

# HOUSE BILL 733

L6

3lr0335

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By: **The Speaker (By Request – Department of Legislative Services – Code Revision)**

Introduced and read first time: February 5, 2013

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Local Government – Cross-References and Corrections**

3 FOR the purpose of correcting certain cross-references to the Local Government  
4 Article in the Annotated Code of Maryland; correcting certain errors and  
5 omissions in and relating to the Local Government Article; clarifying the  
6 application of certain provisions; making certain conforming changes; deleting  
7 certain obsolete references; providing for the construction and effect of certain  
8 provisions of the Local Government Article; making stylistic changes; and  
9 generally relating to the Local Government Article and cross-references and  
10 corrections to it.

11 BY repealing and reenacting, with amendments,  
12 Article 2B – Alcoholic Beverages  
13 Section 15–109(b)  
14 Annotated Code of Maryland  
15 (2011 Replacement Volume and 2012 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Business Occupations and Professions  
18 Section 1–203(b)  
19 Annotated Code of Maryland  
20 (2010 Replacement Volume and 2012 Supplement)

21 BY repealing and reenacting, with amendments,

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 Article – Business Regulation  
2 Section 1–204(b)  
3 Annotated Code of Maryland  
4 (2010 Replacement Volume and 2012 Supplement)
- 5 BY repealing and reenacting, with amendments,  
6 Article – Courts and Judicial Proceedings  
7 Section 4–401(10)(i), (vi), (ix), and (xiii), 5–114(a)(5), 5–301(d)(1), (2), (3), and  
8 (5), 6–410(b)(1), 7–409(a)(2)(xvi), 7–501(c), and 12–401(d)(1)  
9 Annotated Code of Maryland  
10 (2006 Replacement Volume and 2012 Supplement)
- 11 BY repealing and reenacting, with amendments,  
12 Article – Criminal Law  
13 Section 10–110(j)(1)(ii) and 13–302(m)  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2012 Supplement)
- 16 BY repealing and reenacting, with amendments,  
17 Article – Criminal Procedure  
18 Section 13–104 and 15–414(e)(2)(ii)  
19 Annotated Code of Maryland  
20 (2008 Replacement Volume and 2012 Supplement)
- 21 BY repealing and reenacting, with amendments,  
22 Article – Economic Development  
23 Section 10–111(a), 10–340(g)(1), 10–508(a)(3), 12–112(b), 12–115, 12–205(d)(3),  
24 12–304(d)(1), and 12–308(d)(3)  
25 Annotated Code of Maryland  
26 (2008 Volume and 2012 Supplement)
- 27 BY repealing and reenacting, with amendments,  
28 Article – Education  
29 Section 3–203(a)(1)(i), 4–306.2(p)(1), and 5–602(d), (g), and (j)  
30 Annotated Code of Maryland  
31 (2008 Replacement Volume and 2012 Supplement)
- 32 BY repealing and reenacting, with amendments,  
33 Article – Election Law  
34 Section 2–204(a)(1), 6–102(b), 7–101(7) and (8), 7–102(f)(2), 9–104(h), and  
35 13–604(d)(2)  
36 Annotated Code of Maryland  
37 (2010 Replacement Volume and 2012 Supplement)
- 38 BY repealing and reenacting, with amendments,  
39 Article – Environment

- 1 Section 9–206(d)(1), 9–505(a)(1), 9–506(a)(1)(ii), 9–697(d), 9–1608(c), 9–1614(b),  
2 and 15–504(a)(2)(iii)  
3 Annotated Code of Maryland  
4 (2007 Replacement Volume and 2012 Supplement)
- 5 BY repealing and reenacting, with amendments,  
6 Article – Estates and Trusts  
7 Section 2–108(b)  
8 Annotated Code of Maryland  
9 (2011 Replacement Volume and 2012 Supplement)
- 10 BY repealing and reenacting, with amendments,  
11 Article – Financial Institutions  
12 Section 7–116 and 7–223  
13 Annotated Code of Maryland  
14 (2011 Replacement Volume and 2012 Supplement)
- 15 BY repealing and reenacting, with amendments,  
16 Article – Health – General  
17 Section 14–402(a)(2)  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2012 Supplement)
- 20 BY repealing and reenacting, with amendments,  
21 Article – Housing and Community Development  
22 Section 4–231(c)(1), 4–239(d)(6), 4–247(b)(6), 4–1608(a)(2), and 4–1609(a)  
23 Annotated Code of Maryland  
24 (2006 Volume and 2012 Supplement)
- 25 BY repealing and reenacting, with amendments,  
26 Article – Labor and Employment  
27 Section 9–404(a)(2)  
28 Annotated Code of Maryland  
29 (2008 Replacement Volume and 2012 Supplement)
- 30 BY repealing and reenacting, with amendments,  
31 Article – Land Use  
32 Section 1–101(c) and (d), 1–204(a), 1–206, 1–207(a), 1–301(2), 1–302(4), 1–402,  
33 1–501, 5–104(a)(5)(ii), 9–1607(b), 9–1608(b), 11–206, 17–208(g),  
34 18–211, 22–403(a)(1), and 23–102(c)  
35 Annotated Code of Maryland  
36 (2012 Volume)
- 37 BY repealing and reenacting, with amendments,  
38 Article – Natural Resources  
39 Section 3–107(b), 3–122(b)(1) and (4), 3–908(d), 3–915, 5–307(h), and  
40 8–1103(i)(2)

1 Annotated Code of Maryland  
2 (2012 Replacement Volume)

3 BY repealing and reenacting, with amendments,  
4 Article – Public Safety  
5 Section 12–1004(c)  
6 Annotated Code of Maryland  
7 (2011 Replacement Volume and 2012 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article – Public Utilities  
10 Section 22–204(b), 29–101(h), and 29–102(g)  
11 Annotated Code of Maryland  
12 (2010 Replacement Volume and 2012 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Real Property  
15 Section 10–704(a), 10–706(b), 10–707(b), and 11B–104(c)  
16 Annotated Code of Maryland  
17 (2010 Replacement Volume and 2012 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – State Finance and Procurement  
20 Section 5–606(b), 6–222(a)(8), 8–117(c), and 8–202  
21 Annotated Code of Maryland  
22 (2009 Replacement Volume and 2012 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article – State Government  
25 Section 2–1220(d)(1)(i), 2–1237(a)(14), 15–802, and 15–853(d)(4)  
26 Annotated Code of Maryland  
27 (2009 Replacement Volume and 2012 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Article – Tax – General  
30 Section 4–103(a)(4) and 11–102(c)(1)(iii)  
31 Annotated Code of Maryland  
32 (2010 Replacement Volume and 2012 Supplement)

33 BY repealing and reenacting, with amendments,  
34 Article – Tax – Property  
35 Section 7–243 and 9–102(a)(3)  
36 Annotated Code of Maryland  
37 (2012 Replacement Volume)

38 BY repealing and reenacting, with amendments,  
39 Article – Transportation

1 Section 5–419(c), 8–610(h), and 8–630(a)(2)  
2 Annotated Code of Maryland  
3 (2008 Replacement Volume and 2012 Supplement)

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

6 **Article 2B – Alcoholic Beverages**

7 15–109.

8 (b) In Allegany County the annual salary of the members of the Board of  
9 License Commissioners shall be set by the County Commissioners in accordance with  
10 [Article 24, Title 12, Subtitle 1 of the Code] **TITLE 28, SUBTITLE 1 OF THE LOCAL**  
11 **GOVERNMENT ARTICLE.**

12 **Article – Business Occupations and Professions**

13 1–203.

14 (b) Except as otherwise provided in this article or [Article 24, Title 11 of the  
15 Code] **TITLE 13, SUBTITLE 1 AND SUBTITLE 3, PART I AND §§ 13–205 AND**  
16 **16–115 OF THE LOCAL GOVERNMENT ARTICLE AND TITLE 17, SUBTITLE 4,**  
17 **PARTS V AND VI OF THE BUSINESS REGULATION ARTICLE,** a county, municipal  
18 corporation, or other political subdivision of the State may not:

19 (1) require a local license in that county, municipal corporation, or  
20 political subdivision to engage in a business or occupation for which a State license is  
21 required under this article; or

22 (2) impose a local fee or tax to engage in a business or occupation for  
23 which a State license is required under this article.

24 **Article – Business Regulation**

25 1–204.

26 (b) Except as otherwise provided in this article or [Article 24, Title 11 of the  
27 Code] **TITLE 13, SUBTITLE 1 AND SUBTITLE 3, PART I AND §§ 13–205 AND**  
28 **16–115 OF THE LOCAL GOVERNMENT ARTICLE,** a county, municipal corporation,  
29 or other political subdivision of the State may not:

30 (1) require a local license in that county, municipal corporation, or  
31 political subdivision to engage in a business or occupation for which a State license is  
32 required under this article; or

1           (2)     impose a local fee or tax to engage in a business or occupation for  
2     which a State license is required under this article.

