

Chapter 645

(House Bill 1205)

AN ACT concerning

Frederick County – Transition to Charter Government – Corrections to References in the Annotated Code of Maryland

FOR the purpose of correcting references to the government of Frederick County in the Annotated Code of Maryland that will be rendered obsolete after the status of the county is changed from a commission county to a charter county; altering the manner in which certain authority may be exercised in the county; replacing references to the County Manager with references to the Chief Administrative Officer; repealing certain definitions; providing for an abnormal effective date; and generally relating to the government of Frederick County.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 2–102(b)(3)
Annotated Code of Maryland
(2007 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(l)(1), (5)(ii)2., (iv)2., and (v)4.B., and (6)(ii)2., (iv)2., and (v)4.B.,
and 2–507(a)(11)
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 9–609(a)(2), 13–1301, 13–1305(d), and 13–1306(a), (d), and (f)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–5B–01(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–504

Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–857 through 5–862
Annotated Code of Maryland
(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of
2014)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–304(e)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Land Use
Section 9–1002
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Local Government
Section 1–1007(a)(1) and (c), 1–1014, 12–208(c), 12–301(e), 12–408, 12–522,
12–806(c)(1), 13–121, 13–304, 13–306 through 13–308, 13–922, 19–105,
20–419, and 20–703
Annotated Code of Maryland
(2013 Volume)

BY repealing
Article – Local Government
Section 12–301(d)
Annotated Code of Maryland
(2013 Volume)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 3–903(a)(6)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 7–211
Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
 Article – Tax – Property
 Section 9–312(d) and 14–820(b)(10)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 21–313(b)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)

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

Article – Corporations and Associations

2–102.

(b) (3) The Department may not accept articles of incorporation from a fire or rescue organization to be located in Frederick County for the purpose of providing fire or rescue service in Frederick County unless the articles are accompanied by a written resolution of the **GOVERNING BODY OF** Frederick County [Board of Commissioners] indicating [the Board's] approval of the proposed incorporation. Incorporated municipalities in Frederick County with primary responsibility for governmental funding for fire service shall within their jurisdiction hold those powers assigned to the **GOVERNING BODY OF** Frederick County [Commissioners] in this section.

Article – Courts and Judicial Proceedings

2–309.

(l) (1) The Sheriff of Frederick County shall receive a salary of \$100,000. The Sheriff shall appoint deputies as necessary, at salaries of at least \$2,400, and jail wardens as necessary, at salaries of at least \$1,320 each. The Sheriff also may appoint additional temporary deputy sheriffs as the Sheriff considers necessary for the public safety, with the approval of the [Board of County Commissioners] **GOVERNING BODY OF FREDERICK COUNTY, BY ORDINANCE**. The [County Commissioners] **GOVERNING BODY, BY ORDINANCE**, shall allow reasonable compensation for the temporary additional deputy sheriffs and the temporary deputies may not serve longer than the occasion requires. The Sheriff may appoint a chief deputy who shall serve at the pleasure of the Sheriff.

(5) (ii) 2. Any additional funding required as a result of a negotiated collective bargaining agreement shall be [subject to approval by the Board of County Commissioners of] **IN THE Frederick County BUDGET.**

(iv) 2. The parties shall make every reasonable effort to conclude negotiations in a timely manner to allow for inclusion by the Office of the Sheriff of matters agreed upon in its budget request [to the Board of County Commissioners of Frederick County].

(v) 4. B. Additional funding, if any, required as a result of the agreement shall be subject to the approval of the [Board of County Commissioners] **GOVERNING BODY OF FREDERICK COUNTY.**

(6) (ii) 2. Any additional funding required as a result of a negotiated collective bargaining agreement shall be subject to approval by the [Board of County Commissioners] **GOVERNING BODY** of Frederick County.

(iv) 2. The parties shall make every reasonable effort to conclude negotiations in a timely manner to allow for inclusion by the Office of the Sheriff of matters agreed on in its budget request to the [Board of County Commissioners] **GOVERNING BODY** of Frederick County.

(v) 4. B. Additional funding, if any, required as a result of the agreement shall be subject to the approval of the [Board of County Commissioners] **GOVERNING BODY OF FREDERICK COUNTY.**

2-507.

