted for the former reference to the "particular" district for clarity.

Also in subsection (e)(2) of this section, the former reference to "statements" is deleted in light of the reference to "statement" and Art. 1, § 8, which provides that the singular generally includes the plural.

In the introductory language of subsection (f) of this section, the reference to a petition filed "under this title" is substituted for the former reference to a petition filed "with them" for clarity.

In subsection (g) of this section, the former reference to the amount "absolutely" necessary is deleted as surplusage.

Also in subsection (g) of this section, the former reference to the Fund being "in circulation" is deleted as included in the reference to the Fund being "available".

Defined terms: "Board of drainage commissioners" § 27-101

"Board of viewers" § 27-101

"County" § 1-101

“Designated officer” § 27-101

“Drainage district” § 27-101

“State” § 1-101

27-709. DUTY OF COUNTY TAX COLLECTOR.

THE COUNTY TAX COLLECTOR, WITHOUT AN ORDER FROM THE BOARD OF DRAINAGE COMMISSIONERS, SHALL PAY:

(1) THE INSTALLMENTS OF INTEREST AT THE TIME AND PLACE AS EVIDENCED BY THE BONDS; AND

(2) THE ANNUAL INSTALLMENTS OF THE PRINCIPAL DUE ON THE BONDS AT THE TIME AND PLACE EVIDENCED BY THE BONDS.

REVISOR’S NOTE: This section is new language derived without substantive change from the twelfth sentence of former Art. 25, § 118, as it related to the duty of the county tax collector.

In the introductory language of this section, the former reference to “provid[ing]” installments is deleted as included in the reference to “pay[ing]” installments.

In item (1) of this section, the former reference to “the coupons attached” to the bonds is deleted for consistency with item (2) of this section.

Defined terms: “Board of drainage commissioners” § 27-101

“Tax collector” § 1-101

27-710. SECURITY BONDS FOR COUNTY TAX COLLECTORS.

THE OFFICIAL BOND OF THE COUNTY TAX COLLECTOR:

(1) SHALL BE LIABLE FOR THE FAITHFUL PERFORMANCE OF THE DUTIES ASSIGNED TO THE OFFICER UNDER THIS SUBTITLE; AND

(2) MAY BE INCREASED BY THE COUNTY COMMISSIONERS OR COUNTY COUNCIL AT THEIR DISCRETION.

REVISOR’S NOTE: This section is new language derived without substantive change from the seventh and eighth sentences of former Art. 25, § 121C.

Defined term: “Tax collector” § 1-101

SUBTITLE 8. MISCELLANEOUS PROVISIONS.

27-801. RIGHT TO OPEN LATERAL DRAINS.

(A) IN GENERAL.

A LANDOWNER THAT HAS BEEN ASSESSED UNDER THIS TITLE FOR THE COST TO CONSTRUCT A DITCH, DRAIN, OR WATERCOURSE MAY USE THE DITCH, DRAIN, OR WATERCOURSE AS AN OUTLET FOR LATERAL DRAINS FROM THE ASSESSED LAND.

(B) PETITION ALLOWED WHEN NO AGREEMENT.

THE OWNER OF THE ASSESSED LAND MAY PETITION THE COUNTY COMMISSIONERS OR COUNTY COUNCIL IF:

(1) THE ASSESSED LAND IS SEPARATED FROM A DITCH, DRAIN, OR WATERCOURSE BY THE LAND OF ANOTHER; AND

(2) THE OWNER OF THE ASSESSED LAND AND THE OTHER LANDOWNER DO NOT AGREE ON THE TERMS AND CONDITIONS UNDER WHICH THE OWNER OF THE ASSESSED LAND MAY ENTER THE PROPERTY OF THE OTHER LANDOWNER AND CONSTRUCT A LATERAL DRAIN OR DITCH.

(C) LATERAL DITCH PART OF DRAINAGE SYSTEM.

A LATERAL DITCH CONSTRUCTED UNDER THIS SECTION SHALL BE:

(1) PART OF THE DRAINAGE SYSTEM;

(2) UNDER THE CONTROL OF THE BOARD OF DRAINAGE COMMISSIONERS; AND

(3) MAINTAINED BY THE BOARD OF DRAINAGE COMMISSIONERS AS PROVIDED UNDER THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 121A.

In subsection (b) of this section, the former reference to lands of "others" is deleted as included in the reference to land of "another".

Also in subsection (b) of this section, the former reference to an "ancillary" petition is deleted as surplusage.

Also in subsection (b) of this section, the former reference to filing a petition “in such pending proceeding” is deleted as surplusage.

Also in subsection (b) of this section, the former phrase “and the procedure shall be as now provided by law” is deleted as surplusage.

In subsection (c)(3) of this section, the reference to the lateral ditch being “maintained” is substituted for the former reference to the ditch being “kept in repair” for consistency with other similar provisions of the Code.

Defined terms: “Board of drainage commissioners” § 27–101
 “Landowner” § 27–101

SUBTITLE 9. PROHIBITED ACTS.

27–901. OBSTRUCTION OR DAMAGE TO IMPROVEMENTS.

(A) PROHIBITED.

A PERSON MAY NOT DAMAGE, OBSTRUCT, OR BUILD ANY BRIDGE, FENCE, OR FLOODGATE SO AS TO DAMAGE ANY LEVEE, DITCH, DRAIN, OR WATERCOURSE CONSTRUCTED OR IMPROVED UNDER THIS TITLE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING TWICE THE VALUE OF THE DAMAGE.

REVISOR’S NOTE: This section is new language derived without substantive change from the fourth sentence of former Art. 25, § 121E.

In this section, the former references to “injur[y]” are deleted as included in the references to “damage”.

In subsection (b) of this section, the reference to a person “who violates this section” is substituted for the former reference to a person “causing such injury” for consistency with other similar provisions of the Code.

Defined term: “Person” § 1–101

27–902. WILLFUL FAILURE TO PAY BONDS.

(A) PROHIBITED.

A COUNTY TAX COLLECTOR MAY NOT WILLFULLY FAIL TO MAKE PROMPT PAYMENTS OF THE INTEREST AND PRINCIPAL ON BONDS ISSUED UNDER THIS TITLE.

(B) PENALTY.

A COUNTY TAX COLLECTOR WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE AND IMPRISONMENT.

(C) CIVIL LIABILITY.

A COUNTY TAX COLLECTOR WHO VIOLATES THIS SECTION IS LIABLE TO THE BOARD OF DRAINAGE COMMISSIONERS OR THE HOLDER OF THE BONDS IN A CIVIL ACTION IN AN AMOUNT EQUAL TO ALL DAMAGES WHICH MAY ACCRUE TO THE BOARD OR BOND HOLDER AS A RESULT OF THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from the twelfth sentence of former Art. 25, § 118, as it related to prohibited acts by the county tax collector and related penalties.

In subsection (a) of this section, the phrase “[a] county tax collector may not” willfully fail to make payments is added to affirmatively state that which was only formerly implied.

In subsection (b) of this section, the former reference to the imposition of a fine and imprisonment “in the discretion of the court” is deleted as surplusage.

In subsection (c) of this section, the former phrase “to either or both of which a right of action is hereby given” is deleted as surplusage.

Defined terms: “Board of drainage commissioners” § 27–101
 “Tax collector” § 1–101

GENERAL REVISOR'S NOTE TO TITLE

The eleventh sentence of former Art. 25, § 118, which required the sheriff or the county tax collector to pay over to the county treasurer money collected from the assessment imposed under this title, is deleted. The reference to the sheriff is obsolete because the sheriff does not have the authority to collect an assessment. The reference to the county tax collector is unnecessary in light of

the revision of this article in which the county tax collector and the county treasurer are the same entity.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that after surveying the counties on the Eastern Shore, it appears that there are currently no drainage districts established. None of the counties could definitively state that there have never been drainage districts established in the county. The General Assembly may wish to consider whether the provisions of this title should be deleted as obsolete.

TITLE 28. SALARY STUDY COMMISSIONS.

SUBTITLE 1. ALLEGANY COUNTY SALARY STUDY COMMISSION.

28-101. "COMMISSION" DEFINED.

IN THIS SUBTITLE, "COMMISSION" MEANS THE ALLEGANY COUNTY SALARY STUDY COMMISSION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 12-101(a) and (b).

Former Art. 24, § 12-101(c), which defined "County Commissioners", is deleted as unnecessary in light of the revision of this subtitle to refer to the County Commissioners of Allegany County throughout each section for consistency with other similar provisions of this article.

28-102. ESTABLISHED.

THERE IS AN ALLEGANY COUNTY SALARY STUDY COMMISSION.

REVISOR'S NOTE: This section formerly was Art. 24, § 12-102.

No changes are made.

28-103. MEMBERSHIP.

(A) COMPOSITION.

SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

(1) ONE MEMBER FROM THE DEMOCRATIC CENTRAL COMMITTEE OF ALLEGANY COUNTY;

- (2) ONE MEMBER FROM THE REPUBLICAN CENTRAL COMMITTEE OF ALLEGANY COUNTY;**
- (3) ONE MEMBER FROM THE ALLEGANY COUNTY CHAMBER OF COMMERCE;**
- (4) ONE MEMBER FROM THE ALLEGANY-GARRETT COUNTIES FIRE AND RESCUE ASSOCIATION, FROM ALLEGANY COUNTY;**
- (5) ONE MEMBER FROM THE ALLEGANY COUNTY FARM BUREAU;**
- (6) ONE MEMBER FROM THE LEAGUE OF WOMEN VOTERS OF ALLEGANY COUNTY; AND**
- (7) ONE MEMBER FROM THE WESTERN MARYLAND CENTRAL LABOR COUNCIL.**

(B) RECOMMENDATIONS FOR APPOINTMENT.

ON OR BEFORE JULY 14, 2016, AND ON OR BEFORE JULY 14 EACH FOURTH YEAR THEREAFTER, THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY SHALL REQUEST THAT EACH ORGANIZATION LISTED IN SUBSECTION (A) OF THIS SECTION RECOMMEND AN APPOINTEE TO THE COUNTY COMMISSIONERS ON OR BEFORE THE FOLLOWING AUGUST 1.

(C) APPOINTMENT.

(1) THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY SHALL APPOINT THE INDIVIDUAL RECOMMENDED BY EACH ORGANIZATION LISTED IN SUBSECTION (A) OF THIS SECTION.

(2) IF ANY ORGANIZATION FAILS TO MAKE A RECOMMENDATION TO THE COUNTY COMMISSIONERS ON OR BEFORE AUGUST 1, THE COUNTY COMMISSIONERS SHALL APPOINT A SUBSTITUTE PUBLIC MEMBER TO THE COMMISSION TO SERVE THROUGH THE FOLLOWING JANUARY 30.

(3) A MEMBER OF THE COMMISSION APPOINTED UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION MAY NOT BE:

- (I) AN ALLEGANY COUNTY OFFICIAL OR EMPLOYEE; OR**

(II) AN OFFICIAL OR EMPLOYEE OF ANY OFFICE STUDIED BY THE COMMISSION.

(4) THE COUNTY COMMISSIONERS SHALL MAKE THEIR APPOINTMENTS TO THE COMMISSION FINAL ON OR BEFORE SEPTEMBER 29 OF THE YEAR OF THE RECOMMENDATIONS UNDER SUBSECTION (B) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 12–103(a) through (d).

In the introductory language of subsection (a) of this section, the former reference to the Commission consisting of “7” members is deleted as surplusage.

In subsection (a)(4) of this section, the reference to the member from the “Allegany–Garrett Counties Fire and Rescue Association, from Allegany County” is substituted for the former reference to the member from the “Allegany County Fire and Rescue Association” for accuracy because the name was changed in 1990 to reflect the joining of the two associations.

In subsection (b) of this section, the reference to the “following” August 1 is added for clarity.

Also in subsection (b) of this section, the reference to “[o]n or before July 14, 2016, and on or before July 14” each fourth year thereafter is substituted for the former reference to “before July 15, 1992, and before July 15” each fourth year thereafter to update the obsolete reference to 1992 and for clarity.

Also in subsection (b) of this section, the former reference to “solicit[ing]” is deleted as included in the reference to “request[ing]”.

In subsection (c)(1) of this section, the reference to the “individual” is substituted for the former reference to the “Commission members” for clarity and consistency with § 28–203(d)(1) of this title.

In subsection (c)(2) of this section, the reference to a “public” member is substituted for the former reference to a “citizen” member for clarity.

In subsection (c)(4) of this section, the reference to “on or before September 29 of the year of the recommendations under subsection (b) of this section” is substituted for the former reference to “before September 30, 1992, and before September 30 every 4th year thereafter” to avoid the obsolete reference to 1992 and for clarity.

Defined term: "Commission" § 28-101

28-104. CHAIR.

FROM AMONG ITS MEMBERS, THE COMMISSION SHALL ELECT A CHAIR.

REVISOR'S NOTE: This section formerly was Art. 24, § 12-103(f).

The only changes are in style.

Defined term: "Commission" § 28-101

28-105. QUORUM; MEETINGS; COMPENSATION.

(A) QUORUM.

FIVE MEMBERS OF THE COMMISSION ARE A QUORUM.

(B) MEETINGS.

THE COMMISSION SHALL MEET ON OR BEFORE THE DECEMBER 31 IMMEDIATELY FOLLOWING APPOINTMENT.

(C) COMPENSATION AND REIMBURSEMENT FOR EXPENSES.

A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES AS AUTHORIZED BY THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 12-104 and 12-103(e).

In subsection (b) of this section, the reference to "on or before the December 31 immediately following appointment" is substituted for the former reference to "before January 1, 1993, and before January 1 every 4th year thereafter" to avoid the obsolete reference to 1993 and for brevity and clarity.

In subsection (c)(1) of this section, the reference to compensation “as a member of the Commission” is added for clarity.

Defined term: “Commission” § 28–101

28–106. DUTIES OF COMMISSION.

(A) SALARY STUDY.

THE COMMISSION SHALL STUDY THE SALARIES OF:

- (1) THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY;**
- (2) THE ALLEGANY COUNTY BOARD OF EDUCATION;**
- (3) THE ALLEGANY COUNTY BOARD OF LICENSE COMMISSIONERS;**
- (4) THE ALLEGANY COUNTY BOARD OF ELECTIONS;**
- (5) THE JUDGES OF THE ORPHANS’ COURT FOR ALLEGANY COUNTY; AND**
- (6) THE SHERIFF OF ALLEGANY COUNTY.**

(B) SALARY RECOMMENDATIONS.

ON OR BEFORE JANUARY 29 OF THE YEAR FOLLOWING APPOINTMENT, THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY REGARDING SALARIES OF THE OFFICES LISTED IN SUBSECTION (A) OF THIS SECTION.

(C) MEETING WITH PUBLIC OFFICIALS.

BEFORE THE COMMISSION SUBMITS ITS RECOMMENDATIONS AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE COMMISSION SHALL MEET WITH EACH INDIVIDUAL WHO HOLDS AN OFFICE LISTED IN SUBSECTION (A) OF THIS SECTION TO:

- (1) ACQUAINT THE COMMISSION WITH THE DUTIES AND RESPONSIBILITIES OF THOSE PUBLIC OFFICIALS;**

(2) OBTAIN ANY ADDITIONAL INFORMATION THAT THE COMMISSION BELIEVES WOULD BE HELPFUL TO COMPLETE ITS WORK; AND

(3) PROVIDE AN OPPORTUNITY FOR THE PUBLIC OFFICIALS TO EXPRESS THEIR OPINIONS ABOUT THE APPROPRIATE COMPENSATION FOR THE OFFICES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 12–105.

In subsection (b) of this section, the reference to “[o]n or before January 29 of the year following appointment” is substituted for the former reference to “[b]efore January 30, 1993, and before January 30 every 4th year thereafter” to avoid the obsolete reference to 1993 and for brevity and clarity.

In the introductory language of subsection (c) of this section, the reference to submitting recommendations “as provided in subsection (b) of this section” is substituted for the former reference to submitting recommendations “regarding salaries of the offices in subsection (a) of this section to the County Commissioners” for brevity.

Defined term: “Commission” § 28–101

28–107. ESTABLISHMENT OF SALARIES BY COUNTY COMMISSIONERS.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (B) OF THIS SECTION AND ARTICLE III, § 35 OF THE MARYLAND CONSTITUTION, THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY, BY LOCAL LAW, SHALL SET THE SALARY FOR EACH OFFICE INCLUDED IN THE RECOMMENDATIONS.

(B) PERMISSIBLE ACTIONS.

THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY MAY ACCEPT, REDUCE, OR REJECT, BUT MAY NOT INCREASE, THE RECOMMENDATIONS OF THE COMMISSION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 12–106.

In subsection (a)(2) of this section, the former phrase “[w]ith respect to a public official” is deleted as unnecessary since Art. III, § 35 of the Maryland Constitution would only apply to the salaries of public officials.