3                                 **Article – Courts and Judicial Proceedings**

4     4–401.

5           Except as provided in § 4–402 of this subtitle, and subject to the venue  
6     provisions of Title 6 of this article, the District Court has exclusive original civil  
7     jurisdiction in:

8           (10)    A proceeding for adjudication of:

9                         (i)     A municipal infraction as [defined in Article 23A, § 3(b)(1) of  
10    the Code] **DESCRIBED IN § 6–102 OF THE LOCAL GOVERNMENT ARTICLE;**

11                       (vi)    A violation of an ordinance enacted:

12                                 1.     By a charter county for which a civil penalty is  
13    provided under [Article 25A, § 5(A) of the Code] **§ 10–202 OF THE LOCAL**  
14    **GOVERNMENT ARTICLE;**

15                                 2.     By the Mayor and City Council of Baltimore for which  
16    a civil penalty is provided by ordinance; or

17                                 3.     By a code county for which a civil citation is issued  
18    under [Article 25B, § 13C–1 of the Code] **TITLE 11, SUBTITLE 3 OF THE LOCAL**  
19    **GOVERNMENT ARTICLE;**

20                               (ix)    A violation of an ordinance or regulation enacted by a county  
21    without home rule, under authority granted under [Article 25 of the Code] **THE**  
22    **LOCAL GOVERNMENT ARTICLE,** or any provision of the Code of Public Local Laws  
23    for that county, for which a civil penalty is provided;

24                               (xiii) A civil infraction relating to the storage or distribution of  
25    tobacco products under [Article 24, Title 15 of the Code] **TITLE 1, SUBTITLE 12 OF**  
26    **THE LOCAL GOVERNMENT ARTICLE;**

27     5–114.

28           (a)     (5)     “Local government” means:

29                               (i)     A [chartered] **CHARTER** county [established under Article  
30    25A of the Code] **AS DEFINED IN § 1–101 OF THE LOCAL GOVERNMENT ARTICLE;**

1 (ii) A code county [established under Article 25B of the Code]  
2 **AS DEFINED IN § 1–101 OF THE LOCAL GOVERNMENT ARTICLE;**

3 (iii) A board of county commissioners [established or operating  
4 under Article 25 of the Code];

5 (iv) Baltimore City;

6 (v) A [municipal corporation established or operating under  
7 Article 23A of the Code] **MUNICIPALITY AS DEFINED IN § 1–101 OF THE LOCAL  
8 GOVERNMENT ARTICLE;**

9 (vi) A special taxing district; or

10 (vii) Any other political subdivision.

11 5–301.

12 (d) “Local government” means:

13 (1) A [chartered] **CHARTER** county [established under Article 25A of  
14 the Code] **AS DEFINED IN § 1–101 OF THE LOCAL GOVERNMENT ARTICLE;**

15 (2) A code county [established under Article 25B of the Code] **AS  
16 DEFINED IN § 1–101 OF THE LOCAL GOVERNMENT ARTICLE;**

17 (3) A board of county commissioners [established or operating under  
18 Article 25 of the Code];

19 (5) A [municipal corporation established or operating under Article  
20 23A of the Code] **MUNICIPALITY AS DEFINED IN § 1–101 OF THE LOCAL  
21 GOVERNMENT ARTICLE;**

22 6–410.

23 (b) If the custodian of public records is not known and cannot be ascertained  
24 after a reasonable effort by a party in a legal proceeding, the party may request a  
25 court to issue a subpoena for the custodian of public records to be served on:

26 (1) A resident agent designated under [Article 24, § 1–110 of the Code]  
27 **§ 1–1301 OF THE LOCAL GOVERNMENT ARTICLE** for service on a local entity;

28 7–409.

29 (a) (2) “Crime” means an act committed by a person in the State that is:

1 (xvi) A crime under [Article 24, § 11–512, § 11–513, or § 11–514 of  
2 the Code] **§ 13–118(D), § 13–120(D), § 13–121(G), § 13–123(E), § 13–124(D), §**  
3 **13–129(G), § 13–131(C), OR § 13–133(D) OF THE LOCAL GOVERNMENT**  
4 **ARTICLE;**

5 7–501.

6 (c) (1) “Crime” means any act or omission for which a statute or  
7 ordinance imposes a fine or imprisonment.

8 (2) “Crime” does not include a municipal infraction under [Article 23A,  
9 § 3 of the Code] **TITLE 6 OF THE LOCAL GOVERNMENT ARTICLE.**

10 12–401.

11 (d) (1) A defendant who has been found guilty of a municipal infraction,  
12 as [defined in Article 23A, § 3(b)(1) of the Code] **DESCRIBED IN § 6–102 OF THE**  
13 **LOCAL GOVERNMENT ARTICLE** or a Code violation under § 10–119 of the Criminal  
14 Law Article, may appeal from the final judgment entered in the District Court.

#### 15 **Article – Criminal Law**

16 10–110.

17 (j) (1) The legislative body of a municipal corporation may:

18 (ii) classify littering as a municipal infraction under [Article  
19 23A, § 3(b) of the Code] **TITLE 6 OF THE LOCAL GOVERNMENT ARTICLE.**

20 13–302.

21 (m) The Board of County Commissioners may adopt an ordinance or  
22 resolution declaring that a violation of this section or a rule or regulation adopted  
23 under this section is:

24 (1) a civil infraction under [Article 25B, § 13C of the Code] **TITLE 11,**  
25 **SUBTITLE 2 OF THE LOCAL GOVERNMENT ARTICLE;** or

26 (2) a misdemeanor punishable by a term of imprisonment not  
27 exceeding 30 days or a fine not exceeding \$1,000 or both.

#### 28 **Article – Criminal Procedure**

29 13–104.



1 Pending final disposition, the financial authority shall account for and deposit  
 2 seized money in an interest-bearing bank account or invest the seized money in  
 3 accordance with [Article 95 of the Code] **TITLE 17 OF THE LOCAL GOVERNMENT**  
 4 **ARTICLE.**

5 15-414.

6 (e) (2) The financial audit shall be:

7 (ii) included in the annual audit of the county required by  
 8 [Article 19, § 40 of the Code] **§§ 16-305 THROUGH 16-308 OF THE LOCAL**  
 9 **GOVERNMENT ARTICLE.**

10 **Article – Economic Development**

11 10-111.

12 (a) (1) Except as otherwise provided in this section, in exercising its  
 13 powers, the Corporation:

14 (i) may carry out its corporate purposes without the consent of  
 15 any State unit; and

16 (ii) is not subject to:

17 1. Title 12, Subtitles 1 through 3 of this article;

18 **2. THE FOLLOWING PROVISIONS OF THE LOCAL**  
 19 **GOVERNMENT ARTICLE:**

20 **A. TITLE 18, SUBTITLE 1 (PARKING AUTHORITIES**  
 21 **ACT); AND**

22 **B. TITLE 18, SUBTITLE 2 (OCEAN CITY**  
 23 **CONVENTION CENTER);**

24 **[2.] 3. the following provisions of the State Finance and**  
 25 **Procurement Article:**

26 **A. Title 2, Subtitles 2 (Gifts and Grants), 4 (Water and**  
 27 **Sewerage Systems), and 5 (Facilities for the Handicapped);**

28 **B. Title 3 (Budget and Management);**

29 **C. Title 4 (Department of General Services);**

1 D. Title 5A (Division of Historical and Cultural  
2 Programs);

3 E. Title 6, Subtitle 1 (Studies and Estimates);

4 F. Title 7, Subtitles 1 (State Operating Budget), 2  
5 (Disbursements and Expenditures), and 3 (Unspent Balances);

6 G. §§ 8–127, 8–128, and 8–129 (certain restrictions on  
7 State general obligation bonds);

8 H. Title 8, Subtitle 1, Part V (State Revenue Anticipation  
9 Notes);

10 I. Title 10 (Board of Public Works – Miscellaneous  
11 Provisions); and

12 J. Division II (General Procurement Law);

13 [3.] 4. the following provisions of the State Government  
14 Article:

15 A. Title 9, Subtitles 10 (State Archives and Artistic  
16 Property) and 17 (Maryland State Employees Surety Bond Committee);

17 B. §§ 10–505 and 10–507 (certain open meetings  
18 provisions); and

19 C. Title 11 (Consolidated Procedures for Development  
20 Permits); and

21 [4.] 5. Article 41 of the Code.

22 (2) The Corporation is subject to the Public Information Act.

23 10–340.