(a) (11) Frederick County — As set by the [County Commissioners] **COUNTY GOVERNMENT.**

Article – Criminal Law

9-609.

(a) This section does not apply:

(2) in Frederick County if [the Board of County Commissioners of Frederick County adopts] regulations **ARE ADOPTED** under § 12-806 of the Local Government Article providing for the registration of alarm system contractors and alarm users, the issuance of civil citations, and penalties for a violation of a regulation;

13-1301.

[(a)] In this subtitle [the following words have the meanings indicated.

(b) “County commissioners” means the Board of County Commissioners of Frederick County.

(c) “Gaming], “GAMING event” includes [a]:

- (1) A bazaar;
- (2) A carnival;
- (3) A raffle;
- (4) A tip jar; and
- (5) A punchboard.

13–1305.

(d) The tip jar or punchboard shall be purchased from a distributor that:

- (1) has an office in the State;
- (2) is licensed by the county agency that issues gaming event permits;

and

(3) keeps the records that [the county commissioners require] **FREDERICK COUNTY REQUIRES.**

13–1306.

(a) A person authorized to conduct bingo under this subtitle shall obtain a bingo permit from the county agency [designated by the county commissioners to issue] **THAT ISSUES** a bingo permit.

(d) (1) To qualify for a bingo permit, a person shall meet the requirements set by [the county commissioners] **FREDERICK COUNTY.**

(2) The county [commissioners] may require an applicant for a bingo permit to pay a permit fee set by the county [commissioners].

(f) [The county commissioners] **FREDERICK COUNTY** may adopt regulations to carry out this section.

Article – Education

3-5B-01.

(d) (1) The terms of voting members are staggered as provided in subsection (c) of this section.

(2) [The County Commissioners] **SUBJECT TO CONFIRMATION OF THE COUNTY COUNCIL, THE COUNTY EXECUTIVE** shall appoint a qualified individual to fill a vacancy on the county board for the remainder of the term and until a successor is elected and qualifies.

Article – Election Law

13-504.

As to contributions to the **COUNTY EXECUTIVE OF** Frederick County [Board of County Commissioners] **OR TO A MEMBER OF THE FREDERICK COUNTY COUNCIL** or a candidate for [that office] **ELECTION AS THE COUNTY EXECUTIVE OF FREDERICK COUNTY OR TO A MEMBER OF THE FREDERICK COUNTY COUNCIL**, Title 15, Subtitle 8, Part VIII of the State Government Article may apply.

Article – General Provisions

5-857.

(a) In this part the following words have the meanings indicated.

(b) “Aggrieved party” means:

(1) a property owner whose property:

(i) adjoins, fronts, or is located near the subject property; or

(ii) is located within sight or sound of the subject property; or

(2) an individual located within the same subdivision as the subject property or who lives up to three-quarters of a mile by road or otherwise one-half mile away from the subject property.

(c) (1) “Applicant” means a person that is:

(i) a title owner or contract purchaser of land that is the subject of an application;

(ii) a trustee who has an interest in land that is the subject of an application, excluding trustees described in a mortgage or deed of trust; or

(iii) a holder of at least a 10% interest in land that is the subject of an application.

(2) “Applicant” includes a person who is an officer or a director of a corporation that actually holds title to the land, or is a contract purchaser of the land, that is the subject of an application.

(3) “Applicant” does not include:

(i) a financial institution that has loaned money or extended financing for the acquisition, development, or construction of or improvements on the land that is the subject of an application;

(ii) a municipal corporation or public corporation;

(iii) a public authority;

(iv) an electric company or electric supplier applying for a certificate of public convenience and necessity under § 7–207 or § 7–208 of the Public Utilities Article; or

(v) a person who is hired or retained as an accountant, an attorney, an architect, an engineer, a land use consultant, an economic consultant, a real estate agent, a real estate broker, a traffic consultant, or a traffic engineer.