Defined term: "Commission" § 28-101

SUBTITLE 2. WASHINGTON COUNTY SALARY STUDY COMMISSION.

28-201. "COMMISSION" DEFINED.

IN THIS SUBTITLE, "COMMISSION" MEANS THE WASHINGTON COUNTY SALARY STUDY COMMISSION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 12-201(a) and (b).

Former Art. 24, § 12-201(c), which defined "County Commissioners", is deleted as unnecessary in light of the revision of this subtitle to refer to the County Commissioners of Washington County throughout each section for consistency with other similar provisions of this article.

28-202. ESTABLISHED.

THERE IS A WASHINGTON COUNTY SALARY STUDY COMMISSION.

REVISOR'S NOTE: This section formerly was Art. 24, § 12-202.

No changes are made.

28-203. MEMBERSHIP.

(A) COMPOSITION.

SUBJECT TO SUBSECTIONS (B) AND (D) OF THIS SECTION, THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

(1) ONE MEMBER FROM THE DEMOCRATIC CENTRAL COMMITTEE OF WASHINGTON COUNTY;

(2) ONE MEMBER FROM THE REPUBLICAN CENTRAL COMMITTEE OF WASHINGTON COUNTY;

(3) ONE MEMBER FROM THE WASHINGTON COUNTY CHAMBER OF COMMERCE;

(4) ONE MEMBER FROM THE WASHINGTON COUNTY FARM BUREAU;

(5) ONE MEMBER FROM THE LEAGUE OF WOMEN VOTERS OF WASHINGTON COUNTY;

(6) ONE MEMBER FROM THE WESTERN MARYLAND CENTRAL LABOR COUNCIL;

(7) ONE MEMBER FROM THE CUMBERLAND VALLEY ASSOCIATED BUILDERS AND CONTRACTORS, INC.;

(8) ONE MEMBER FROM THE JOINT VETERANS COUNCIL OF WASHINGTON COUNTY; AND

(9) ONE AT-LARGE MEMBER SELECTED BY THE WASHINGTON COUNTY RETIRED TEACHERS ASSOCIATION.

(B) QUALIFICATIONS.

EACH MEMBER SHALL BE A REGISTERED VOTER OF WASHINGTON COUNTY WHO IN THE PREVIOUS 4 YEARS HAS VOTED IN AT LEAST TWO ELECTIONS, AT LEAST ONE OF WHICH WAS IN THE GUBERNATORIAL ELECTION YEAR.

(C) RECOMMENDATIONS FOR APPOINTMENT.

ON OR BEFORE MARCH 31, 2016, AND ON OR BEFORE MARCH 31 EACH FOURTH YEAR THEREAFTER, THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY SHALL REQUEST THAT EACH ORGANIZATION LISTED IN SUBSECTION (A) OF THIS SECTION RECOMMEND AN APPOINTEE TO THE COUNTY COMMISSIONERS ON OR BEFORE THE FOLLOWING MAY 15.

(D) APPOINTMENT.

(1) THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY SHALL APPOINT THE INDIVIDUAL RECOMMENDED BY EACH ORGANIZATION LISTED IN SUBSECTION (A) OF THIS SECTION.

(2) IF AN ORGANIZATION FAILS TO MAKE A RECOMMENDATION TO THE COUNTY COMMISSIONERS ON OR BEFORE JUNE 1, THE MEMBERS WHO HAVE BEEN APPOINTED TO THE COMMISSION SHALL MEET, SOLICIT PROSPECTIVE MEMBERS FROM THE PUBLIC, AND SELECT BY MAJORITY VOTE A QUALIFIED SUBSTITUTE PUBLIC MEMBER TO THE COMMISSION TO SERVE THROUGH THE FOLLOWING DECEMBER 1.

(3) A MEMBER OF THE COMMISSION MAY NOT BE AN ELECTED OFFICIAL OR AN EMPLOYEE OF AN OFFICIAL WHOSE SALARY THE COMMISSION STUDIES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 12–203(a), (b), (c)(1), (2), and (5), and (d).

In the introductory language of subsection (a) of this section, the former reference to the Commission consisting of “nine” members is deleted as surplusage.

In subsection (c) of this section, the reference to the “following” May 15 is added for clarity.

Also in subsection (c) of this section, the reference to “[o]n or before March 31, 2016, and on or before March 31” each fourth year thereafter is substituted for the former reference to “before April 1, 1996, and before April 1” each fourth year thereafter to update the obsolete reference to 1996 and for clarity.

Also in subsection (c) of this section, the former reference to “solicit[ing]” is deleted as included in the reference to “request[ing]”.

In subsection (d)(1) of this section, the former reference to appointing an individual “to the Commission” is deleted as surplusage.

In subsection (d)(2) of this section, the reference to a “public” member is substituted for the former reference to a “citizen” member for clarity.

Defined term: “Commission” § 28–201

28–204. CHAIR.

FROM AMONG ITS MEMBERS, THE COMMISSION SHALL ELECT A CHAIR.

REVISOR'S NOTE: This section formerly was Art. 24, § 12–203(f).

The only changes are in style.

Defined term: “Commission” § 28–201

28–205. QUORUM; MEETINGS; COMPENSATION; STAFF.

(A) QUORUM.

FIVE MEMBERS OF THE COMMISSION ARE A QUORUM.

(B) MEETINGS.

THE COMMISSION SHALL MEET ON OR BEFORE THE JUNE 30 IMMEDIATELY FOLLOWING APPOINTMENT.

(C) COMPENSATION.

A MEMBER OF THE COMMISSION MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION.

(D) STAFF.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY SHALL PROVIDE PROFESSIONAL STAFF TO THE COMMISSION AS NECESSARY FOR THE COMMISSION TO ISSUE ITS REPORT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 12-204 and 12-203(e) and (c)(3).

In subsection (b) of this section, the reference to "on or before the June 30 immediately following appointment" is substituted for the former reference to "before July 1, 1996, and before July 1 every fourth year thereafter" to avoid the obsolete reference to 1996 and for brevity and clarity.

In subsection (c) of this section, the reference to compensation "as a member of the Commission" is added for clarity.

Defined term: "Commission" § 28-201

28-206. PUBLIC HEARING.

(A) IN GENERAL.

THE COMMISSION SHALL HOLD AT LEAST ONE PUBLIC HEARING EVERY 4 YEARS.

(B) NOTICE.

THE COMMISSION SHALL PUBLISH NOTICE OF EACH HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(C) MONEY FOR NOTICE.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY SHALL PROVIDE MONEY NECESSARY FOR THE COMMISSION TO ADVERTISE ITS HEARINGS SO THAT THE PUBLIC RECEIVES SUFFICIENT NOTICE AND AN OPPORTUNITY TO ATTEND AND PRESENT TESTIMONY AT THE HEARINGS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 12-203(g) and (c)(4).

In subsection (b) of this section, the reference to general circulation "in the county" is added for clarity.

Defined term: "Commission" § 28-201

28-207. DUTIES OF COMMISSION.**(A) SALARY STUDY.**

THE COMMISSION SHALL STUDY THE SALARIES OF:

- (1) THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY;**
- (2) THE WASHINGTON COUNTY BOARD OF EDUCATION;**
- (3) THE WASHINGTON COUNTY BOARD OF LIQUOR LICENSE COMMISSIONERS;**
- (4) THE JUDGES OF THE ORPHANS' COURT FOR WASHINGTON COUNTY;**
- (5) THE SHERIFF OF WASHINGTON COUNTY; AND**
- (6) THE TREASURER OF WASHINGTON COUNTY.**

(B) REPORT TO COUNTY COMMISSIONERS.

ON OR BEFORE THE DECEMBER 1 FOLLOWING APPOINTMENT, THE COMMISSION SHALL ISSUE A REPORT THAT CONTAINS RECOMMENDATIONS TO THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY FOR REVIEW AND CONSIDERATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 12–205(a) and (b)(1).

In subsection (b) of this section, the reference to “the December 1 following appointment” is substituted for the former reference to “November 20, 1996, and on or before December 1 each fourth year thereafter” to avoid the obsolete reference to 1996 and for brevity and clarity.

Defined term: “Commission” § 28–201

28–208. REQUIRED CONSIDERATIONS BY COMMISSION.

IN FORMULATING ITS REPORT AND RECOMMENDATIONS, THE COMMISSION SHALL CONSIDER FOR EACH OFFICE:

- (1) THE SCOPE OF RESPONSIBILITIES OF THE OFFICE;**
- (2) THE EDUCATION, SKILLS, ABILITIES, LICENSURE, AND CERTIFICATION REQUIRED TO PERFORM THE DUTIES OF THE OFFICE;**
- (3) THE SALARIES OF SIMILAR OFFICES IN OTHER JURISDICTIONS;**
- (4) THE TIME REQUIRED TO PERFORM THE DUTIES OF THE OFFICE;**
- (5) THE SALARIES OF SUBORDINATE EMPLOYEES UNDER THE DIRECT SUPERVISION OF THE OFFICE;**
- (6) THE VOLUME OF WORKLOAD OF THE OFFICE; AND**
- (7) ANY OTHER RELEVANT INFORMATION.**

REVISOR'S NOTE: This section formerly was Art. 24, § 12–206.

In item (7) of this section, the former reference to any other information “that the Commission deems” relevant is deleted as surplusage.

The only other changes are in style.

Defined term: “Commission” § 28–201

28–209. ESTABLISHMENT OF SALARIES BY COUNTY COMMISSIONERS.

(A) IN GENERAL.

(1) THIS SUBSECTION DOES NOT APPLY TO THE SALARIES OF THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY OR THE SHERIFF OF WASHINGTON COUNTY.

(2) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND ARTICLE III, § 35 OF THE MARYLAND CONSTITUTION, THE COUNTY COMMISSIONERS, BY LOCAL LAW, SHALL SET THE SALARY FOR EACH OFFICE INCLUDED IN THE RECOMMENDATIONS.

(B) PERMISSIBLE ACTIONS.

THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY ACCEPT, REDUCE, OR REJECT, BUT MAY NOT INCREASE, THE RECOMMENDATIONS OF THE COMMISSION.

(C) SUBMISSION TO LEGISLATIVE DELEGATION.

ON OR BEFORE THE DECEMBER 15 FOLLOWING APPOINTMENT OF THE COMMISSION, THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY SHALL SUBMIT RECOMMENDATIONS TO THE MEMBERS OF THE GENERAL ASSEMBLY WHO REPRESENT ANY PART OF WASHINGTON COUNTY CONCERNING THE SALARIES OF THE COUNTY COMMISSIONERS AND THE SHERIFF.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, §§ 12–201(d) and 12–205(b)(2) through (4).

In subsection (a)(2)(ii) of this section, the former phrase “[w]ith respect to a public official” is deleted as unnecessary since Art. III, § 35 of the Maryland Constitution would apply only to the salaries of public officials.

In subsection (c) of this section, the reference to “the December 15 following appointment” is substituted for the former reference to “December 15, 1996, and on or before December 15 each fourth year thereafter” to avoid the obsolete reference to 1996 and for brevity and clarity.

Also in subsection (c) of this section, the reference to members “who represent any part” of Washington County is substituted for the former reference to members “whose districts are within or include part” of Washington County for brevity.

Defined term: "Commission" § 28–201

TITLE 29. ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION.

29–101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 49B, § 44(a).

The former reference to "phrases" is deleted as included in the reference to "words".

The only other change is in style.

(B) ALTERNATIVE DISPUTE RESOLUTION.

"ALTERNATIVE DISPUTE RESOLUTION" INCLUDES MEDIATION.

REVISOR'S NOTE: This subsection formerly was Art. 49B, § 44(b).

No changes are made.

(C) COMMISSION.

"COMMISSION" MEANS THE ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION.

REVISOR'S NOTE: This subsection formerly was Art. 49B, § 44(d).

No changes are made.

REVISOR'S NOTE TO SECTION:

Former Art. 49B, § 44(c), which defined "Board" to mean the Board of County Commissioners of St. Mary's County, is deleted as unnecessary in light of the revision of this title to refer to the County Commissioners of St. Mary's County throughout each section for consistency with other similar provisions of this article. Similarly, former Art. 49B, § 44(e), which defined "[c]ounty" to mean St. Mary's County, is deleted.

29–102. ESTABLISHED; PURPOSE.

(A) ESTABLISHED.

BY ORDINANCE OR RESOLUTION, THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY MAY ESTABLISH A HUMAN RELATIONS COMMISSION FOR THE COUNTY.

(B) PURPOSES.

THE PURPOSES OF THE COMMISSION ARE TO:

(1) PROMOTE UNDERSTANDING AND HARMONY OF RELATIONSHIP AMONG THE PEOPLE OF THE COUNTY THROUGH THE STUDY OF THE NATURE AND CAUSES OF SOCIAL FRICTION AND PREJUDICE;

(2) ADVANCE THE MEANS FOR THE ALLEVIATION OF SOCIAL FRICTION AND PREJUDICE; AND

(3) FURTHER THE AMERICAN IDEAL OF EQUALITY AND JUSTICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 49B, § 45(a) and (b).

Defined term: "Commission" § 29-101

29-103. MEMBERSHIP.

(A) APPOINTMENT OF MEMBERS.

THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY SHALL:

(1) DETERMINE THE SIZE OF THE COMMISSION;

(2) APPOINT THE MEMBERS OF THE COMMISSION; AND

(3) ENSURE THAT THE MEMBERSHIP OF THE COMMISSION REFLECTS THE DIVERSITY OF THE PEOPLE OF THE COUNTY.

(B) TENURE.

(1) THE TERM OF A MEMBER IS 4 YEARS.

(2) THE TERMS OF THE MEMBERS SHALL BE STAGGERED IN A MANNER DETERMINED BY THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY.

(3) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 49B, § 47(a) and (b).

In subsection (a)(3) of this section, the reference to the "people of the county" is substituted for the former reference to the "County's population" for clarity.

In subsection (b)(3) of this section, the reference to "member" is substituted for the former reference to "person" for clarity.

Defined term: "Commission" § 29-101

29-104. OFFICERS.

(A) CHAIR AND VICE CHAIR.

FROM AMONG ITS MEMBERS, THE COMMISSION SHALL SELECT A CHAIR AND A VICE CHAIR OF THE COMMISSION.

(B) TENURE.

(1) THE TERMS OF THE CHAIR AND VICE CHAIR ARE 1 YEAR.

(2) A MEMBER MAY NOT SERVE AS THE CHAIR OR VICE CHAIR FOR MORE THAN TWO CONSECUTIVE TERMS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 49B, § 47(c).

In subsection (a) of this section, the phrase "[f]rom among its members" is added for consistency with other revised articles of the Code.

Also in subsection (a) of this section, the former reference to selecting a chair and vice chair "to be the officers" of the Commission is deleted as implicit.

In subsection (b) of this section, the references to “chair” and “vice chair” are substituted for the former references to “an officer of the Commission” for clarity.

In subsection (b)(2) of this section, the reference to “member” is substituted for the former reference to “person” for clarity.

Defined term: “Commission” § 29–101

29–105. COMPENSATION; ADMINISTRATIVE SUPPORT.

(A) COMPENSATION.

A MEMBER OF THE COMMISSION MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION.

(B) ADMINISTRATIVE SUPPORT.

THE COUNTY COMMISSIONERS OF ST. MARY’S COUNTY MAY APPROPRIATE MONEY FOR THE ADMINISTRATIVE SUPPORT OF THE COMMISSION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 49B, §§ 50 and 47(d).

Subsection (a) of this section is revised in standard language for consistency with other revised articles of the Code.

Defined term: “Commission” § 29–101

29–106. MISCELLANEOUS POWERS AND DUTIES.

(A) POWERS.

THE COMMISSION MAY:

(1) PROVIDE ADVICE AND ASSISTANCE RELATED TO THE FILING AND PROCESSING OF GRIEVANCES AND COMPLAINTS OF DISCRIMINATION WITH THE APPROPRIATE FEDERAL AND STATE AGENCIES;

(2) EDUCATE THE COMMUNITY ON THE RIGHTS AND RESPONSIBILITIES OF PEOPLE RELATING TO HOUSING, EMPLOYMENT, AND PUBLIC ACCOMMODATIONS;

(3) ADVOCATE FOR THE REMOVAL OF ALL VESTIGES OF DISCRIMINATION; AND

(4) ASSIST IN NONBINDING ALTERNATIVE DISPUTE RESOLUTION.

(B) DUTIES.

THE COMMISSION SHALL:

(1) USE ITS INFLUENCE AND PERSUASION TO DIRECT THE EFFORTS OF THE COMMUNITY TO SOLVING PROBLEMS THAT MANY TIMES ARE THE BASIC REASONS FOR RACIAL TENSIONS; AND

(2) ENCOURAGE AND ENSURE EQUAL TREATMENT OF ALL PEOPLE, WITHOUT REGARD TO RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, OR PHYSICAL OR MENTAL DISABILITY, IN COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS RELATED TO HOUSING, EMPLOYMENT, AND PUBLIC ACCOMMODATIONS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 49B, §§ 46 and 45(c) and (d).