24 (g) (1) “Public obligation” means a bond, note, evidence of indebtedness,  
25 or other obligation, to repay borrowed money issued by the Authority, the State, a  
26 unit, instrumentality, or public corporation of the State, [a public body as defined in  
27 Article 31, § 9 of the Code] **A GOVERNMENTAL ENTITY DESCRIBED IN § 19–205(A)**  
28 **OF THE LOCAL GOVERNMENT ARTICLE**, a county, or a municipal corporation.

29 10–508.

30 (a) The Corporation is exempt from:

1 (3) [Article 31, §§ 9, 10, and 11 of the Code] **§§ 19–205 AND 19–206**  
2 **OF THE LOCAL GOVERNMENT ARTICLE** (Conditions upon Sale of Public Securities).

3 12–112.

4 (b) A bond is not subject to the limitations of [Article 31, §§ 9, 10, and 11 of  
5 the Code] **§§ 19–205 AND 19–206 OF THE LOCAL GOVERNMENT ARTICLE**.

6 12–115.

7 Instead of the procedures under this subtitle, a municipal corporation, by  
8 charter amendment adopted under [Article 23A of the Code] **TITLE 4, SUBTITLE 3**  
9 **OF THE LOCAL GOVERNMENT ARTICLE**, or a charter county, by charter  
10 amendment adopted under Article XI–A of the Maryland Constitution, may provide for  
11 the issuance of revenue bonds under the terms and conditions that the municipal  
12 corporation or charter county considers appropriate to achieve the legislative purposes  
13 of this subtitle.

14 12–205.

15 (d) (3) Bonds are exempt from [Article 31, §§ 9, 10, and 11 of the Code] **§§**  
16 **19–205 AND 19–206 OF THE LOCAL GOVERNMENT ARTICLE**.

17 12–304.

18 (d) (1) This subsection does not apply to a county that is [subject to  
19 Article 25A or Article 25B of the Code] **A CHARTER COUNTY, AS DEFINED IN §**  
20 **1–101 OF THE LOCAL GOVERNMENT ARTICLE, OR A CODE COUNTY, AS DEFINED**  
21 **IN § 1–101 OF THE LOCAL GOVERNMENT ARTICLE**.

22 12–308.

23 (d) (3) A bond is not subject to [Article 31, §§ 9, 10, and 11 of the Code] **§§**  
24 **19–205 AND 19–206 OF THE LOCAL GOVERNMENT ARTICLE**.

25 **Article – Education**

26 3–203.

27 (a) (1) Except for the ex officio member, each elected county board  
28 member is entitled to:

29 (i) An annual salary set by the Allegany County Commissioners  
30 in accordance with [Article 24, Title 12, Subtitle 1 of the Code] **TITLE 28, SUBTITLE**  
31 **1 OF THE LOCAL GOVERNMENT ARTICLE**; and

1 4-306.2.

2 (p) (1) The board may provide, from time to time, for the issuance and  
3 sale of bond anticipation notes in accordance with the procedures set forth in [Article  
4 31, § 12 of the Code] **TITLE 19, SUBTITLE 2, PART III OF THE LOCAL**  
5 **GOVERNMENT ARTICLE** for the issuance of bonds.

6 5-602.

7 (d) The bonds shall:

8 (1) Be dated and bear interest at a rate specified in the resolution;

9 (2) Mature within 30 years of the date of issuance of the bonds;

10 (3) Be issued at, above, or below par value, for cash or other  
11 consideration;

12 (4) Be payable at a time, in the denomination, in registered form,  
13 within the meaning of [Article 31, § 30 of the Code] **§ 19-204 OF THE LOCAL**  
14 **GOVERNMENT ARTICLE**, as specified in the resolution;

15 (5) Carry the registration and privileges as to conversion and for the  
16 replacement of mutilated, lost, or destroyed bonds, as specified in the resolution;

17 (6) Be payable in lawful money of the United States of America at a  
18 designated place;

19 (7) Be subject to the terms and conditions specified in the resolution;  
20 and

21 (8) Be sold in the manner, including private or negotiated sale, and  
22 upon the terms, specified in the resolution.

23 (g) The bonds, their issue, and their sale may be exempt from the provisions  
24 of [Sections 9, 10, and 11 of Article 31 of the Code] **§§ 19-205 AND 19-206 OF THE**  
25 **LOCAL GOVERNMENT ARTICLE**.

26 (j) Before the preparation of bonds, the county may issue bond anticipation  
27 notes in accordance with [Article 31, § 12 of the Code] **TITLE 19, SUBTITLE 2, PART**  
28 **III OF THE LOCAL GOVERNMENT ARTICLE**.

29 **Article – Election Law**

30 2-204.

1 (a) Each regular member of a local board shall receive the salary and  
2 reimbursement of expenses provided in the county budget, but in no event may the  
3 annual compensation be less than the following amounts:

4 (1) in Allegany County, the amount set by the County Commissioners  
5 under [Article 24, Title 12, Subtitle 1 of the Code] ~~ARTICLE TITLE 28, SUBTITLE 1~~  
6 **OF THE LOCAL GOVERNMENT ARTICLE;**

7 6–102.

8 (b) This title does not apply to a petition filed pursuant to [Article 23A of the  
9 Code] **DIVISION II OF THE LOCAL GOVERNMENT ARTICLE.**

10 7–101.

11 This title applies to the following types of ballot questions:

12 (7) a question on an enactment of a charter county pursuant to  
13 [Article 25A, § 8 of the Code] **§ 9–205 OF THE LOCAL GOVERNMENT ARTICLE** or a  
14 code county pursuant to [Article 25B, § 10 of the Code] **§§ 9–310 THROUGH 9–313 OF**  
15 **THE LOCAL GOVERNMENT ARTICLE;**

16 (8) a question relating to the incorporation of a new municipality  
17 pursuant to [Article 23A, § 21 of the Code] **§ 4–204 OF THE LOCAL GOVERNMENT**  
18 **ARTICLE;**

19 7–102.

20 (f) (2) A question on an enactment by a code county qualifies pursuant to  
21 local law and [Article 25B, § 10 of the Code] **§§ 9–310 THROUGH 9–313 OF THE**  
22 **LOCAL GOVERNMENT ARTICLE.**

23 9–104.

24 (h) [Article 31, §§ 9 through 11 of the Code] **SECTIONS 19–205 AND 19–206**  
25 **OF THE LOCAL GOVERNMENT ARTICLE** do not apply to bonds issued under this  
26 section.

27 13–604.

28 (d) (2) The trial in the District Court shall be conducted in the same  
29 manner as set forth for municipal infractions under [Article 23A, § 3(b)(8) through (15)  
30 of the Code] **§§ 6–108, 6–109, AND 6–111 THROUGH 6–115 OF THE LOCAL**  
31 **GOVERNMENT ARTICLE.**

32

1 9–206.

2 (d) Subsections (f) through (i) and subsection (l) of this section do not:

3 (1) Affect a local transfer of development rights program authorized  
4 under [Article 25A, § 5(X) of the Code] **§ 10–324 OF THE LOCAL GOVERNMENT**  
5 **ARTICLE** or Title 7, Subtitle 2 or § 22–105 of the Land Use Article; or

6 9–505.

7 (a) In addition to the other requirements of this subtitle, each county plan  
8 shall:

9 (1) Provide for the orderly expansion and extension of the following  
10 systems in a manner consistent with all county and local comprehensive plans  
11 prepared under Title 1, Subtitle 4, Title 3, or Title 21 of the Land Use Article, [Article  
12 25A, § 5(X) of the Code, and Article 25B, § 13 of the Code] **§ 10–324 OF THE LOCAL**  
13 **GOVERNMENT ARTICLE**:

14 (i) Community water supply systems and multiuse water  
15 supply systems;

16 (ii) Community sewerage systems and multiuse sewerage  
17 systems; and

18 (iii) Solid waste disposal systems and solid waste acceptance  
19 facilities;

20 9–506.

21 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection,  
22 before a county governing body may adopt a county plan or a revision or amendment  
23 to the county plan:

24 (ii) The county planning agency shall certify that the plan,  
25 revision, or amendment is consistent with the county comprehensive plan prepared  
26 under Title 1, Subtitle 4 or Title 3 of the Land Use Article, [Article 25A, § 5(X) of the  
27 Code, or Article 25B, § 13 of the Code] **OR § 10–324 OF THE LOCAL GOVERNMENT**  
28 **ARTICLE**.

29 9–697.

30 (d) The provisions of [Article 31, §§ 9 through 11 of the Code] **§§ 19–205**  
31 **AND 19–206 OF THE LOCAL GOVERNMENT ARTICLE** do not apply to bonds issued  
32 under this subtitle.

1 9-1608.