(d) “Application” means:

(1) an application for a zoning map amendment as part of a piecemeal or floating zone rezoning proceeding;

(2) a formal application for a comprehensive map planning change or zoning change during the county comprehensive land use plan update;

(3) an application for a map amendment to the county water and sewerage plan;

(4) a request made under § 4–416 of the Local Government Article for the **[Board] GOVERNING BODY** to approve the placement of annexed land in a zoning classification that allows a land use that is substantially different from the use for the land authorized in the zoning classification of the county applicable at the time of annexation; or

(5) an application to create a district or an easement or any other interest in real property as part of an agricultural land preservation program.

(e) ["Board" means the Board of County Commissioners for Frederick County.

(f) "Board member" includes an individual elected or appointed to the Board or a candidate who takes the oath of office for the Board.

(g) "Business entity" means:

- (1) a corporation;
- (2) a limited liability company;
- (3) a partnership; or
- (4) a sole proprietorship.

[(h) (F) "Candidate" means a candidate for [the Board] COUNTY EXECUTIVE OR COUNTY COUNCIL who becomes [a member of the Board] AN ELECTED OFFICIAL.

[(i) (G) "Contribution" means a payment or transfer of money or property worth at least \$100, calculated cumulatively during the pendency of the application, to a candidate or a treasurer or political committee of a candidate.

(H) "GOVERNING BODY" MEANS THE GOVERNING BODY OF FREDERICK COUNTY.

[(j) (I) "Partnership" includes:

- (1) a general partnership;
- (2) a joint venture;
- (3) a limited liability limited partnership;
- (4) a limited liability partnership; or
- (5) a limited partnership.

[(k) (J) "Party of record" means a person that participated in a proceeding on an application before the [Board] GOVERNING BODY by appearing at a public hearing or filing a statement in an official record.

[(l)] (K) “Pendency of the application” means the time between the acceptance by the County Department of Planning and Zoning of a filing of an application and the earlier of:

- (1) 2 years after the acceptance of the application; or
- (2) the expiration of 30 days after:
 - (i) the **[Board] GOVERNING BODY** has taken final action on the application; or
 - (ii) the application is withdrawn.

[(m)] (L) “Political committee” means a committee specifically created to promote the candidacy of a **[Board] member OF THE GOVERNING BODY** who is running for an elective office.

[(n)] (M) “Treasurer” has the meaning stated in § 1–101 of the Election Law Article.

5–858.

(a) An applicant may not make a contribution to a **[Board] member OF THE GOVERNING BODY** during the pendency of the application.

(b) Except as provided in subsection (c) of this section, after an application has been filed, a **[Board] member OF THE GOVERNING BODY** may not vote or participate in any way in the proceedings on the application if the **[Board] member** or the treasurer or political committee of the **[Board] member** received a contribution from the applicant during the pendency of the application.

(c) A **[Board] member OF THE GOVERNING BODY** may participate in a comprehensive zoning or rezoning proceeding.

5–859.

(a) This section does not apply to a communication between a **[Board] member OF THE GOVERNING BODY** and an employee of the Frederick County government whose duties involve giving aid or advice to a **[Board] member OF THE GOVERNING BODY** concerning a pending application.

(b) A **[Board] member OF THE GOVERNING BODY** who communicates ex parte with an individual concerning a pending application during the pendency of the application shall file with the **[County Manager] CHIEF ADMINISTRATIVE OFFICER**

a separate disclosure for each communication within the later of 7 days after the communication was made or received.

5–860.

At any time before final action on an application, a party of record may file with the [County Manager] **CHIEF ADMINISTRATIVE OFFICER** an affidavit including competent evidence of:

- (1) a contribution by an applicant covered under § 5–858 of this subtitle; or
- (2) an ex parte communication covered under § 5–859 of this subtitle.

5–861.

(a) In the enforcement of this part, the [County Manager] **CHIEF ADMINISTRATIVE OFFICER** shall be subject to the direction and control of the Frederick County Ethics Commission and, unless otherwise specifically directed by the County Ethics Commission, may only:

- (1) receive filings;
- (2) maintain records;
- (3) report violations; and
- (4) perform other ministerial duties necessary to administer this part.

(b) (1) The affidavits and disclosures required under this part shall be filed in the appropriate case file of an application.