In the introductory language of subsection (a) of this section, the former phrase "[t]o accomplish the obligation imposed under § 45 of this subtitle" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "disability" is substituted for the former reference to "handicap" for consistency with federal law and other revised articles of the Code.

Defined terms: "Alternative dispute resolution" § 29-101

"Commission" § 29-101

"State" § 1-101

29-107. REQUEST FOR ALTERNATIVE DISPUTE RESOLUTION.

(A) TIME LIMIT TO FILE WRITTEN REQUEST.

A PERSON SEEKING AN ALTERNATIVE DISPUTE RESOLUTION UNDER THIS TITLE SHALL FILE A WRITTEN REQUEST FOR ALTERNATIVE DISPUTE RESOLUTION WITHIN 6 MONTHS AFTER THE DATE OF THE INCIDENT GIVING RISE TO THE REQUEST.

(B) FILING REQUIREMENTS.

(1) A PERSON WHO SATISFIES THE TIME REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION IS DEEMED TO HAVE COMPLIED WITH THE REQUIREMENTS OF § 20-1004 OF THE STATE GOVERNMENT ARTICLE.

(2) THE COMMISSION MAY PROVIDE A COPY OF A WRITTEN REQUEST FILED UNDER SUBSECTION (A) OF THIS SECTION TO THE MARYLAND COMMISSION ON HUMAN RELATIONS TO VERIFY THE COMPLIANCE OF A PARTY WITH THE REQUIREMENTS OF § 20-1004 OF THE STATE GOVERNMENT ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 49B, § 51.

In subsection (a) of this section, the reference to the date of the "incident giving rise to the request" is substituted for the former reference to the "relevant incident" for clarity.

Also in subsection (a) of this section, the former reference to a person seeking "the involvement of the Commission" is deleted as surplusage.

Also in subsection (a) of this section, the reference to an alternative dispute resolution "under this title" is substituted for the former reference to an alternative dispute resolution "related to an incident within the Commission's jurisdiction" for brevity.

Defined terms: "Alternative dispute resolution" § 29-101

"Commission" § 29-101

"Person" § 1-101

29-108. ALTERNATIVE DISPUTE RESOLUTION.

(A) CONSTRUCTION OF SECTION.

THIS SECTION SUPERSEDES ANY CONTRARY PROVISION OF THE PUBLIC INFORMATION ACT AND THE ST. MARY'S COUNTY OPEN MEETINGS ACT.

(B) CONFIDENTIALITY.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION:

(I) ALL ACTIVITIES OF THE COMMISSION THAT RELATE TO AN ALTERNATIVE DISPUTE RESOLUTION, A GRIEVANCE, OR A COMPLAINT OF

DISCRIMINATION SHALL BE CONDUCTED IN CONFIDENCE AND WITHOUT PUBLICITY; AND

(II) THE COMMISSION MAY MEET IN CLOSED SESSION WHEN DEALING WITH AN ALTERNATIVE DISPUTE RESOLUTION, A GRIEVANCE, OR A COMPLAINT OF DISCRIMINATION.

(2) IF ALL PARTIES INVOLVED IN AN ALTERNATIVE DISPUTE RESOLUTION, A GRIEVANCE, OR A COMPLAINT OF DISCRIMINATION CONSENT IN WRITING, THE ACTIVITIES OF THE COMMISSION RELATED TO THE ALTERNATIVE DISPUTE RESOLUTION, GRIEVANCE, OR COMPLAINT OF DISCRIMINATION MAY BE CONDUCTED PUBLICLY.

(3) EXCEPT AS PROVIDED UNDER § 29-107 OF THIS TITLE, THE COMMISSION SHALL HOLD CONFIDENTIAL ALL INFORMATION CONCERNING AN ALTERNATIVE DISPUTE RESOLUTION, A GRIEVANCE, OR A COMPLAINT OF DISCRIMINATION, INCLUDING THE IDENTITIES OF THE PARTIES INVOLVED.

(4) THE COMMISSION SHALL HOLD CONFIDENTIAL ANY INFORMATION AND RECORDS OBTAINED BY A PREDECESSOR COUNTY BODY THAT WAS AUTHORIZED TO PERFORM A FUNCTION SIMILAR TO THAT OF THE COMMISSION BEFORE JULY 1, 1997.

(C) ADMISSIBILITY OF RECORDS OF PROCEEDINGS AS EVIDENCE.

(1) INFORMATION RELATED TO THE ACTIVITIES OR INVOLVEMENT OF THE COMMISSION IN AN ALTERNATIVE DISPUTE RESOLUTION, A GRIEVANCE, OR A COMPLAINT OF DISCRIMINATION MAY NOT BE ADMITTED AS EVIDENCE IN ANY ADMINISTRATIVE PROCEEDING OR LITIGATION.

(2) THE RECORDS OF THE COMMISSION MAY NOT BE DISCOVERED IN ANY ADMINISTRATIVE PROCEEDING OR LITIGATION.

(D) PUBLIC INSPECTION OF RECORDS.

(1) EXCEPT AS PROVIDED UNDER § 29-107 OF THIS TITLE AND PARAGRAPH (2) OF THIS SUBSECTION, INFORMATION OR RECORDS RELATED TO THE ACTIVITIES OR INVOLVEMENT OF THE COMMISSION IN AN ALTERNATIVE DISPUTE RESOLUTION, A GRIEVANCE, OR A COMPLAINT OF DISCRIMINATION ARE NOT SUBJECT TO PUBLIC INSPECTION UNDER THE MARYLAND PUBLIC INFORMATION ACT.

(2) STATISTICAL INFORMATION MAY BE MADE AVAILABLE FOR PUBLIC INSPECTION UNDER § 10-624(E) OF THE STATE GOVERNMENT ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 49B, § 48.

In subsection (a) of this section, the former reference to the "Maryland" Public Information Act is deleted for accuracy.

In subsection (b)(1)(ii) of this section, the former reference to an "executive" session is deleted as included in the reference to a "closed" session.

In subsection (b)(4) of this section, the reference to a predecessor county body authorized to perform a function before "July 1, 1997" is substituted for the former reference to "the effective date of this subtitle" to reflect the date that the original enactment, Ch. 543 of the Acts of 1997, took effect.

Defined terms: "Alternative dispute resolution" § 29-101
"Commission" § 29-101

29-109. ANNUAL REPORT.

(A) REQUIRED.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COMMISSION SHALL FILE WITH THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY A COMPREHENSIVE REPORT OF ITS ACTIVITIES AT LEAST ONCE EVERY 12 MONTHS.

(B) CONFIDENTIAL INFORMATION.

THE COMMISSION MAY NOT REVEAL ANY CONFIDENTIAL INFORMATION IN THE REPORT TO THE COUNTY COMMISSIONERS.

REVISOR'S NOTE: This section formerly was Art. 49B, § 49.

The only changes are in style.

Defined term: "Commission" § 29-101

TITLE 30. BALTIMORE CITY POLICE DEPARTMENT DEATH RELIEF FUND.

30-101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection is new language added as the standard introductory language to a definition section.

(B) BOARD.

"BOARD" MEANS THE BOARD OF TRUSTEES FOR THE FUND.

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full title "Board of Trustees".

Defined term: "Fund" § 30-101

(C) DEPARTMENT.

"DEPARTMENT" MEANS THE BALTIMORE CITY POLICE DEPARTMENT.

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full title "Baltimore City Police Department".

(D) FUND.

"FUND" MEANS THE BALTIMORE CITY POLICE DEPARTMENT DEATH RELIEF FUND.

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full title "Baltimore City Police Department Death Relief Fund".

30-102. ESTABLISHED.

(A) IN GENERAL.

THERE IS A BALTIMORE CITY POLICE DEPARTMENT DEATH RELIEF FUND.

(B) STATUS.

(1) THE FUND IS AN INSTRUMENTALITY OF THE STATE.

(2) THE FUND IS THE SUCCESSOR RELIEF FUND TO ANY PREVIOUS RELIEF FUND ADMINISTERED BY THE POLICE COMMISSIONER OF BALTIMORE CITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 16–101.

In subsection (a) of this section, the former reference to the Fund being “hereby established” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the Fund being “the successor relief fund to any previous relief fund” is substituted for the former reference to the Fund being “the successor of the relief fund heretofore” for clarity.

Defined terms: “Fund” § 30–101
“State” § 1–101

30–103. ADMINISTRATION.

THE BOARD SHALL ADMINISTER THE FUND.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 16–104.

The former reference to the Fund “established under this article” is deleted as surplusage.

Defined terms: “Board” § 30–101
“Fund” § 30–101

30–104. BOARD OF TRUSTEES.

(A) COMPOSITION.

(1) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS ELECTED FROM THE DEPARTMENT:

- (I) ONE MEMBER OF THE RANK OF MAJOR OR HIGHER;**
- (II) ONE MEMBER OF THE RANK OF DEPUTY MAJOR;**
- (III) ONE MEMBER OF THE RANK OF LIEUTENANT;**

- (IV) ONE MEMBER OF THE RANK OF SERGEANT;
- (V) THREE PATROL OFFICERS; AND
- (VI) ONE CIVILIAN EMPLOYEE.

(2) THE DIRECTOR OF FISCAL AFFAIRS DIVISION OF THE DEPARTMENT SERVES AS AN EX OFFICIO MEMBER.

(B) ELECTIONS; TENURE.

(1) THE ELECTED MEMBERS OF THE BOARD SHALL BE ELECTED AT LARGE BY THE OFFICERS AND CIVILIAN EMPLOYEES OF THE DEPARTMENT.

(2) (I) THE TERM OF AN ELECTED MEMBER IS 4 YEARS.

(II) ELECTIONS ARE HELD EVERY 2 YEARS WITH THE TERMS OF THE MAJOR OR HIGHER RANKED MEMBER, SERGEANT, AND TWO PATROL OFFICERS ENDING AT ALTERNATE 2-YEAR PERIODS WITH THOSE OF THE DEPUTY MAJOR, LIEUTENANT, ONE PATROL OFFICER, AND THE CIVILIAN EMPLOYEE.

(III) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS ELECTED.

(3) (I) NOMINATIONS FOR ELECTED MEMBERS SHALL BE SUBMITTED IN WRITING TO THE SECRETARY OF THE BOARD AT LEAST 15 DAYS BEFORE THE ELECTION.

(II) 1. NOMINATIONS FOR ELECTED MEMBERS SHALL BE SIGNED BY AT LEAST 20 OFFICERS OR CIVILIAN EMPLOYEES OF THE DEPARTMENT.

2. NO MORE THAN HALF OF THE INDIVIDUALS SIGNING THE NOMINATION MAY BE FROM THE SAME DISTRICT OR UNIT.

(4) THE NOMINEES WHO CORRESPOND TO THE VACANCIES ON THE BOARD AND RECEIVE THE HIGHEST NUMBER OF VOTES SHALL BE DECLARED ELECTED.

(5) ELECTIONS MAY BE HELD CONCURRENT WITH THE ELECTION OF MEMBERS TO THE PERSONNEL SERVICE BOARD AS PROVIDED IN THE CODE OF PUBLIC LOCAL LAWS OF BALTIMORE CITY, 1979 EDITION, § 16-12.

(C) VACANCIES.

(1) A VACANCY ON THE BOARD SHALL BE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM FROM THE NOMINEES OF COMPARABLE RANK OR STATUS WHO RECEIVED THE NEXT HIGHEST NUMBER OF VOTES IN DESCENDING ORDER FROM THE NOMINEES ACTUALLY ELECTED DURING THE PRECEDING ELECTION.

(2) IF THERE IS NO NOMINEE AVAILABLE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL ELECT FROM THE DEPARTMENT AT LARGE A MEMBER OF THE SAME RANK OR STATUS TO SERVE FOR THE REMAINDER OF THE UNEXPIRED TERM.

(D) OATH.

(1) A BOARD MEMBER SHALL TAKE AN OATH OF OFFICE THAT THE MEMBER WILL DILIGENTLY AND FAITHFULLY PERFORM THE DUTIES OF A MEMBER IN ACCORDANCE WITH LAW.

(2) THE OATH SHALL BE ADMINISTERED BY THE CLERK OF THE CIRCUIT COURT FOR BALTIMORE CITY, SUBSCRIBED BY THE BOARD MEMBER MAKING IT, WITHIN 10 DAYS AFTER THE BOARD MEMBER'S TERM BEGINS, AND FILED IN THE CLERK'S OFFICE.

(E) COMPENSATION AND REIMBURSEMENT FOR EXPENSES.

A BOARD MEMBER:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD; BUT

(2) SHALL BE REIMBURSED FROM THE FUND FOR EXPENSES.

(F) MAJORITY VOTE.

(1) EACH BOARD MEMBER IS ENTITLED TO ONE VOTE.

(2) FIVE MEMBERS ARE A QUORUM.

(3) THE BOARD SHALL ACT BY MAJORITY VOTE.

(4) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT OFFICERS.

(G) REGULATIONS.

THE BOARD MAY ADOPT RULES AND REGULATIONS PROVIDING FOR:

(1) THE AMOUNT OF BENEFITS;

(2) THE ADMINISTRATION OF THE FUND; AND

(3) THE TRANSACTION OF THE BOARD'S BUSINESS.

(H) LEGAL ADVISER.

(1) THE LEGAL ADVISER TO THE DEPARTMENT IS THE LEGAL ADVISER TO THE BOARD.

(2) ON REQUEST OF THE BOARD, THE LEGAL ADVISER SHALL ASSIST AND ADVISE THE BOARD DURING THE CONDUCT OF A HEARING.

(I) POWER TO SUE AND BE SUED.

THE BOARD MAY SUE AND BE SUED.

(J) OFFICIAL SEAL.

THE BOARD SHALL ADOPT AN OFFICIAL SEAL.

(K) LIABILITY FOR CONDUCT.

A BOARD MEMBER:

(1) MAY BE LIABLE ONLY FOR THE MEMBER'S OWN NEGLIGENCE OR DEFAULT; AND

(2) IS NOT LIABLE FOR THE CONDUCT OF ANY PREDECESSOR OR COTRUSTEE OR ANY AGENT, REPRESENTATIVE, CUSTODIAN, OR DEPOSITORY SELECTED WITH REASONABLE CARE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 16–105(a) through (e), (g) through (i), and the fifth sentence of (f).

In this section, the references to “Board member” and “member” are substituted for the former references to “trustee[s]” for consistency with the terminology used throughout this title.

In the introductory language of subsection (a)(1) of this section, the reference to members elected “from the Department” is added for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former reference to “nine” members is deleted as surplusage.

In subsection (a)(2) of this section, the reference to “[t]he Director of Fiscal Affairs serv[ing] as an ex officio member” is substituted for the former statement “[w]ith the exception of the Director of Fiscal Affairs, members of the board of trustees shall be elected” for clarity.

In subsection (b) of this section, the former reference to “[t]he first election ... be[ing] held during the year of enactment of this title, at which time the deputy major, lieutenant, and one patrolman (the patrolman member of the board of trustees having held office the longest period of time will stand for election) and the civilian member will be elected.” is deleted as obsolete in light of the fact that the provision refers only to the first election that occurred after the initial enactment of Chapter 370 of the Acts of 1971.

In subsection (b)(1) of this section, the reference to the “elected” members of the Board is added for clarity.

Also in subsection (b)(1) of this section, the reference to members being elected “by the officers and civilian employees of the Department” is added for clarity and consistency with the terminology used throughout this title.

In subsection (b)(2)(iii) of this section, the former reference to a successor being “qualified” is deleted as implicit in the reference to a successor being “elected”.

In subsection (b)(3)(i) of this section, the reference to nominations “for elected members” is added for clarity.

Also in subsection (b)(3)(i) of this section, the former reference to nominations being submitted “[i]n years when elections are to be held” is deleted as implicit in the reference to elections.

Also in subsection (b)(3)(i) of this section, the former reference to nominations being “received by the secretary” is deleted as implicit in the requirement that they must be submitted to the secretary.

In subsection (b)(3)(ii)1 of this section, the reference to nominations being signed by “officers or civilian employees” is substituted for the former reference to “members” for clarity and consistency with the terminology used throughout this title.

In subsection (b)(3)(ii)2 of this section, the reference to “individuals” is substituted for the former reference to “persons” because only a human being and not the other entities included in the definition of “person” can sign a nomination.

In subsection (b)(4) of this section, the reference to the nominees “who correspond to the vacancies on the Board” is substituted for the former reference to the nominees “corresponding with the number of members to be elected” for clarity.