2 (c) The bonds shall be exempt from the provisions of [§§ 10 and 11 of Article  
3 31] **§§ 19-205 AND 19-206 OF THE LOCAL GOVERNMENT ARTICLE** ~~of the~~  
4 ~~Annotated Code of Maryland~~ and §§ 8-206 and 8-208 of the State Finance and  
5 Procurement Article, and the Administration may sell such bonds in such manner,  
6 either at public or at private sale, and for such price as it may determine.

7 9-1614.

8 (b) Notwithstanding any other provision of public general or public local law,  
9 charter, or ordinance regulating the creation of public debts or the making of  
10 contracts, a local government may enter into a loan agreement with the  
11 Administration for the purpose of financing all or a portion of the cost of a wastewater  
12 facility or water supply system. The express powers contained and enumerated in  
13 [Articles 23A, 25A, and 25B of the Annotated Code of Maryland] **TITLES 5 AND 10 OF**  
14 **THE LOCAL GOVERNMENT ARTICLE** and in the charter of the City of Baltimore are  
15 deemed to incorporate and include the power and authority contained in this section.

16 15-504.

17 (a) (2) (iii) The county fiscal authority shall notify the Department in  
18 writing by no later than December 15 of those open-pit mining operators who have not  
19 paid all of their county coal severance taxes and surcharges, including any interest  
20 and penalties for late payment, that are due through the previous month of November,  
21 as provided under [Article 24, §§ 9-501, 9-502, and 9-509 of the Code] **§§ 20-301**  
22 **THROUGH 20-303 AND 20-308 OF THE LOCAL GOVERNMENT ARTICLE** and §  
23 15-509 of this subtitle. The county fiscal authority shall send this notice of  
24 nonpayment to the affected operator at the same time that the county fiscal authority  
25 notifies the Department. In the absence of this notification, the Department shall  
26 presume that all coal severance taxes and surcharges, including any interest and  
27 penalties for late payment, have been paid. The Department may not renew a person's  
28 open-pit mining operator's license unless all of that person's county coal severance  
29 taxes and surcharges, including any interest and penalties for late payment, that are  
30 due through the previous month of November have been paid.

### 31 **Article – Estates and Trusts**

32 2-108.

33 (b) Each of the judges of the Court for Allegany County shall receive an  
34 annual salary set by the County Commissioners in accordance with [Article 24, Title  
35 12, Subtitle 1 of the Code] **TITLE 28, SUBTITLE 1 OF THE LOCAL GOVERNMENT**  
36 **ARTICLE**. Each judge shall also receive an expense allowance in the amount of \$600  
37 annually, to be paid at the rate of \$50 monthly.

**Article – Financial Institutions**

1

2 7–116.

3 The Corporation is exempt from all taxes imposed by this State or any of its  
4 political subdivisions under [Title 9 of Article 24 of the Code] §§ **20–101, 20–104,**  
5 **20–108, 20–113 THROUGH 20–127, 20–601, 20–603 THROUGH 20–609, 20–805,**  
6 **AND 20–806, AND TITLE 20, SUBTITLES 3 THROUGH 5 OF THE LOCAL**  
7 **GOVERNMENT ARTICLE**, Title 6, Subtitle 1 of the Insurance Article, the Tax –  
8 General Article, or the Tax – Property Article.

9 7–223.

10 A credit union share guaranty corporation that is a nonprofit corporation  
11 exempt from federal taxation under § 501(c)(6) of the Internal Revenue Code is exempt  
12 from all taxes imposed by the State or any of its subdivisions under:

13 (1) [Article 24, Title 9 of the Code] §§ **20–101, 20–104, 20–108,**  
14 **20–113 THROUGH 20–127, 20–601, 20–603 THROUGH 20–609, 20–805, AND**  
15 **20–806, AND TITLE 20, SUBTITLES 3 THROUGH 5 OF THE LOCAL GOVERNMENT**  
16 **ARTICLE;**

17 (2) Title 6, Subtitle 1 of the Insurance Article;

18 (3) The Tax – General Article; or

19 (4) The Tax – Property Article.

**Article – Health – General**

20 14–402.

21 (a) This subtitle and the regulations issued under this subtitle do not apply  
22 to:  
23

24 (2) Subject to subsection (b) of this section, programs or activities  
25 directed or operated by a board of recreation, recreation department, or similar public  
26 unit of a county, a [municipal corporation, as defined by Article 23A of the Code]  
27 **MUNICIPALITY, AS DEFINED BY § 1–101 OF THE LOCAL GOVERNMENT ARTICLE,**  
28 or the Maryland–National Capital Park and Planning Commission, that involve use of  
29 neighborhood facilities, including:

30 (i) Schools;

31 (ii) Playgrounds;



1 (iii) Parks; or

2 (iv) Recreation centers;

3 **Article – Housing and Community Development**

4 4–231.

5 (c) (1) A local obligation that an issuer issues under this part shall have  
6 all the attributes of a negotiable instrument under [Article 31, § 8 of the Code] §  
7 **19–224 OF THE LOCAL GOVERNMENT ARTICLE.**

8 4–239.

9 (d) (6) Notwithstanding any other law, a loan to a mortgage lender and  
10 the collateral for it are not subject to [Article 95, § 22 of the Code] §§ **17–101 AND**  
11 **17–102 OF THE LOCAL GOVERNMENT ARTICLE** or to § 6–202, § 6–205, § 6–206, §  
12 6–209, or § 6–210 of the State Finance and Procurement Article.

13 4–247.

14 (b) A trust agreement or a determination authorizing the issuance of bonds  
15 or notes may contain:

16 (6) provisions on investments of money of the Administration as the  
17 Administration provides, notwithstanding [Article 95, § 22 of the Code] §§ **17–101**  
18 **AND 17–102 OF THE LOCAL GOVERNMENT ARTICLE** and §§ 6–202, 6–205, 6–206,  
19 6–209, and 6–210 of the State Finance and Procurement Article;

20 4–1608.

21 (a) (2) The bonds are not subject to [Article 31, §§ 9, 10, and 11 of the  
22 Code] §§ **19–205 AND 19–206 OF THE LOCAL GOVERNMENT ARTICLE.**

23 4–1609.

24 (a) A covered county may issue new bonds to pay outstanding bonds in  
25 accordance with procedures of this subtitle and [Article 31, § 24 of the Code] § **19–207**  
26 **OF THE LOCAL GOVERNMENT ARTICLE.**

27 **Article – Labor and Employment**

28 9–404.

1 (a) (2) Notwithstanding the local government guidelines set forth in  
 2 [Article 95, § 22 of the Code] **§§ 17–101 AND 17–102 OF THE LOCAL GOVERNMENT**  
 3 **ARTICLE**, the guidelines required by paragraph (1)(ii) of this subsection shall:

4 (i) state the types of investment in which moneys may be  
 5 invested;

6 (ii) include guidance for the prudent investment of moneys  
 7 based on claim experience, cash flow projections, income, liquidity, investment ratings,  
 8 and risk;

9 (iii) authorize investments of moneys in equities, provided that  
 10 investments do not exceed 30 percent of the surplus moneys;

11 (iv) provide that moneys not invested in equities shall be  
 12 invested in accordance with [Article 95, § 22 of the Code] **§§ 17–101 AND 17–102 OF**  
 13 **THE LOCAL GOVERNMENT ARTICLE**; and

14 (v) prohibit borrowing of funds for the express purpose of  
 15 investing those funds.

#### 16 **Article – Land Use**

17 1–101.

18 (c) “Charter county” means a county that has adopted charter home rule  
 19 under Article XI–A of the Maryland Constitution [and Article 25A of the Code].

20 (d) “Code county” means a county that has adopted code home rule under  
 21 Article XI–F of the Maryland Constitution [and Article 25B of the Code].

22 1–204.

23 (a) Other public general laws that may affect land use in a local jurisdiction  
 24 under this division, Division II of this article, or otherwise, include:

25 (1) [Article 23A, §§ 2(30) and (36), 9, 19, and 19A(e) of the Code;

26 (2) Article 25, § 3 of the Code;

27 (3) Article 25A, § 5 of the Code;

28 (4) Article 25B, § 13 of the Code] **THE LOCAL GOVERNMENT**  
 29 **ARTICLE**; and

1                    **[(5)] (2)**      Title 8, [subtitle] **SUBTITLE 18** of the Natural Resources  
2 Article.

3 1–206.

4            (a)    (1)    In this subsection, “planning commission” includes a planning  
5 commission or board established under:

6                            (i)    Title 2 of this article;

7                            (ii)   Division II of this article; or

8                            (iii) **[Article 25A of the Code] TITLE 10 OF THE LOCAL**  
9 **GOVERNMENT ARTICLE.**

10                    (2)    Within 6 months after appointment to a planning commission, a  
11 member shall complete an education course that includes education on:

12                            (i)    the role of the comprehensive plan;

13                            (ii)   if applicable, proper standards for special exceptions and  
14 variances; and

15                            (iii)   the local jurisdiction’s local laws and regulations relating to  
16 zoning, planned development, subdivision, and other land use matters.