(2) The [County Manager] **CHIEF ADMINISTRATIVE OFFICER**, at least twice each year, shall prepare a summary report compiling all affidavits and disclosures that have been filed in the application case files.

(3) All summary reports compiled under paragraph (2) of this subsection shall be available to members of the public on written request.

(4) All affidavits, disclosures, and accompanying documentation required under this part shall be in the form required by the Frederick County Ethics Commission.

5–862.

(a) (1) The Frederick County Ethics Commission or another aggrieved party of record may assert as procedural error a violation of this part in an action for judicial review of the application.

(2) If the court finds that a violation of this part occurred, the court shall remand the case to the [Board] **GOVERNING BODY** for reconsideration.

(b) (1) A person that knowingly and willfully violates this part 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) If the person is a business entity and not an individual, each member, officer, or partner of the business entity who knowingly authorized or participated in the violation 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.

(3) An action taken in reliance on an opinion of the State Ethics Commission or the Frederick County Ethics Commission may not be considered a knowing and willful violation.

(c) (1) A person that is subject to this part shall preserve all books, papers, and other documents necessary to complete and substantiate any reports, statements, or records required to be made under this part for 3 years from the date of filing the application.

(2) The documents shall be available for inspection on request.

Article – Health – General

21–304.

(e) (1) The [County Commissioners for] **GOVERNING BODY OF** Frederick County may adopt [a law,] an ordinance[, a rule, or a regulation] to allow a restaurant with an outdoor dining area to allow a patron's dog to accompany the patron in the outdoor dining area.

Article – Land Use

9–1002.

Notwithstanding any other provision of this division, the [board of county commissioners] **GOVERNING BODY OF FREDERICK COUNTY** may overrule an action of the county planning commission under Title 3, Subtitle 2 or 3 of this article [by a majority vote of the membership of the board of county commissioners].

Article – Local Government

1-1007.

(a) (1) (i) Except as provided in subsection (d)(1) of this section, a board consists of 10 members.

(ii) The county commissioners [or], **THE** county council of the county, **OR, SUBJECT TO THE CONFIRMATION OF THE FREDERICK COUNTY COUNCIL, THE COUNTY EXECUTIVE OF FREDERICK 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], **THE** county council, **OR, SUBJECT TO THE CONFIRMATION OF THE FREDERICK COUNTY COUNCIL, THE COUNTY EXECUTIVE OF FREDERICK COUNTY** shall appoint one of its members to be an ex officio member of the board.

(c) [The County Commissioners] **SUBJECT TO THE CONFIRMATION OF THE FREDERICK COUNTY COUNCIL, THE CHIEF EXECUTIVE** 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.

1-1014.

In addition to the authority provided in this part, the [County Commissioners] **GOVERNING BODY** 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.

12-208.

(c) (1) In addition to any benefit paid in accordance with subsection (a) of this section, the [County Commissioners] **GOVERNING BODY** 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] **GOVERNING BODY** shall impose a tax in an amount sufficient to pay for the additional benefit described in paragraph (1) of this subsection.

12-301.

[(d) (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)](D) In Somerset County, subsection (c) of this section does not apply to a contract solely for design or consultation services.

12-408.

(a) (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] **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 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] **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 county [commissioners default] **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 county [commissioners purchase or lease] **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) [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) [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] **GOVERNING BODY OF FREDERICK COUNTY HOLDS** a hearing on the sale and [provide] **PROVIDES** adequate notice of the hearing.

- (d) (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] **DETERMINES** 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] **GOVERNING BODY**.
- (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) [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.

12-522.

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.

12-806.

- (c) (1) The [county commissioners] **GOVERNING BODY OF A COUNTY** 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.

13-121.

(a) (1) The [County Commissioners] **GOVERNING BODY** 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] **GOVERNING BODY**:

(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) (1) The [County Commissioners] **GOVERNING BODY** 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] **GOVERNING BODY PASSES AN ORDINANCE** in accordance with this subsection, the proposed [rule, regulation, or resolution] ordinance 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] ordinance shall include standards and operate uniformly.