In subsection (c)(1) of this section, the reference to “[a] vacancy on the Board” being filled is substituted for the former reference to “[i]n the event an elected member dies, resigns, retires, or ceases to be a member of the Department, the member’s vacated position” being filled for brevity.

Also in subsection (c)(1) of this section, the reference to filling a vacancy “for the remainder of the unexpired term” is substituted for the former reference to the “member [serving] the uncompleted term of the member whom he replaces” for brevity and consistency with other similar provisions of the Code.

In subsection (c)(2) of this section, the reference to serving for “the remainder of the unexpired term” is substituted for the former reference to serving “instead until the next scheduled election” for consistency with other similar provisions of the Code.

Also in subsection (c)(2) of this section, the former phrase “at which time a replacement shall be elected in accordance with the foregoing procedure” is deleted as implicit in the election provisions provided for in subsection (b) of this section.

In subsection (e)(1) of this section, the reference to a Board member “not receiv[ing] compensation as a member of the Board” is substituted for the former reference to a member “serv[ing] without compensation” for consistency with other similar provisions of the Code.

In subsection (e)(2) of this section, the former reference to “all necessary” expenses is deleted as surplusage.

Also in subsection (e)(2) of this section, the former reference to expenses “they may incur through service on the board” is deleted as surplusage.

In subsection (f)(2) of this section, the former reference to a quorum “for all purposes” is deleted as surplusage.

In subsection (f)(4) of this section, the reference to the Board electing officers “[f]rom among its members” is added for consistency with other similar provisions of the Code.

In the introductory language of subsection (g) of this section, the former reference to regulations “consistent with this title” is deleted as surplusage.

In subsection (g)(2) of this section, the former reference to the Fund “created by this title” is deleted as surplusage.

In subsection (i) of this section, the former reference to the authority of the Board to sue and be sued “as an entity in any court of this State or any other state or federal jurisdiction” is deleted for consistency with other similar terminology in the Code.

Defined terms: “Board” § 30–101

“Department” § 30–101

“Fund” § 30–101

30–105. PROCEEDINGS.

(A) IN GENERAL.

(1) IF REQUESTED, THE BOARD SHALL PROVIDE AN OPPORTUNITY FOR A FULL HEARING, INCLUDING THE RIGHT TO COUNSEL AND CROSS-EXAMINATION FOR ALL INTERESTED PARTIES, IN A PROCEEDING REGARDING ANY BENEFIT PROVIDED UNDER THIS TITLE.

(2) (I) THROUGH THE MEMBER PRESIDING AT A HEARING, THE BOARD MAY:

1. ADMINISTER OATHS; AND

2. APPLY TO THE CIRCUIT COURT OF ANY COUNTY FOR A SUBPOENA FOR A WITNESS.

(II) IF THE BOARD APPLIES FOR A SUBPOENA UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE CIRCUIT COURT SHALL GRANT THE SUBPOENA IF THE COURT FINDS THAT:

1. THE EVIDENCE OF THE WITNESS IS NECESSARY TO PROVIDE A FAIR HEARING; AND

2. REQUIRING ATTENDANCE BY THE WITNESS WOULD NOT BE OPPRESSIVE.

(B) RECORD OF PROCEEDINGS.

(1) THE BOARD SHALL KEEP A RECORD OF ITS PROCEEDINGS.

(2) THE RECORD SHALL BE OPEN TO PUBLIC INSPECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from the first through third sentences of former Art. 24, § 16-105(f).

In subsection (a)(1) of this section, the former reference to a benefit "or any part thereof" is deleted as surplusage.

Defined terms: "Board" § 30-101
"County" § 1-101

30-106. ASSETS OF FUND.

(A) COMPOSITION; EXPENDITURES.

(1) THE BOARD MAY ACCEPT AND SHALL CREDIT TO THE FUND ANY GIFTS, DEVISES, AND BEQUESTS TO BE ADMINISTERED IN ACCORDANCE WITH THIS TITLE.

(2) THE BOARD MAY PAY FROM THE FUND THE EXPENSES NECESSARY TO CARRY OUT THIS TITLE, INCLUDING:

(I) ORGANIZATION, CLERICAL, AND OFFICE EXPENSES; AND

(II) FOR THE CONDUCT OF ITS PROCEEDINGS, INCLUDING EXPENSES FOR INVESTIGATION, MEDICAL OR OTHER ADVICE, AND STENOGRAPHIC SERVICE.

(B) ASSESSMENT BY PAYROLL DEDUCTION.

(1) (I) IF THE BALANCE OF THE FUND FALLS BELOW \$75,000, THE BOARD MAY ASSESS A FEE NOT TO EXCEED 10 CENTS PER WEEK ON EACH OFFICER AND CIVILIAN EMPLOYEE OF THE DEPARTMENT.

(II) THE FEE SHALL BE COLLECTED THROUGH PAYROLL DEDUCTIONS AND CREDITED TO THE FUND.

(III) 1. THE BOARD SHALL DETERMINE THE PERIOD OF TIME OVER WHICH THE FEE WILL BE COLLECTED.

2. THE ASSESSMENT SHALL END WHEN THE BALANCE OF THE FUND REACHES \$200,000 AND MAY ONLY BE REIMPOSED WHEN THE BALANCE OF THE FUND FALLS BELOW \$75,000.

(2) (I) ON WRITTEN REQUEST OF AT LEAST 10% OF THE TOTAL NUMBER OF OFFICERS AND CIVILIAN EMPLOYEES OF THE DEPARTMENT, THE ACTION OF THE BOARD REQUIRING AN ASSESSMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBMITTED TO A SECRET BALLOT VOTE OF THE OFFICERS AND CIVILIAN EMPLOYEES OF THE DEPARTMENT.

(II) IF A MAJORITY OF THE VOTES CAST ARE AGAINST THE ASSESSMENT, THE ASSESSMENT MAY NOT BE IMPOSED.

(3) (I) IF THE FUND IS NOT REPLENISHED, THE FUND SHALL BE USED UNTIL EXHAUSTED.

(II) ONCE THE ASSETS OF THE FUND HAVE BEEN EXHAUSTED, THE FUND SHALL CEASE.

(C) INVESTMENT OF ASSETS.

(1) THE BOARD SHALL DEPOSIT SUFFICIENT MONEY FROM THE FUND IN FEDERALLY INSURED SAVINGS ACCOUNTS TO MEET THE ANTICIPATED BENEFIT PAYMENTS FOR EACH YEAR.

(2) THE BOARD MAY INVEST THE REMAINING ASSETS OF THE FUND IN ANY OTHER MANNER THE BOARD CONSIDERS PRUDENT.

(D) AUDIT; ANNUAL REPORT.

(1) THE FUND SHALL BE AUDITED REGULARLY BY THE LEGISLATIVE AUDITOR AND FROM TIME TO TIME BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT THAT THE BOARD RETAINS.

(2) ON OR BEFORE MAY 1 OF EACH YEAR, THE BOARD SHALL PUBLISH A REPORT FOR THE PREVIOUS CALENDAR YEAR THAT INCLUDES THE FISCAL TRANSACTIONS OF THE FUND AND A DETAILED BALANCE SHEET.

(3) (I) THE BOARD SHALL PROVIDE COPIES OF THE REPORT TO ALL MEMBERS OF THE BOARD BY ELECTRONIC MAIL AND POST COPIES OF THE REPORT ON THE DEPARTMENT'S INTRANET.

(II) THE BOARD SHALL KEEP COPIES OF THE REPORT ON FILE AND MAKE THE REPORT AVAILABLE TO ANY OFFICER OR CIVILIAN EMPLOYEE OF THE DEPARTMENT OR POTENTIAL BENEFICIARY OF ANY DECEASED OFFICER OR CIVILIAN EMPLOYEE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 16-106 and the fourth sentence of § 16-605(f).

In subsection (a) of this section, the former reference to “[t]he Fund provided by this title [consisting] of the assets turned over to the board of trustees by the Police Commissioner of Baltimore City from the Relief Fund, and any increments from gifts or contributions from any source, less benefit payments and expenses” is deleted as obsolete because it refers to the initial transfer of funds that took place when the Fund was first established under Chapter 217 of the Acts of 1967.

In subsection (a)(1) of this section, the requirement that the Board “shall credit to the Fund” is added for clarity.

Also in subsection (a)(1) of this section, the former reference to “any person, government agency, or public or private corporation or association” is deleted as unnecessary because it is inclusive of all the entities that can give a gift, devise, or bequest.

Also in subsection (a)(1) of this section, the former reference to “receiv[ing]” gifts is deleted as included in the reference to “accept[ing]” gifts.

In the introductory language of subsection (a)(2) of this section, the former reference to expenses “as in their judgment may be” necessary is deleted as surplusage.

In subsection (a)(2)(ii) of this section, the former phrase “and the like” is deleted as surplusage.

In subsection (b)(1) of this section, the references to “the balance” of the Fund are added for clarity.

In subsection (b)(1)(i) of this section, the reference to the Board “assess[ing] a fee” is substituted for the former reference to “requir[ing] the collection ... of an amount” for clarity.

In subsection (b)(1)(iii)1 of this section, the reference to the Board “determin[ing] the period of time over which the fee will be collected” is substituted for the former phrase “for such time or times as the board may require” for clarity.

In subsection (b)(1)(iii)2 of this section, the reference to the assessment “only be[ing] reimposed when the balance of the Fund” falls below \$75,000 is substituted for the former reference to the assessment “not again be[ing] required until the Fund again” falls below \$75,000 for clarity.

In subsection (b)(2)(i) of this section, the reference to “officers and civilian employees” is substituted for the former reference to “personnel” for consistency with the terminology used throughout this title.

In subsection (b)(3)(i) of this section, the former reference to “pay[ing] the benefits herein” is deleted as surplusage.

Also in subsection (b)(3)(i) of this section, the former reference to the fund not being replenished “by assessment” is deleted as surplusage.

In subsection (b)(3)(ii) of this section, the phrase “[o]nce the assets of the Fund have been exhausted” is substituted for the former word “whereupon” for clarity.

In subsection (c)(1) of this section, the former reference to an amount “at least” sufficient is deleted as implicit in the word “sufficient”.

In subsection (d)(1) of this section, the former reference to the “accounts of the” Fund is deleted as implicit in the reference to “the Fund”.

In subsection (d)(2) of this section, the reference to a report “for the previous calendar year that includes the fiscal transactions of the Fund and a detailed balance sheet” is substituted for the former reference to a report “including the fiscal transactions of the Fund for the year ending the preceding December 31, and a detailed balance sheet as of the said preceding December 31” for brevity and clarity.

Also in subsection (d)(2) of this section, the former reference to a report being published “annually” is deleted as unnecessary in light of the requirement that the report be published on or before May 1 of “each year”.

In subsection (d)(3)(ii) of this section, the reference to the Board “keep[ing] copies of the report on file” is substituted for the former reference to the Board “fil[ing] with its own records one or more copies” for clarity.

Also in subsection (d)(3)(ii) of this section, the former reference to the report being made available to any officer or civilian employee of the Department or potential beneficiary of any deceased officer or civilian employee “wishing to inspect the same” is deleted as surplusage.

Defined terms: “Board” § 30–101

“Department” § 30–101

“Fund” § 30–101

30–107. PAYMENT OF DEATH BENEFITS.

(A) DEATH IN LINE OF DUTY.

THE FUND SHALL PAY SPECIAL DEATH BENEFITS, AS PROVIDED IN THIS TITLE, FOR AN OFFICER OR A CIVILIAN EMPLOYEE OF THE DEPARTMENT WHOSE DEATH IS PROXIMATELY CAUSED BY INJURIES SUSTAINED OR BY HARM INFLICTED ON THE BODY IN THE COURSE OF THE PERFORMANCE OF THE OFFICER’S OR EMPLOYEE’S DUTIES.

(B) DEATH NOT IN LINE OF DUTY.

THE FUND SHALL PAY DEATH BENEFITS, AS PROVIDED IN THIS TITLE, FOR AN ACTIVE OFFICER OR A CIVILIAN EMPLOYEE OF THE DEPARTMENT WHOSE DEATH IS NOT PROXIMATELY CAUSED BY INJURIES SUSTAINED OR BY HARM INFLICTED ON THE BODY IN THE COURSE OF THE PERFORMANCE OF THE OFFICER’S OR EMPLOYEE’S DUTIES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 16–102.

In subsection (a) of this section, the former reference to benefits paid “on account of the death of” an officer or civilian employee is deleted as implicit in the reference to paying “death benefits”.

In subsection (b) of this section, the former reference to “special” death benefits is deleted as surplusage.

Defined terms: “Department” § 30–101
“Fund” § 30–101

30–108. BENEFITS AND BENEFICIARIES.

(A) AMOUNT OF BENEFIT.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION:

(I) THE AMOUNT OF BENEFIT PAYABLE UNDER § 30–107(A) OF THIS TITLE IS \$10,000; AND

(II) THE AMOUNT OF BENEFIT PAYABLE UNDER § 30–107(B) OF THIS TITLE IS \$500.

(2) THE BOARD MAY PROSPECTIVELY AND UNIFORMLY ESTABLISH BY RESOLUTION AN AMOUNT OF BENEFIT PAYABLE UNDER THIS TITLE THAT IS GREATER THAN THE AMOUNT SPECIFIED IN THIS SUBSECTION.

(3) THE BENEFIT PROVIDED FOR UNDER THIS TITLE SHALL BE IN ADDITION TO ALL OTHER BENEFITS PROVIDED BY LAW OR BY VOLUNTARY ACTION OF ANY PERSON.

(B) BENEFICIARIES.

(1) ON THE DEATH OF AN OFFICER OR A CIVILIAN EMPLOYEE OF THE DEPARTMENT, THE BENEFIT PROVIDED FOR UNDER THIS TITLE IS PAYABLE TO THE FOLLOWING INDIVIDUALS:

(I) THE SURVIVING SPOUSE;

(II) IF THERE IS NO SURVIVING SPOUSE, TO THE MINOR CHILDREN, IN EQUAL SHARES;

(III) IF THERE IS NO SURVIVING SPOUSE OR MINOR CHILDREN, TO THE DEPENDENT PARENTS, IN EQUAL SHARES; OR

(IV) IF THERE IS NO SURVIVING SPOUSE, MINOR CHILD, OR DEPENDENT PARENT, TO ANY OTHER DEPENDENTS OR THE ESTATE OF THE OFFICER OR EMPLOYEE.

(2) ANY BENEFIT PAID UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION SHALL:

(I) NOT EXCEED THE MAXIMUM BENEFIT PROVIDED IN SUBSECTION (A) OF THIS SECTION; AND

(II) BE PAID IN PROPORTIONS DETERMINED BY THE BOARD.

(3) (I) ANY BENEFIT PAYABLE TO A MINOR SHALL BE MADE TO THE MINOR'S LEGAL GUARDIAN IN THE STATE.

(II) IF A BENEFIT IS PAYABLE TO A MINOR WHO DOES NOT HAVE A LEGAL GUARDIAN IN THE STATE, THE BENEFIT IS PAYABLE ON BEHALF OF THE MINOR TO A PERSON DETERMINED BY THE BOARD UNDER CONDITIONS SET BY THE BOARD.

(4) A BENEFICIARY'S ELIGIBILITY IS NOT AFFECTED BY WHETHER THE DECEASED OFFICER OR CIVILIAN EMPLOYEE PAID INTO THE FUND.

(C) BENEFITS NOT SUBJECT TO PROCESS.

THE BENEFIT PROVIDED FOR UNDER THIS TITLE IS NOT SUBJECT TO:

(1) EXECUTION, GARNISHMENT, ATTACHMENT, OR ANY OTHER PROCESS; AND

(2) ASSIGNMENT UNTIL THE BENEFITS ARE PAID TO THE BENEFICIARY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 24, § 16-103.

In subsection (a)(1)(i) of this section, the reference to a benefit payable "under § 30-107(a) of this title" is substituted for the former reference to a benefit payable "on account of the death of an officer or a civilian employee whose death is proximately caused by injuries sustained or by

harm inflicted upon the body in the course of the performance of their duty” for brevity. Similarly, in subsection (a)(1)(ii) of this section, the reference to a benefit payable “under § 30–107(b) of this title” is substituted for the former reference to a benefit payable “on account of the death of an officer or a civilian employee whose death is not proximately caused by injuries sustained or by harm inflicted upon the body in the course of the performance of their duty”.

In subsection (a)(2) of this section, the former reference to a resolution “adopted” is deleted as implicit in the reference to “establish[ing]” by resolution.

In subsections (a)(3) and (b)(3)(ii) of this section, the former references to “persons” are deleted in light of the references to “person” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (b) of this section, the former phrase “if any” is deleted as surplusage.

In subsection (b)(1) of this section, the references to “surviving spouse” are substituted for the former references to “widow [or] widower” for consistency with other similar provisions of the Code.

Also in subsection (b)(1) of this section, the former references to the “decedent’s” beneficiaries are deleted as surplusage.