17                    (3)    The failure of a member to complete an education course under  
18 this subsection may not:

19                            (i)    invalidate a decision of the planning commission; or

20                            (ii)   be construed to create a private cause of action by any  
21 person.

22            (b)    (1)    In this subsection, “board of appeals” includes a board of appeals  
23 established under:

24                            (i)    Title 4, Subtitle 3 of this article;

25                            (ii)   § 10–403 of this article;

26                            (iii)   Division II of this article; or

27                            (iv) **[Article 25A of the Code] TITLE 10 OF THE LOCAL**  
28 **GOVERNMENT ARTICLE.**

1 (2) Within 6 months after appointment to a board of appeals, a  
2 member shall complete an education course that includes education on:

3 (i) the role of the comprehensive plan;

4 (ii) proper standards for special exceptions and variances; and

5 (iii) the local jurisdiction's local laws and regulations relating to  
6 zoning, planned development, subdivision, and other land use matters.

7 (3) The failure of a member to complete an education course under  
8 this subsection may not:

9 (i) invalidate a decision of the board; or

10 (ii) be construed to create a private cause of action by any  
11 person.

12 1-207.

13 (a) In this section, "planning commission" includes a planning commission or  
14 board established under:

15 (1) Title 2 of this article;

16 (2) Division II of this article; or

17 (3) [Article 25A of the Code] **TITLE 10 OF THE LOCAL**  
18 **GOVERNMENT ARTICLE.**

19 1-301.

20 In this subtitle, "action" means:

21 (2) a requirement under § 9-505(a)(1) of the Environment Article and  
22 [Article 23A, § 19(o)(3)(iii) of the Code] **§ 4-415(C) OF THE LOCAL GOVERNMENT**  
23 **ARTICLE** (Municipal annexation); or

24 1-302.

25 This subtitle applies to:

26 (4) [Article 23A, § 19(o)(3)(iii) of the Code] **§ 4-414(C) OF THE**  
27 **LOCAL GOVERNMENT ARTICLE** (Annexation plan).

28 1-402.

1 (a) In addition to the powers the county may have had under this division  
2 before adopting code home rule, a code county may exercise the powers relating to land  
3 use stated in [Article 25A of the Code] **TITLE 10 OF THE LOCAL GOVERNMENT**  
4 **ARTICLE**.

5 (b) A code county that chooses to exercise the powers relating to land use  
6 stated in [Article 25A of the Code] **TITLE 10 OF THE LOCAL GOVERNMENT**  
7 **ARTICLE** shall be treated as a charter county for purposes of § 1–401 of this subtitle.

8 1–501.

9 In this subtitle, “planning board”:

10 (1) means a planning board established under this article; and

11 (2) includes a planning commission or board established under  
12 Division II of this article or [Article 25A of the Code] **TITLE 10 OF THE LOCAL**  
13 **GOVERNMENT ARTICLE**.

14 5–104.

15 (a) (5) (ii) “Planning board” includes a planning commission or board  
16 established under Division II of this article or [Article 25A of the Code] **TITLE 10 OF**  
17 **THE LOCAL GOVERNMENT ARTICLE**.

18 9–1607.

19 (b) In a proceeding before the District Court, a subdivision violation shall be  
20 enforced in the same manner and to the same extent as a municipal infraction under  
21 [Article 23A, § 3(b) of the Code] **§§ 6–102 THROUGH 6–115 OF THE LOCAL**  
22 **GOVERNMENT ARTICLE**.

23 9–1608.

24 (b) In a proceeding before the District Court, a zoning violation shall be  
25 enforced in the same manner and to the same extent as a municipal infraction under  
26 [Article 23A, § 3(b) of the Code] **§§ 6–102 THROUGH 6–115 OF THE LOCAL**  
27 **GOVERNMENT ARTICLE**.

28 11–206.

29 In a proceeding before the District Court, a violation shall be adjudicated in the  
30 same manner and to the same extent as a municipal infraction under [Article 23A, §  
31 3(b)(7) through (15) of the Code] **§§ 6–108 THROUGH 6–115 OF THE LOCAL**  
32 **GOVERNMENT ARTICLE**.

1 17–208.

2 (g) In a proceeding for a Commission infraction before the District Court, the  
3 violation shall be prosecuted in the same manner and to the same extent as provided  
4 for municipal infractions under [Article 23A, § 3(b) of the Code] **§§ 6–102 THROUGH**  
5 **6–115 OF THE LOCAL GOVERNMENT ARTICLE.**

6 18–211.

7 The sale of the bonds under this title is exempt from [Article 31, §§ 10 and 11 of  
8 the Code] **§§ 19–205 AND 19–206 OF THE LOCAL GOVERNMENT ARTICLE.**

9 22–403.

10 (a) (1) Notwithstanding [Article 25A, § 5(U) of the Code] **§ 10–305 OF**  
11 **THE LOCAL GOVERNMENT ARTICLE**, judicial review of a decision by the board of  
12 appeals on an application for a zoning variance or special exception may be requested  
13 by any person or municipal corporation that appeared at the hearing in person, by  
14 attorney, or in writing.

15 23–102.

16 (c) A subdivision in a municipal corporation with subdivision authority  
17 under [Article 23A of the Code] **DIVISION II OF THE LOCAL GOVERNMENT**  
18 **ARTICLE** that is in the regional district may be recorded in the land records of  
19 Montgomery County or Prince George’s County if:

20 (1) the subdivision plat has been submitted to and approved by the  
21 municipal corporation; and

22 (2) the appropriate official of the municipal corporation endorses an  
23 approval in writing on the plat.

24 **Article – Natural Resources**

25 3–107.

26 (b) Notwithstanding any limitations or other provisions to the contrary of  
27 [Article 23A, Article 25A, or Article 25B of the Code] **DIVISION II, TITLE 9,**  
28 **SUBTITLE 2 OR SUBTITLE 3, TITLE 10, OR TITLE 11 OF THE LOCAL**  
29 **GOVERNMENT ARTICLE**, or of any charter or local law regulating the procurement or  
30 awarding of public contracts, a municipality may enter into contracts with the Service  
31 for the purpose of the Service providing any of the projects or services requested by the  
32 municipality. As soon as possible after receipt of a duly authorized request from a  
33 municipality or person, the Service shall draft a proposed contract with the

1 municipality or person in accordance with the provisions of this subtitle specifying the  
2 type of project or services to be provided, whether or not a service district will be  
3 established, the boundaries and effective date of any service district, and the terms,  
4 conditions, and costs under which the project or services will be provided. Upon  
5 execution of the contract, the Service as soon as possible shall establish any service  
6 district provided for in the contract and provide, maintain, and operate the necessary  
7 project. For the purposes of this subsection, the express powers contained and  
8 enumerated in [Articles 23A, 25A, and 25B of the Code] **DIVISION II AND TITLE 10**  
9 **OF THE LOCAL GOVERNMENT ARTICLE** and in the Charter of the City of Baltimore  
10 are deemed to incorporate and include the power and authority contained in this  
11 subsection.

12 3–122.

13 (b) (1) Notwithstanding any limitations or other provisions to the  
14 contrary of [Article 23A, Article 25A, or Article 25B of the Code] **DIVISION II, TITLE**  
15 **9, SUBTITLE 2 OR SUBTITLE 3, TITLE 10, OR TITLE 11 OF THE LOCAL**  
16 **GOVERNMENT ARTICLE**, or of any charter or local law regulating the creation of  
17 public debts, a municipality may enter into contracts with the Service for the purpose  
18 of defraying the Service's costs of acquiring or providing a solid waste disposal project,  
19 wastewater purification project, water supply project, or energy project, which costs  
20 may include debt service requirements of the Service relating to that project. These  
21 contracts shall not be deemed to constitute or create a debt of the municipality or a  
22 pledge of its faith or credit within the meaning of any of these limitations or other  
23 provisions. Such a solid waste disposal project, wastewater purification project, water  
24 supply project, or energy project may not be deemed to be a capital project of the  
25 municipality within the meaning of any of these limitations or other provisions, and a  
26 resolution, ordinance, or other official action authorizing such contracts is not subject  
27 to referendum or other procedure not applicable to all ordinances or resolutions  
28 enacted by the municipality. For the purposes of this subsection, the express powers  
29 contained and enumerated in [Articles 23A, 25A, and 25B of the Code] **DIVISION II**  
30 **AND TITLE 10 OF THE LOCAL GOVERNMENT ARTICLE** and in the Charter of the  
31 City of Baltimore are deemed to incorporate and include the power and authority  
32 contained in this subsection.