(4) Subject to paragraph (5) of this subsection, the [county commissioners] **GOVERNING BODY** may delegate, by written contract, the enforcement of the [rules, regulations, or resolutions] ordinance.

(5) (i) The [county commissioners] **GOVERNING BODY** 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) The powers granted to the [County Commissioners] **GOVERNING BODY** of Frederick County to regulate dogs are also granted for the regulation of cats.

(d) (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] 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) (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] 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) (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) (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.

13–304.

The [county commissioners] **GOVERNING BODY** of a county may license and regulate transient vendors in the county.

13–306.

At least 30 days before the date of intended sale in a county, a transient vendor shall submit to the [county commissioners] **GOVERNING BODY** 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] **GOVERNING BODY REQUIRES**.

13-307.

(a) (1) An applicant for a transient vendor license shall execute and file a bond with the [county commissioners] **GOVERNING BODY** 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] **GOVERNING BODY**.

(b) (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) (1) The bond shall provide that the [county commissioners] **GOVERNING BODY** 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) 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) The bond shall be in addition to any deposit, license fee, permit fee, or other requirement under county law.

13-308.

(a) (1) The [county commissioners] **GOVERNING BODY** 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] **GOVERNING BODY** may deny the license.

(ii) If the license is denied, the [county commissioners] **GOVERNING BODY** shall refund the license fee, less administrative costs.

(b) (1) The [county commissioners] **GOVERNING BODY** of a county shall issue a transient vendor license within 20 days after the application is filed if:

(i) the [county commissioners approve] **GOVERNING BODY APPROVES** 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.

13-922.

The [County Commissioners] **GOVERNING BODY** of Frederick County may enact [a local law or adopt regulations] **AN ORDINANCE** to control the increase of rent in the county.

19-105.

The [County Commissioners] **GOVERNING BODY** of Frederick County shall establish and maintain a bond rating enhancement reserve.

20-419.

(a) 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] **GOVERNING BODY OF FREDERICK COUNTY** to be used for a visitor center.

(b) 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] **GOVERNING BODY OF FREDERICK COUNTY**.

20-703.

(a) Subject to subsection (b) of this section, by ordinance [or resolution], the [County Commissioners] **GOVERNING BODY** 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) Before adopting an ordinance [or a resolution] under this section, the [County Commissioners] **GOVERNING BODY** of Frederick County shall hold a public hearing.

Article – Natural Resources

3-903.

(a) (6) Frederick County, Maryland, may also become a participating county in the Authority by the County [Commissioners] **COUNCIL** of Frederick County filing certified copies of a resolution of participation with the Secretary of State and the Department of Legislative Services, whereupon Frederick County, Maryland, shall have all of the rights, privileges, and powers under this subtitle that the other participating counties have or may have.

Article – Public Safety

7-211.

(a) To encourage volunteer service in Frederick County, the [Board of County Commissioners] **GOVERNING BODY** of Frederick County may enact a monetary service award plan based on length of service for members of volunteer fire companies in Frederick County.

(b) The [Board of County Commissioners] **GOVERNING BODY OF FREDERICK COUNTY** may implement the plan by enacting [ordinances or resolutions that relate] **AN ORDINANCE THAT RELATES** to the provisions and implementation of the plan.

Article – Tax – Property

9–312.

(d) The governing body of Frederick County and of a municipal corporation in Frederick County may grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on real property that is:

- (1) leased to the **GOVERNING BODY OF** Frederick County [Board of County Commissioners] or to the Frederick County Board of Education; and
- (2) used exclusively for public school educational purposes.

14–820.

(b) The rate of redemption is 6% a year except:

(10) in Frederick County the rate is 6% a year or as fixed by the [County Commissioners] **GOVERNING BODY OF FREDERICK COUNTY**;

Article – Transportation

21–313.

(b) The County Commissioners of Charles County[, Frederick County,] and Washington County[,] **AND THE GOVERNING BODY OF FREDERICK COUNTY**, by ordinance, may prohibit the use of any controlled access highway in the county's jurisdiction by any person to solicit money, donations of any kind, employment, business, or a ride from the occupant of any vehicle on the controlled access highway.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect December 1, 2014.

Approved by the Governor, May 15, 2014.