In the introductory language of subsection (b)(1) of this section, the phrase “[o]n the death of an officer or a civilian employee of the Department” is added for clarity.

Also in the introductory language of subsection (b)(1) of this section, the reference to the benefit “provided for under this title” is substituted for the former reference to the “said” benefit for clarity.

Also in the introductory language of subsection (b)(1) of this section, the former reference to benefits being paid “in the following order” is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the reference to “minor” children is substituted for the former reference to children “under 18 years of age” for brevity and consistency with other similar provisions of the Code.

In subsection (b)(1)(iv) of this section, the reference to the estate of the “officer or employee” is substituted for the former reference to the estate of the “decedent” for clarity. Similarly, in subsection (b)(4) of this section,

the reference to a “deceased officer or civilian employee” is substituted for the former reference to a “decedent”.

In subsection (b)(2)(ii) of this section, the reference to benefits that shall “be paid” is added for clarity.

In subsection (b)(3)(ii) of this section, the phrase “[i]f a benefit is payable to a minor who does not have a legal guardian in the State” is substituted for the former phrase “if none” for clarity.

Also in subsection (b)(3)(ii) of this section, the former reference to benefits payable “at such times and amounts” is deleted as implicit in the Board’s authority to set “conditions”.

In subsection (b)(4) of this section, the reference to “[a] beneficiary’s” eligibility is added for clarity.

In subsection (c)(2) of this section, the reference to “the benefits” being paid is added for clarity.

Also in subsection (c)(2) of this section, the former references to benefits “actually” paid “over into the hands of” the beneficiary are deleted as surplusage.

Defined terms: “Board” § 30–101

“Department” § 30–101

“Fund” § 30–101

“Person” § 1–101

“State” § 1–101

GENERAL REVISOR’S NOTE TO ARTICLE

The Department of Legislative Services is charged with revising the law in a clear, concise, and organized manner, without changing the effect of the law. One precept of revision has been that, once something is said, it should be said in the same way every time. To that end, the Local Government Article Review Committee conformed the language and organization of this article to that of previously enacted revised articles to the extent possible.

It is the manifest intent both of the General Assembly and the Local Government Article Review Committee that this bulk revision of the substantive local government laws of the State render no substantive change. The guiding principle of the preparation of this article is that stated in *Welch v. Humphrey*, 200 Md. 410, 417 (1952):

[T]he principal function of a Code is to reorganize the statutes and state them in simpler form. Consequently any changes made in them by a Code are presumed to be for the purpose of clarity rather than change of meaning. Therefore even a change in the phraseology of a statute by a codification thereof will not ordinarily modify the law, unless the change is so radical and material that the intention of the Legislature to modify the law appears unmistakably from the language of the Code. (citations omitted)

Accordingly, except to the extent that changes, which are noted in Revisor's Notes, clarify the former law, the enactment of this article in no way is intended to make any change to the substantive law of Maryland. This intent is further stated in uncodified language included in the enactment of this article. *See* § 7 of Ch. 119, Acts of 2013.

Throughout this article, the references to "ordinance" are intended to also refer to the term "local law" and vice versa. In practice, the terminology to reference a local legislative act varies among different counties and municipalities. This revision is not meant to exclude any county based on the term it uses to refer to a local enactment. The General Assembly may wish to consider whether there is a more appropriate term that should be utilized throughout this article to consistently refer to a local legislative act. No substantive change is intended.

Some apparently obsolete provisions allocated to the Local Government Article are transferred to the Session Laws for historical purposes or to avoid any inadvertent substantive effect their repeal might have.

In some instances, the staff of the Department of Legislative Services may create "Special Revisor's Notes" to reflect the substantive effect of legislation enacted during the 2013 Session on some provisions of this article.

Former Art. 25, § 3(ee), which authorized the County Commissioners of Talbot County to regulate the retail sale of alcoholic beverages in Talbot County, is deleted as duplicative of Art. 2B, § 18–101 of the Annotated Code.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 1 – Rules of Interpretation

25.

(a) Unnumbered revised articles of the Annotated Code of Maryland may be cited as stated in this section.

(b) A section of the Agriculture Article may be cited as: “§__ of the Agriculture Article”.

(c) A section of the Business Occupations and Professions Article may be cited as: “§__ of the Business Occupations and Professions Article”.

(d) A section of the Business Regulation Article may be cited as: “§__ of the Business Regulation Article”.

(e) A section of the Commercial Law Article may be cited as: “§__ of the Commercial Law Article”.

(f) A section of the Corporations and Associations Article may be cited as: “§__ of the Corporations and Associations Article”.

(g) A section of the Correctional Services Article may be cited as: “§__ of the Correctional Services Article”.

(h) A section of the Courts and Judicial Proceedings Article may be cited as: “§__ of the Courts Article”.

(i) A section of the Criminal Law Article may be cited as: “§__ of the Criminal Law Article”.

(j) A section of the Criminal Procedure Article may be cited as: “§__ of the Criminal Procedure Article”.

(k) A section of the Economic Development Article may be cited as: “§__ of the Economic Development Article”.

(l) A section of the Education Article may be cited as: “§__ of the Education Article”.

(m) A section of the Election Law Article may be cited as: “§__ of the Election Law Article”.

(n) A section of the Environment Article may be cited as: “§__ of the Environment Article”.

(o) A section of the Estates and Trusts Article may be cited as: “§__ of the Estates and Trusts Article”.

(p) A section of the Family Law Article may be cited as: “§__ of the Family Law Article”.

(q) A section of the Financial Institutions Article may be cited as: “§__ of the Financial Institutions Article”.

(r) A section of the Health – General Article may be cited as: “§__ of the Health – General Article”.

(s) A section of the Health Occupations Article may be cited as: “§__ of the Health Occupations Article”.

(t) A section of the Housing and Community Development Article may be cited as: “§__ of the Housing and Community Development Article”.

(u) A section of the Human Services Article may be cited as: “§__ of the Human Services Article”.

(v) A section of the Insurance Article may be cited as: “§__ of the Insurance Article”.

(w) A section of the Labor and Employment Article may be cited as: “§__ of the Labor and Employment Article”.

(x) A section of the Land Use Article may be cited as: “§__ of the Land Use Article”.

(y) **A SECTION OF THE LOCAL GOVERNMENT ARTICLE MAY BE CITED AS: “§__ OF THE LOCAL GOVERNMENT ARTICLE”.**

(z) A section of the Natural Resources Article may be cited as: “§__ of the Natural Resources Article”.

[(z)] **(AA)** A section of the Public Safety Article may be cited as: “§__ of the Public Safety Article”.

[(aa)] **(BB)** A section of the Public Utilities Article may be cited as: “§__ of the Public Utilities Article”.

[(bb)] **(CC)** A section of the Real Property Article may be cited as: “§__ of the Real Property Article”.

[(cc)] **(DD)** A section of the State Finance and Procurement Article may be cited as: “§__ of the State Finance and Procurement Article”.

[(dd)] **(EE)** A section of the State Government Article may be cited as: “§__ of the State Government Article”.

~~[(ee)]~~ **(FF)** A section of the State Personnel and Pensions Article may be cited as: “§__ of the State Personnel and Pensions Article”.

~~[(ff)]~~ **(GG)** A section of the Tax – General Article may be cited as: “§__ of the Tax – General Article”.

~~[(gg)]~~ **(HH)** A section of the Tax – Property Article may be cited as: “§__ of the Tax – Property Article”.

~~[(hh)]~~ **(II)** A section of the Transportation Article may be cited as: “§__ of the Transportation Article”.

Article 2B – Alcoholic Beverages

18-105. CONSUMPTION ON PUBLIC PROPERTY IN CHARLES COUNTY AND ST. MARY’S COUNTY.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY IN CHARLES COUNTY AND ST. MARY’S COUNTY.

(B) AUTHORITY TO REGULATE.

THE COUNTY COMMISSIONERS MAY REGULATE, BY ORDINANCE, THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, INCLUDING BUILDINGS, GROUNDS, STREETS, HIGHWAYS, ALLEYS, SIDEWALKS, AND OTHER STRUCTURES OR ROADS LOCATED ON LAND IN THE COUNTY OWNED BY THE COUNTY, THE BOARD OF EDUCATION, OR THE STATE.

REVISOR’S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 25, § 3(hh).

Article – Business Regulation

17-439. RESERVED.

17-440. RESERVED.

PART V. LICENSING OF AMUSEMENT DEVICES — WASHINGTON COUNTY.

17-441. DEFINITIONS.

(A) IN GENERAL.

IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) AMUSEMENT DEVICE.

(1) “AMUSEMENT DEVICE” MEANS A BILLIARD TABLE OR GAME ACTIVATED BY COINS OR TOKENS.

(2) “AMUSEMENT DEVICE” INCLUDES:

- (I) A VIDEO GAME;**
- (II) AN ELECTRONIC GAME;**
- (III) A CLAW MACHINE;**
- (IV) A BOWLING GAME;**
- (V) A SHUFFLEBOARD GAME;**
- (VI) A POOL TABLE;**
- (VII) A PINBALL MACHINE;**
- (VIII) A TARGET MACHINE;**
- (IX) A BASEBALL MACHINE; AND**
- (X) ANY OTHER SIMILAR DEVICE.**

(3) “AMUSEMENT DEVICE” DOES NOT INCLUDE A VENDING MACHINE IN WHICH AMUSEMENT FEATURES ARE NOT INCORPORATED.

(C) AMUSEMENT DEVICE OPERATOR LICENSE.

“AMUSEMENT DEVICE OPERATOR LICENSE” MEANS A LICENSE ISSUED BY THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY TO OPERATE AN AMUSEMENT DEVICE IN WASHINGTON COUNTY.

(D) AMUSEMENT DEVICE PERMIT.

“AMUSEMENT DEVICE PERMIT” MEANS A PERMIT ISSUED BY THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY TO ALLOW THE PUBLIC USE OF AN AMUSEMENT DEVICE IN WASHINGTON COUNTY.

REVISOR’S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section. Subsection (a) of this section is new language added as the standard introductory language of a definition section. Subsection (b) of this section is new language derived without substantive change from former Art. 24, § 11–202(a). Subsections (c) and (d) of this section are new language added for clarity and to conform to other similar provisions of this article.

In subsection (b)(3) of this section, the former reference to a “bona fide” vending machine is deleted as surplusage.

17–442. SCOPE OF PART.

PART V OF THIS SUBTITLE APPLIES ONLY IN WASHINGTON COUNTY.

REVISOR’S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language added to clarify the scope of this part.

17–443. AMUSEMENT DEVICE OPERATOR LICENSE.

(A) IN GENERAL.

WHENEVER A PERSON OPERATES AN AMUSEMENT DEVICE IN WASHINGTON COUNTY, THE PERSON MUST HAVE AN AMUSEMENT DEVICE OPERATOR LICENSE.

(B) LICENSE REQUIREMENTS.

(1) AN APPLICANT FOR AN AMUSEMENT DEVICE OPERATOR LICENSE SHALL:

(I) APPLY TO THE COUNTY COMMISSIONERS ON THE FORM THAT THE COUNTY COMMISSIONERS REQUIRE; AND

(II) PAY A LICENSE FEE OF \$25.

(3) AN APPLICATION FOR AN AMUSEMENT DEVICE OPERATOR LICENSE SHALL CONTAIN:

(I) THE NAME AND ADDRESS OF THE APPLICANT;

(II) THE NAME AND ADDRESS OF EACH LOCATION WHERE AMUSEMENT DEVICES ARE TO BE OPERATED BY THE APPLICANT; AND

(III) ANY OTHER INFORMATION THAT THE COUNTY COMMISSIONERS REQUIRE.

(C) TERM OF LICENSE; RENEWAL.

(1) UNLESS AN AMUSEMENT DEVICE OPERATOR LICENSE IS RENEWED FOR A 1-YEAR TERM AS PROVIDED IN THIS SUBSECTION, AN AMUSEMENT DEVICE OPERATOR LICENSE EXPIRES ON JUNE 30 AFTER ITS EFFECTIVE DATE.

(2) BEFORE AN AMUSEMENT DEVICE OPERATOR LICENSE EXPIRES, THE LICENSEE MAY RENEW IT PERIODICALLY FOR AN ADDITIONAL 1-YEAR TERM IF THE LICENSEE:

(I) APPLIES TO THE COUNTY COMMISSIONERS ON THE FORM THAT THE COUNTY COMMISSIONERS REQUIRE; AND

(II) PAYS TO THE COUNTY COMMISSIONERS A RENEWAL FEE OF \$25.

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 24, § 11-202(b).

In subsection (a) of this section, the phrase “[w]henver a person operates” an amusement device is substituted for the former phrase “before the person ... may operate” an amusement device for consistency with other similar provisions of this subtitle.

Also in subsection (a) of this section, the former references to a “company, partnership, or any other incorporated or unincorporated organization” are deleted as unnecessary in light of the definition of “person” in § 1-101 of this article.

In the introductory language of subsection (b)(1) of this section, the former reference to “annually” submitting an application and paying a fee is deleted in light of the references in subsection (c) of this section to a “1-year term”.

In subsection (c)(1) of this section, the phrase “[u]nless an amusement device operator license is renewed for a 1–year term as provided in this subsection” is substituted for the former phrase “and may be renewed each year on or before July 1” to conform to similar provisions in the Code relating to the renewal of licenses.

Also in subsection (c)(1) of this section, the reference to the license expiring “on June 30 after its effective date” is substituted for the former reference to the license expiring “on June 30 each year” for clarity.

17–444. AMUSEMENT DEVICE PERMIT.

(A) IN GENERAL.

WHENEVER A PERSON KEEPS, OWNS, OR MAINTAINS AN AMUSEMENT DEVICE, BEFORE THE PERSON ALLOWS THE PUBLIC USE OF THE AMUSEMENT DEVICE IN WASHINGTON COUNTY, THE PERSON MUST HAVE AN AMUSEMENT DEVICE PERMIT.

(B) PERMIT REQUIREMENTS.

AN APPLICANT FOR AN AMUSEMENT DEVICE PERMIT SHALL:

(1) APPLY TO THE COUNTY COMMISSIONERS ON THE FORM THAT THE COUNTY COMMISSIONERS REQUIRE FOR EACH LOCATION WHERE AN AMUSEMENT DEVICE IS TO BE OPERATED; AND

(2) PAY A FEE OF \$100 FOR EACH AMUSEMENT DEVICE.

(C) TERM OF LICENSE; RENEWAL.

(1) UNLESS AN AMUSEMENT DEVICE PERMIT IS RENEWED FOR A 1–YEAR TERM AS PROVIDED IN THIS SUBSECTION, AN AMUSEMENT DEVICE PERMIT EXPIRES ON JUNE 30 AFTER ITS EFFECTIVE DATE.

(2) AN AMUSEMENT DEVICE PERMIT MAY BE RENEWED EACH YEAR ON OR BEFORE JULY 1.

REVISOR’S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 24, § 11–202(c).

In subsection (a) of this section, the phrase “[w]henver a person keeps, owns, or maintains an amusement device” is added for consistency with other similar provisions of this subtitle.

Also in subsection (a) of this section, the reference to the “public use” of an amusement device is substituted for the former reference to the “operation of the machine by the public” for brevity.

In subsection (b)(2) of this section, the phrase “for each amusement device” is substituted for the former phrase “per machine for each permit” for clarity and brevity.

In subsection (c)(1) of this section, the phrase “[u]nless an amusement device permit is renewed for a 1–year term as provided in this subsection” is substituted for the former phrase “and may be renewed each year on or before July 1” to conform to similar provisions in the Code relating to the renewal of licenses.

Also in subsection (c)(1) of this section, the reference to the permit expiring “on June 30 after its effective date” is substituted for the former reference to “on June 30 each year” for clarity.

17–445. FEE WAIVER.

IF AN AMUSEMENT DEVICE IS ON DISPLAY FOR SALE, THE COUNTY COMMISSIONERS MAY WAIVE ANY FEE REQUIRED UNDER THIS PART.

REVISOR’S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 24, § 11–202(d).

17–446. PENALTIES.

(A) IN GENERAL.

(1) A PERSON WHO VIOLATES § 17–443 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(2) A PERSON WHO VIOLATES § 17–444 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

(B) FORFEITURE.

(1) ON CONVICTION FOR A VIOLATION UNDER THIS PART, THE COUNTY MAY INSTITUTE PROCEEDINGS TO SEIZE ANY AMUSEMENT DEVICE THAT WAS OPERATED IN VIOLATION OF THIS PART.

(2) THE CIRCUIT COURT OF WASHINGTON COUNTY HAS JURISDICTION TO HEAR AND DETERMINE ANY FORFEITURE PROCEEDING CARRIED OUT UNDER THIS PART.

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 24, § 11-202(e).

In subsection (b)(1) of this section, the reference to a conviction "for a violation under this part" is added for clarity.