33 (4) A county or municipal corporation may exercise the powers  
34 granted under this section notwithstanding any limitations or other provisions to the  
35 contrary of [Article 23A, Article 25A, or Article 25B of the Code] **DIVISION II, TITLE**  
36 **9, SUBTITLE 2 OR SUBTITLE 3, TITLE 10, OR TITLE 11 OF THE LOCAL**  
37 **GOVERNMENT ARTICLE** or of any charter or local law.

38 3–908.

39 (d) The bonds shall be exempt from the provisions of [§§ 10 and 11 of Article  
40 31 of the Code] **§§ 19–205 AND 19–206 OF THE LOCAL GOVERNMENT ARTICLE**  
41 and §§ 8–206 and 8–208 of the State Finance and Procurement Article, and the

1 Authority may sell such bonds in such manner, either at public or at private sale, and  
2 for such price as it may determine.

3 3-915.

4 The bonds shall not be deemed to constitute a debt, liability or a pledge of the  
5 faith and credit of the State of Maryland or of any political subdivision thereof other  
6 than the Authority, but such bonds shall be payable solely from the funds herein  
7 provided therefor. All such bonds shall contain on the face thereof a statement to the  
8 effect that neither the State of Maryland nor any political subdivision thereof other  
9 than the Authority shall be obligated to pay the same or the interest thereon except  
10 from revenues pledged thereto and that neither the faith and credit nor the taxing  
11 power of the State or any political subdivision thereof is pledged to the payment of the  
12 principal of or the interest on such bonds. The issuance of bonds under the provisions  
13 of this subtitle is not directly or indirectly or contingently an obligation, moral or  
14 other, of the State of Maryland or any political subdivision thereof to levy or pledge  
15 any form of taxation whatever therefor or to make any appropriation for their  
16 payment. Nothing contained in this section shall prevent the Authority from pledging  
17 its full faith and credit to the payment of bonds authorized pursuant to this subtitle.  
18 However, this section does not limit the ability of the State or a subdivision to set,  
19 impose, or collect an assessment, rate, fee, or charge to pay to the Authority the cost of  
20 a project, including the principal of and interest on a bond or note, under an  
21 agreement between the Authority and the State or subdivision.

22 Notwithstanding any limitations or other provisions to the contrary of [Article  
23 23A, 25A, or 25B of the Code] **DIVISION II, TITLE 9, SUBTITLE 2 OR SUBTITLE 3,**  
24 **TITLE 10, OR TITLE 11 OF THE LOCAL GOVERNMENT ARTICLE**, or of any charter  
25 or local law regulating the creation of public debts, a subdivision may enter into  
26 contracts with the Authority for the purpose of defraying the Authority's costs of  
27 acquiring, constructing, operating, or providing a project, which costs may include debt  
28 service requirements of the Authority relating to that project. These contracts are not  
29 intended and shall not be deemed to constitute or create a debt of the subdivision or a  
30 pledge of its faith or credit within the meaning of any of these limitations or any  
31 constitutional or other provisions. Such a project shall not be deemed to be a capital  
32 project of the subdivision within the meaning of any of these limitations or other  
33 provisions, and a resolution, ordinance, or other official action authorizing such  
34 contracts is not subject to referendum or other procedure not applicable to all  
35 ordinances or resolutions enacted by the subdivision. For the purposes of this section,  
36 the express powers contained and enumerated in [Articles 23A, 25A, and 25B of the  
37 Code] **DIVISION II AND TITLE 10 OF THE LOCAL GOVERNMENT ARTICLE** and in  
38 the charter of the City of Baltimore are deemed to incorporate and include the power  
39 and authority contained in this section.

40 5-307.



1 (h) The amount of revenues collected under subsection (f)(1) of this section  
 2 shall be included in the report required under [Article 24, § 2–101 of the Code] §  
 3 **16–103 OF THE LOCAL GOVERNMENT ARTICLE.**

4 8–1103.

5 (i) The financing plan submitted by the municipality and county in which  
 6 the project is located shall:

7 (2) Set forth the revenue sources to be relied upon to provide the local  
 8 costs, which without limitation may include:

9 (i) As to the county:

10 1. The recordation tax authorized by Title 12 of the Tax  
 11 – Property Article;

12 2. The admissions and amusement tax authorized by §  
 13 4–102(b) of the Tax – General Article;

14 3. The county income tax authorized by § 10–103 of the  
 15 Tax – General Article;

16 4. State–collected, locally–shared taxes or designated  
 17 portions of the taxes;

18 5. Taxes authorized by the Tax – Property Article; and

19 6. Revenues raised by establishment of an erosion  
 20 control district established pursuant to [Article 25, §§ 161 and 163A of the Code] §§  
 21 **21–202, 21–204, AND 21–210 OF THE LOCAL GOVERNMENT ARTICLE;** and

22 (ii) As to the municipality:

23 1. Taxes authorized by the Tax – Property Article;

24 2. Fees and charges authorized by [Article 23A, §  
 25 2(b)(33) of the Code] § **5–205(D) OF THE LOCAL GOVERNMENT ARTICLE** or the  
 26 municipality’s charter; and

27 3. The admissions and amusement tax authorized by §  
 28 4–102(b) of the Tax – General Article; and

29 **Article – Public Safety**

30 12–1004.

1 (c) Except as otherwise allowed under this subtitle and Subtitles 2, 3, 4, and  
2 5 of this title, and notwithstanding [Articles 23A, 25, 25A, 25B, 28, and 29 of the  
3 Code] **THE LOCAL GOVERNMENT ARTICLE, DIVISION II OF THE LAND USE**  
4 **ARTICLE, AND DIVISION II OF THE PUBLIC UTILITIES ARTICLE** and any building  
5 codes, mechanical codes, plumbing codes, fire prevention codes, and electrical codes  
6 adopted under those articles of the Code, the MBRC applies to all rehabilitation  
7 projects for which a construction permit application is received by a local jurisdiction,  
8 the Maryland–National Capital Park and Planning Commission, or the Washington  
9 Suburban Sanitary Commission after adoption of the MBRC.

#### 10 Article – Public Utilities

11 22–204.

12 (b) [Article 31, §§ 9, 10, and 11 of the Code] **SECTIONS 19–205 AND 19–206**  
13 **OF THE LOCAL GOVERNMENT ARTICLE** do not apply to the issuance and sale of  
14 bonds authorized by this subtitle.

15 29–101.

16 (h) In a proceeding for a Commission infraction before the District Court, the  
17 violation shall be prosecuted in the same manner and to the same extent provided for  
18 municipal infractions under [Article 23A, § 3(b)(7), (10), and (12) through (15) of the  
19 Code] **§§ 6–108 THROUGH 6–110, 6–112, AND 6–114 OF THE LOCAL**  
20 **GOVERNMENT ARTICLE.**

21 29–102.

22 (g) In a proceeding for a Commission infraction before the District Court, the  
23 violation shall be prosecuted in the same manner and to the same extent provided for  
24 municipal infractions under [Article 23A, § 3(b)(7), (10), and (12) through (15) of the  
25 Code] **§§ 6–108 THROUGH 6–110, 6–112, AND 6–114 OF THE LOCAL**  
26 **GOVERNMENT ARTICLE.**

#### 27 Article – Real Property

28 10–704.

29 (a) In Frederick County, the vendor of a property that is subject to a tax or  
30 fee of a special taxing district as authorized in [Article 23A, § 44A(b) of the Code] **§**  
31 **21–409 OF THE LOCAL GOVERNMENT ARTICLE** or by a community development  
32 authority as authorized in § 2–7–125(b) of the Public Local Laws of Frederick County  
33 may not enforce a contract for the sale of the property unless within 20 calendar days  
34 after entering into the contract, the purchaser of the property is provided the following  
35 information in writing:

1 (1) In conspicuous, bold, and underscored type, substantially the same  
2 as the following clause:

3 “This sale is subject to a tax or fee of a (special taxing district or community  
4 development authority). State law requires that the seller disclose to you at or before  
5 the time the contract is entered into, or within 20 calendar days after entering into the  
6 contract, certain information concerning the property you are purchasing. The content  
7 of the information to be disclosed is set forth in § 10–704 of the Real Property Article  
8 of the Maryland Annotated Code and includes the amount of the current annual tax or  
9 fee of the (special taxing district or community development authority) for the  
10 property, the number of years remaining for the tax or fee of the (special taxing  
11 district or community development authority), and a statement of whether any tax or  
12 fee of the (special taxing district or community development authority) against the  
13 property is delinquent.”;

14 (2) The amount of the current annual tax or fee of the special taxing  
15 district or community development authority for the property;

16 (3) The number of years remaining for the tax or fee of the special  
17 taxing district or community development authority on the property; and

18 (4) Whether any tax or fee of the special taxing district or community  
19 development authority against the property is delinquent.

20 10–706.