Also in subsection (b)(1) of this section, the reference to "seiz[ing]" any amusement device is substituted for the former reference to "forfeit[ing]" an amusement device for clarity.

17-447. RESERVED.

17-448. RESERVED.

PART VI. LICENSING OF AMUSEMENT DEVICES — WORCESTER COUNTY.

17-449. DEFINITIONS.

(A) IN GENERAL.

IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) AMUSEMENT DEVICE.

"AMUSEMENT DEVICE" MEANS:

- (1) A FREE-PLAY CONSOLE MACHINE;**
- (2) A FREE-PLAY PINBALL MACHINE; AND**
- (3) A COIN-OPERATED GAME.**

(c) COIN-OPERATED GAME.

“COIN-OPERATED GAME” MEANS A DEVICE FOR PUBLIC AMUSEMENT, THE OPERATION OF WHICH REQUIRES THE INSERTION OF A COIN OR TOKEN, WITH THE RESULT OF THE OPERATION DEPENDING ON THE SKILL OF THE OPERATOR, INCLUDING:

- (1) A CLAW MACHINE;**
- (2) A SHUFFLEBOARD;**
- (3) A MECHANICAL BOWLING GAME;**
- (4) A SINGLE-COIN PINBALL MACHINE; AND**
- (5) ANY OTHER SIMILAR DEVICE.**

REVISOR’S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section. Subsection (a) of this section is new language added as the standard introductory language of a definition section. Subsections (b) and (c) of this section are new language derived without substantive change from the first sentence of former Art. 24, § 11-201(a) and the first sentence of (b).

Subsections (b) and (c) of this section are revised as definition provisions for clarity.

In subsection (b)(1) and (2) of this section, the former references to free-play console machines and free-play pinball machines “as defined in § 17-401 of the Business Regulation Article” are deleted as unnecessary in light of the recodification of this provision in Title 17, Subtitle 4 of the Business Regulation Article.

In the introductory language of subsection (c) of this section, the former reference to the operation of the game depending “in whole or part” on the skill of the operator is deleted as surplusage.

17-450. SCOPE OF PART.

PART VI OF THIS SUBTITLE APPLIES ONLY IN WORCESTER COUNTY.

REVISOR’S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language added to clarify the scope of this part.

17-451. LICENSING AUTHORITY.

THE COUNTY COMMISSIONERS MAY:

- (1) AUTHORIZE THE OPERATION OF AMUSEMENT DEVICES IN WORCESTER COUNTY;**
- (2) PROVIDE FOR THE LICENSING OF EACH AMUSEMENT DEVICE;**
- (3) SUBJECT TO § 17-452 OF THIS SUBTITLE, ESTABLISH ANNUAL LICENSE FEES FOR AMUSEMENT DEVICES; AND**
- (4) ADOPT REGULATIONS FOR THE ISSUANCE OF LICENSES UNDER THIS PART.**

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from the first and second sentences of former Art. 24, § 11-201(a) and, as it related to adopting regulations, the third sentence.

In item (1) of this section, the reference to the county commissioners "authoriz[ing]" the operation of amusement devices is substituted for the former reference to the county commissioners being "authorized to declare that the operation ... is legal" for brevity.

In item (2) of this section, the reference to "each amusement device" is substituted for the former reference to "each person, firm or corporation maintaining, operating and/or conducting these machines" for consistency with § 17-452 of this subtitle.

17-452. LICENSE FEES.

(A) FEES FOR FREE-PLAY CONSOLE MACHINES AND FREE-PINBALL MACHINES.

THE ANNUAL LICENSE FEE ESTABLISHED BY THE COUNTY COMMISSIONERS FOR EACH FREE-PLAY CONSOLE MACHINE AND EACH FREE-PLAY PINBALL MACHINE MAY NOT BE LESS THAN \$25 OR EXCEED \$100.

(B) FEES FOR COIN-OPERATED GAMES.

THE ANNUAL LICENSE FEE ESTABLISHED BY THE COUNTY COMMISSIONERS FOR EACH COIN-OPERATED GAME MAY NOT BE LESS THAN \$10 OR EXCEED \$50.

(C) DISPOSITION OF FEES.

THE MONEY COLLECTED FROM LICENSE FEES UNDER THIS PART SHALL BE DEPOSITED IN THE GENERAL FUND OF WORCESTER COUNTY.

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from the second sentence of former Art. 24, § 11-201(b) and the fourth sentence and, as it related to license fees, the third sentence of (a).

In subsection (a) of this section, the reference to each "free-play console machine" and each "free-play pinball machine" is substituted for the former reference to "machine" for clarity.

In subsection (b) of this section, the reference to each "coin-operated game" is substituted for the former reference to "such machine or device" for clarity.

Also in subsection (b) of this section, the former reference to establishing the license fee "from time to time" is deleted as surplusage.

17-453. OCEAN CITY ARCADES.

(A) IN GENERAL.

EACH ARCADE IN OCEAN CITY WITH 50 OR MORE AMUSEMENT DEVICES ON THE PREMISES MAY OBTAIN AN ARCADE LICENSE IN ACCORDANCE WITH THIS SECTION.

(B) FEES.

(1) THE ANNUAL ARCADE LICENSE FEE SHALL BE:

(I) \$1,000, IF THERE ARE AT LEAST 50 BUT NOT MORE THAN 100 AMUSEMENT DEVICES ON THE ARCADE PREMISES;

(II) \$1,500, IF THERE ARE AT LEAST 101 BUT NOT MORE THAN 150 AMUSEMENT DEVICES ON THE ARCADE PREMISES;

(III) \$2,000, IF THERE ARE AT LEAST 151 BUT NOT MORE THAN 200 AMUSEMENT DEVICES ON THE ARCADE PREMISES; AND

(IV) \$2,500, IF THERE ARE MORE THAN 200 AMUSEMENT DEVICES ON THE ARCADE PREMISES.

(2) IN ADDITION TO THE ARCADE LICENSE FEE UNDER THIS SECTION, EACH ARCADE IN OCEAN CITY THAT HAS ON THE PREMISES A FREE-PLAY CONSOLE MACHINE OR FREE-PLAY PINBALL MACHINE SHALL PAY A LICENSE FEE OF NOT LESS THAN \$25 FOR EACH FREE-PLAY CONSOLE MACHINE AND FOR EACH FREE-PLAY PINBALL MACHINE.

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 24, § 11-201(c).

In subsection (a) of this section, the reference to "amusement devices" is substituted for the former reference to "such machines or other devices" for clarity.

In subsection (b)(2) of this section, the references to "free-play console machine" and "free-play pinball machine" are substituted for the former references to "any of the machines or devices listed in subsection (a) of this section" and "each such machine or device" for clarity.

17-454. PENALTIES.

A PERSON WHO KEEPS, MAINTAINS, OR OPERATES AN AMUSEMENT DEVICE WITHOUT A LICENSE AS REQUIRED BY THIS PART, OR WHO VIOLATES ANY REGULATION ADOPTED BY THE COUNTY COMMISSIONERS FOR THE ISSUANCE OF A LICENSE UNDER THIS PART, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF AT LEAST \$25 BUT NOT MORE THAN \$1,000.

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from the fifth sentence of former Art. 24, § 11-201(a).

The reference to an "amusement device" is substituted for the former reference to "any of the aforesaid machines" for clarity.

The former reference to a "firm or corporation" is deleted as unnecessary in light of the definition of "person" in § 1-101 of this article.

The former reference to “possessing” an amusement device is deleted as included in the reference to “keep[ing]” an amusement device.

The former reference to any regulation for “the maintenance and operation of any machine licensed hereunder” is deleted as implicit in the reference to any regulation “adopted by the county commissioners for the issuance of a license”.

Article – Courts and Judicial Proceedings

2–309.

(k) (4) THE COUNTY COUNCIL MAY INCLUDE IN THE MERIT SYSTEM OF THE COUNTY THE EMPLOYEES OF THE DORCHESTER COUNTY SHERIFF’S OFFICE.

(s) (3) THE COUNTY COMMISSIONERS MAY INCLUDE IN THE MERIT SYSTEM OF THE COUNTY THE EMPLOYEES OF THE QUEEN ANNE’S COUNTY SHERIFF’S DEPARTMENT.

(u) (4) THE COUNTY COMMISSIONERS MAY INCLUDE IN THE MERIT SYSTEM OF THE COUNTY THE EMPLOYEES OF THE SOMERSET COUNTY SHERIFF’S OFFICE.

(v) (6) THE COUNTY COUNCIL MAY:

(I) REQUIRE THE SHERIFF AND DEPUTY SHERIFFS TO WEAR THE UNIFORMS AND EQUIPMENT PRESCRIBED BY THE COUNTY COUNCIL WHILE ON DUTY OR PERFORMING AN OFFICIAL ACT; AND

(II) 1. ISSUE THE REQUIRED UNIFORMS AND EQUIPMENT TO THE SHERIFF AND DEPUTY SHERIFFS; OR

2. REIMBURSE THE SHERIFF AND DEPUTY SHERIFFS FOR THE PURCHASE OF UNIFORMS AND EQUIPMENT.

REVISOR’S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted subsections (k)(4), (s)(3), (u)(4), and (v)(6) of this section, which are new language derived without substantive change from former Art. 25, § 10F and the fourth and fifth sentences and, as it related to a merit system for employees of the Dorchester County Sheriff’s Office, the Queen Anne’s County Sheriff’s Department, and the Somerset County Sheriff’s Office, the third sentence of § 3(f).

In the introductory language of subsection (v)(6) of this section, the reference to the “County Council” is substituted for the former reference to the “County Commissioners” for accuracy.

Also in the introductory language of subsection (v)(6) of this section, the former phrase “in addition to, but not in substitution for, the powers which may have been or may hereafter be granted them” is deleted as surplusage.

In subsection (v)(6)(ii)2 of this section, the reference to “the purchase of uniforms and equipment” is substituted for the former reference to “all expenses incurred in acquiring them” for clarity.

5–507.

(a) [In an action in contract described under Article 23A, § 1A of the Code, a municipal corporation, or its officer, department, agency, board, commission, or other unit of government, is not liable for punitive damages.

(b)] (1) An official of a municipal corporation, while acting in a discretionary capacity, without malice, and within the scope of the official’s employment or authority shall be immune as an official or individual from any civil liability for the performance of the action.

(2) An official of a municipal corporation is not immune from liability for negligence or any other tort arising from the operation of a motor vehicle except as to any claim for damages in excess of the limits of any applicable policy of motor vehicle liability insurance.

[(3) (i)] (B) (1) Subject to [subparagraph (ii) of this paragraph] **PARAGRAPH (2) OF THIS SUBSECTION**, a municipal corporation shall provide a defense for an official of the municipal corporation for any act arising within the scope of the official’s employment or authority.

[(ii)] (2) A municipal corporation shall only provide a defense for an official of the municipal corporation for negligence or any other tort arising from the operation of a motor vehicle as to any claim for damages in excess of the limits of any applicable policy of motor vehicle liability insurance.

5–508.

[(a) In an action in contract described under Article 25, § 1A of the Code, a county governed by county commissioners and organized according to the provisions of Article 25 of the Code, or its officer, department, agency, board, commission, or other unit of county government, is not liable for punitive damages.

(b)] An officer or director of a public drainage association or public watershed association, while acting in a discretionary capacity, without malice, and within the scope of the officer's or director's employment or authority is immune as an official or individual from civil liability for any act or omission.

5-509. IMMUNITY — OFFICIAL OF GOVERNMENTAL ENTITY.

(A) "OFFICIAL" DEFINED.

IN THIS SECTION, "OFFICIAL" INCLUDES A MEMBER OF THE GOVERNING BODY OF A SPECIAL TAXING DISTRICT.

(B) SCOPE OF SECTION.

THIS SECTION APPLIES TO A SPECIAL TAXING DISTRICT THAT:

(1) IS A UNIT OF GOVERNMENT RESPONSIBLE FOR AN AREA SITUATED SOLELY WITHIN A SINGLE COUNTY;

(2) HAS A GOVERNING BODY ELECTED INDEPENDENTLY OF THE COUNTY GOVERNMENT;

(3) IS FINANCED WITH REVENUES SECURED WHOLLY OR PARTLY FROM SPECIAL TAXES OR ASSESSMENTS IMPOSED ON REAL PROPERTY SITUATED IN THE DISTRICT;

(4) PERFORMS MUNICIPAL SERVICES FOR THE RESIDENTS OF THE DISTRICT; AND

(5) WAS NOT CREATED FOR A LIMITED OR SPECIAL PURPOSE.

(C) NONLIABILITY OF OFFICIALS GENERALLY; EXCEPTION FOR TORTS INVOLVING MOTOR VEHICLES.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN OFFICIAL OF A SPECIAL TAXING DISTRICT, WHILE ACTING IN A DISCRETIONARY CAPACITY, WITHOUT MALICE, AND WITHIN THE SCOPE OF THE OFFICIAL'S AUTHORITY, IS IMMUNE IN AN OFFICIAL OR INDIVIDUAL CAPACITY FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION.

(2) AN OFFICIAL OF A SPECIAL TAXING DISTRICT IS NOT IMMUNE FROM LIABILITY FOR NEGLIGENCE OR ANY OTHER TORT THAT ARISES FROM THE OPERATION OF A MOTOR VEHICLE EXCEPT AS TO ANY CLAIM FOR DAMAGES

IN EXCESS OF THE LIMITS OF ANY APPLICABLE POLICY OF MOTOR VEHICLE LIABILITY INSURANCE.

(D) DEFENSES.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A SPECIAL TAXING DISTRICT SHALL PROVIDE A DEFENSE FOR AN OFFICIAL OF THE SPECIAL TAXING DISTRICT FOR ANY ACT OR OMISSION THAT IS WITHOUT MALICE AND THAT ARISES WITHIN THE SCOPE OF THE OFFICIAL'S AUTHORITY.

(2) A SPECIAL TAXING DISTRICT SHALL PROVIDE ONLY A DEFENSE FOR AN OFFICIAL OF THE SPECIAL TAXING DISTRICT FOR NEGLIGENCE OR ANY OTHER TORT THAT ARISES FROM THE OPERATION OF A MOTOR VEHICLE AS TO ANY CLAIM FOR DAMAGES IN EXCESS OF THE LIMITS OF ANY APPLICABLE POLICY OF MOTOR VEHICLE LIABILITY INSURANCE.

(E) EXPENDITURE OF REVENUES.

A SPECIAL TAXING DISTRICT MAY SPEND REVENUES FOR THE PURPOSES SPECIFIED IN THIS SECTION.

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 26, §§ 1 through 4, and former CJ § 5-511.

Throughout this section, the references to a "special taxing district" are substituted for the former references to a "governmental entity" for clarity.

In subsection (a) of this section, the former reference to an official "of a governmental entity" is deleted as surplusage.

In subsection (b) of this section, the former defined term "governmental entity" is revised as a scope provision for clarity.

In subsection (b)(3) and (4) of this section, the references to a "district" are substituted for the former references to an "area" for clarity.

In subsection (b)(3) of this section, the reference to taxes or assessments "imposed" is substituted for the former reference to taxes or assessments "levied" for consistency with other similar provisions of the Code.

In subsection (b)(5) of this section, the former reference to “purposes” is deleted in light of the reference to “purpose” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (c)(1) of this section, the reference to immunity “in an official or individual capacity” is substituted for the former reference to immunity “as an official or individual” for clarity.

In subsection (d)(1) of this section, the reference to an official “of the special taxing district” is added for clarity.

Also in subsection (d)(1) of this section, the reference to the paragraph being “[s]ubject to paragraph (2) of this section,” is added for clarity and consistency with § 5–507 of the Courts Article.

Also in subsection (d)(1) of this section, the reference to an act or omission “that is” without malice is substituted for the former reference to an act or omission “undertaken” without malice for clarity.

SUBTITLE 5A. CONTRACT CLAIMS AGAINST LOCAL GOVERNMENTS.

5–5A–01. MUNICIPAL CORPORATIONS.

(A) DEFENSE OF SOVEREIGN IMMUNITY BARRED.

EXCEPT AS OTHERWISE PROVIDED BY STATE LAW, A MUNICIPAL CORPORATION AND ITS OFFICERS AND UNITS MAY NOT RAISE THE DEFENSE OF SOVEREIGN IMMUNITY IN A COURT OF THE STATE IN A CONTRACT ACTION BASED ON A WRITTEN CONTRACT EXECUTED ON BEHALF OF THE MUNICIPAL CORPORATION OR ITS UNITS BY AN OFFICIAL OR EMPLOYEE ACTING WITHIN THE SCOPE OF THE OFFICIAL’S OR EMPLOYEE’S AUTHORITY.

(B) PUNITIVE DAMAGES.

IN A CONTRACT ACTION DESCRIBED IN SUBSECTION (A) OF THIS SECTION, A MUNICIPAL CORPORATION AND ITS OFFICERS AND UNITS ARE NOT LIABLE FOR PUNITIVE DAMAGES.

(C) STATUTE OF LIMITATION.

A CLAIM IS BARRED UNLESS THE CLAIMANT FILES SUIT WITHIN THE LATER OF 1 YEAR AFTER:

(1) THE DATE ON WHICH THE CLAIM AROSE; OR

(2) THE DATE OF COMPLETION OF THE CONTRACT THAT GAVE RISE TO THE CLAIM.

(D) SATISFACTION OF JUDGMENTS.

THE GOVERNING BODY OF A MUNICIPAL CORPORATION SHALL MAKE AVAILABLE ADEQUATE MONEY TO SATISFY ANY FINAL JUDGMENT, AFTER ANY RIGHT OF APPEAL IS EXHAUSTED, AGAINST THE MUNICIPAL CORPORATION OR ITS OFFICERS OR UNITS IN A CONTRACT ACTION UNDER THIS SECTION.

(E) RESOLUTION OF DISPUTES IN CONSTRUCTION CONTRACTS.

(1) A MUNICIPAL CORPORATION MAY REQUIRE, IN CONNECTION WITH A CONSTRUCTION CONTRACT TO WHICH THE MUNICIPAL CORPORATION IS A PARTY, THAT A DISPUTE REGARDING THE TERMS OF OR PERFORMANCE UNDER THE CONTRACT BE SUBJECT TO A FINAL, BINDING DETERMINATION BY:

(I) A NEUTRAL PERSON SELECTED BY, OR UNDER A PROCEDURE ESTABLISHED BY, THE HIGHEST EXECUTIVE AUTHORITY OF THE MUNICIPAL CORPORATION; OR

(II) IF THE OTHER PARTY TO THE DISPUTE DOES NOT ACCEPT AS NEUTRAL THE PERSON SELECTED UNDER ITEM (I) OF THIS PARAGRAPH, AN ARBITRATION PANEL COMPOSED OF:

1. ONE MEMBER DESIGNATED BY THE HIGHEST EXECUTIVE AUTHORITY OF THE MUNICIPAL CORPORATION;

2. ONE MEMBER DESIGNATED BY THE OTHER PARTY TO THE DISPUTE; AND

3. ONE MEMBER TO BE SELECTED BY MUTUAL AGREEMENT OF THE TWO DESIGNATED MEMBERS FROM LISTS SUBMITTED BY THE PARTIES TO THE DISPUTE.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A MUNICIPAL CORPORATION MAY NOT REQUIRE, IN CONNECTION WITH A CONSTRUCTION CONTRACT TO WHICH THE MUNICIPAL CORPORATION IS A PARTY, THAT A DISPUTE INVOLVING AT LEAST \$10,000 REGARDING THE TERMS OF OR PERFORMANCE UNDER THE CONTRACT BE SUBJECT TO A FINAL, BINDING DETERMINATION MADE BY AN OFFICER OR OFFICIAL BODY OF THE MUNICIPAL CORPORATION.

(3) A MUNICIPAL CORPORATION MAY REQUIRE, IN CONNECTION WITH A CONSTRUCTION CONTRACT TO WHICH THE MUNICIPAL CORPORATION IS A PARTY, THAT QUESTIONS OF FACT ARISING FROM A DISPUTE INVOLVING AT LEAST \$10,000 REGARDING THE TERMS OF OR PERFORMANCE UNDER THE CONTRACT BE SUBJECT TO A DETERMINATION BY AN OFFICER OR OFFICIAL BODY OF THE MUNICIPAL CORPORATION IF THE DECISION OF THE OFFICER OR OFFICIAL BODY IS SUBJECT TO JUDICIAL REVIEW ON THE RECORD.

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 23A, § 1A and former CJ § 5-507(a).

Throughout this section, the former references to a municipal corporation's "department, agency, board, [or] commission" are deleted as included in the references to a municipal corporation's "units" and for consistency with similar provisions of the Code.

In subsection (a) of this section, the former reference to "specifically" provided by State law is deleted as surplusage.

In subsection (c)(2) of this section, the reference to "the date of" completion of the contract is added for clarity and consistency with subsection (c)(1) of this section.

In subsection (d) of this section, the former phrase "[i]n order to provide for the implementation of this section," is deleted as surplusage.

Also in subsection (d) of this section, the former reference to a final judgment "which has been rendered" against the municipal corporation is deleted as surplusage.

In subsection (e) of this section, the former references to a municipal corporation "provid[ing]" are deleted as included in the references to a municipal corporation "requir[ing]".

In the introductory language of subsection (e)(1) of this section, the reference to a "final, binding determination" is substituted for the former reference to a "determination which is final and conclusive" for consistency within this subsection.

Also in the introductory language of subsection (e)(1) of this section, the former reference to "the question or questions involved in the dispute" is deleted as implicit in the reference to "dispute".

Also in the introductory language of subsection (e)(1) of this section, the former reference to a determination that is final and conclusive “on all parties” is deleted as surplusage.

In subsection (e)(1)(i) and (ii) of this section, the former references to an “entity” are deleted as included in the references to a “person”.

In subsection (e)(1)(ii) of this section, the reference to the other party “to the dispute” is added for clarity.

In subsection (e)(2) and (3) of this section, the former references to a dispute “between the parties” are deleted as implicit in the reference to a dispute.

In subsection (e)(2) of this section, the former reference to a “conclusive” determination is deleted as included in the reference to a “final, binding” determination.

In subsection (e)(3) of this section, the reference to “questions of fact arising from” a dispute is added for clarity.

Also in subsection (e)(3) of this section, the reference to “judicial” review is substituted for the former reference to review “by a court of competent jurisdiction” for clarity and brevity.

Also in subsection (e)(3) of this section, the former reference to a determination of “questions of fact” is deleted as surplusage.

Former Art. 23A, § 1B, which cross-referenced a substantive provision in the Courts Article (CJ § 5-507(b)), is deleted as duplicative of that provision, now revised as CJ § 5-507(a).

5-5A-02. COUNTIES.

(A) DEFENSE OF SOVEREIGN IMMUNITY BARRED.

EXCEPT AS OTHERWISE PROVIDED BY STATE LAW, A COUNTY AND ITS OFFICERS AND UNITS MAY NOT RAISE THE DEFENSE OF SOVEREIGN IMMUNITY IN A COURT OF THE STATE IN A CONTRACT ACTION BASED ON A WRITTEN CONTRACT EXECUTED ON BEHALF OF THE COUNTY OR ITS UNITS BY AN OFFICIAL OR EMPLOYEE ACTING WITHIN THE SCOPE OF THE OFFICIAL’S OR EMPLOYEE’S AUTHORITY.

(B) PUNITIVE DAMAGES.

IN A CONTRACT ACTION DESCRIBED IN SUBSECTION (A) OF THIS SECTION, A COUNTY AND ITS OFFICERS AND UNITS ARE NOT LIABLE FOR PUNITIVE DAMAGES.

(C) STATUTE OF LIMITATION.

A CLAIM IS BARRED UNLESS THE CLAIMANT FILES SUIT WITHIN THE LATER OF 1 YEAR AFTER:

(1) THE DATE ON WHICH THE CLAIM AROSE; OR

(2) THE DATE OF COMPLETION OF THE CONTRACT THAT GAVE RISE TO THE CLAIM.

(D) SATISFACTION OF JUDGMENTS.

THE GOVERNING BODY OF A COUNTY SHALL MAKE AVAILABLE ADEQUATE MONEY TO SATISFY ANY FINAL JUDGMENT, AFTER ANY RIGHT OF APPEAL IS EXHAUSTED, AGAINST THE COUNTY OR ITS OFFICERS OR UNITS IN A CONTRACT ACTION UNDER THIS SECTION.

(E) RESOLUTION OF DISPUTES IN CONSTRUCTION CONTRACTS.

(1) A COUNTY MAY REQUIRE, IN CONNECTION WITH A CONSTRUCTION CONTRACT TO WHICH THE COUNTY IS A PARTY, THAT A DISPUTE REGARDING THE TERMS OF OR PERFORMANCE UNDER THE CONTRACT BE SUBJECT TO A FINAL, BINDING DETERMINATION BY:

(I) A NEUTRAL PERSON SELECTED BY, OR UNDER A PROCEDURE ESTABLISHED BY, THE HIGHEST EXECUTIVE AUTHORITY OF THE COUNTY; OR

(II) IF THE OTHER PARTY TO THE DISPUTE DOES NOT ACCEPT AS NEUTRAL THE PERSON SELECTED UNDER ITEM (I) OF THIS PARAGRAPH, AN ARBITRATION PANEL COMPOSED OF:

1. ONE MEMBER DESIGNATED BY THE HIGHEST EXECUTIVE AUTHORITY OF THE COUNTY;

2. ONE MEMBER DESIGNATED BY THE OTHER PARTY TO THE DISPUTE; AND

3. ONE MEMBER TO BE SELECTED BY MUTUAL AGREEMENT OF THE TWO DESIGNATED MEMBERS FROM LISTS SUBMITTED BY THE PARTIES TO THE DISPUTE.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A COUNTY MAY NOT REQUIRE, IN CONNECTION WITH A CONSTRUCTION CONTRACT TO WHICH THE COUNTY IS A PARTY, THAT A DISPUTE INVOLVING AT LEAST \$10,000 REGARDING THE TERMS OF OR PERFORMANCE UNDER THE CONTRACT BE SUBJECT TO A FINAL, BINDING DETERMINATION MADE BY AN OFFICER OR OFFICIAL BODY OF THE COUNTY.

(3) A COUNTY MAY REQUIRE, IN CONNECTION WITH A CONSTRUCTION CONTRACT TO WHICH THE COUNTY IS A PARTY, THAT QUESTIONS OF FACT ARISING FROM A DISPUTE INVOLVING AT LEAST \$10,000 REGARDING THE TERMS OF OR PERFORMANCE UNDER THE CONTRACT BE SUBJECT TO A DETERMINATION BY AN OFFICER OR OFFICIAL BODY OF THE COUNTY IF THE DECISION OF THE OFFICER OR OFFICIAL BODY IS SUBJECT TO JUDICIAL REVIEW ON THE RECORD.

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 25, § 1A, former Art. 25A, § 1A, former Art. 25B, § 13A, and former CJ §§ 5–509, 5–510, and 5–508(a).

Throughout this section, the former references to a county “governed by county commissioners”, a “chartered” county, and a “code” county are deleted as included in the references to a “county”.

Also throughout this section, the former references to a county’s “department, agency, board, [or] commission” are deleted as included in the references to a county’s “units” and for consistency with similar provisions of the Code.

In subsection (a) of this section, the former reference to a county “organized according to the provisions of this article” is deleted as surplusage. Similarly, in subsection (b) of this section, the former reference to a county “organized according to the provisions of Article 25 of the Code” is deleted.

Also in subsection (a) of this section, the former reference to unless otherwise “specifically” provided by State law is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “the date of” completion of the contract is added for clarity and consistency with subsection (c)(1) of this section.

In subsection (d) of this section, the former phrase “[i]n order to provide for the implementation of this section” is deleted as surplusage.

Also in subsection (d) of this section, the former reference to a final judgment “which has been rendered” against the county is deleted as surplusage.

In subsection (e) of this section, the former references to a county “provid[ing]” are deleted as included in the former references to a county “requir[ing]”.

In the introductory language of subsection (e)(1) of this section, the reference to a “final, binding determination” is substituted for the former reference to a “determination which is final and conclusive” for consistency within this subsection.

Also in the introductory language of subsection (e)(1) of this section, the former reference to “the question or questions involved in the dispute” is deleted as implicit in the reference to “dispute”.

Also in the introductory language of subsection (e)(1) of this section, the former reference to a determination that is final and conclusive “on all parties” is deleted as surplusage.

In subsection (e)(1)(i) and (ii) of this section, the former references to an “entity” are deleted as included in the references to a “person”.

In subsection (e)(1)(ii) of this section, the reference to the other party “to the dispute” is added for clarity.

In subsection (e)(2) and (3) of this section, the former references to a dispute “between the parties” are deleted as implicit in the references to a “dispute”.

In subsection (e)(2) of this section, the former reference to a “conclusive” determination is deleted as included in the reference to a “final, binding” determination.

In subsection (e)(3) of this section, the reference to “questions of fact arising from” a dispute is added for clarity.

Also in subsection (e)(3) of this section, the reference to “judicial” review is substituted for the former reference to review “by a court of competent jurisdiction” for clarity and brevity.

Also in subsection (e)(3) of this section, the former reference to a determination of “questions of fact” is deleted as surplusage.

Former Art. 25, § 60, which cross-referenced a substantive provision in the Courts Article (CJ § 5-508(b)), is deleted as duplicative of that provision, now revised as CJ § 5-508.

Article – Education

4-128. EMPLOYEES RETURNING FROM MILITARY SERVICE.

A COUNTY BOARD OF EDUCATION IS SUBJECT TO THE REQUIREMENTS RELATING TO EMPLOYEES WHO RETURN FROM MILITARY SERVICES IN § 1-203 OF THE LOCAL GOVERNMENT ARTICLE.

REVISOR’S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language added to provide a cross-reference to the provisions on employees returning to the military services applicable to county boards of education.

4-129. EMPLOYEE RIGHT TO ENGAGE IN POLITICAL ACTIVITY.

THE RIGHT OF AN EMPLOYEE OF A COUNTY BOARD OF EDUCATION TO ENGAGE IN POLITICAL ACTIVITY IS SUBJECT TO TITLE 1, SUBTITLE 3 OF THE LOCAL GOVERNMENT ARTICLE.

REVISOR’S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language added to provide a cross-reference to the provisions on political activities of employees applicable to employees of county boards of education.

Article – Public Utilities

7-106. SALE OF ELECTRIC PLANT OR GAS PLANT.

(A) APPLICATION OF SECTION.

THIS SECTION DOES NOT QUALIFY, LIMIT, OR ABRIDGE THE POWER AND AUTHORITY, OR THE MANNER OF EXERCISE OF ANY POWER AND AUTHORITY, CONFERRED ON A MUNICIPAL CORPORATION BY ITS CHARTER OR A SPECIAL

ACT OF THE GENERAL ASSEMBLY TO SELL, LEASE, EXCHANGE, OR OTHERWISE DISPOSE OF ANY ELECTRIC PLANT OR GAS PLANT.

(B) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO:

- (1) TALBOT COUNTY;**
- (2) WASHINGTON COUNTY; OR**
- (3) THE MUNICIPAL CORPORATION OF BERLIN, CENTREVILLE, HAGERSTOWN, ROCK HALL, OR SNOW HILL.**

(C) SALE OF ELECTRIC PLANT OR GAS PLANT AUTHORIZED.

SUBJECT TO SUBSECTION (D) OF THIS SECTION, A MUNICIPAL CORPORATION THAT OWNS AN ELECTRIC PLANT OR A GAS PLANT MAY SELL, LEASE, EXCHANGE, OR OTHERWISE DISPOSE OF THE PLANT, OR ANY PART OF OR INTEREST IN THE PLANT, TO ANY ELECTRIC COMPANY OR GAS COMPANY ON TERMS AND CONDITIONS DETERMINED BY THE MUNICIPAL CORPORATION.

(D) APPROVAL OF SALE; NOTICE OF SALE.

(1) THE SALE, LEASE, EXCHANGE, OR OTHER DISPOSITION OF AN ELECTRIC PLANT OR A GAS PLANT BY A MUNICIPAL CORPORATION IS SUBJECT TO APPROVAL BY THE COMMISSION.

(2) IF THE COMMISSION APPROVES THE SALE, LEASE, EXCHANGE, OR OTHER DISPOSITION, AT LEAST TWICE WITHIN 15 DAYS AFTER THE DATE OF THE ORDER OF APPROVAL BY THE COMMISSION, THE MUNICIPAL CORPORATION SHALL PUBLISH NOTICE OF THE SALE, LEASE, EXCHANGE, OR OTHER DISPOSITION AND OF THE APPROVAL BY THE COMMISSION:

(I) IN A NEWSPAPER PUBLISHED IN THE MUNICIPAL CORPORATION; OR

(II) IF NO NEWSPAPER IS PUBLISHED IN THE MUNICIPAL CORPORATION, IN A NEWSPAPER PUBLISHED IN THE COUNTY IN WHICH THE MUNICIPAL CORPORATION IS LOCATED.

(E) RATIFICATION OF PROPOSED SALE; CONSUMMATION OF SALE.

(1) A PROPOSED SALE, LEASE, EXCHANGE, OR OTHER DISPOSITION OF A MUNICIPALLY OWNED ELECTRIC PLANT OR GAS PLANT SHALL BE RATIFIED AT A SPECIAL ELECTION BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE RESIDENTS OF THE MUNICIPAL CORPORATION ELIGIBLE TO VOTE AT THE LAST PRECEDING REGULAR ELECTION FOR MUNICIPAL OFFICERS IF A PETITION, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IS DELIVERED TO THE MUNICIPAL CORPORATION REQUESTING THE MUNICIPALITY TO HOLD A SPECIAL ELECTION FOR THE RATIFICATION OR DISAPPROVAL OF THE PROPOSED SALE, LEASE, EXCHANGE, OR OTHER DISPOSITION.