21 (b) The vendor of property that is subject to a tax of a special taxing district  
22 as authorized in [Article 24, § 9–1301(c) of the Code] **§§ 21–503, 21–504, AND**  
23 **21–519 THROUGH 21–523 OF THE LOCAL GOVERNMENT ARTICLE** may not  
24 enforce a contract for the sale of the property unless:

25 (1) The purchaser of the property is provided with the following  
26 information in writing:

27 (i) A description of the area included within the special taxing  
28 district;

29 (ii) The maximum amount of bonds and other obligations to be  
30 issued with respect to the special taxing district;

31 (iii) A description of the purposes for which the special taxing  
32 district was created, and for which the bonds or other obligations have been issued,  
33 including a description of any improvements;

1 (iv) The amount of special taxes levied on the property for the  
2 most recent year or, if taxes were not levied on the property for the most recent year, a  
3 good-faith estimate of the annual tax that will be levied on the property;

4 (v) The maximum amount of special taxes that may be levied on  
5 the property in a year;

6 (vi) The projected time period over which any bonds or  
7 obligations issued in connection with the special taxing district are to be repaid; and

8 (vii) A description of the purchaser's right to fully prepay the  
9 special taxing district obligations; and

10 (2) The contract for the sale of the property contains a notice, written  
11 in conspicuous, bold, and underscored type, that is substantially the same as the  
12 following:

13 "NOTICE REQUIRED BY MARYLAND LAW

14 The property that is the subject of this contract is located within a special  
15 taxing district, which has been created for the purpose of financing or refinancing the  
16 costs related to certain infrastructure improvements within the taxing district. These  
17 costs will be repaid from the proceeds of special taxes collected from the owners of  
18 properties located within the special taxing district.

19 State law requires that the seller disclose to you, at or before the time you enter  
20 into this contract, the following information: (1) a description of the area included  
21 within the special taxing district, (2) the maximum amount of bonds and other  
22 obligations to be issued with respect to the special taxing district, (3) a description of  
23 the purposes for which the special taxing district was created, and for which the bonds  
24 or other obligations have been issued, including a description of any infrastructure  
25 improvements, (4) the amount of special taxes levied on the property for the most  
26 recent year or, if taxes were not levied on the property for the most recent year, a  
27 good-faith estimate of the annual tax that will be levied on the property, (5) the  
28 maximum amount of special taxes that may be levied on the property in a year, (6) the  
29 projected time period over which any bonds or obligations issued in connection with  
30 the special taxing district are to be repaid, and (7) your right as the prospective owner  
31 of the property to fully prepay the special taxing district obligations with respect to the  
32 property.

33 You have 7 calendar days from the date you receive the above information  
34 relating to the special taxing district to cancel this contract by sending a written notice  
35 of cancellation to the seller. You are not required to state a reason for cancelling the  
36 contract. Upon cancellation of the contract, you are entitled to a refund of any deposit  
37 you may have made under this contract.

1 A seller may not require that you waive your right to receive the information  
2 relating to the special taxing district or your right to cancel the contract within 7  
3 calendar days of receipt of the information. A seller may not require that you close the  
4 sale under this contract within 7 calendar days from the date you receive the  
5 information relating to the special taxing district.

6 State law provides that any seller who, in disclosing the information relating to  
7 the special taxing district, makes any false statement of a material fact or omits a  
8 material fact that, in light of the circumstances under which the statements were  
9 made, is necessary to make the statements not misleading is liable to the purchaser  
10 for damages proximately caused by the seller's false or omitted statement. Any action  
11 for damages caused by the seller's false statement or omission of a material fact must  
12 be brought within 1 year from the date of closing under this contract.

13 You should carefully review the information relating to the special taxing  
14 district provided by the seller to familiarize yourself with your rights and obligations  
15 as a prospective owner of property located within the special taxing district.”

16 10-707.

17 (b) The vendor of property that is subject to a tax of a special taxing district  
18 as authorized in [Article 24, § 9-1301(c) of the Code] **§§ 21-503, 21-504, AND**  
19 **21-519 THROUGH 21-523 OF THE LOCAL GOVERNMENT ARTICLE** may not  
20 enforce a contract for the sale of the property unless:

21 (1) The purchaser of the property is provided with the following  
22 information in writing on or before entering into the contract for the sale of the  
23 property:

24 (i) A description of the area included within the special taxing  
25 district;

26 (ii) The maximum amount of bonds and other obligations to be  
27 issued with respect to the special taxing district;

28 (iii) A description of the purposes for which the special taxing  
29 district was created, and for which the bonds or other obligations have been issued,  
30 including a description of any improvements;

31 (iv) The amount of special taxes levied on the property for the  
32 most recent year or, if taxes were not levied on the property for the most recent year, a  
33 good-faith estimate of the annual tax that will be levied on the property;

34 (v) The maximum amount of special taxes that may be levied on  
35 the property in a year;

1 (vi) The projected time period over which any bonds or  
2 obligations issued in connection with the special taxing district are to be repaid; and

3 (vii) A description of the purchaser's right to fully prepay the  
4 special taxing district obligations; and

5 (2) The contract for the sale of the property contains a notice, written  
6 in conspicuous, bold, and underscored type, that is substantially the same as the  
7 following:

8 "NOTICE REQUIRED BY MARYLAND LAW

9 The property that is the subject of this contract is located within a special  
10 taxing district, which has been created for the purpose of financing or refinancing the  
11 costs related to certain infrastructure improvements within the taxing district. These  
12 costs will be repaid from the proceeds of special taxes collected from the owners of  
13 properties located within the special taxing district.

14 State law requires that the seller disclose to you, at or before the time you enter  
15 into this contract, the following information: (1) a description of the area included  
16 within the special taxing district, (2) the maximum amount of bonds and other  
17 obligations to be issued with respect to the special taxing district, (3) a description of  
18 the purposes for which the special taxing district was created, and for which the bonds  
19 or other obligations have been issued, including a description of any infrastructure  
20 improvements, (4) the amount of special taxes levied on the property for the most  
21 recent year or, if taxes were not levied on the property for the most recent year, a  
22 good-faith estimate of the annual tax that will be levied on the property, (5) the  
23 maximum amount of special taxes that may be levied on the property in a year, (6) the  
24 projected time period over which any bonds or obligations issued in connection with  
25 the special taxing district are to be repaid, and (7) your right as the prospective owner  
26 of the property to fully prepay the special taxing district obligations with respect to the  
27 property.

28 You have 20 calendar days from the date you receive the above information  
29 relating to the special taxing district to cancel this contract by sending a written notice  
30 of cancellation to the seller. You are not required to state a reason for cancelling the  
31 contract. Upon cancellation of the contract, you are entitled to a refund of any deposit  
32 you may have made under this contract.

33 A seller may not require that you waive your right to receive the information  
34 relating to the special taxing district or your right to cancel the contract within 20  
35 calendar days of receipt of the information. A seller may not require that you close the  
36 sale under this contract within 20 calendar days from the date you receive the  
37 information relating to the special taxing district.

38 State law provides that any seller who, in disclosing the information relating to  
39 the special taxing district, makes any false statement of a material fact or omits a

1 material fact that, in light of the circumstances under which the statements were  
 2 made, is necessary to make the statements not misleading is liable to the purchaser  
 3 for damages proximately caused by the seller's false or omitted statement. Any action  
 4 for damages caused by the seller's false statement or omission of a material fact must  
 5 be brought within 1 year from the date of closing under this contract.

6 You should carefully review the information relating to the special taxing  
 7 district provided by the seller to familiarize yourself with your rights and obligations  
 8 as a prospective owner of property located within the special taxing district.”

9 11B-104.

10 (c) Subject to the provisions of this title, a code home rule county located in  
 11 the Southern Maryland class, as identified in [Article 25B, § 2 of the Code] **§ 9-302**  
 12 **OF THE LOCAL GOVERNMENT ARTICLE**, may establish a homeowners association  
 13 commission with the authority to hear and resolve disputes between a homeowners  
 14 association and a homeowner regarding the enforcement of the recorded covenants or  
 15 restrictions of the homeowners association by providing alternative dispute resolution  
 16 services, including binding arbitration.

## 17 Article – State Finance and Procurement

18 5-606.

19 (b) The Plan does not:

20 (1) supersede any State statute or regulation;

21 (2) supersede any local ordinance or regulation;

22 (3) affect the delegation of planning and zoning powers granted by the  
 23 State to local jurisdictions under [Articles 23A, 25A, and 25B of the Code] **DIVISION**  
 24 **II, TITLE 9, SUBTITLES 2 OR 3, TITLE 10, OR TITLE 11 OF THE LOCAL**  
 25 **GOVERNMENT ARTICLE** and Division I of the Land Use Article; or

26 (4) overturn or prevent a decision of a local jurisdiction to fund a  
 27 project.

28 6-222.