(2) A PETITION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:

(I) IN WRITING;

(II) SIGNED BY AT LEAST 10% OF THE RESIDENTS OF THE MUNICIPAL CORPORATION ELIGIBLE TO VOTE AT THE LAST PRECEDING REGULAR ELECTION FOR MUNICIPAL OFFICERS; AND

(III) DELIVERED WITHIN 30 DAYS AFTER THE DATE OF PUBLICATION OF THE SECOND NOTICE REQUIRED UNDER SUBSECTION (D)(2) OF THIS SECTION.

(3) THE MUNICIPAL CORPORATION SHALL HOLD A SPECIAL ELECTION UNDER THIS SUBSECTION AT THE TIME AND PLACE IN THE MUNICIPAL CORPORATION AND IN THE MANNER THAT THE MUNICIPAL CORPORATION REQUIRES.

(4) IF THE SALE, LEASE, EXCHANGE, OR OTHER DISPOSITION IS RATIFIED AT THE SPECIAL ELECTION, THE MUNICIPAL CORPORATION SHALL CONSUMMATE THE SALE, LEASE, EXCHANGE, OR OTHER DISPOSITION.

(F) CONSUMMATION OF SALE WITHOUT RATIFICATION.

(1) IF A PETITION FOR A SPECIAL ELECTION IS NOT DELIVERED TO THE MUNICIPAL CORPORATION IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION:

(I) RATIFICATION AT A SPECIAL ELECTION IS NOT REQUIRED; AND

(II) THE MUNICIPAL CORPORATION SHALL CONSUMMATE THE SALE, LEASE, EXCHANGE, OR OTHER DISPOSITION.

(2) A SALE, LEASE, EXCHANGE, OR OTHER DISPOSITION THAT IS CONSUMMATED UNDER THIS SUBSECTION IS AS VALID AND EFFECTIVE AS A DISPOSITION RATIFIED UNDER SUBSECTION (E) OF THIS SECTION.

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 23, §§ 182 and 183.

In subsection (a) of this section, the former reference to power and authority “now or hereafter” conferred is deleted as surplusage. Similarly, in subsection (c) of this section, the former references to “now” and “hereafter” are deleted.

In subsection (c) of this section, the former reference to “acquiring” an electric or gas plant is deleted as included in the reference to “own[ing]” a plant.

In subsection (d)(2) of this section, the phrase “[i]f the Commission approves the sale, lease, exchange, or other disposition” is added for clarity.

In subsection (e)(1) and (3) of this section, the former references to the municipal corporation “arrang[ing] for” a special election are deleted as included in the references to “hold[ing]” a special election.

In subsection (e)(1) of this section, the former phrase “[i]n addition to the conditions and limitations imposed by § 182 of this article” is deleted as unnecessary in light of the general rules of statutory construction, which would require all the provisions of this section to be read as a whole. Similarly, the former reference to the disposition of an electric plant or a gas plant “as defined and contemplated by said section” is deleted.

Also in subsection (e)(1) of this section, the former references to residents “who shall cast ballots at” a special election “for that purpose” are deleted as surplusage.

In subsection (e)(2)(ii) of this section, the reference to 10% of the “residents of the municipal corporation eligible to vote at the last preceding regular election for municipal officers” is substituted for the former reference to “voters in such municipal corporation, qualified as aforesaid in this section” for clarity.

In subsections (e)(4) and (f)(1)(ii) of this section, the former references to “execut[ing] all transfers or other title papers necessary to ... effectuate” the disposition are deleted as implicit in the references to “consummat[ing]” the disposition.

In the introductory language of subsection (f)(1) of this section, the reference to the petition being “delivered to the municipal corporation in accordance with subsection (e) of this section” is substituted for the former reference to a petition being “signed and delivered to said municipal corporation, as aforesaid, within the said period of thirty days after the date of publication of the second notice required by said § 182, as aforesaid” for brevity.

In subsection (f)(1)(i) of this section, the former reference to ratification “of any such proposed sale, lease, exchange or other disposition by said voters, as heretofore authorized in this section” is deleted as surplusage.

In subsection (f)(2) of this section, the reference to ratification “under subsection (e) of this section” is substituted for the former reference to ratification “by the said voters at a special election petitioned for and held as herein authorized” for brevity and clarity.

7-107. CHARGES FOR WATER SERVICE — GARRETT COUNTY.

SUBJECT TO THE REGULATIONS OF THE COMMISSION, THE COUNTY COMMISSIONERS OF GARRETT COUNTY MAY ADOPT, AMEND, AND ENFORCE A REASONABLE CHARGE FOR DISCONTINUING AND RESTORING WATER SERVICE.

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 25, § 9L.

Article – State Finance and Procurement

4-316. COOPERATIVE PURCHASING.

(A) IN GENERAL.

SUBJECT TO THE INITIAL APPROVAL OF THE SECRETARY, THE APPROPRIATE PURCHASING UNIT FOR THE FOLLOWING ENTITIES MAY USE THE SERVICES OF THE DEPARTMENT TO PURCHASE MATERIALS, SUPPLIES, AND EQUIPMENT:

(1) A COUNTY;

- (2) A MUNICIPALITY;**
- (3) A GOVERNMENTAL UNIT IN THE STATE;**
- (4) A PUBLIC OR QUASI-PUBLIC AGENCY THAT:**
 - (I) RECEIVES STATE MONEY; AND**
 - (II) IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE;**
- (5) A PRIVATE ELEMENTARY OR SECONDARY SCHOOL THAT:**
 - (I) EITHER HAS BEEN ISSUED A CERTIFICATE OF APPROVAL FROM THE STATE BOARD OF EDUCATION OR IS ACCREDITED BY THE ASSOCIATION OF INDEPENDENT SCHOOLS; AND**
 - (II) IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE; OR**
- (6) A NONPUBLIC INSTITUTION OF HIGHER EDUCATION AS PROVIDED UNDER § 17-106 OF THE EDUCATION ARTICLE.**

(B) PURCHASE OF RELIGIOUS MATERIALS PROHIBITED.

NOTWITHSTANDING SUBSECTION (A)(5) AND (6) OF THIS SECTION, THE DEPARTMENT MAY NOT PURCHASE RELIGIOUS MATERIALS ON BEHALF OF A PRIVATE ELEMENTARY OR SECONDARY SCHOOL OR A NONPUBLIC INSTITUTION OF HIGHER EDUCATION.

(C) CONSTRUCTION OF SECTION.

THE PURCHASING AUTHORITY UNDER THIS SECTION IS IN ADDITION TO, AND NOT A SUBSTITUTION FOR, THE PURCHASING POWER OF AN ENTITY UNDER ANOTHER LAW.

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 25, § 3A and former Art. 41, § 18-201.

In subsection (a) of this section, the former reference to purchasing materials “as provided in Title 4, Subtitle 3 of the State Finance and Procurement Article” is deleted as surplusage.

In the introductory language of subsection (a) of this section, the reference to a purchasing “unit” is substituted for the former reference to a purchasing “entity” for clarity.

Also in the introductory language of subsection (a) of this section, the former reference to “the Purchasing Bureau” of the Department of General Services is deleted as unnecessary because the Secretary of General Services is not required to use the Purchasing Bureau.

Also in the introductory language of subsection (a) of this section, the former inaccurate reference to authority granted to the “county commissioners” is deleted as included in the reference to authority granted to the “appropriate purchasing unit for ... a county”.

In subsection (a)(1) of this section, the former reference granting cooperative purchasing authority to “Baltimore City” is deleted as included in the reference granting cooperative purchasing authority to all “count[ies]”. *See* Art. 1, § 14 of the Code, which states that “county” includes Baltimore City, unless such construction is unreasonable.

In subsection (c) of this section, the reference to “purchasing power ... under another law” is substituted for the former reference to “applicable purchasing power ... pursuant to any statutory or charter provision” for clarity and brevity.

Also in subsection (c) of this section, the former reference to purchasing authority “through the Department of General Services” is deleted as implicit in the reference to the authority “under this section”.

Also in subsection (c) of this section, the former reference to purchasing power “granted to any county, municipal corporation, the Mayor and City Council of Baltimore, any other governmental agency in this State, or any public or quasi-public agency” is deleted as unnecessary in light of subsection (a) of this section.

8-131.2. EXEMPTION FROM TAXATION.

THE STATE BONDS, THE TRANSFER OF STATE BONDS, THE INTEREST PAYABLE ON STATE BONDS, AND ANY INCOME DERIVED FROM STATE BONDS, INCLUDING PROFIT REALIZED IN THE SALE OR EXCHANGE OF STATE BONDS, ARE EXEMPT FROM STATE AND LOCAL TAXES.

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 31, § 22.

The references to "State" bonds are added for clarity.

The reference to "State and local taxes" is substituted for the former reference to "taxation of every kind and nature whatsoever within this State by the State of Maryland or by any of its political subdivisions, municipal corporations, or public agencies of any kind" for brevity.

The former reference to the bonds being exempt from taxation "at all times" is deleted as surplusage.

8-222. EXEMPTION FROM TAXATION.

THE FOLLOWING OBLIGATIONS ARE EXEMPT FROM STATE AND LOCAL TAXATION:

- (1) A BOND OR GRANT ANTICIPATION NOTE ISSUED UNDER THIS PART;**
- (2) A BOND ISSUED TO PAY THE NOTES ISSUED UNDER ITEM (1) OF THIS SECTION; AND**
- (3) THE INTEREST ON THE OBLIGATIONS.**

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 31, § 12(g), except as it related to the authority to issue notes under former Art. 31, § 12 of the Code.

Article – Transportation

4-407. CONSTRUCTION OF TOLL ROADS.

- (A) SCOPE OF SECTION.**

THIS SECTION APPLIES TO:

- (1) CAROLINE COUNTY;**
- (2) CECIL COUNTY;**

- (3) DORCHESTER COUNTY;
- (4) KENT COUNTY;
- (5) QUEEN ANNE'S COUNTY;
- (6) SOMERSET COUNTY;
- (7) TALBOT COUNTY;
- (8) WICOMICO COUNTY; AND
- (9) WORCESTER COUNTY.

(B) IN GENERAL.

A STATE AGENCY, INCLUDING THE MARYLAND TRANSPORTATION AUTHORITY, MAY NOT CONSTRUCT ANY TOLL ROAD, TOLL HIGHWAY, OR TOLL BRIDGE IN THE COUNTIES ENUMERATED IN THIS SECTION WITHOUT THE EXPRESS CONSENT OF A MAJORITY OF THE GOVERNMENTS OF THE AFFECTED COUNTIES.

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 25, § 236.

8-609.2. BRIDGES ON NAVIGABLE RIVERS.

A BRIDGE MAY NOT BE BUILT ON A NAVIGABLE RIVER UNLESS AUTHORIZED BY THE ADMINISTRATION.

REVISOR'S NOTE: Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 23, § 143.

SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 6 of Article 25 – County Commissioners of the Annotated Code of Maryland be repealed and reenacted, with amendments, and transferred to the Session Laws, to read as follows:

Powers of County Commissioners

[6.] 1.

The provisions as set forth in **FORMER ARTICLE 25, § 3 [hereof] OF THE ANNOTATED CODE OF MARYLAND** are intended to supplement or to supply authority in the county commissioners of the various counties to do and perform various acts, matters and things not otherwise provided for by law. In any county where there shall already exist authority under any public local law to do or perform any matter, act or thing referred to in **FORMER ARTICLE 25, § 3**, said public local law shall prevail and completely control the acts and procedure of said county commissioners unless said public local law is more restrictive than the authority granted under **FORMER ARTICLE 25, § 3**, in which event **FORMER ARTICLE 25, § 3** shall be deemed to supplement and increase said authority. Nothing contained in **FORMER ARTICLE 25, § 3** shall in any manner be considered a limitation or restriction on any existing power and authority granted the county commissioners of any county nor shall any broader or more unrestricted power or procedure vested in or authorized to the county commissioners of any county with respect to any matters specifically provided for by a public local law be deemed in any manner limited by any of the provisions of **FORMER ARTICLE 25, § 3**.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 25, § 6.

When originally enacted, former Art. 25, § 6 was an uncodified Section 3 of Ch. 730 of the Acts of the General Assembly of 1947. It was codified in the preparation of the 1947 Cumulative Supplement, but not through an enactment of the General Assembly. It is transferred to the Session Laws to return it to its original form of codification.

The first and third sentences of former Art. 25, § 6 are restatements of principles of statutory construction. The second sentence is unnecessary in light of Article 1, § 13 of the Annotated Code of Maryland, which provides that “[w]here the public general law and the public local law of any county, city, town, or district are in conflict, the public local law shall prevail”.

No substantive change is intended by this transfer.

SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 50A of Article 25 – County Commissioners of the Annotated Code of Maryland be repealed and reenacted, with amendments, and transferred to the Session Laws, to read as follows:

Baltimore County Bridges

[50A.] 1.

Title to both Bear Creek bridges in Baltimore County is hereby transferred to Baltimore County, Maryland as of the date of the payment of all of the principal of and

interest on all unredeemed outstanding Bear Creek bridges 3 1/2 percent bonds of 1958. Tolls may not be charged or collected for the use of either bridge.

REVISOR'S NOTE: This section formerly was Art. 25, § 50A.

It is not retained in the Code because the outstanding bonds were paid in full in 1988 and the remaining provisions have limited application. It is transferred to the Session Laws to avoid any inadvertent substantive effect that its repeal might have.

No changes are made.

SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 14–304(c) of Article 41 – Governor – Executive and Administrative Departments of the Annotated Code of Maryland be repealed and reenacted, with amendments, and transferred to the Session Laws, to read as follows:

Ratification of Existing Parking Authority of Counties

[14–304.] 1.

[(c)] If a parking authority was created before July 1, 1984, a county may ratify the authority and all acts and contracts of the authority which were in accord with the authority's charter and the law by filing the authority's charter with [the departments listed in subsection (a) of this section]:

- (1) THE DEPARTMENT OF ASSESSMENTS AND TAXATION;
- (2) THE DEPARTMENT OF LEGISLATIVE SERVICES; AND
- (3) THE SECRETARY OF STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 14–304(c).

It is not retained in the Code because a parking authority created before July 1, 1984, would most likely have already been ratified under this provision. It is transferred to the Session Laws to avoid any inadvertent substantive effect that its repeal might have.

The reference to “the Department of Assessments and Taxation ... the Department of Legislative Services [and] the Secretary of State” is substituted for the former reference to “the departments listed in subsection (a) of this section” for clarity.

SECTION 7. AND BE IT FURTHER ENACTED, That it is the intention of the General Assembly that, except as expressly provided in this Act, this Act shall be construed as a nonsubstantive revision, and may not otherwise be construed to render any substantive change in the law of the State.

SECTION 8. AND BE IT FURTHER ENACTED, That the catchlines, captions, Revisor's Notes, Special Revisor's Notes, and General Revisor's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 9. AND BE IT FURTHER ENACTED, That nothing in this Act affects the term of office of an appointed or elected member of any commission, board, office, department, agency, or other unit. An individual who is a member of a unit on the effective date of this Act shall remain a member for the balance of the term to which appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 10. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction or employment status affected by or flowing from any change of nomenclature or any statute amended, repealed, or transferred by this Act remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced as required or allowed by any statute amended, repealed, or transferred by this Act as though the repeal, amendment, or transfer had not occurred. If a change in nomenclature involves a change in name or designation of any State unit, the successor unit shall be considered in all respects as having the powers and obligations granted the former unit.

SECTION 11. AND BE IT FURTHER ENACTED, That the continuity of every commission, board, office, department, agency, or other unit is retained. The personnel records, files, furniture, fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of each retained unit are continued as the personnel, records, files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act.

SECTION 12. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any person licensed, registered, certified, or issued a permit or certificate by any commission, office, department, agency, or other unit established or continued by any statute amended, repealed, or transferred by this Act is considered for all purposes to be licensed, registered, certified, or issued a permit or certificate by the appropriate unit continued under this Act or the duration of the term for which the license, registration, certification, or permit was issued, and may renew that authorization in accordance with the appropriate renewal provisions of this Act.

SECTION 13. AND BE IT FURTHER ENACTED, That this Act does not rescind, supersede, change, or modify any rule adopted by the Court of Appeals that is or was in effect on the effective date of this Act concerning the practice and procedure in and the administration of the appellate courts and the other courts of the State.

SECTION 14. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2013 that affects provisions enacted by this Act. The publisher shall adequately describe such correction in an editor's note following the section affected.

SECTION 15. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, April 9, 2013.