29 (a) The Treasurer may invest or reinvest unexpended or surplus money over  
 30 which the Treasurer has custody in:

31 (8) any investment portfolio created under the Maryland Local  
 32 Government Investment Pool defined under [Article 95, § 22G] **§§ 17- 301 THROUGH**

1 **17-309 OF THE LOCAL GOVERNMENT ARTICLE** of the Code that is administered by  
2 the Office of the State Treasurer.

3 8-117.

4 (c) An enabling act may take substantially the following form:

5 "A BILL ENTITLED

6 AN ACT concerning

7 Creation of a State Debt – (Name of Project)

8 FOR the purpose of authorizing the creation of a State debt not to exceed \$....., (for an  
9 enabling act that requires an equal matching fund)/ in the amount of \$....., (for an  
10 enabling act that requires no matching fund or a lesser matching fund) the  
11 proceeds to be used as a grant to ..... (name of grantee) for certain development or  
12 improvement purposes; providing for disbursement of the loan proceeds, subject  
13 to the requirement that the grantee provide and expend a matching fund (if the  
14 enabling act requires a matching fund); and providing generally for the issuance  
15 and sale of bonds evidencing the loan.

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That:

18 (1) The Board of Public Works may borrow money and incur indebtedness on  
19 behalf of the State of Maryland through a State loan to be known as the ... (name of  
20 project) Loan of ... (year) equal to the lesser of (i) \$... or (ii) the amount of the matching  
21 fund provided in accordance with Section 1(5) below. (For an enabling act that requires  
22 an equal matching fund)/ in the total principal amount of \$..... (for an enabling act that  
23 requires no matching fund or a lesser matching fund). This loan shall be evidenced by  
24 the issuance, sale, and delivery of State general obligation bonds authorized by a  
25 resolution of the Board of Public Works and issued, sold, and delivered in accordance  
26 with §§ 8-117 through 8-124 AND **8-131.2** of the State Finance and Procurement  
27 Article [and Article 31, § 22 of the Code] .

28 (2) The bonds to evidence this loan or installments of this loan may be sold as  
29 a single issue or may be consolidated and sold as part of a single issue of bonds under §  
30 8-122 of the State Finance and Procurement Article.

31 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer  
32 and first shall be applied to the payment of the expenses of issuing, selling, and  
33 delivering the bonds, unless funds for this purpose are otherwise provided, and then  
34 shall be credited on the books of the Comptroller and expended, on approval by the  
35 Board of Public Works, for the following public purposes, including any applicable  
36 architects' and engineers' fees: as a grant to ..... (name of grantee) (referred to  
37 hereafter in this Act as "the grantee") (for an enabling act that requires a matching



1 fund) for (here state the purpose or purposes to which the proceeds of the bonds are to  
2 be applied).

3 (4) An annual State tax is imposed on all assessable property in the State in  
4 rate and amount sufficient to pay the principal of and interest on the bonds, as and  
5 when due and until paid in full. The principal shall be discharged within 15 years after  
6 the date of issue of the bonds.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 June 1, .... (year)".

9 8–202.

10 This subtitle does not apply to an entity that is governed by [Article 31 of the  
11 Code] **TITLE 19, SUBTITLES 1, 2, AND 9 AND SUBTITLE 6, PART I OF THE LOCAL**  
12 **GOVERNMENT ARTICLE.**

13 **Article – State Government**

14 2–1220.

15 (d) (1) The Office of Legislative Audits shall review any audit report  
16 prepared under the authority of:

17 (i) [Article 19, § 40 of the Code] **§§ 16–305 THROUGH 16–308**  
18 **OF THE LOCAL GOVERNMENT ARTICLE**, with respect to a county, municipal  
19 corporation, or taxing district; or

20 2–1237.

21 (a) In addition to any duties set forth elsewhere, the Office shall:

22 (14) review the financial reports received from each political  
23 subdivision in accordance with [Article 24, § 2–101 of the Code] **§ 16–103 OF THE**  
24 **LOCAL GOVERNMENT ARTICLE** as to completeness and accuracy. If the report needs  
25 revision, the political subdivision shall be advised and shall submit the requested  
26 information within 15 days. The financial reports of political subdivisions shall be  
27 available for public inspection and certified copies shall be provided by the Office for a  
28 reasonable fee;

29 15–802.

30 The express powers contained in [Articles 23A, 25A, and 25B of the Code]  
31 **TITLE 5, SUBTITLE 2 AND TITLE 10 OF THE LOCAL GOVERNMENT ARTICLE** and  
32 in the Charter of the City of Baltimore are intended and shall be deemed to  
33 incorporate and include the power and authority contained in this Part I.

1 15-853.

2 (d) “Application” means:

3 (4) a request made under [Article 23A, § 9(c) of the Code] **§ 4-416 OF**  
4 **THE LOCAL GOVERNMENT ARTICLE** for the Board to approve the placement of  
5 annexed land in a zoning classification that allows a land use that is substantially  
6 different from the use for the land authorized in the zoning classification of the county  
7 applicable at the time of annexation; or

8 **Article – Tax – General**

9 4-103.

10 (a) The admissions and amusement tax may not be imposed by:

11 (4) Washington County on gross receipts from an amusement device  
12 that is subject to the license and permit requirements of [Article 24, § 11-202 of the  
13 Code] **TITLE 17, SUBTITLE 4, PART V OF THE BUSINESS REGULATION ARTICLE;**

14 11-102.

15 (c) (1) A county, municipal corporation, special taxing district, or other  
16 political subdivision of the State may not impose any retail sales or use tax except:

17 (iii) a tax imposed by a code county on the sale or use of food and  
18 beverages authorized under [Article 25B, § 13H of the Code] **§ 20-602 OF THE**  
19 **LOCAL GOVERNMENT ARTICLE.**

20 **Article – Tax – Property**

21 7-243.

22 (a) In this section, “heavy equipment property” has the meaning stated in  
23 [Article 24, § 9-609 of the Code] **§ 20-609 OF THE LOCAL GOVERNMENT ARTICLE.**

24 (b) Heavy equipment property is not subject to the property tax if the  
25 property is subject to the gross receipts tax imposed under [Article 24, § 9-609 of the  
26 Code] **§ 20-609 OF THE LOCAL GOVERNMENT ARTICLE.**

27 9-102.

28 (a) (3) “Assumed real property tax” means:

1 (i) 15% of the occupancy rent paid by a renter during the  
2 calendar year; or

3 (ii) 15% of the occupancy rent paid by a renter during the  
4 calendar year plus any tax paid under [Article 24, § 9–401 of the Code] **§ 20–501 OF**  
5 **THE LOCAL GOVERNMENT ARTICLE.**

6 **Article – Transportation**

7 5–419.

8 (c) This section supersedes any other general or local law[, including Article  
9 31 of the Code,] to the extent of any conflict. No part of this section may be deemed to  
10 be impliedly repealed or superseded by any subsequent legislation if such construction  
11 reasonably can be avoided.

12 8–610.

13 (h) “Municipality” means the governing body of a [municipal corporation as  
14 defined in Article 23A, § 9 of the Code] **MUNICIPALITY AS DEFINED IN § 1–101 OF**  
15 **THE LOCAL GOVERNMENT ARTICLE.**

16 8–630.

17 (a) (2) “Municipal corporation” [has the meaning stated in Article 23A, § 9  
18 of the Code] **MEANS A MUNICIPALITY AS DEFINED IN § 1–101 OF THE LOCAL**  
19 **GOVERNMENT ARTICLE.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That:

21 (a) (1) The revision of former Article 31, § 22 of the Code as enacted by  
22 Chapter\_\_\_(H.B. 472/3lr0446) of the Acts of the General Assembly of 2013 and its  
23 reenactment by that Act as § 8–131.2 of the State Finance and Procurement Article  
24 shall have no effect with respect to the validity of any bonds authorized or issued  
25 under an enactment of the General Assembly of 2013 or any prior year, and any such  
26 bonds shall continue to be accorded the same tax–exempt status as under the former  
27 Article 31, § 22 prior to the enactment of Chapter\_\_\_(H.B. 472/3lr0446) of the Acts of  
28 2013; and

29 (2) The changes made to former Article 31 by Chapter\_\_\_  
30 (H.B. 472/3lr0446) of the Acts of the General Assembly of 2013 shall have no effect  
31 with respect to the status and validity of any bonds authorized or issued under an  
32 enactment of the General Assembly of 2013 or any prior year.

33 (b) Any enactment of the General Assembly of 2013 or any prior year  
34 containing a reference to any provision of former Article 31 that was in effect on

1 September 30, 2013, shall be deemed to include a reference to the corresponding  
2 provision of law as enacted by Chapter\_\_\_(H.B. 472/3lr0446) of the Acts of the General  
3 Assembly of 2013.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2013.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.